



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2532nd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 3 May 2017, at 3 p.m.

Chair: Ms. Crickley

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The meeting was called to order at 3.05 p.m.

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Combined twenty-third and twenty-fourth periodic reports of Cyprus (CERD/C/CYP/23-24; CERD/C/CYP/Q/23-24)

1. *At the invitation of the Chair, the delegation of Cyprus took places at the Committee table.*
2. **Ms. Koursoumba** (Cyprus), introducing her country's combined twenty-third and twenty-fourth periodic reports (CERD/C/CYP/23-24), said that, as the current Chair of the Council of Europe, Cyprus had made it a priority to focus on the rights and freedoms of all people without discrimination. Despite its economic difficulties, Cyprus was determined to continue its coordinated efforts to ensure full compliance with all international human rights instruments to which it was a party and to safeguard the rights of all people in Cyprus without exception. The State party was not, however, in a position to ensure the application of the Convention in all areas, owing to the continuing occupation of part of its territory by Turkish military forces.
3. Recently, Cyprus had again amended its Criminal Code, further strengthening the general legal framework on racial discrimination. Racist, xenophobic and homophobic motivations now constituted aggravating circumstances in respect of all offences. Under recent amendments to the Legal Aid Law, applicants for international protection had the right to legal aid when appealing a decision denying, withdrawing or limiting benefits or affecting their freedom of movement, or when appealing a transfer decision in accordance with European Union regulations on the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person.
4. A new guide for handling cases of human trafficking had upgraded the national mechanism for referral of victims to social services in order to protect them more effectively and safeguard their rights, in part by establishing a cooperation framework between the competent government authorities and NGOs. A new National Action Plan against Human Trafficking for 2016 to 2018 had been drawn up based on the evaluation of the 2013-2015 National Action Plan and taking into account the European Strategy towards the Eradication of Trafficking in Human Beings, the recommendations of the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) and the United States Department of State Trafficking in Persons (TIP) report for 2016. The action plan prioritized legislative amendments to improve implementation, enhance victim support by placing special emphasis on safe housing and protection, provide training to officials and judges and promote cooperation between NGOs and government agencies.
5. In consultation with the competent authorities, independent monitoring mechanisms and civil society, the Government was drafting a new National Action Plan for the Integration of Third-Country Nationals Legally Residing in Cyprus that would take account of the recommendations of human rights treaty bodies in respect of social inclusion and the elimination of discrimination and racism.
6. Efforts to reunify Cyprus, under a peace process facilitated by the good offices of the Secretary-General of the United Nations, had gathered momentum. Although there was no fighting, the security situation nevertheless remained precarious, with a densely militarized occupied area. Moreover, violations of the rights to life, property and information concerning missing persons persisted, while war crimes involving the transfer of settlers continued. One of the main goals, once a settlement had been reached, would be to ensure respect for human rights and fundamental freedoms and redress past and ongoing violations of human rights.
7. Achieving such a settlement was by no means a foregone conclusion. Many challenges remained, arising partly from the creation of facts on the ground since the occupation had begun, which prejudiced the outcome of negotiations, and partly from the interests of third parties at the expense of Cyprus and Cypriots. Her Government was

adamant that the settlement should safeguard the rights of all Cypriots without discrimination on any grounds whatsoever.

8. Policy changes made with a view to improving working conditions, particularly for vulnerable groups, included ensuring that non-European Union domestic workers received their contract before arriving in the country, extending the maximum stay for domestic and agricultural workers to six years, renewable under certain conditions by periods of two years, and lifting all restrictions on the employment of male domestic workers. Additional measures had been put in place to facilitate the employment by IT companies of highly skilled workers from non-European Union countries.

9. Cyprus had recently ratified the Protocol to the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), becoming the sixth European Union member State to have done so. An action plan was being drafted to give full effect to its provisions by mobilizing the necessary resources and stakeholders.

10. The obligation for the foreign spouses of Cypriots to provide a letter of guarantee had been abolished; their initial stay permit was valid for three years and renewal was of indefinite duration.

11. Within the framework of the European Union strategy for the Roma population, the Social Welfare Services had been designated as the national contact point for coordination of policy on the Roma. A new initiative, funded by the European Commission, was under way to establish a national Roma platform that aimed to strengthen the accountability of stakeholders including the Roma, and to encourage their commitment to the outcomes of the process of Roma integration.

