



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Concluding observations on the combined twenty-third and twenty-fourth periodic reports of Cyprus*

1. The Committee considered the combined twenty-third and twenty-fourth periodic reports of Cyprus (CERD/C/CYP/23-24), submitted in one document, at its 2532nd and 2533rd meetings (see CERD/C/SR.2532 and 2533), held on 3 and 4 May 2017. At its 2544th and 2545th meetings, held on 11 and 12 May 2017, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the combined twenty-third and twenty-fourth periodic reports of the State party, which included responses to the concerns raised by the Committee in its previous concluding observations. The Committee wishes to commend the regularity of reporting and welcomes the open and constructive dialogue with the State party's high-level delegation.

B. Factors and difficulties impeding the implementation of the Convention

3. While the Committee notes that the State party does not exercise control over all of its territory and is thus unable to ensure full application of the Convention, it remains concerned that the current political situation hinders efforts to protect vulnerable groups covered by the Convention in the territory under its control.

C. Positive aspects

4. The Committee welcomes the following legislative and policy measures:

- (a) The adoption of the National Action Plan on Gender Equality 2014-2017;
- (b) The adoption of the National Action Plan against Human Trafficking 2016-2018;
- (c) The publication in 2016 of a manual on the national referral mechanism that outlines the procedures for identifying and referring victims to government services, in accordance with the 2015 recommendation of the Group of Experts on Action against Trafficking in Human Beings, as well as other measures, such as increasing the number of police officers in the anti-trafficking unit;
- (d) The development in 2014 of a code of conduct against racism, which sets out an anti-racist policy, and a guide for managing and reporting racist incidents in schools,

* Adopted by the Committee at its ninety-second session (24 April-12 May 2017).



which provides schools and teachers with advice on preventing racist incidents and violence in the school context, as well as the adoption of a recommendation by the Ministry of Education and Culture that all schools implement the code of conduct during the 2015/16 school year;

(e) The establishment in May 2016 of the National Roma Platform to strengthen multi-stakeholder accountability on the integration of Roma;

(f) The revision in 2014 of the legal framework for the prevention and combating of human trafficking and the exploitation of persons to enhance victim protection without any discrimination regarding sex, race, political belief, colour, religion, language, national or social origin, association with a national minority, property, birth or other status;

(g) The revision, in 2013, of the Private Employment Agencies Law to harmonize national law with Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work, which aims to strengthen inspections procedures.

5. The Committee welcomes the ratification by the State party of the Protocol of 2014 to the Forced Labour Convention, 1930, of the International Labour Organization (ILO).

D. Concerns and recommendations

Peace process and intercommunal relations

6. The Committee welcomes the ongoing peace process. The Committee is aware that the protracted conflict in Cyprus and the continued division of the island contributes to the ongoing tensions between the Greek Cypriot and Turkish Cypriot communities.

7. **The Committee encourages the State party to continue its engagement in the peace process in order to seek a comprehensive settlement to the problem. In addition, the Committee continues to support the recommendations of the Office of the United Nations High Commissioner for Human Rights with regard to addressing the underlying human rights concerns, in particular with regard to the rights enshrined in the Convention. The Committee requests the State party to continue to provide it with updated information on efforts to improve relations between the two communities.**

Statistical data

8. The Committee notes that the demographic data on the ethnic composition of the population was provided in 2011 by the State party's Statistical Service Department. The Committee regrets the lack of updated demographic data and the lack of comprehensive data on the enjoyment of economic and social rights by ethnic groups and the representation of ethnic minorities in State and public institutions (arts. 1 and 5).

9. **The Committee refers the State party to its revised guidelines for reporting under the Convention (see CERD/C/2007/1, paras. 10-12) and recommends that the State party gather and provide updated statistical data on the ethnic composition of its population, allowing respondents to questionnaires to choose the ethnic group to which they feel they belong. The Committee also recommends that the State party provide statistical data on the enjoyment of economic and social rights by all ethnic groups and on the representation of ethnic minorities in public and political life, to provide the Committee with an empirical basis from which to measure the enjoyment of the rights enshrined in the Convention.**

Domestic application of the Convention

10. Recalling its previous concluding observations (see CERD/C/CYP/CO/17-22, paras. 8-10), the Committee regrets the lack of information on efforts taken by the State party to address the gaps in its legal framework on racial discrimination. The Committee also regrets the lack of information on efforts made by the State party to amend or repeal

discriminatory laws, regulations and policies. The Committee notes with interest the information provided by the State party indicating that the Committee's general recommendations have been cited in domestic court decisions. The Committee regrets the lack of detailed information on cases in which the rights in the Convention have been invoked in domestic courts (art. 2).

