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## ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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### **Third Opinion on Cyprus adopted on 19 March 2010**

#### **EXECUTIVE SUMMARY**

Since the ratification of the Framework Convention, Cyprus has pursued its efforts to improve the protection of the Armenians, the Latins and the Maronites under the Framework Convention. According to the representatives of the three groups, the monitoring process has had a positive impact on their actual situation. The recent extension of the protection provided by this Convention to the Roma is a positive development.

Despite ongoing efforts, only limited progress has been made towards a lasting settlement of the Cyprus problem. This continues to have an impact on the climate of dialogue and understanding which, in general, characterizes Cypriot society, and on the Government's policy related to minority protection and human rights. This concerns *inter alia* the implementation of the principle of free self-identification, especially in respect of the Armenians, the Latins and the Maronites, as well as the Roma.

Efforts have been made to increase awareness of the issue of non-discrimination and of the relevant legal remedies available. Nevertheless, in view of the growing number of discrimination-related complaints in recent years, these awareness-raising efforts should be intensified. The institutional framework for combating discrimination also needs to be strengthened and the competent authorities provided with more adequate resources.

The authorities have continued to provide support to the cultural activities of the three “religious groups”. They should however adjust this support to the existing needs of these groups and ensure more transparent procedures for accessing public subsidies. The lack of suitable educational materials and qualified teachers remains however a source of particular concern for the three groups. The participation of the Armenians, the Latins and the Maronites in decision-making on issues concerning them, in particular in parliament, should be made more effective.

Despite the Government’s support measures, the Roma still face serious difficulties in many fields, such as employment, housing, education and access to health services. In addition, while efforts have been made to facilitate effective participation of Turkish Cypriots in social, economic and cultural life and public affairs, shortcomings continue to be reported.

The growing diversity of Cypriot society remains a particular challenge for the Government, notwithstanding the measures taken to allow newcomers to enjoy effectively their rights. Intolerance towards persons belonging to certain groups, in particular the immigrants, is still recorded and requires firm action by the authorities.

#### **Issues for immediate action**

- **effective implementation of the principle of self-identification, during the population census in 2011 and other forthcoming processes, especially in respect of the Armenians, the Latins and the Maronites, as well as the Roma;**
- **effectively combating and sanctioning all forms of discrimination and intolerance, including misconduct by members of the police force;**
- **adoption of a comprehensive integration strategy and its effective implementation;**
- **providing a more adequate response to the educational needs of the three “religious groups”, in particular as regards the availability of teaching materials and qualified teachers; provision of the support needed to enable adequate minority language teaching for the Armenians and the Maronites.**

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

**THIRD OPINION ON CYPRUS**

1. The Advisory Committee adopted the present Opinion on Cyprus in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 30 April 2009, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Nicosia, from 12 to 15 October 2009.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Cyprus. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the monitoring of the Framework Convention, contained in the Advisory Committee's first and second Opinions on Cyprus, adopted on 6 April 2001 and 7 June 2007 respectively, and in the Committee of Ministers' corresponding Resolutions, adopted on 21 February 2002 and 9 July 2008.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Cyprus.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Cyprus as well as with representatives of national minorities and others involved in the implementation of the Framework Convention.
6. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt. The Advisory Committee would also like to bring to the attention of State parties that on 16 April 2009, the Committee of Ministers adopted new rules for the publication of the Advisory Committee's Opinion and other monitoring documents, aiming at increased transparency and at sharing the information on the monitoring findings and conclusions with all the parties involved at an early stage (see Resolution CM/Res(2009)3 amending Resolution (97) 10 on the monitoring arrangements under Articles 24-26 of the Framework Convention for the Protection of National Minorities).

## I. MAIN FINDINGS

### Monitoring process

7. The Advisory Committee welcomes the authorities' constructive approach in their dialogue on the implementation of the Framework Convention. It is pleased to note that its second opinion on Cyprus was published on the website of the Ministry of the Interior and discussed with representatives of the three "religious groups" which are protected under the Framework Convention, namely the Armenians, the Latins and the Maronites. The Advisory Committee notes that representatives of the three groups presented their views to the authorities before the State Report was submitted to the Council of Europe. It hopes that the consultation process will be strengthened in future to ensure that the State Report also reflects the views of the minorities.

### Overview of the implementation of the Framework Convention after two monitoring cycles. Legislative and institutional framework.

8. The Advisory Committee is pleased to note that, as stressed by the representatives of the Armenians, the Latins and the Maronites in their review of progress since the ratification of the Framework Convention, the monitoring process and the constructive dialogue established in this connection has had a positive impact on the situation of the persons belonging to the three groups and made a significant contribution to improvements in the implementation of their rights.

9. As in previous monitoring cycles, the Advisory Committee has focused, in preparing this Opinion, on the actions taken by the Cypriot authorities to implement the Framework Convention in the Government-controlled territory. In this context, the Advisory Committee wishes to emphasize that it is fully aware of the issue of properties in the territory outside the effective control of the Government and the pertinent jurisprudence of the ECHR. It needs to be stressed, however, that this issue - as the situation of Cyprus in general - does not come within the mandate of the Advisory Committee, which is limited to the assessment of the action taken by the Cypriot Government in order to fulfil its obligations resulting from the status of Cyprus as a State Party to the Framework Convention. In addition, it would like to stress that, despite ongoing efforts, only limited progress has been made towards a lasting settlement of the Cyprus problem, which continues to have an impact on the Government's policy related to minority protection and human rights and continues to affect the climate of dialogue and understanding which, in general, characterizes Cypriot society. The Advisory Committee trusts that an overall settlement of the conflict will be achieved through constructive dialogue between all the interested parties. Appropriate attention should be paid, in this context, to the principles embodied in the Framework Convention.