12. The Cyprus Police had stepped up its efforts to raise awareness among its members in order to effectively combat and eliminate discrimination and human rights violations in connection with the performance of police duties. Training had been stepped up, particularly for police officers working in immigration and community policing. The Police had recently signed a memorandum of cooperation with 12 human rights NGOs and the new manual on human rights contained a chapter specifically on combating discrimination. A joint Police Policy Statement had been agreed with the Ombudsman's Office for the prevention, handling and combating of discrimination and racist crime, with an emphasis on proactive and deterrent action, victim support and protection, and more effective intervention and investigation measures. The Office for Combating Trafficking in Human Beings had been reinforced to enable it to investigate all cases nationwide.

13. Following a recommendation by the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the Ombudsman, the capacity of the Menoyia Detention Centre for persons awaiting deportation had been cut by half.

14. The Ministry of Education and Culture was encouraging all schools to implement the Code of Conduct against Racism and Guide for Managing and Recording Racist Incidents as part of its goal of raising awareness of racism and intolerance and promoting equality and respect. Activities in that regard involved students, teachers and parents. The Ministry had also introduced a Policy for Multicultural Education and a related action plan, to help integrate students from diverse ethnic backgrounds into the educational system. The Pedagogical Institute ran conferences and seminars on issues relevant to the Convention. The Observatory on Violence in Schools, which coordinated the National Strategy for the Prevention and Management of Violence in Schools, provided training to teachers on dealing with bullying, as a means of promoting a safe school environment. Meanwhile, the Task Force on School Violence worked closely with schools, government agencies and NGOs to address racial and other forms of discrimination and, in schools where problems arose, the Educational Psychology Service helped normalize and improve the climate and the relationships among students.

15. The Coordinating Committee for the Prevention and Combating of Sexual Abuse and Exploitation of Children, set up in 2015, had worked with various ministries to prepare a three-year action plan to protect children from sexual abuse.

16. In the framework of the peace process, a number of technical committees had been set up in order to mitigate the consequences of the status quo. The Technical Committee on Education, for example, conducted research into the contribution of education to conflict transformation and reconciliation, and the countering of prejudice and discrimination, and was charged with recommending policy options on coordination of the two educational systems in a bicomunal, bizonal federation.

17. **Mr. Avtonomov** commended the State party on its high-level, multidisciplinary delegation. That attested to the seriousness of its approach to implementation of the Convention. He welcomed the amendments that had been made to the State party's legislation, as well as the positive changes in policies on refugees and asylum seekers, and on human trafficking.

18. Certain issues addressed during the Committee's consideration of the State party's previous report remained outstanding, notably the definition of racial discrimination in domestic law, which ought to include all the elements of article 1 of the Convention.

19. He would welcome further explanations regarding paragraph 89 of the State party's report, which detailed some surprising limitations on domestic workers' rights in respect of their choice of employer. In particular he would like to know why they were not allowed to change employer after six years, as that seemed to amount to a form of forced labour. The Committee recommended ratification of the ILO Domestic Workers Convention, 2011 (No. 189) as one means of addressing such issues.

20. The situation of the Roma appeared to have improved following the policy changes detailed in the report, such as the establishment of the bicomunal social centre in Limassol. Noting that both Turkish and Greek were used at the centre, he pointed out that the Kurbet group of Roma who frequented it had their own language which, though resembling Turkish, was not the same. The authorities might consider making the centre a tricomunal, trilingual institution, with a view to preserving Kurbetcha, which was still a living language, thereby protecting the group's identity.

21. In addition to the approximately 700,000 Greek speakers and around 1,500 Turkish speakers living in southern Cyprus, there were also Maronites, who had their own language, and Catholics, often referred to as "Latins"; it was not clear whether the Latins constituted an ethnic group. There were also some 40,000 Russians, 20,000 of whom had self-identified in the latest census as native speakers of Russian; they might not all be ethnic Russians, however. He would be interested to hear if they were well integrated, particularly if they did not speak the majority language well.

22. He would appreciate hearing the delegation's comments on the rise of a right-wing party, described by some as neo-Nazi, that engaged in hate speech, a problem currently affecting many European countries. The party had obtained nearly 4 per cent of the vote at the last elections and had two seats in the parliament.

23. He welcomed the expansion of the Reception and Accommodation Centre for Applicants for International Protection in the village of Kofinou from 70 to 400 places. However, residents still received no language training and there were no activities for them at the centre. In addition there was only limited public transport to main towns elsewhere. Such restrictions impaired asylum seekers' ability to integrate. Moreover, until recently they had not been allowed to seek work until six months after submission of their asylum application. Although that regulation had now been abolished, he understood that it remained applicable pending a ministerial decision; he would welcome an explanation of the implications of that situation.

