



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

### FLASH REPORT

<b>Country:</b>	Cyprus
<b>Title:</b>	ECRI publishes conclusions on the implementation of its recommendations
<b>Date:</b>	23 July 2019
<b>Expert:</b>	Corina Demetriou
<b><u>Context</u></b>	
<b>Issue at stake:</b>	ECRI criticises the new Ombudsman for insufficient activity in the field of promoting equality and protecting vulnerable groups
<b>Grounds of discrimination:</b>	All grounds
<b>Field of application:</b>	All fields
<b>Source:</b>	ECRI report, press releases
<b>Applicable law:</b>	Law on combating racial and other forms of discrimination (Commissioner) N.42(I)/2004

### Content

**Policy development:** In June 2019 ECRI published its conclusions on the implementation by the Cypriot government of the recommendations issued by ECRI in June 2016. ECRI's conclusions expressed concern over the fact that the office of the Commissioner for Administration (Ombudsman) which is also the national equality body continues to be unable to appoint its own members of staff, as this remains, by virtue of the Constitution, the responsibility of the Public Service Commission. The operating budget of this office was slightly increased from 2016 to 2017 but no further data was made available as regards subsequent years. The report noted with concern that the Office has not carried out any activities aimed at supporting vulnerable groups or any communication activities and has not issued any publications or reports, including annual reports, or recommendations on discrimination issues since 2016.<sup>1</sup> ECRI stated that it will follow up on these matters in its sixth monitoring cycle.

In response, the Ombudsman rejected ECRI's criticisms, arguing that it had carried out an information campaign targeting the police regarding human rights violations and that it participates in a project regarding awareness for homophobia at schools.<sup>2</sup> She added that the annual report for her office for the year 2017 had been published and that the preparation for the 2018 report is currently under way.<sup>3</sup>

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<sup>1</sup> The footnote of the ECRI report contains a broken link from the website of Equinet which is presumably this: [http://equineteurope.org/author/cyprus\\_ombudsman/](http://equineteurope.org/author/cyprus_ombudsman/).

<sup>2</sup> The project is 'HOMBAT'. The partner for Cyprus is the NGO 'Accept LGBT Cyprus', <https://www.hombat.eu/partnership/>.

<sup>3</sup> Untitled article (2019) Η Επιτροπή Διοικήσεως απορρίπτει τις αναφορές ECRI για το Γραφείο της, Omegalive, 6 June 2019, available at <https://omegalive.com.cy/h-epitropos-dioikhsews-aporriptei-tis-anafores-ecri-gia-to-grafeio-ths>.

Earlier in the year, the Ombudsman had issued a press statement in response to criticisms from a member of parliament because of the Ombudsman's refusal to examine a complaint about an incident of racial harassment. The Ombudsman's response clarified that there is no longer an Anti-discrimination Authority or Equality Authority, 'as wrongly believed by some people' but merely an extension of the mandate of the Ombudsman to cover 'discrimination and human rights violations'. She attempted to explain the reference to these two Authorities on the website of the Ombudsman's office as merely indicative of the scope of the subject and her competencies.<sup>4</sup>

**Key points of analysis:** The new Ombudsman has introduced a number of operational innovations. ECRI has identified the absence of equality related activity but there are additional issues. The fact that the Authorities are no longer seen as distinct bodies has aggravated an existing long term problem: the fact that the Equality Body and its special powers and competencies are not known to vulnerable groups or to the public at large, who are only familiar with the ombudsman mandate as a check on the administration. The failure to issue annual reports does not only concern specific years but forms part of the new order, whereby annual reports will not be issued for the Equality Body separately, as was the case before; instead, one single annual report will be issued (starting from 2017 onwards) covering all mandates operated from the office of the Ombudsman. ECRI relied solely on data available on the website of Equinet and missed the fact that the Annual Reports for the years 2015-2016 have also not been issued. The 2017 annual report of the Ombudsman includes a chapter on discrimination and the statistical record it offers is very poor, compared to previous years. Instead it sets out summaries of cases (one complaint on transphobic conduct, one on ethnic discrimination, one on racial profiling, one on gender and one on sexual harassment) without specifying if the list is exhaustive. In all the cases listed, there is no legal analysis based on laws transposing the equality acquis and no clear position is taken.

**Internet link source:** <https://rm.coe.int/interim-follow-up-conclusions-on-cyprus-5th-monitoring-cycle-/168094ce05>.

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<sup>4</sup> Ombudsman (2019), 'Ανακοίνωση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων', Press release 25 April 2019, available at <http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/C9564C0C48A8033AC225827F00276D77?OpenDocument>.