10. In Cyprus, the legal framework for the protection of minorities is based on the Constitution, which contains particularly rigid provisions on the possibility of amendment, making it impossible to change its fundamental provisions. As a result, and despite Government openness, the current arrangements and mechanisms of relevance for minority protection, some of which have already been subject of criticisms/recommendations by the Advisory Committee, have not yet been reviewed. This is the case, in particular, with the constitutional requirement for Armenians, Maronites and Latins to affiliate themselves either with the Greek Cypriot or the Turkish Cypriot Community and the obligation to vote to elect their representative in parliament.

11. The Advisory Committee understands that a committee has been set up to consider, in view of the future settlement of the Cypriot question, the various constitutional amendments that might be necessary in this sphere, along with the legal and practical expedients and implications of such amendments. The Advisory Committee has also noted the view among the authorities that it might be necessary to adopt an entirely new national constitution.

12. In the opinion of the Advisory Committee, it is particularly important, in the course of the current negotiations towards a settlement of the conflict, that minority groups are kept informed of any development which may affect them and that they are given the opportunity to make proposals when decisions are made that might have an impact on their situation. It also considers it crucial for the cohesion of Cypriot society that, once the conflict is settled and the configuration of Cyprus's new constitutional and institutional set-up decided, all groups, in addition to the Greek Cypriots and the Turkish Cypriots, be given their rightful place in society in a climate of mutual respect, understanding and co-operation.

### **Personal scope of application of the Framework Convention**

13. The recognition of the Armenians and Maronites as national minorities and the identification of a designation for the Latins that will more accurately reflect their distinctive identity is a major concern for all three "religious groups" and warrants more attention from the authorities. More generally speaking, it is of utmost importance in the specific context of Cyprus, and in view of the major demographic changes that have taken place in the country in recent years, to collect reliable and up-to-date information on the ethnic, linguistic and religious make-up of the population, showing due regard for the principle of free self-identification and international personal data protection standards.

14. The fact that the Roma population living in the government-controlled territory is covered by protection policies and measures adopted under the Framework Convention is a positive development. It is essential for the authorities to establish structured dialogue with the Roma to bring these measures more closely in line with existing needs.

### **Preserving and promoting identity**

15. The authorities have continued to provide support, including of a financial nature, for the cultural projects of the three "religious groups" and their written publications. Commendable steps have been made to assist the Maronites in their efforts to maintain contacts with members of their community who still live in traditional villages in areas outside Government control and to preserve the cultural and historical heritage on these sites. Specific projects to preserve and revive the language of the Maronites have been set up and deserve stronger Government support.

16. Nevertheless, the efforts of the Armenians and Maronites to establish cultural centres have not yet succeeded. More transparency is required regarding the funds earmarked to subsidise the projects of the three "religious groups" as well as relevant award procedures.

### **Combating discrimination**

17. Increased efforts have been made in recent years to improve public information and awareness-raising on the principles of equality and non-discrimination and available complaint mechanisms, including information about the role of the Ombudsman and the institutions operating under his authority. The resources allocated to the Ombudsman's Office should be

increased, however, to enable it to carry out its duties properly. Steps should also be taken to enable the National Institution for the Defence of Human Rights to operate properly.

18. Despite progress made, there are still instances of discrimination, and the increasing number of complaints regarding discrimination on ethnic grounds is a source of concern, particularly as the courts still have practically no case-law in this field. Activities to prevent discrimination and raise awareness on the issue, including the role and the importance of positive measures,<sup>1</sup> should be extended and stepped up to cover all the parties concerned, including the law enforcement agencies and the judiciary.

### **Intercultural dialogue and tolerance**

19. The authorities have made efforts to organise the education system so that it better reflects the growing diversity of Cypriot society and helps to preserve a climate of tolerance, respect and intercultural understanding. Measures to raise awareness on human rights and diversity have continued to be taken and now include the police force which has set up an authority to process complaints about abuses committed by its officers. All the necessary conditions must be created to ensure that this body can operate independently.

20. The authorities have continued to take specific measures to allow new arrivals such as migrant workers, refugees and asylum seekers to enjoy their rights in full. However, there is still no coherent integration strategy and these persons encounter many difficulties in various contexts.

21. In general, despite the positive developments referred to above and the overall climate of understanding that prevails in Cypriot society, there are still recorded instances of hostility and even violence towards people belonging to certain groups such as immigrants, Turkish Cypriots and Roma. The authorities should prevent and combat these manifestations more firmly while at the same time stepping up and extending measures to raise awareness on human rights, tolerance and mutual respect. Also, while most of the media try to make a positive contribution to intercultural dialogue, some continue to broadcast material which is damaging to certain groups and stirs up feelings of intolerance and hostility.

22. New steps have been taken to create the necessary conditions for Turkish Cypriots living in the government-controlled territory to take part more effectively in public life, including in economic, social and cultural life and public affairs, and to promote dialogue and co-operation between the Greek Cypriot Community and the Turkish Cypriot Community. However, shortcomings in this respect continue to be reported and the authorities are called on to make a stronger commitment. The Government has paid increased attention to the situation of the Roma and has taken specific measures to give them access to education, housing and social services. However, they are still faced with problems in various sectors and the authorities must step up their efforts.