11. The Committee recommends that the State party ensure that sufficient domestic legislation is enacted to give effect to all the rights enshrined in the Convention. The Committee recommends that the State party review its laws, regulations and policies, to amend or repeal, in compliance with article 2 (c) of the Convention, any provisions giving rise to or perpetuating racial discrimination. The Committee requests that the State party provide detailed information on cases in which the provisions of the Convention have been cited by national courts.

Racism as an aggravating circumstance

12. The Committee welcomes article 8 of the Law on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law, which states that racist and xenophobic motivation for any offence constitutes an aggravating circumstance. However, the Committee is concerned at the lack of information or data on the application of that provision.

13. The Committee recommends that the State party implement article 8 of the Law on Combating Certain Forms and Expressions of Racism and Xenophobia by Means of Criminal Law and provide it with detailed information, including data, on its application.

National human rights institution

14. The Committee notes that in 2015 the Office of the Commissioner for Administration and Human Rights was awarded B status by the Global Alliance of National Human Rights Institutions. The Committee is concerned that the Commissioner cannot appoint his or her own staff. The Committee is further concerned that the Office of the Commissioner lacks the financial and human resources necessary to independently, impartially and effectively carry out its mandate (art. 2).

15. Recalling its general recommendation No. 17 (1993) on the establishment of national institutions to facilitate the implementation of the Convention, the Committee recommends that the State party ensure that the Commissioner can appoint his or her own staff. It further recommends that the State party take the measures necessary to ensure that the Office of the Commissioner has sufficient human and financial resources to effectively and independently discharge its mandate, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The State party is encouraged to take the measures necessary to address the recommendations of the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions in order to obtain A status.

Hate crimes and hate speech

16. The Committee is concerned at reports of racially motivated verbal abuse and physical attacks by right-wing extremists and neo-Nazi groups against persons of foreign origin, including persons of African descent, as well as against human rights defenders and Turkish Cypriots. The Committee is also concerned at the use of racist stereotypes and hate speech in the public sphere, sometimes promulgated by the media against members of certain minority groups, including the Roma (Kurbet) community, and against ethnic minorities who are Muslims. The Committee is further concerned at the lack of enforcement and the lack of sufficient legislation to obtain accountability for such acts (arts. 4-5).

17. The Committee recommends that the State party take immediate measures to protect the safety and security of ethnic minorities and human rights defenders. Recalling its general recommendations No. 7 (1985) and No. 15 (1993) on article 4 of

the Convention and No. 35 (2013) on combating racist hate speech, the Committee also recommends that the State party:

(a) **Ensure the adoption of comprehensive legislation on hate speech fulfilling the requirements of article 4 of the Convention;**

(b) **Enforce legislative provisions to prosecute perpetrators of hate crimes and hate speech in order to deter them from committing additional crimes of that nature and to prevent impunity;**

(c) **Provide information in its next periodic report on the number of cases reported and investigated and on the number of perpetrators prosecuted and convicted.**

Situation of members of the Roma (Kurbet) community

18. The Committee regrets the lack of information on a comprehensive strategy for the inclusion of Roma. The Committee is concerned that members of the Roma (Kurbet) community continue to face discrimination and stigmatization, as well as challenges such as low school attendance and high dropout rates, difficulty accessing adequate housing, unemployment and reported racist attacks (art. 5).

19. **The Committee recommends that the State party develop a comprehensive strategy for the inclusion of members of the Roma (Kurbet) community to ensure that they have access to adequate housing, education (including in their language, where and when appropriate), employment and health care without discrimination or stigma. The Committee also recommends that sufficient resources be allocated for the implementation of the strategy and that implementation be adequately monitored and evaluated.**

Situation of asylum seekers

20. The Committee is concerned about the situation of asylum seekers in the State party, including in respect of:

(a) The limited number of reception facilities and the insufficient access to services for the large numbers of asylum seekers accommodated in the Kofinou reception centre;

(b) The limited range of employment opportunities for asylum seekers, who are mostly limited to employment in the fields of agriculture, livestock and fisheries, and their limited ability to access benefits or assistance if categorized as “wilfully unemployed”, regardless of their individual circumstances;

(c) The insufficient amount of social assistance benefits paid to asylum seekers (less than half the amount paid to citizens) (art. 5).

