



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

NEWS REPORT

Country:	Cyprus
Title:	Annual Report of the Anti-discrimination Authority for 2014
Date:	8 February 2016
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<u>Context</u>	
Issue at stake:	The Anti-discrimination Authority publishes its annual report for 2014
Ground of discrimination:	All grounds
Source:	Report of the Anti-discrimination Authority for the year 2014
Field:	All fields
Applicable law:	The combating of racial and other forms of discrimination (Commissioner) N. 42(I)/2004; Law No. 150(I)/2014 and Law No.151(I)/2014

Content

Case: In December 2015 the Ombudsman presented the annual report for the year 2014 of the Anti-discrimination Authority, one of the two bodies comprising the National Equality Body, set up in 2004 in compliance with one of the laws transposing the Racial Equality Directive, but with wider powers and scope than those foreseen in article 13 of the Racial Equality Directive. The Anti-discrimination Authority deals with all fields beyond employment whilst another department of the same organisation, the Equality Authority, deals with employment related issues. Since 2008, the Equality Body has the power to investigate complaints of sex discrimination in relation to access to goods and services as well as to their provisions including insurance and financial services.

As was the case with the annual report of the Equality Authority, the opening statement of the ombudsman, who heads both departments of the specialised body, focused on the impact of the economic crisis on non-discrimination and anti-racism, stating that the crisis operates as an obstacle to the access of vulnerable groups to basic social rights and has created fertile ground for xenophobic and racist behaviours. Contrary to the employment related complaints, the number of victims applying to the Anti-discrimination Authority for non-employment related complaints did not drop following the emergence of the crisis. The report describes the body's activities during 2014 which include several participations and contributions in seminars, trainings and awareness raising activities in the fields of gender violence, hate speech, racism and discrimination in education, the promotion of the rights of LGBTI persons and the phenomenon of the extreme right. A special chapter is dedicated to the mediation activities of the Authority, highlighting its successful involvement in resolving issues between individuals and governmental organisations, mainly the immigration authorities, the prison authorities, the social welfare services and the ministry of education. The report lists a number of complaints investigated by the Authority, which led to the submission of reports with non-binding recommendations and/or to invitations to stakeholders for consultation. These included: the decision of the multi-cultural English School to abolish the school

holiday of the Turkish Bayram, the access of an autistic Iranian child to education that is compatible with his linguistic needs, the refusal of a charity to provide a free wheelchair to an asylum seeking disabled child, the refusal of an insurance company to provide a car insurance for an eighteen year old person unless his mother also carries out an insurance policy with the same company, the legal recognition of the gender identity of trans persons, the discriminatory treatment of Turkish Cypriots in the process of concluding a marriage and the rejection of a citizenship application on the ground that the applicants had previously resided in Cyprus without a permit. As in previous years, no sanctions or binding decisions were issued against any person or organisation who was found guilty of discrimination. During the year, the Anti-discrimination Authority also carried out two self-initiated investigations (on the risk of exploitation of students from third countries; and on the racist insults fired against a footballer at the pitch and the need to address racism in sports) and published three official positions (the treatment of victims of trafficking; the assessment of the credibility of asylum seekers regarding their sexual orientation, in light of a relevant CJEU decision in December 2014; and the decision to issue a football club fan card for persons belonging to the age group of 15-30).

During 2014 the Authority completed the investigation of 81 complaints. 11 of which resulted in the submission of reports with recommendations; 1 led to an invitation to stakeholders for consultation; 28 were deemed to be groundless; 6 were found to be outside the Authority's jurisdiction; in 5 cases there was insufficient evidence; 1 case was withdrawn; in 9 cases the complainant was notified but no report was issued; in 4 cases the claim was satisfied without intervention from the Authority; in 10 cases the claim was satisfied following the Authority's intervention; in 1 case the complainant was guided as to further action; and in 4 cases investigation was interrupted for other reasons.

As regards to the ethnic origin of the complainants, 27 were Greek-Cypriots; 13 were Turkish Cypriots; 18 were EU citizens; and 19 were third country nationals.

Regarding the grounds, 40 complaints concerned national origin, 12 concerned racial origin, 8 concerned religion, 1 related to disability, 2 related to age discrimination, 1 complaint concerned sexual orientation, two complaints related to gender identity, 2 related to gender discrimination, three concerned multiple discrimination and 5 complaints were based on other grounds. 38 complaints were in the field of access to goods and services, 17 in immigration related issues, 8 in the field of education, 6 in social protection or social provision, 5 in other fields and 3 in the field of health.

In 2014, there has been an institutional development for reversing the burden of proof to the procedures of the Equality Body during the investigation of complaints for breach of the principle of equal treatment. The burden of proof is placed on the person accused for making the discrimination and not on the victim (Law No. 150(I)/2014 and Law No. 151(I)/2014). Since 2014, 84% of all complaints on discrimination on grounds of sex to the Equality Body were filed against the public sector and 16% against the private. In recent years, the small number of complaints against the private sector is due to the economic crisis.

Out of a total of 32 sex discrimination complaints filed, 27 were for discrimination against women, 4 against men and 1 against a transgender person. In discrimination against women on ground of sex, 10 % of all complaints were about maternity and pregnancy, 10 % about gender, 10 % about harassment, a total of 12 % were about dismissal of pregnant women in employment, 9 % were about gender discrimination (maternity allowance), 6% about hiring, promotion, wage and occupational training, 6% complaints about sexual harassment and 19% about discrimination on the basis of a family situation.

Key points of analysis: As in previous years, the report is evenly balanced between grounds and fields, although it refrains from referring to its staffing and budgeting

problems that were accentuated by the austerity measures and which have led to delays of several years before the Authority can examine complaints, often rendering its intervention meaningless. The statistical data is rather fragmented and vague and does not lead to clear conclusions particularly as regards to the outcome of the investigation.

Through a general evaluation of the 10 year presence of the Equality Body as an extrajudicial, independent control mechanism for combating discrimination against, my assessment is positive. The decisions taken are enhancing the application and combat of discrimination against women. During the current period of recession and as a result of the problems caused in the labour market, the progress that has taken place so far as regards the practical implementation of the equal treatment principle seems to be at stake and the prospect of regress is visible.

Internet link source: The report is available at

[http://www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/All/C7DFF67D3CAF7B5EC2257F14003F73A7/\\$file/1Book%20DIAKRISEON%202014%20GR%20Mech%20Electr%20Edition%20for%20web.pdf](http://www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/All/C7DFF67D3CAF7B5EC2257F14003F73A7/$file/1Book%20DIAKRISEON%202014%20GR%20Mech%20Electr%20Edition%20for%20web.pdf).

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