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<sup>1</sup> The Advisory Committee notes that there is a difference in the terminology in this regard, both at international level and in the practice of the State parties. Article 4, paragraph 2 of the Framework Convention refers to “adequate measures”, and paragraph 39 of the explanatory report mentions “special measures”. The Opinions of the Advisory Committee have been trying to follow the different terminology used in the various State parties. In order to unify the language of its opinions and to embrace all different terms used to refer to these measures, the Advisory Committee will use the term “positive measures”, unless explicit reference is made to Article 4, paragraph 2 of the Framework Convention, in which case reference is made to “adequate measures” in accordance with the terminology used in that provision.

### **Access to and presence in the media**

23. The increased air time assigned by public radio broadcasters to programmes aimed at the three religious groups is a positive development. Although in general, Armenians, Latins and Maronites and their concerns receive little media coverage in Cyprus, main events in the three communities are usually covered, and the media give the public a positive image of the three groups. The authorities have continued to provide financial support for the websites of the three “religious groups” and for a written publication produced by each of them. Regrettably, there are no programmes on public television for the three “religious groups”.

### **Education**

24. The Armenians, Latins and Maronites still have the support of the Government in the field of education under special arrangements for each of the three groups. Efforts have been made, as part of the general reform of the Cypriot education system, to enhance the multicultural aspect of education, *inter alia* by establishing new curricula and textbooks, which should also include information on the culture and history of the three groups.

25. There are still problems, however, where it comes to finding suitable teaching materials and qualified teachers. For the Armenians, Latins and Maronites, it is particularly important to open up opportunities for teacher training at the University of Cyprus, including courses of Armenian and Cypriot Maronite Arabic. The specific situation of the Maronites and the difficulties they face in the educational sphere, as well as the significant efforts they are making to revive their language, call for more substantial support from the authorities.

### **Effective participation**

26. The three “religious groups” have kept up positive relations with the Ministry of the Interior and the other authorities responsible for protecting minorities. Nonetheless, the measures taken by the Government in this area could be better co-ordinated, one possible measure being the establishment of a specific Government body charged exclusively with the protection of minorities and with relations with the groups concerned.

27. The participation of representatives of Armenians, Latins and Maronites in parliamentary work affecting their communities is still somewhat limited because of the purely symbolic role that the three representatives play, in accordance with the legislation in force. The fact that there is now a political will in the Cypriot parliament to make this participation more effective is a positive development. While taking into account the complex constitutional context in Cyprus, the Advisory Committee hopes that this will make it possible to identify solutions which will translate this political will into action.



## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Personal scope of the Framework Convention

##### *Recommendations from the two previous cycles of monitoring*

28. In the previous monitoring cycles, the Advisory Committee found that the obligation on persons belonging to the three “religious groups”- the Armenians, the Latins and the Maronites - to affiliate to either the Greek Cypriot Community or the Turkish Cypriot Community, as well as their obligation to elect their respective representative to parliament, should be re-examined in the light of Article 3 of the Framework Convention.

29. The Advisory Committee encouraged the authorities to continue their dialogue with the Latins, in consultation with them, in order to find a designation acceptable to them, as well as to re-examine the designation of the Maronites as just a ‘religious group’.

30. The authorities were encouraged to take a flexible approach to the Framework Convention by keeping open the possibility of using it to protect persons belonging to other groups. They were also encouraged to open a dialogue with the Roma and consider including them in the protection of the Framework Convention.

##### *Present situation*

31. The Advisory Committee notes with regret that the approaches made to the authorities by the Armenians and Maronites to have their groups recognised/designated as ethnic groups or national minorities rather than just “religious groups” have not been positively received. The Advisory Committee has nevertheless understood from some of its interlocutors that such a recognition/designation would not require any amendment to the Constitution. Likewise, the Latins’ wish to be designated by a term more properly reflecting the key element of their identity, their Roman Catholic religion, has not yet met with the desired response from the authorities.

32. The Advisory Committee notes that these demands remains of concern to the three groups. According to a number of the Committee’s interlocutors, their demands might meet a more favourable response when a new constitution is adopted in the context of an overall settlement of the Cyprus problem. The Advisory Committee expresses the hope that, in these circumstances, the authorities will pay all due attention to these demands, which express the desire for recognition of the distinctive features making up the identity of Armenians, Latins and Maronites.

33. The Advisory Committee has been informed that there are significant obstacles to changing the constitutionally-based obligation on persons belonging to the “religious groups” to affiliate to one of the two Communities (Greek Cypriot or Turkish Cypriot). According to the authorities, if the three “religious groups” were exempted from this obligation, they would thereby also lose the possibility of participating in decision-making which is available to them under the arrangements established by the Constitution.

34. As to the possibility of relaxing the requirement that members of the three “religious groups” vote at elections, the Advisory Committee was informed by academics met in Cyprus that, in their view, a constitutional amendment may in fact not be necessary. It notes that the matter is being examined by the Ministry of the Interior and that a draft amendment is to be submitted to the Council of Ministers for a decision.

35. The Advisory Committee is aware of the complex constitutional situation in Cyprus and the various issues and implications that must be borne in mind when trying to resolve the problems described in the previous paragraphs. It however reiterates that the situation described above is not in line with the Framework Convention. The Advisory Committee believes that the authorities should display a greater degree of openness and pursue their dialogue with representatives of the “religious groups” so as to be able to identify solutions acceptable to all parties concerned. The Advisory Committee draws attention to the fact that Article 3 of the Framework Convention protects the right of persons belonging to minorities to identify freely with an ethnic community and to express this identification freely. It is undoubtedly of key importance that this right is recognized by the authorities. The Advisory Committee understands that, whichever solution is chosen, settlement of the conflict and the subsequent constitutional institutional changes will have an impact on the position/status and situation of the Armenians, Latins and Maronites. It therefore considers it essential in this process that the authorities ensure that the latter are systematically consulted and informed and that their views are duly taken into account (see also the comments on Article 15 below).

