



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9
OF THE CONVENTION**

Sixteenth periodic reports of States parties due in 2000

Addendum

CYPRUS*

[29 July 2000]

* This document contains the fifteenth and sixteenth periodic reports of Cyprus, due on 4 January 1998 and 2000, respectively, submitted in one document. For the fourteenth periodic report of Cyprus and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/299/Add.19 and CERD/C/SR.1278 and 1279.

The information submitted by Cyprus in accordance with the consolidated guidelines for the initial part of the report of State parties is contained in HRI/CORE/1/Add.28/Rev.1

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Introduction

1. Since the submission of the fifteenth and sixteenth periodic report the following developments took place which should be taken into account in the consideration of the report and be read together with it. The supplementary report is divided into two parts. Part I refers to the paragraphs which were affected by changes and Part II deals in general with new prospective developments.

I. PARAGRAPHS OF THE INITIAL REPORT AFFECTED BY CHANGES

Paragraph 15

2. The Supreme Court has been supplied with copies of the fourteenth, fifteenth and sixteenth periodic reports together with the supplementary report and the observations of the Committee in respect of the fourteenth report. The Law Commissioner is in continuous contact with the Supreme Court regarding the promotion, respect and safeguarding of human rights in Cyprus. The Supreme Court has collected the most significant of its judgements concerning human rights and the National Institution for the Protection of Human Rights is currently preparing an anthology of these judgements. Moreover, the Supreme Court is supplied with all the publications of the Institution on the same topic (Index to all Multilateral Treaties, a compilation of the major treaties on human rights, a manual on human rights in Cyprus and other publications).

Paragraphs 20 and 21

3. On 10 May 2001 the European Court of Human Rights delivered its judgement in the case of Cyprus v. Turkey (application No. 25781/94). The application was the fourth Inter-State Case by Cyprus against Turkey, but the first one to reach the Court.

4. In short, the Court followed and adopted the Loizidou case line, that Turkey is the country responsible for safeguarding human rights under the European Convention in the occupied part of Cyprus, because of its control of the area. Turkey was found guilty, inter alia, of a continuing violation of the property rights of all Greek Cypriot displaced persons who have property in the occupied area (art. 1 of Protocol No. 1 to the European Convention), of the right to a home of all Greek Cypriot displaced persons (art. 8 of the Convention), of the right to life (art. 2 of the Convention) and to personal freedom (art. 5 of the Convention) of the Greek Cypriot missing persons (because of Turkey's refusal to proceed with an effective inquiry about their fate), of the right of the relatives of the missing persons not to be subjected to degrading treatment (art. 3 of the Convention) (once again by reason of refusing to effect such inquiry as aforesaid and inform the relatives of the fate of their loved ones), of the rights of civilian Turkish-Cypriots under art. 6 of the Convention because of the system of having them tried by military courts in respect of certain "offences".

5. Of particular concern are the findings of the Court in respect of the very small community of Greek Cypriots enclaved/living in the peninsula of Karpasia in the occupied part of Cyprus.

6. The Court found that Turkey violates the following rights of these people: freedom of religion (art. 9 of the Convention) (see paras. 241-243 of the judgement); freedom of expression and to receive and impart information (art. 10 of the Convention) (see paras. 248-259 of the judgement), right to property (art. 1 of Protocol No. 1) (see paras. 264-272 of the judgement); right to education (art. 2 of Protocol No. 1 of the Convention) (see paras. 273-280 of the judgement); right to respect of family and private life (art. 8 of the Convention (see paras. 281-301); right not to be subjected to degrading treatment (art. 3 of the Convention) (see paras. 302-311 of the judgement); right to have an effective remedy (art. 13 of the Convention) in respect of violations under articles 3, 8, 9 and 10 of the Convention and articles 1 and 2 of Protocol No. 1 (see paras. 318-324 of the judgement).

Paragraphs 25 and 26

7. The participation of the Turkish community in the elections has been considered by the Supreme Court in a recourse filed by a Turkish Cypriot who claims the right to vote in the elections for members of the House of Representatives. The Supreme Court dismissed the recourse on the ground that the right claimed is contrary to the Constitution and that the Supreme Court cannot change the Constitution by invoking the law of necessity (Ibrahim Aziz v. the Republic, case No. 369/2001). However, Cypriot authorities are concerned with the further prolongation of such a situation and, as a result, they are considering ways to grant voting rights in respect of all political elections to members of the Turkish Cypriot community who reside in the Government-controlled area.