21. **Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Expand existing reception facilities and ensure that all asylum seekers have access to important services, such as medical care, housing and transportation from the Kofinou reception centre, which is in a remote location;**

(b) **Ensure equal employment opportunities for asylum seekers, including by permitting employment in a wider range of sectors, and provide asylum seekers with access to social assistance programmes, taking into account their individual circumstances;**

(c) **Ensure the same social assistance benefits to asylum seekers and to citizens, without discrimination.**

Domestic workers

22. Recalling its previous concluding observations (see CERD/C/CYP/CO/17-22, para. 21), the Committee remains concerned that domestic workers in the State party remain

vulnerable to exploitation and abuse. The Committee is concerned that the work and residence permits granted to domestic workers impose restrictions on such workers in terms of the number of times they can change employers. The Committee is also concerned that foreign domestic workers are unable to obtain long-term residence. While noting that the State party is formulating a new national action plan for the integration of third-country nationals legally residing in Cyprus, the Committee notes with concern that foreign domestic workers are reportedly not included in the plan (art. 5).

23. The Committee reiterates the recommendation made in its previous concluding observations and recommends that the State party take the measures necessary to end the restrictions imposed on domestic workers wishing to change employers. The Committee also recommends that the State party allow all foreign domestic workers who meet the necessary criteria to be considered for long-term residence, without discrimination and on an equal basis with others. The Committee further recommends that the State party include domestic workers in the national action plan for the integration of third-country nationals legally residing in Cyprus.

Complaints of racial discrimination

24. While welcoming the data provided by the State party on complaints of racial discrimination made during the period 2005-2016, the Committee is concerned at the low number of complaints and the even lower number of prosecutions and convictions resulting from those complaints. The Committee reminds the State party that a low number of complaints does not signify the absence of racial discrimination in the State party but may indicate that the domestic courts face barriers in invoking the rights enshrined in the Convention. Such barriers may include the absence of relevant legislation under which the rights can be invoked, a lack of public awareness of the rights under the Convention and a lack of access to, availability of or confidence in methods to seek judicial recourse (arts. 6-7).

25. Recalling its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:

(a) **Ensure that complaints of racial discrimination are properly registered and investigated and that perpetrators are prosecuted and penalized;**

(b) **Undertake public education campaigns on the rights enshrined in the Convention and on legislation under which those rights can be invoked, as well as on the methods for filing complaints of racial discrimination and hate crimes;**

(c) **Ensure that the methods for obtaining judicial recourse are administered in an open and accessible manner, allowing victims to lodge complaints;**

(d) **Provide updated disaggregated data in its next periodic report on the number and types of complaints of racial discrimination reported and on the number of prosecutions and convictions of perpetrators.**

Trainings for law enforcement officers, judges, lawyers and other State officials

26. The Committee welcomes information provided by the State party on the training of the police. It regrets the lack of information on training programmes and workshops on human rights, the prevention of racial discrimination and the rights enshrined in the Convention carried out for representatives of State bodies, local government entities, and associations, as well as law enforcement officers, judges and lawyers (art. 7).

27. The Committee recommends that the State party continue to conduct training programmes on racial discrimination with law enforcement officers, including on the prevention of racial profiling and on proper methods for investigating hate crimes and cases of hate speech. The Committee further recommends that the State party conduct specialized training on the prevention of racial discrimination and on the rights enshrined in the Convention for judges, lawyers and other State officials, as well as for representatives of local government entities and associations. The Committee requests

detailed information on such training programmes and their impact on the situation of ethnic minorities.

E. Other recommendations

Ratification of other treaties

28. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization (ILO), the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

Follow-up to the Durban Declaration and Programme of Action

29. In the light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

International Decade for People of African Descent

30. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015-2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies. The Committee requests that the State party include in its next periodic report specific information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011) on racial discrimination against people of African descent.

Consultations with civil society

31. The Committee recommends that the State party continue consulting and increasing its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

Follow-up to the present concluding observations

32. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 13 and 27 above.

Paragraphs of particular importance

33. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 17, 19, 21 and 23 above

and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

Dissemination of information

34. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly publicized in the official and other commonly used languages, as appropriate.

Preparation of the next report

35. The Committee recommends that the State party submit its combined twenty-fifth periodic report by 4 January 2020, taking into account the reporting guidelines adopted by the Committee during its seventy-first session (CERD/C/2007/1) and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.