36. The Advisory Committee notes with satisfaction that, as indicated in the State Report, the Roma<sup>2</sup> have access to protection under the Framework Convention in the same way as any minority group fitting the Cypriot authorities’ definition of a ‘national minority’<sup>3</sup> and resident in territories under the government’s effective control. It notes that the authorities reportedly have stepped up action to help persons belonging to this group to improve their social and economic situation and become effectively integrated in Cypriot society (see also comments on Article 6 below).

37. The Advisory Committee notes with satisfaction that, as stated in the State Report, the authorities are paying particular attention to the principle of free self-identification when providing assistance to the Roma. It welcomes this approach and invites the authorities to engage in a constructive dialogue with the Roma, including for ascertaining that their inclusion in the Turkish Cypriot community is not contrary to their wishes. The 2011 census represents an excellent opportunity to obtain greater clarity on this issue and, more generally, up-to-date information on the Roma population and its situation (see also the comments in paragraphs 45-46 below).

38. The Advisory Committee notes with satisfaction that, while persons who have settled in Cyprus more recently are not officially covered by the Framework Convention, in practice steps have been taken to support them and a strategy is being prepared to facilitate their integration into society. The Advisory Committee welcomes this approach which seems to be favoured by the authorities, faced with the ever-changing nature of Cypriot society, and encourages them to continue and strengthen their efforts to protect the fundamental rights of all and maintain a positive climate of tolerance and mutual understanding (see comments on Article 6 below for details).

### *Recommendations*

39. The authorities are strongly encouraged to re-examine, in the light of Article 3 of the Framework Convention and especially in view of any subsequent revision of the Constitution,

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<sup>2</sup> The Roma population living in Cyprus is now estimated to number over a thousand people, who travel frequently between government-controlled territory and the territory outside government control. According to official sources, most speak Turkish as their main language, although they have their own non-written language (‘Kurbetcha’), and are of the Muslim faith. Under the 1960 Constitution establishing a bi-community Cypriot state, the Roma were automatically considered as belonging to the Turkish Cypriot community.

<sup>3</sup> For the Cypriot authorities, the term ‘national minorities’ within the meaning of the Framework Convention refers only to minority groups that had a traditional presence on the island at the time when the Republic of Cyprus was established in 1960 and whose members have Cypriot citizenship (see State Report).

the obligation of persons belonging to the three “religious groups” to affiliate to either the Greek Cypriot Community or the Turkish Cypriot Community as well as their members’ statutory obligation to elect their representative to parliament, while ensuring that this does not lead to any decrease in their current rights.

40. The authorities should continue the dialogue with the Armenians and Maronites concerning possible explicit recognition as a national minority rather than “religious group” and with the Latins to find a designation more acceptable to them. While stepping up measures to protect and support the Roma under the Framework Convention, dialogue with the Roma should also be continued and up-to-date information obtained regarding their ethnic, linguistic and religious affiliations.

41. The authorities are encouraged to maintain their flexible approach to the Framework Convention to allow, where appropriate, for the inclusion within its scope of application of other persons having shown an interest in the protection provided by this instrument.

### **Collection of data**

#### *Recommendations from the two previous cycles of monitoring*

42. In the previous monitoring cycles, the Advisory Committee encouraged the authorities, when collecting and using data on the religious and ethnic composition of the population, to ensure respect for the right of every person belonging to a national minority “freely to choose to be treated or not to be treated as such” embodied in Article 3 of the Framework Convention and to ensure that current international standards concerning protection of personal data collected and processed for statistical purposes were observed. In particular, it invited them to ensure that in future the census questions and forms were drawn up in such a way as to allow individuals to express their ethnic and religious identities freely.

#### *Present situation*

43. The Advisory Committee notes that a new population census is due to be held in 2011. According to the authorities, it is planned to include questions on individuals’ ethnic origin, language and religion in the census forms. However, the exact wording of these questions was reportedly not decided at the time of the visit of the Advisory Committee.

44. The Advisory Committee considers it important for the authorities to ensure that representatives of the various population groups, including the three “religious groups”, are consulted about the formulation of the questions and the list of options for answering them. Furthermore, flexibility is essential - optional questions and an open list of alternative answers with no obligation to affiliate to a set category and including also the possibility for multiple identity affiliations (e.g. for children of mixed marriages) - to allow the census results to reflect each individual’s actual choices. Likewise, respect for free expression of ethnic identity when processing the data collected is crucial if an accurate picture of the population’s composition is to be obtained. The Advisory Committee considers it essential for the authorities and all parties concerned to have a reliable picture of the population’s main characteristics.

45. It is fundamental to make the population aware of the importance of the census and to provide proper information about specific procedures. It is also important for the authorities to consider the possibility of including members of the “religious groups” and other vulnerable groups, such as the Roma as enumerators and, according to the needs, to use the different languages spoken in Cyprus, including Turkish, for the questionnaires. According to the authorities, at this stage it is planned that census questionnaires will be available in Greek and English only.

46. The Advisory Committee notes that other methods are being used by the authorities to obtain data about the population and its situation in various fields, such as employment and education. It wishes to stress the paramount importance of having reliable data for effectively drawing-up, implementing and evaluating policies for the various population groups and their specific needs, including the “religious groups”. The Advisory Committee reminds the authorities of the importance of ensuring that existing international standards and rights applicable in the field of personal data protection are respected<sup>4</sup>.