Paragraph 27

8. The recommendation to place the detention of aliens under judicial control was finally embodied in a draft law which was transmitted to the Law Office of the Republic for legal vetting. It provides that any person arrested and detained under the provisions of the Aliens and Immigration Law (Cap. 105) must be brought before the court within six days and the court will examine the grounds for the arrest and decide whether to approve the detention. The court may approve the detention of the foreign person for a further period not exceeding three months. It further provides for giving legal assistance to impecunious foreign persons. Till now the legality of detention of aliens could only be challenged by means of a writ of habeas corpus before the Supreme Court. The remedy is a drastic one and will be, in any event, preserved, but it is thought that the situation would be improved if specific provisions in a law were enacted regulating the matter.

Paragraphs 30-33 - migrant workers

9. A new development in this field has been the decision of the Council of Ministers (Decision No. 51243 of 16 February 2000) to establish a committee comprised of the Migration Officer, representatives from the Ministry of Labour and Social Insurance and the Police Department, empowered to examine disputes raised by migrant workers or their employers. In cases where the Committee decides or concludes that the employees are in breach of the terms of the contract of employment, the migrant worker in question is allowed to apply for new employment within a specified period.

10. Disputes usually examined by the above Committee are those which fail to be settled through the District Labour Offices (DLOs) of the Ministry of Labour and Social Insurance.
11. All dispute settlements made through the DLOs are submitted to the above Committee for approval. If the Committee does not agree with a settlement, it re-examines the dispute itself and takes its own final decision.
12. Since the establishment of this Committee many complaints have been dealt with, mainly regarding breaches of the contract of employment.
13. The Attorney General of the Republic and the Law Commissioner will soon recommend to the Government that the latter should increase the resources and staff applied to solving the aforesaid disputes.
14. However, the complaints of the foreign persons staying and working in Cyprus are not all connected with the terms of employment. Some of them relate to violations of human rights and they are being made either against public officials or against private individuals. In cases where the complaint, if true, may amount to a criminal offence, e.g. ill-treatment, and concerns a member of the police, the Attorney-General, upon receiving notice of the complaint, or if he simply becomes aware of the complaint, intervenes and exercises his recently acquired power to appoint criminal investigators outside the ranks of the police.
15. Complaints against public officials are examined by the Commissioner of Administration, the police (if they refer to an offence not by a member of the police), criminal investigators, as aforesaid, and by the courts. Such complaints do not always relate to violations of human rights. Most of them are connected with decisions of officers regarding the duration of the stay of foreign persons in Cyprus, their expulsion and re-entry and their detention pending expulsion.
16. Complaints against persons in the private sector mostly relate to the commission of criminal offences or civil wrongs against foreign persons. However, there are some complaints which, although offending against certain rights safeguarded by treaties, are neither criminal nor civil wrongs in nature. (The last proposition may now be considered to be very doubtful because of a very recent decision of the Supreme Court to the effect that a violation of a human right safeguarded by the Constitution by a private individual affords a cause of action to the victim of the violation for damages, including punitive (exemplary) damages.) The National Institution for the Protection of Human Rights is competent to hear complaints of the violation of human rights but proceeds only to investigate such complaints if they do not fall within the competence of other organs such as the courts or the Commissioner of Administration. During the first two years of its existence the Institution has received 45 complaints, most of which were referred to the Commissioner of Administration according to the established practice. Other complaints were dealt with in a discreet manner, or by providing guidance as to the steps to be taken.

17. The Institution has recently hired the services of a liaison officer who regularly visits the prisons and has candid dialogues with the female inmates. Another liaison officer will be visiting the section for male detainees. The importance of these visits is that a substantial proportion of the inmates are foreigners and do not have relatives to whom they may relate in confidence their complaints.

18. Another step aiming at informing the people of their rights and obligations is the hiring of the services of a public relations officer who also works for the Cyprus Press Agency. The National Institution for the Protection of Human Rights gave instructions to this officer to carry out on behalf of the Institution an inquiry as to the main complaints of the foreign persons staying and working in Cyprus and to identify any discriminatory trends.