24. Even when permitted to work, asylum seekers were confined to the fisheries, livestock and agriculture sectors. Yet the majority of them — and notably the Syrians — were basically town dwellers and well educated and he wondered whether they could not be employed in other sectors. That restriction was all the more problematic as work in those sectors required extended absences from the family. On the other hand, if they refused to live in centres such as Kofinou they might lose certain benefits. Those practices seemed questionable.

25. There were currently some 5,800 refugees and persons with subsidiary protection status in the State party and in 2016 there had been 2,936 new applications for asylum, over 200 of them from Somalians. Refugee status had been granted to 8.5 per cent of applicants, while 45 per cent had received subsidiary protection; 28 per cent of applications had been rejected. He would appreciate the delegation's comments on the situation of asylum seekers and refugees.

26. **Mr. Kut** (Special Rapporteur for follow-up on concluding observations) said that the State party had been assiduous in responding to the Committee's requests for follow-up on the three specific points raised in the previous concluding observations and in replying to a letter from the Committee requesting further information. He was grateful to it for taking the follow-up procedure seriously as that enabled the Committee to keep up with developments in the State party between reports.

27. **Mr. Murillo Martínez** said that he had been surprised to read in the State party's report about the restrictions placed on domestic workers with regard to changing their employer. Those restrictions would appear to violate international standards. The delegation should provide further information about the elimination of restrictions on domestic workers, and it should also comment on the large number of employment disputes that had ended in litigation.

28. Although Cyprus had made significant progress in the fight against human trafficking, the phenomenon remained a cause for concern. The delegation's comments on that situation would be welcome. He requested further information on refugees, including the number of refugees in Cyprus, their country of origin, their conditions of detention in the event that they were detained, and whether they had access to employment opportunities.

29. He welcomed the fact that an aggravating circumstance was applied to racially motivated crimes, and he asked whether the State party was considering introducing the concept of the reversal of the burden of proof in civil cases involving racial discrimination.

30. **Mr. Bossuyt** said that he was concerned by the continued division of the island of Cyprus following the occupation by foreign troops; he hoped a solution would soon be found that could bring an end to that situation. He did not understand the reasoning behind the legal provision forbidding domestic workers from changing employers after six years of employment, and he was concerned that it could put domestic workers at a higher risk of slavery. He requested further information about the special visa for artists that had been abolished.

31. The delegation had indicated that all restrictions on the employment of male domestic workers had been abolished. He wished to know whether such restrictions were still in place for female domestic workers, as that would constitute gender-based discrimination. With regard to the instructions on how journalists should differentiate between asylum seekers, refugees, beneficiaries of subsidiary protection, human trafficking victims, migrants and "undocumented migrants", there were certain circumstances in which reference to a migrant's legal status was justified.

32. **Ms. Shepherd** commended the State party for the legislative and other measures taken to combat racial discrimination and to address the problem of hate speech. She asked how the Government planned to deal with the apparent increase in racially motivated crimes. Noting that many of the individuals who submitted complaints of racial discrimination were persons of African descent, she asked how those complaints were addressed.

33. In the light of reports received about gender-based violence in shelters and reception centres, she wished to know about the level of security offered to women in such settings and about the training provided to security personnel on dealing with vulnerable groups. Noting the establishment of a committee of direct intervention to investigate and manage incidents of racism in schools, she requested information about the results of those investigations. She also wished to have statistical data on the ethnic composition of the prison population. She asked what the outcome had been of the training for police officers

on combating racial discrimination and of the State party's overall efforts to combat hate speech and racial discrimination.

34. **Mr. Yeung Sik Yuen** said that the State party was to be congratulated on its strong human rights policy and effective implementation of that policy. He was concerned to note, however, that detention cases concerning non-European Union nationals were reviewed by the Director of the Civil Registry and Migration Department and not by an independent judiciary. He welcomed the instructions issued by the Attorney General on handling allegations of ill-treatment at the hands of police officers, but he requested clarification as to whether the Police Professional Standards, Audit and Inspection Directorate was involved in investigations into such allegations. He wished to know the maximum length of detention in police detention centres. Lastly, he asked whether the Administrative Court, which was to provide extra protection to persons seeking international protection, had begun operating.

35. **Ms. Li Yanduan** asked whether Cyprus intended to become a party to the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. The amendment to the Refugee Law that prohibited refugees from travelling outside the area under the effective control of the Government of Cyprus would seem to be in violation of the Convention relating to the Status of Stateless Persons, and it also appeared to contradict the Green Line Regulation. The delegation should provide clarification in that regard.