#### *Recommendations*

47. When collecting and using data on the ethnic, religious or linguistic composition of the population, including in the context of the planned census in 2011, the authorities must ensure that the principles enshrined in Article 3 of the Framework Convention are scrupulously respected and that international standards on personal data protection are observed. In particular, the census questions and forms should be drawn up in such a way as to allow individuals to express or not to express their ethnic, religious and linguistic identities freely.

48. The “religious groups” must be duly consulted when preparing the census and its forms, and an awareness-raising campaign should be organised for the population as a whole, with special attention paid to vulnerable groups, such as the Roma. Particular attention should also be paid to the matter of the languages used for the census forms.

### **Article 4 of the Framework Convention**

#### **Legal and institutional framework for combating discrimination**

##### *Recommendations from the two previous cycles of monitoring*

49. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to supplement the legal framework for protection against discrimination in order to prohibit discrimination in all fields and make effective remedies available to potential victims. It also invited the authorities to do more to raise awareness and provide information concerning the principles of non-discrimination and equality.

50. The authorities were encouraged to make additional resources - technical, financial and human - available to the Office of the Ombudsman to strengthen its institutional capacity and ensure the operational independence and effectiveness of the new institutions established under its aegis. They were also encouraged not to delay in setting up a national human rights institution based on the Paris Principles and to provide it with the human and financial resources required for its proper functioning.

##### *Present situation*

51. The Advisory Committee welcomes the authorities’ efforts to improve information and awareness about the principles of equality and non-discrimination as well as tolerance and intercultural dialogue. It notes that a National Action Plan on Gender Equality for 2007-2013, aimed *inter alia* at promoting equal participation of men and women in social, economic and political life, is currently being implemented in the various sectors of concern and that the position of Children’s Commissioner has been established.

52. Various actions have been taken to inform the population about the remedies available to combat discrimination and, in particular, the powers of the Office of the Ombudsman in this

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<sup>4</sup> See for instance the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS 108) and the Committee of Ministers Recommendation (97) 18 on the protection of personal data collected and processed for statistical purposes.

field. The Advisory Committee notes that in Cyprus the Ombudsman Office includes two separate departments which fulfil both the tasks of an anti-discrimination body and of an equality authority. The Advisory Committee nevertheless would like to stress that increased clarity with regard to the distribution of tasks between the two units and the various departments within the Office would be beneficial to these bodies' effectiveness and transparency. In the Office's opinion, additional resources are needed if it is to perform its task efficiently and, further, that its powers do not include the possibility of initiating procedures and representing victims of discrimination in the courts.

53. The Advisory Committee notes with interest the increase in the number of complaints to the Anti-discrimination body concerning acts of discrimination based on the victim's ethnic origin (214 according to the 2008 annual report, and 125 out of 157 complaints according to the 2007 Annual Report, as against 61 in 2004), an increase which the authorities attribute mainly to more awareness-raising with regard to discrimination. Whilst the efforts in this field are appreciable, the Advisory Committee believes that this situation also reflects the existence of instances of discrimination and discriminatory attitudes - attitudes which have been reported to it from various sources. It considers that awareness-raising campaigns should be continued and increased, and the use of complaints mechanisms by victims of discrimination encouraged.<sup>5</sup>

54. As regards case-law, it is reported that the cases involving discrimination are not classified as such in the courts' data bases, which makes it very difficult to obtain a clear view of the number of cases of discrimination which have been brought before the Cypriot courts. According to an expert report, several years after the entry into force of the anti-discrimination legislative framework established in 2004,<sup>6</sup> reportedly only one case invoking anti-discrimination provisions had been submitted to courts.<sup>7</sup> The Advisory Committee notes that in addition to raising public awareness, it is imperative to intensify training on anti-racist and anti-discrimination law within specific target groups, including the judiciary. The Advisory Committee notes that, before July 2006,<sup>8</sup> measures taken in favour of groups more exposed to discrimination were interpreted by Cypriot courts as contrary to the antidiscrimination provisions of Article 28 of the Constitution, and thus as discriminatory and contrary to the equality principle as guaranteed by the Constitution. The Advisory Committee regrets that certain representatives of the authorities continue to make reference to this earlier court interpretation when the adoption of positive measures in respect of certain groups is envisaged. The Advisory Committee points out that, in accordance with Art. 4.3 of the Framework Convention as well as under international and EU law, positive measures which are put in place temporarily to counter past or present discriminatory effects, shall not be considered to be an act of discrimination.

55. The Advisory Committee notes with interest the Ombudsperson's focus on the impact of religious identity on intercultural relations within society and the implementation of the equality principle in this regard. According to information from her Office, religious affiliation is a key aspect of Cypriot society and puts people who do not share the majority religion at a disadvantage. By way of example, a national survey of majority attitudes to persons with a

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<sup>5</sup> Complaints regarding discrimination on the ground of race or ethnic origin have also been submitted to the Equality Authority, in charge of investigating complaints in the area of occupation and employment as well as, since May 2008, in the area of accessing goods and services. According to the Annual Report 2007-2008, these complaints represented 31% out of 115 complaints in 2007 and 9% out of 93 complaints in 2008.

<sup>6</sup> The Equal Treatment (Racial or Ethnic Origin) Law, N° 59(I)2004; The Equal Treatment in Employment and Occupation Law, N° 58(I)2004; The Persons with Disabilities (Amendment) Law, N° 57(I)2004; The Combating of Racism and Other Discrimination (Commissioner) Law, N° 42(I)2004.