19. The Institution has requested the Chairman of the Cyprus Bar Association to prepare a list of lawyers who are willing to offer their services free, or for a nominal fee, to impecunious persons who are not covered by any available scheme for legal aid, provided the Institution certifies the case as meriting free legal advice and provided further that the case is directly connected with a violation of human rights. In this connection, it may be added that the Law Commissioner, in cooperation with the Office of the Attorney-General and the Ministry of Justice and Public Order, has prepared a draft law for free legal assistance with a part specially dealing with legal assistance for cases relating to violations of human rights. In view of recent favourable public statements by members of the House of Representatives, the efforts to promote the approval of the bill will intensify and it is hoped that the relevant legislation will come into force early next year, if not before.

20. The National Institution for the Protection of Human Rights addressed a written request to the Ministry of Education to include in the lesson on Human Rights or History a special reference to the history and culture of the countries from which the major groups of foreigners staying and working in Cyprus come. It is the firm belief of the Institution that when people become acquainted with the history and culture of a country, especially at a young age, they understand better and respect more the people of that country.

21. The above are a number of measures which are being considered to eliminate any ill-feelings or prejudices against people of different ethnic origins.

Paragraph 34

22. Paragraph 34, under the heading “Media”, should be deleted and replaced by the following new paragraphs which contain up-to-date data.

Media

23. The Cyprus Broadcasting Corporation (CyBC) is a Public Corporation, which is administered by a Board of Governors appointed by the Council of Ministers. The members of the Board are appointed in their personal capacity and act independently from the Government.

It is a non-profit-making organization and uses its entire income for providing information, culture and entertainment to the people of Cyprus via television and radio programmes. Its income is derived from the following sources: government subsidy; advertising; lottery income; other income from facilities offered to third parties.

24. A number of private commercial television stations also transmit in Cyprus. Licences are issued by the Cyprus Broadcasting Authority, an independent body established under the Private Radio and Television Broadcasting Stations Law (7(I)/1998).

25. Section 30 of the Private Radio and Television Broadcasting Station Law entrusts the Authority with the duty of ensuring that the programmes transmitted should not incite hatred by reason of racial, sexual, religious or nationality differences. Moreover, it prohibits the use of language in a manner likely to offend against sensitivities of religious, political or other social groups.

26. CyBC has three radio channels and two television channels.

Radio broadcasting

27. The three radio channels (First, Second and Third) aim to transmit quality programmes and provide information, culture and entertainment to the public, taking into consideration the needs and preferences of all the communities in Cyprus, by transmitting their programmes in various languages. The aforesaid channels also transmit via satellite and the Internet.

First Radio Channel

28. The First Channel transmits on a 24-hour basis giving emphasis to news bulletins and current affairs, and educational and cultural programmes. Programmes for the Cyprus National Guard and the Greek contingent in Cyprus, messages to the enclaved, programmes for children and young adults, on history and tradition, and programmes of classical, modern and traditional music comprise the offerings of the First Channel to Cyprus and the whole of the Greek nation.

29. As from 27 June CyBC also transmits a special programme for the Maronites, entitled "The voice of Maronites". In addition, a special programme for the Latins started on 13 November 1999.

30. The First Radio Channel is transmitted on the frequencies 96.3, 69.3, 55.8 KHz and 97.2, 90.2, 93.3 and 91.4 MHz on FM.

Second Radio Channel

31. This channel transmits programmes in various languages on a 24-hour basis: in Turkish for the Turkish-Cypriots (6 a.m. to 5 p.m.), in Armenian for the Armenians (5 to 6 p.m.) and in English for foreign visitors and permanent non-Greek-speaking residents (6 p.m. to midnight).

32. The transmission to the Turkish-Cypriots aims at maintaining communication with them. Among other programmes, three news bulletins are transmitted every day (at 7.30 a.m., 1.15 and 6.50 p.m.).

33. The English-speaking programmes are mainly for entertainment, music and culture, with an emphasis on providing accurate information on national issues, as well as promoting our cultural heritage. Three news bulletins are transmitted every day (at 1.30, 8 and 10 p.m.).

34. The programmes in Armenian are of a similar character and constitute a medium of expression for them and a means of promoting the language and the traditions of the Armenian people. Three news bulletins are transmitted on Sundays, Tuesdays and Fridays (at 5.15 p.m.).

35. During the summer period the Second Radio Channel transmits "Welcome to Cyprus", a daily two-hour evening programme specially prepared for visitors to Cyprus. The programme is presented in four languages (German, French, Russian and English) and is produced in collaboration with the Cyprus Tourism Organisation.

