



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Cyprus
Title:	Implementation of the Framework Convention on National Minorities Cyprus
Date:	25 November 2015
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Update of flash report	
<u>Context</u>	
Issue at stake:	The Advisory Committee on the Framework Convention on National Minorities publishes its Fourth Opinion on Cyprus.
Ground of discrimination:	Race/ethnic origin
Source:	Advisory Committee on the Framework Convention for the Protection of National Minorities, Fourth Opinion on Cyprus adopted on 18 March 2015, published 2 November 2015.
Field:	Employment
Applicable law:	Law on hiring of persons with disabilities in the wider public sector (Special Provisions) N. 146(I)/2009.

Content

Case:

In November 2015 the *Advisory Committee on the Framework Convention on National Minorities* published its fourth opinion on Cyprus. The report has a strong discrimination focus and documents a number of gaps and weaknesses in the overall policy framework affecting Cyprus' ethnic minorities. It draws, among other sources, on the Cyprus Country Report and flash reports of the Legal Network regarding discriminatory patterns in both the legal framework and practice. In describing the social landscape, the report expressed concern over the following:

- The economic crisis, the loss of jobs and the reductions in social aid programs has adversely affected the minorities. The austerity measures have particularly affected Roma, amongst other groups who, due to widespread illiteracy, lack realistic opportunities to find formal employment and are particularly reliant on social services. The changes to the welfare legislation in 2014, which substituted social benefits with the 'guaranteed minimum income', may have affected the Roma amongst other groups, as many of them are likely not to meet the eligibility requirement of five years of legal residence.
- Roma remain socially and economically marginalized whilst little effort has been made to engage with them in order to promote their equality.
- The strict division of Cypriot society along ethnic lines continues to interfere with the right of individuals to freely self-identify, as required by Article 3 of the Framework Convention. While representatives of the Maronite, Latin and Armenian minorities

opted in 1960 to affiliate with the Greek Cypriot community, the Roma minority were not presented with a choice and were considered as belonging to the Turkish Cypriot community. For the purposes of the 2011 population census, a questionnaire was used asking the head of household to choose from a closed list of five possible responses: Greek Cypriot, Armenian, Maronite, Latin, or Turkish Cypriot; there was no possibility to indicate affiliation as Roma, nor was it possible to respond "other" or "do not wish to respond", or to opt for multiple affiliations.

- Inter-ethnic relations have been adversely affected by the economic crisis and remain dependent on the state of the negotiations for a political settlement. The lack of progress in the negotiations has also meant that the rigid classification of citizens into members of either the 'Greek' or the 'Turkish' community continues to be a source of inequality.
- In order to gain votes certain political parties, amplified by some media outlets, have been nurturing xenophobic sentiments in the population by publicly blaming migrants for the high unemployment and by accentuating ethnic divisions.
- The constitutional rights of the Turkish Cypriots remain de-facto inapplicable as a range of provisions relating to their communal rights were suspended following the formulation of the "doctrine of necessity".
- Whilst laws are generally in line with the EC Equality Directives, awareness of the applicable rights and procedures remains limited among society and the legal profession alike. Only very few cases invoke the new anti-discrimination provisions, as most cases seem to rely on the constitutional anti-discrimination provisions. Very few steps have been taken by the authorities in recent years to raise awareness; most awareness raising initiatives that have taken place are conducted by civil society organisations as well as by the Ombudsman Office, with funding stemming almost exclusively from the European Commission.
- The institutional capacity of the Ombudsman's office remains inadequate to the increasing range of its tasks. The Ombudsman continues to be appointed by the President of the Republic and is not allowed to recruit its staff independently, which will likely result in the National Human Rights Institution not being accorded 'A status' according to the Paris Principles.
- No comprehensive review of the domestic legal framework was ever carried out to ensure compliance with the Directives or other relevant international norms, such as those contained in the *Convention on the Elimination of all Forms of Racial Discrimination*.
- A circular from the Ministry of Education issued in October 2014 clarified that Maronite, Armenian and Latin pupils could be exempted from Christian orthodox religious education in elementary schools, provided that a justification is given, indicating the students' differing religion. As the circular indicated that in secondary schools, 'Non-Christians' may be exempted from religious education, students of Armenian, Maronite or Latin background at secondary schools have faced difficulties in securing exemptions. Schools do not provide any alternative teaching or occupation for those students who are exempted from religious classes; and parents of minority students appear reluctant to pursue exemptions for fear of marginalisation of their children.
- Turkish, the second official language of Cyprus, is entirely absent from the public sphere. Contrary to the relevant provisions in the Constitution, it is not used in official communications nor in public documents or publications, which affects both the Turkish Cypriots and the Roma community who are predominantly Turkish speaking.
- The adoption in 2011 of a law on the representation of religious groups, which was intended to strengthen the position of the latter in political decision-making, has not had the anticipated impact. While there is an obligation now for the Parliament and the relevant ministries to consult with the representatives on all issues affecting the three communities before a decision is taken, this obligation is not always followed.
- Access to employment in the civil service as well as the army by members of the Armenian community is still problematic as high-level Greek language exams continue to function as a gate-keeping device against members of this community.

The report provides a long list of recommendations aiming at remedying the identified gaps and weaknesses but also urging the authorities to pursue flexibility and openness towards any possible other groups, including non-citizens where appropriate, that may wish to claim protection under the Framework Convention and to promote equality and support for minority identities as part of a modern society.

Internet link source: The report available at <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680483b48> last accessed, 25/11/2015.