<sup>7</sup> Report on measures to combat discrimination; Directives 2000/43/EC and 2000/78/EC, Country Report, Cyprus, Nicos Trimikliniotis, State of affairs up to 8 January 2007

<sup>8</sup> See The fifth Amendment of the Constitution Law, 127(I) of 2006.

different religious affiliation, published in June 2008, shows that half of these persons believe that, because of their different religion, they are less likely to be offered a job.

56. The Advisory Committee has taken note with interest of the recommendations issued by the Office of the Ombudsperson on ways to tackle discrimination and difficulties faced by persons belonging to more vulnerable groups. It notes in particular that, in May 2009, the Equality Authority has stated that, in order to implement the right of the Maronites to education in accordance to the specific needs of this group,<sup>9</sup> positive measures are necessary. In its decision, the Equality Authority has made reference, *inter alia*, to Article 4 of the Framework Convention.

57. The Advisory Committee notes that the National Human Rights Institution set up a few years ago is encountering organisational problems.<sup>10</sup> It nevertheless welcomes the fact that the authorities are currently seeking the best ways to ensure that it can operate independently in full accord with the Paris Principles.

#### *Recommendations*

58. The Advisory Committee encourages the authorities to strengthen their support to the Ombudsperson, including by providing the human and financial resources needed to enable her Office to fulfil effectively and independently its complex responsibilities in combating discrimination and in other fields. Similarly, they should ensure that the National Human Rights Institution is operational and in full accordance with the Paris Principles.

59. The authorities should step up their awareness-raising and training work with regard to prevention of discrimination and to the relevant anti-discrimination legislation, including activities targeting members of the judiciary, the police force and legal practitioners.

60. The authorities should also increase awareness-raising on the adoption of positive measures and their importance in ensuring effective equality in respect of all.

### **Article 5 of the Framework Convention**

#### **Support for the preservation of the identity and culture of persons belonging to national minorities**

#### *Recommendations from the two previous monitoring cycles*

61. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to improve the arrangements for awarding financial support for the cultural activities of the “religious groups”. It invited them to examine, in co-operation with those concerned, requests for assistance in establishing cultural centres for the Maronites and Armenians, as well as other priority projects for the three groups.

62. The Advisory Committee took note of the problems facing the Maronites in their efforts to preserve and develop their language, culture and identity and encouraged the authorities to give them their full support. In particular, the authorities were invited to continue and intensify measures to facilitate travel by the Maronites to their traditional villages in areas not under Government control and to support the revitalisation of their cultural and religious heritage.

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<sup>9</sup> Equality Authority, Decision n° 93/2005, 12 May 2009.

<sup>10</sup> Since the terms of office of its president and members came to an end in 2008, the procedures for appointing new members have been launched and should be completed shortly.

*Present situation*

63. The Advisory Committee notes that the authorities have continued to support the cultural projects of the three “religious groups” and that, although the financial amounts allocated are limited, the grants made available since 2006 for one print publication of each group have been maintained. In addition, financial assistance has been provided to the Armenians, Latins and Maronites to create and maintain their respective websites.

64. The Advisory Committee notes with satisfaction the support recently given to the Latins for the preparation and public launch of an audiovisual documentary about the history and culture of this community. It also welcomes the efforts made in 2008 to fund a holiday camp allowing some 90 Maronite children to immerse themselves in the language and culture of the traditional village of Kormakitis, in territory outside the government’s effective control.

65. Various possible arrangements are under examination with the University of Cyprus to foster research into the identity and culture of the three groups (Armenians, Latins and Maronites) and to provide Armenian and Cypriot Maronite Arabic language courses. To preserve and promote the three groups’ cultures and identities, the Advisory Committee believes it important for these plans to be put into effect as soon as possible, with the technical modalities to be worked out by all parties concerned.

66. Whilst appreciating these positive developments, the Advisory Committee notes that – as pointed out by the representatives of the “religious groups” – to be more effective, the State support granted to these groups ought to be increased and the methods of obtaining it made more accessible. According to these groups, more transparency is needed with regard to the special funds annually earmarked in the budgets of the relevant ministries for support for the three groups and regarding procedures for obtaining grants. This would allow the three communities to plan and implement their projects more effectively in the longer term.

67. The Advisory Committee has also noted that, despite some progress, the Maronites’ application for financial assistance to establish a cultural centre has still not been approved. While the alternative suggested by the Government - use of a sports hall in the St. Maron primary school to accommodate the community’s cultural activities - appears unsatisfactory to the community, the authorities for their part have stressed that financial difficulties have prevented them from carrying the project through. As for the Armenians’ request to establish a cultural centre, the Advisory Committee notes that an *ad hoc* joint committee of representatives from the authorities and from the Armenians has been set up to identify the best ways of implementing this project.

68. The Advisory Committee welcomes the authorities’ efforts to facilitate travel for Maronites to their traditional villages and contacts with the Maronites still living there. Measures have been taken to facilitate travel and access for Maronite children still living in those villages - and their families - to schools situated in government-controlled territory, as well as to support the holding of events of symbolic importance for Maronite culture and history. Financial assistance has been provided by the authorities for repair of houses, churches and infrastructure in the villages concerned, especially in Kormakitis. The Advisory Committee nevertheless notes that preserving the culture, identity and cohesion of the Maronite community is a particularly difficult challenge inasmuch as the four traditional Maronite villages are in the territory outside the Government’s control and two of them (Asomatos and Agia Marina) continue to be used as Turkish military camps and are therefore inaccessible to members of the communities and to the owners of houses and other possessions there. Whilst they have the use of their property, their right to inherit it is not recognised in practice in the territory out of the Government’s control. As for the children still living there, it seems that, despite support from

the authorities to enable them to attend schools in government-controlled territory, they are still having problems of a practical nature travelling between the two territories (see also comments under Article 17 below).