36. The Second Radio Channel is transmitted on the frequencies 91.1, 92.4, 96.5 and 94.2 MHz on FM.

Third Radio Channel

37. The Third Radio Channel acts mainly as an entertainment and information channel for listeners in Cyprus as well as for emigrants in Germany, the United Kingdom and the rest of Europe via satellite and the Internet.

38. Transmissions began in September 1990 on a 24-hour basis. The Third Radio Channel still holds the top rating in Cyprus.

39. It is transmitted on the frequencies 603, 1044 and 918 KHz and 94.8, 96.0, 99.8 and 97.9 MHz on FM.

Television Broadcasting

40. CyBC has two television channels.

41. Channel One is mainly for news and current affairs programmes, sports, documentaries, as well as other "quality" programmes. Channel Two, on the other hand, mainly transmits entertainment programmes.

42. On Channel One there are five bulletins in Greek and one in Turkish. On Channel Two there are three news bulletins in Greek and one in English. A newsreel in Turkish, called "Actualite", and a culture magazine called "Prisma" are transmitted on Tuesdays and Fridays on Channel One. The news and newsreels in Turkish are watched by a large number of Turkish-Cypriots who also listen to the radio programmes.

43. The programmes are in the language they are produced in with Greek subtitles.
44. Channel One and Channel Two transmit Euronews too. Channel Two from Monday to Friday from 7 a.m. to 1 p.m. and from 1 a.m. to 3 a.m. and on Saturdays and Sundays on Channel One from 7 a.m. to 11.30 a.m./12.30 p.m. and from 1 a.m. to 3 a.m.
45. CyBC also transmits through the Cysat satellite for 20 hours daily.

Paragraph 47

The Refugee Law of 2000 (No. 6(I)/2000)

46. The above Law was published in the Official Gazette of the Republic on 20 January 2000 and came into force on the same date.
47. It is fully in harmony with the relevant European Union acquis and also renders possible the implementation of the 1951 Convention relating to the Status of Refugees and its 1967 relevant Protocol, which are binding on the Republic of Cyprus.
48. The Law establishes a Refugees Authority, which comprises the Permanent Secretaries of the Ministries of Foreign Affairs, the Interior, and Justice and Public Order or their representatives and which is entrusted with the task of examining and deciding asylum applications.
49. Asylum applications will be examined by the United Nations High Commission for Refugees until the newly recruited officers of the Refugees Authority have been trained and are in a position to fully undertake the examination of such applications. Three such officers have been appointed and UNHCR is providing for their training. In addition to the training of the officers of the Refugees Authority, UNHCR has organized an introductory seminar for the implementation of the Law and a specialized one for the Social Services. UNHCR indicated that it wishes to hand over the refugee status determination procedure by the middle of 2002, as by that date it is expected that the Refugees Authority will have a full, qualified and trained staff and it will thus be in a position to exercise all its functions as provided by the Law.
50. A budget for the Refugees Authority has been prepared and it is also expected that the Authority will be provided with the necessary computer hardware and software, and UNHCR will also contribute to this effort.
51. An amendment to the Law has been prepared which will replace with a law officer of the Law Office of the Republic the Minister of the Interior who, under the law as it now stands, acts as a review authority and examines recourses against decisions of the Refugees Authority.
52. Also, draft regulations have been prepared and are at the moment being examined by the Law Office.

Paragraph 52

53. Any violation of human rights safeguarded by the Constitution now constitutes a cause of action.

54. This was decided by the Supreme Court in the recent case of Yiallourous v. Nicolaou, civil appeal No. 9931. Damages of C£ 5,000 were awarded for the violation of the constitutionally safeguarded right of private life, despite the fact that there is no provision in any municipal enactment relating to civil wrongs for such a course of action.

55. It may be argued that the ratio decidendi may be extended to cover violation of rights safeguarded under international conventions, in particular the European Convention on Human Rights.

Paragraph 55

56. The European Charter for Regional or Minority Languages was ratified by Law 39(III) of 1993 but the instrument of ratification has not yet been filed because the minority languages have not been defined. Following this the Republic will have to select at least 35 of the paragraphs for implementation. The matter is before the governmental departments concerned for their views, which are indeed overdue.

Paragraph 63

57. The National Institution for the Protection of Human Rights can investigate and even take effective measures for the enforcement of its decisions if it is given such power by law. At present, a draft law for the reconstitution and restructuring of the Institution is under consideration. A draft law has been prepared extending and strengthening the competence and powers of the Institution. There are also provisions for mechanisms for the implementation of its decisions.