36. **Mr. Khalaf** said that the State party's report (CERD/C/CYP/23-24) and core document (HRI/CORE/CYP/2014/Add.1) seemed to indicate that the Convention did, in fact, take precedence over national law; those documents also contained useful statistical data on criminal offences. However, they did not appear to contain any data on complaints of racial discrimination that had been brought before the courts. In addition to that information, the delegation should also provide recent examples in which the Convention had been invoked before the courts.

37. He wished to know what obstacles were preventing the establishment of a national human rights institution. The State party should seek to establish an institution that was eligible to receive A status accreditation from the Global Alliance of National Human Rights Institutions. Noting that asylum seekers were authorized to work only in the agricultural and fishing sectors, he asked whether the State party would consider granting them access to employment opportunities that were more in line with their capabilities and educational background. The financial assistance provided to asylum seekers was far below the amount needed for them to maintain their dignity.

38. **Mr. Avtonomov** said that the delegation should provide clarification about the extent to which the Department of Labour Inspection was competent to receive and address complaints of racial discrimination in the labour market. He also asked what actions the Department was taking to raise awareness among workers about complaints procedures and about anti-discrimination and equality legislation.

39. He urged the State party to conduct studies analysing the situation of various groups in the labour market — particularly third-country nationals, Turkish Cypriots living in the area under the control of the Government of Cyprus, and national minorities — with a view to eliminating discrimination against them. He asked whether the State party had planned any activities in connection with the International Decade for People of African Descent. He requested information about the possibilities available to asylum seekers with regard to employment and permanent residency.

40. He asked whether the State party planned to bring employment contracts for domestic workers within the purview of the Ministry of Labour rather than the Ministry of the Interior. He was concerned about the limitations on the medical services available to refugees and asylum seekers. While residents of the reception centre in Kofinou were exempt from paying fees for health care, the centre was unable to accommodate all refugees and asylum seekers.

41. The delegation should describe the procedure for acquiring citizenship. According to information before the Committee, it was very difficult even for persons born in Cypriot territory to acquire Cypriot citizenship.

42. **The Chair** asked whether the labour inspectorate could conduct inspections of domestic workers' places of employment, which were often private homes. She wished to know about the division of responsibilities envisioned between the Ombudsman and the national human rights institution, and she asked when the State party planned to apply for accreditation for the latter. She asked about the challenges facing Turkish Cypriots in Cyprus with respect to employment and housing. Lastly, she wished to know what targets had been set in the National Roma Integration Strategy for the period 2016-2020 and what resources had been allocated to achieve those targets. She also wished to know the outcomes of the previous strategy, which had covered the period 2012-2015.

43. **Ms. Koursoumba** (Cyprus) said that Cyprus was a party to the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. Under the 1960 Constitution drawn up when Cyprus had gained its independence, Cypriot nationality was automatically granted to members of two groups — the Greek community and the Turkish community. Persons who were not part of those communities were deemed to be part of a religious group and were required to join the Greek or Turkish community, either on an individual basis or jointly as a religious group, in order to hold civil and political rights in Cyprus.

44. In the decades since then, it had tacitly become accepted that the groups defined in the 1960 Constitution as religious groups — namely the Armenian, Latin and Maronite communities — held the rights granted to national minorities under the two Council of Europe instruments previously mentioned. That historical background explained the mixed use of terminology when referring to national minorities as religious groups. The Arabic spoken by the Maronite community in Cyprus had been recognized as a minority language, and the Government was making great efforts to support and protect that language. The Latin community was also consulted on issues relating to national minorities, but members of that community did not see themselves as different from the Greek Cypriot community, with whom they shared a common language.

45. At the time of independence, the Roma community in Cyprus had been very small and had been considered as part of the Turkish Cypriot community. The Roma population was constantly in flux, and Roma sometimes crossed the Green Line without passing through official checkpoints. Her Government was taking measures to protect their rights, including by establishing special schools for them in areas with a large Roma population.

46. The definition of racial discrimination set out in the Convention was the one recognized in Cyprus, since the Convention was deemed to be part of national law and prevailed over any other legislation. The Convention could also be invoked in the courts. Cyprus had ratified the Convention as early as 1967, and in 1992 it had amended its laws to criminalize all the offences referred in the Convention. Aggravating circumstances had been established for all racially motivated offences as defined in the Convention. In 2004, when Cyprus had become a member State of the European Union, it had made further legal amendments to bring its legislation into line with European Union standards.

47. **The Chair** thanked the delegation for those clarifications and pointed out that the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages should be taken into account alongside the work of the European Commission against Racism and Intolerance and, more importantly, the Convention itself, with a view to directly addressing some of the Committee's concerns.

The meeting rose at 5.40 p.m.