69. The Advisory Committee notes that, according to the Maronites, the authorities should make greater efforts to help this community and, in the long run, find structural solutions to all these problems. In addition, it agrees with their position that it is essential that they be kept regularly informed of any developments of interest to them in the negotiations to resolve the Cyprus problem (see also the comments on Articles 3 and 15).

70. The Advisory Committee welcomes the positive developments that have occurred since the inclusion of Cypriot Maronite Arabic in the protection offered by the European Charter for Regional or Minority Languages. These developments include: codification of the language, which now is reportedly finalised; a study in progress, under a project funded by the University of Cyprus, to collect more detailed information on the number of speakers of the language;<sup>11</sup> compilation of a database on spoken usage; and establishment of a committee of experts to draw up and implement a plan of action to preserve and revitalise the Maronites' linguistic heritage. The Advisory Committee has noted with satisfaction the first visible results of this process, such as the appearance of articles in Cypriot Maronite Arabic in the community's publications.

71. More specific measures are also planned, following the completed codification of the language, to prepare the materials needed to teach it. It is unclear at this stage whether the authorities plan to include this teaching in the mandatory curriculum (see also the comments on Articles 12 and 14 below).

72. Whilst these developments are promising, the Advisory Committee regrets to note that the various initiatives developed in this connection have received only *ad hoc* grants occasionally awarded when projects are submitted. It also seems that the above-mentioned committee of experts is working on a voluntary basis. The Advisory Committee believes that, given the Government's firm commitment to protecting the Maronites' language, all these measures ought to form part of a coherent strategy, drawn up in co-operation with the community concerned and provided with a special budget.

#### *Recommendations*

73. The authorities should ensure greater transparency regarding the funds annually earmarked in the budgets of the relevant ministries for support for the three "religious groups" and regarding procedures for accessing them.

74. The authorities should continue to provide full support, including of a financial nature, to the Maronite community in its efforts to maintain contact with its traditional villages and preserve its culture and identity. In addition, they should ensure that the Maronites are informed as soon as possible of any developments of interest to them in the negotiations to resolve the Cyprus problem. More sustained efforts, together with proper resources, are needed to develop all the means of preserving the Maronites' language, whether through research or through education.

75. The projects for establishing cultural centres for the Armenian and Maronite communities should be given increased attention by the authorities. The creation of opportunities to study Armenian and Cypriot Maronite Arabic at the University of Cyprus and the training of teachers for these languages should receive stronger backing, including financial support, from the authorities.

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<sup>11</sup> The authorities estimate that there are 1,300 Cypriot Maronite Arabic speakers, whereas the Maronites believe the figure to be 2,500.



## Article 6 of the Framework Convention

### Tolerance and intercultural dialogue

#### *Recommendations from the two previous monitoring cycles*

76. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to make the majority population more aware of minority cultures as well as tolerance and intercultural dialogue and stressed the key role of education and the media in this respect. It also urged them to step up their efforts to raise awareness of the problems of racism and discrimination based on race, ethnic origin or religion among all the relevant stakeholders, including the police and the judiciary.

77. The authorities were urged to adopt more effective measures for the protection of non-nationals and to make available appropriate human, technical and financial resources to deal better with the many problems encountered in this field. The Advisory Committee thought it essential that a comprehensive and coordinated integration strategy should be drawn up and implemented without delay.

#### *Present situation*

78. The Advisory Committee welcomes the efforts made in history teaching to reflect the culture, traditions and history of the various groups, including the three “religious groups”, and properly present their contribution to the cultural wealth of Cypriot society. Efforts to train teachers to work in a multicultural environment have been reported. Similarly, new curricula and teaching methods have been developed for human rights. Various awareness-raising activities on tolerance and mutual respect have been carried out in connection with the European Year of Intercultural Dialogue (2008), including by the police in co-operation with associations representing the various ethnic groups.

79. The Advisory Committee takes positive note of the fact that the Cypriot press is devoting increasing attention to the growing diversity of Cypriot society<sup>12</sup> and the problems encountered by some people in their efforts to integrate, including violations of their fundamental rights.

80. Nevertheless, the Advisory Committee notes with regret that, despite the general climate of tolerance and respect for different identities, including those of the “religious groups” protected under the Framework Convention, Cypriot society is still marked by the divide between the two Communities - the Greek Cypriot Community and the Turkish Cypriot Community - and by the absence, at this stage, of a solution to the Cyprus conflict. Unsolved property-related problems also have a negative effect on relations between the two Communities.

81. Whilst welcoming the positive developments recorded over the past few years,<sup>13</sup> the Advisory Committee notes with concern a number of disturbing developments. Indeed, according to various sources, instances of hostility to persons belonging to certain groups still persist in Cypriot society. Although attitudes to the “religious groups” are generally positive, these instances sometimes also affect members of these groups, especially the Maronites.

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<sup>12</sup> According to an UNHCR study (Asylum Levels and Trends in Industrialized Countries 2008 – Statistical Overview of Asylum Applications Lodged in Europe and selected Non-European Countries), during 2004-2008 Cyprus has received the highest number of asylum seekers compared to its population (38 asylum seekers for 1000 inhabitants).

<sup>13</sup> See State Report for details of measures adopted by the authorities.