58. As far as the ways in which an individual may protect himself against another individual, it should be added that, if the act complained of is a criminal offence, the victim may also report the matter to the police and, in such a case, the police are bound to investigate. Such investigations result in many cases being transmitted to State criminal prosecutors against the person who is thought, following evaluation of the report of the investigator, to have committed the offence.

Paragraph 57

59. It is to be noted that a male foreigner may acquire Cyprus nationality if he married a female citizen of the Republic and cohabits with her for a period of two years. This right was enjoyed, prior to the amendment of the law, by a foreign wife only (Law 105(I) of 1998).

Paragraph 63

60. The Institution submitted to the Council of Ministers and the House of Representatives the first report of its activities covering the period 1998-2000.

Paragraph 74

61. A guardian has been appointed for the victims of exploitation as provided under the Combating of Trafficking in Persons and Sexual Exploitation Law of 2000 (3(I) of 2000).

62. It is important to note that the guardian has extensive powers, the most significant of which is the power to hear complaints and take steps for the prosecution of offenders. This is an additional agency to which victims of foreign origin may relate their complaints.

Paragraph 75

63. The first sentence of the paragraph should be replaced by the following text:

“A new law, No. 48(I) of 2001, has been enacted for the Protection of Young Persons at Work. This Law consolidates previous legislation, i.e. the Children and Young Persons (Employment) Laws, and brings them also into full compliance with relevant international instruments, including EU Directive 94/33/EC.”

64. In addition to (a), (b) and (c), at the end of the second sentence, (d) should be added, as follows:

“(d) The Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, No. 182 (ratified by Law No. 31(III) of 2000).”

Paragraph 76

New law for the prevention of violence in the family

65. In 1994 a law was enacted for the prevention of violence in the family and the protection of victims. Soon after the enactment of the law certain difficulties were encountered in the implementation of the law and a process started for its amendment. An amending bill was prepared in which there were included a number of novel provisions such as the taking of statements from the victims by electronic means, the use of such statements as the evidence of the chief witness who is subject to cross-examination, the setting up of a fund for financial assistance to the victims, and certain other measures aiming at the protection of the victims and witnesses both inside and outside the court. However, when the amending bill was sent to the House of Representatives it was considered that it would be better, owing to the extensive amendments proposed, to prepare a new law repealing and replacing the old one. Thereafter, a new bill was prepared which was enacted into law in July 2000 (Law 119(I) of 2000).

66. Section 17 deals with the admissibility of the evidence of a psychiatrist to whom a child patient during psychiatric treatment has related incidents of ill-treatment by any person. Such evidence, however, requires corroboration by independent evidence. It is a novel provision and it constitutes an exception to the hearsay rule.

67. Under section 18 the court is empowered to provide protection to witnesses and victims of violence by taking their evidence in such a way as to avoid direct confrontation with the accused but without depriving the accused of his right to examine the witness. This may be achieved by the use of screens, closed-circuit television links and any other means producing the same effect.

68. Under section 19 the court may interfere and give direction regarding the mode of cross-examination with a view to avoiding bullying of the witness.

69. Sections 19 and 20 make the spouse a compellable witness if the victim of domestic violence is another member of the family. It is interesting to note that in an indirect way the spouse is a compellable witness even where the violence is directed against the spouse and this is done in the presence of children, because in such a case the violence is deemed to be exercised against the child.

70. Sections 21-25 deal with the issue of restraining orders against the offending members of the family. These provisions were carried forward from the old law.

71. Sections 31 and 32 provide for the establishment and operation of shelters for victims and that any person harassing any person residing in the shelter commits an aggravated offence punishable with five years' imprisonment. If the harassment or intimidation of any victim of violence or of a witness in a case of domestic violence takes place elsewhere, the harassment or intimidation constitutes an offence punishable with three years' imprisonment.

72. Finally, under section 34 it is an offence if any person discloses the identity of the victim or particulars of the offender that may lead to the identification of the victim. This is an absolute prohibition and covers practically any person who acts contrary to the provisions of the section.

Paragraph 79

73. The text of the paragraph should be replaced by the following text:

“As stated under paragraph 75 above, a new Law No. 48(I) of 2001 for the Protection of Young Persons at Work has been recently enacted and replaces the Children and Young Persons (Employment) Laws.”

74. This new law is fully in line with Council Directive 94/33/EC, as well as the relevant ILO Convention, No. 138, and article 7 (paras. 1, 3, 7 and 8) of the European Social Charter.

75. The basic provisions of the new Law are, among others, the following:

(a) It prohibits the employment of children who have not completed the age of 15 in any occupation. Exceptions are allowed in the case of children who complete the age of 14, with certain prerequisites;

(b) It prohibits the employment of young persons (15 years of age to under 18) in certain dangerous occupations;

(c) It prohibits the employment between the hours of 11 p.m. and 7 a.m. of persons who have completed the age of 15 and are under 18;

(d) It allows the maximum working time to be:

(i) 7 hours and 15 minutes daily or 36 hours weekly for persons who have completed the age of 15 and are under 16;

(ii) 7 hours and 45 minutes daily or 38 hours weekly for persons who have completed the age of 16 and are under 18;

(e) For persons who have completed the age of 15 and are under 18, the law provides for a minimum period of continuous rest of 12 hours during each 24-hour period and of 48 hours during each week;

(f) It provides for certain obligations of employers in order to protect the health and safety at work of persons under 18 years of age.

Paragraph 80

76. The effective enforcement of the legislation on the protection of young persons at work is safeguarded by the Labour Inspection Department of the Ministry of Labour and Social Insurance and by the police.

77. Cases regarding exploitation of employed children are not reported and it may be stated that such a problem does not, at present, exist in the part of Cyprus under the control of the Cyprus Government.

Paragraph 127 (a)

78. The draft Law against Exploitation of Women and Children has been enacted (Law No. 3 (I) of 2000). However, in its final form the provision relating to female circumcision has been omitted. See also paragraph 63 of the report and the supplementary report.

Paragraph 127 (b)

79. The draft Law for the Protection of Witnesses has been enacted (Law No. 95(I) of 2001).

Paragraph 132

80. Due to an error regarding the competence of the National Institution for the Protection of Human Rights and the role of the NGOs, the whole paragraph needs redrafting so as to clarify the actual situation. The new text of paragraph 116 is as follows:

“The development and importance of the role of the NGOs over the last years in the promotion, respect and protection of human rights in Cyprus is very significant and their contribution to the various agencies entrusted with the task of preparing reports on human rights is indeed considered invaluable.”

81. The NGOs are voluntary private organizations and although they may acquire the status of a legal person, they have no statutory power. It must, however, be pointed out that their views are being heard and respected by the governmental organizations and by the House of Representatives. It is the current practice to submit to the NGOs which are represented in the National Institution for the Protection of Human Rights the reports which are prepared by the Institution for their views before being finalized. In the near future efforts will be made to secure representation in the Institution of all the NGOs, and more particulars as to their constitutions and purposes will be given in the next periodic report.

II. NEW DEVELOPMENTS**A. Recent findings of violations against Cyprus by the European Court of Human Rights and the power of the Attorney-General to appoint criminal investigators**

82. In cases concerning alleged commission of criminal offences by the police force, which may also constitute a violation of a human right, such as ill-treatment by the police, contrary to the Constitution of the Republic, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the European Convention on Human Rights, or acts which constitute criminal offences under the Convention on the Elimination of all Forms of Racial Discrimination (Ratification) Law, the power to appoint criminal investigators to carry out investigations has been delegated to the Council of Ministers by section 4 of the Criminal Procedural Law, Cap. 155, and, by decisions of the Council of 3 October 1996 and 27 April 2001, to the Attorney-General of the Republic, who is thus now empowered, not only upon submission to him of a written complaint (as was the case until 27 April 2001), but also in all cases coming to his knowledge in any manner whatsoever, to appoint criminal investigators, to investigate the matter. (This is considered an improvement, because the Council of Ministers, as a collective political body, could not act with the required swiftness in appointing such an investigator.)

83. In exercise of this power, the Attorney-General has up to this date promptly appointed independent criminal investigators to investigate complaints in more than 30 different cases. Independent investigators are chosen from a list compiled following applications and interviews. The list is renewable every two years. Recently, care has been taken so that the investigators are chosen from former judges or lawyers in private practice who are included in the list. For example, when in February of this year newspapers saw the light as to alleged unlawful arrest

and ill-treatment by the police of 16 Turkish Cypriots, the Attorney-General (the power to appoint by himself in the absence of a written complaint was acquired on 27 April 2001) recommended forthwith to the Council of Ministers, which adopted his recommendation, the appointment as criminal investigators of a former President of the Supreme Court of Cyprus and former member of the European Committee for the Prevention of Torture, together with a lawyer in private practice. This investigation is well under way.

84. Another example is the appointment by the Attorney-General in April of this year of the same persons as criminal investigators, in connection with reports concerning three instances of ill-treatment by the police made by the European Committee for the Prevention of Torture in its report to the Government of Cyprus earlier in the year.

85. In fact, the extension of the power of the Attorney-General relating to the appointment of criminal investigators in instances of alleged commission of criminal offences by members of the police to cover all instances coming to his knowledge in any manner whatsoever was effected on the recommendation of the Attorney-General himself, and is a measure aimed at preventing violations of human rights following a finding of breach of article 3 of the European Convention by the European Court of Human Rights in its judgement of 21 December 2000 in the case of Egmez v. Cyprus.

86. The Court had held in this case that the applicant's ill-treatment by the police in 1995, in the course of his arrest on suspicion of drug offences and in its immediate aftermath, amounted to inhuman treatment contrary to article 3 of the Convention. In compliance with the judgement, the Government not only paid promptly to the applicant the compensation awarded to him by the Court (that is, 10,000 pounds sterling plus 400 pounds sterling for legal costs), but also proceeded to adopt general measures, to prevent similar violations of the Convention in the future.

87. In this context, instructions were given by the Attorney-General to the Chief of Police, the Ministry of Justice and Public Order and the Ministry of the Interior, requiring them to acquaint all members of the Republic's security forces exercising powers of arrest, detention and interrogation with the judgement and to caution them that treatment of persons in a manner contrary to article 3 of the Convention (which was emphasized also to be contrary to article 6 of the Cyprus Constitution and a criminal offence under the Cyprus Criminal Code and the United Nations Convention against Torture (Ratification) Law), would not be tolerated.

88. That judgement, with the Attorney-General's instructions and caution, were accordingly circulated to all concerned accompanied by instructions from the Chief of Police that specific lectures be given in all police departments and the Police Academy concerning the judgement.

89. The judgement was also disseminated by the Attorney-General to the Ombudsman, the National Institution of Human Rights, the Human Rights Committee of the House of Representatives and the Cyprus Bar Association.

90. Moreover, following another recent judgement (23 May 2001) (Denizci and others v. Cyprus) of the European Court in favour of eight Turkish Cypriot applicants who claimed that they had been subjected by the police to inhuman treatment contrary to article 3 of the

Convention and that their rights under article 5.1 of the Convention and under article 2 of Protocol No. 4 were also violated, the payment of compensation awarded by the Court (£20,000 to each applicant, plus £25,040 for legal costs for all of them) is to be effected very shortly.

91. It should be noted that the case concerned events that happened more than seven years ago, in early 1994. The Attorney-General has already given the same instructions and caution as those given by him in the Egmez case, has disseminated the Court's judgement, as in the said case, and is also studying the adoption of legislative measures to penalize unlawful arrest and detention, bearing in mind that the breach of article 5, paragraph 1, concerned unlawful arrest and detention (during which there was a breach of article 3).

B. Informing the public of its rights

92. The fourteenth periodic report together with the observations and recommendations of the Committee has been sent to the following:

- (a) Supreme Court;
- (b) All members of the drafting committee:
 - the Attorney-General of the Republic;
 - the Commissioner of Administration/Ombudsman;
 - the Ministry of Foreign Affairs;
 - the Ministry of Labour and Social Insurance;
 - the Ministry of Justice and Public Order;
 - the Ministry of the Interior;
 - the Ministry of Education;
- (c) The following NGOs:
 - the Association for the Support of Foreign Workers;
 - the Committee for the Restoration of Human Rights throughout Cyprus;
 - the Pancyprian Association for the Protection of Human Rights;
 - the Association for Human Rights in Cyprus;
 - the Immigrant Support Action Group;

- (d) The media:
 - the Cyprus Press Agency;
 - the Press and Information Office;
 - the Journalists' Union;
 - the daily newspapers;
 - the weekly newspapers;
- (e) The University of Cyprus;
- (f) All private colleges;
- (g) The police;
- (h) The Cyprus Bar Association;
- (i) The State Archives.

93. An announcement was made by the Institution and published in all newspapers calling upon persons who have any complaint about a violation of human rights to submit it to the Institution for consideration. Moreover, reference is specifically made to the offences relating to racial discrimination under the Convention.

C. Laws

1. New Marriage Law

94. This law would be of general application and would afford the people, of whatever nationality or religion, the right to contract a civil marriage. Under this law marriage between a Greek Orthodox and a Muslim of Turkish origin, hitherto prohibited, would now be allowed.

95. The draft law has been approved by the Council of Ministers and has been laid before the House of Representatives for enactment.

2. Other draft Laws

96. A draft law has been prepared recently with a view to amending certain provisions of the Criminal Code relating to seditious and otherwise offending publications. Special reference is made in that law regarding racial discrimination activities contained in the law ratifying the Convention.

97. Another draft law has been prepared to amend the Criminal Code in order to create a new offence of false reporting of offences. Under the proposed new law, the false reporting of an offence or the threatened false reporting of an offence would constitute an offence punishable with imprisonment for up to three years, if it is made with a view to compelling another person to withdraw a complaint of a violation of any of his rights or for pursuing such a right.

98. A third draft law has been prepared providing that racist or other discriminatory motives in the commission of an offence or of a civil wrong would be considered as an aggravating factor.

99. A fourth draft law has been prepared regulating matters of equal treatment of men and women regarding entry to employment, terms of employment and promotion. It also includes a provision on sexual harassment. This draft law is now being considered by the National Committee for the Rights of Women. For purposes of accession to the European Union, this draft law has to be enacted into law before January 2003.

D. Training public officials

1. Public servants

100. The Academy for Public Administration, which has been established for the training and education of civil servants, includes in its curriculum the subject “The European Union and human rights”.

101. Following a suggestion made by the National Institution for the Protection of Human Rights, the Academy would include in its programme a subject on human rights with special emphasis on matters connected with the treatment of foreign persons. The subject is aimed particularly at re-educating public officials whose duties include contact and dealings with foreign persons. The programme would be prepared by the Academy in cooperation with the National Institution for the Protection of Human Rights.

2. The Police

102. Special educational programmes, seminars and lectures on human rights are offered by the Cyprus Police Academy, which include equal treatment for all the people, locals and foreigners.

103. A post of Police Human Rights Office was established within the framework of the three-year European project the “Police and human rights”.

104. During the initial and in-service training, police officers are taught and trained in using modern investigation techniques. They are also instructed to interrogate and obtain statements from suspects according to the provisions of the Judges’ Rules.

105. Circular letters are sent by the Chief of Police to police commanders of districts, departments and units instructing their officers to respect human rights during interviews of suspects.

3. The Judiciary

106. The Supreme Court has established on a permanent basis a programme for the training of judges of first instance courts. In accordance with this programme, judges of subordinate courts will receive on a regular basis training in various fields of the law and matters relevant from a broader perspective to the administration of justice. Amongst others, the subjects of training include:

- (a) Human rights with particular reference to Cyprus case law and European Court of Human Rights case law;
- (b) European law with particular reference to international conventions;
- (c) Conduct of judges with emphasis on psychology of witnesses and advocates, rules of etiquette, behaviour towards the public and advocates, and study of various social phenomena;
- (d) Training for Family Court judges on matters relating to dealing with children and social matters relating to personal status.

E. Administrative/other measures

107. Cyprus participates in the EU programmes directly or indirectly relevant to the fight against racism, namely “Youth”, “Socrates” and “Leonardo”.

108. On the occasion of the European Conference and the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, a number of anti-racism activities are being organized by the Youth Board of Cyprus, with the financial support of the Government. These include a photographic exhibition, a camp for youth groups from Cyprus and abroad, and an anti-racism festival on the occasion of the International Day of Tolerance. Also, the National Machinery for Women’s Rights in collaboration with the University of Cyprus and the High Commission of India in Cyprus organized an event on racism and discrimination which included the showing of the film by Ms. Mitra Sen, “Just a little red dot ...” (Nicosia, 18 January 2001).

109. The Cyprus police are working in close cooperation with Interpol, the United States Federal Bureau of Investigation, other European and international law enforcement agencies and foreign police liaison officers stationed in the country for the collection and exchange of information and data on the various forms of crime, including trafficking and exploitation of

human beings. They are also in the process of signing a bilateral agreement with Europol for the improvement of collaboration on these matters. The Cyprus police are also in the process of setting up a computerized database on cases of sexual exploitation of children.

F. Ratification of new conventions

110. In the year 2000 Cyprus ratified the Convention on the Rights of the Child (ratified by Laws 231 of 1990 and 5(III) of 2000) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (ratified by Law 31(III) of 2000).

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