82. For example, the past few years have seen a worrying rise in xenophobic tendencies, racially-motivated attacks, and tension between parts of the local population and migrants.<sup>14</sup> These hostile attitudes, especially with regard to illegal workers, have been compounded by the current recession and are often stirred up by inappropriate media treatment.

83. A particularly disturbing tendency has been reported in the field of education, with a proliferation of racist attitudes in schools, going so far as violent incidents.<sup>15</sup> Whilst noting the Government's commitment to combating this phenomenon, the Advisory Committee believes that firm and immediate action is essential. Such action includes adequate investigation and sanctioning of the perpetrators of such acts as well as specific measures to prevent repetition of such incidents in future. Insufficient steps have been taken to ensure effective integration of migrant children in the Cypriot education system and more sustained efforts are needed to meet their needs, including as regards the teaching of Greek.

84. The Advisory Committee notes with interest that the Office of the Ombudsperson has expressed concern, through several recent interventions and propositions, over difficulties facing non-nationals in different sectors, including the manifestation of hostility and discrimination towards them. It notes that, in this context, the Office of the Ombudsperson has addressed a number of general recommendations to the authorities.<sup>16</sup> The latter has been urged to develop and implement a coherent migration policy, to address comprehensively the reception, living conditions and integration of migrant workers within Cypriot society. The Advisory Committee stresses that, as stated in the above-mentioned general recommendations, the migration policy should be coordinated with a more comprehensive policy aimed at ensuring social cohesion and solidarity within Cypriot society, while respecting the identity and fundamental rights of all without discrimination, irrespective of their legal status. Such an approach would contribute towards a more satisfactory implementation of the principles enshrined in Article 6 of the Framework Convention.

85. In the light of the above developments, the Advisory Committee is concerned that, while the adoption of a comprehensive Government integration strategy was planned several years ago, this has still not materialised. It believes that such a strategy, combined with an implementation plan with consistent and coordinated measures with a clear timetable and earmarked resources, are essential to tackle the above-mentioned problems effectively and are instrumental for a more adequate implementation of Article 6 of the Framework Convention. Moreover, given the major demographic changes that have occurred over the past few years and the frequent movements of a certain part of the population both within and outside government-controlled territory, it believes it crucial for the authorities to try to obtain up-to-date information on the make-up of the population and its situation in various fields (see also the comments on Article 3 above).

86. The Advisory Committee notes with concern that, while part of the press is making an obvious effort to help maintain a climate of tolerance and dialogue, some media continue to reflect expressions of intolerance and sentiments of hostility and fear towards immigrants (including the large number of irregular migrants). It finds it unfortunate that such media is not

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<sup>14</sup> According to the 2008 Demographic Report (source: Cypriot Statistical Institute), in 2007, there were 125,300 non-Cypriot residents (mainly from Philippines, Sri Lanka, India, Vietnam, but also from a number of EU member States) on the Government controlled territory, representing 14.3% of the population.

<sup>15</sup> See also decision ? ? R 241/2008, dated 10.03.2009 of the Equality Authority. The Equality Authority investigated the racist attack against a black pupil by other pupils and criticized the refusal of the school authorities as well as of the police to address the problem and take measures against racism.

<sup>16</sup> See for example: Position of the Equality Authority on the 25.09.2009 police operation against migrant workers; the Report of the Equality Authority on the right of asylum seekers to work, CASE 297 1, 21.12.2007; Equality Authority, CASE 298 1, 18.06.2008, Self-initiated investigation of the Equality Authority into labour accidents in sectors where migrant workers are employed.

more constructive in portraying the challenges raised by the complex political and demographic changes that Cypriot society is undergoing. It nevertheless takes note with interest, in this connection, of the fact that a Code of Ethics for journalists is being developed by the journalists' association.

#### *Recommendations*

87. The authorities should step up their efforts to ensure that the population is informed and more aware about tolerance and respect for diversity. Efforts should be increased to prepare teachers and the education system more effectively for multicultural and intercultural education.

88. Resolute measures should be taken, in the spirit of the Committee of Ministers' Recommendation N° R(97)20 on "Hate Speech", to combat the dissemination of stereotypes or intolerant speech by the media, with due respect to their editorial independence. While increasing awareness-raising measures for journalists, the authorities should also encourage the media to develop and strengthen their own regulatory and monitoring mechanisms, so that the latter can play an increased role in promoting tolerance and intercultural dialogue.

89. Targeted measures should be taken to combat and sanction effectively instances of discrimination and intolerance towards persons belonging to vulnerable groups, including asylum-seekers and migrant workers.

90. The authorities should adopt without further delay an integration strategy and implement it in society. Special measures should be adopted to support persons belonging to vulnerable groups in the various sectors of concern.

### **Police and human rights**

#### *Recommendations from the two previous monitoring cycles*

91. In the previous monitoring cycles, the authorities were encouraged to be resolute in developing further measures to raise awareness in the police force of the need for respect for human rights as well as to ensure that the newly introduced mechanisms for supervising the work of the police were being applied effectively.

#### *Present situation*

92. The Advisory Committee notes that, over the past few years, increased attention has been paid within the police force to issues relating to racially-motivated crimes. Among the measures adopted in this domain, it observed the introduction of an electronic database on racially-motivated crimes, the establishment of a central office to handle cases of racism and xenophobia, and investigation of better ways and means of making potential victims aware of available remedies and means of defence and protection mechanisms.

93. As regards respect for human rights and the principles of equality and non-discrimination in policing, non-governmental sources continue to report cases of racially motivated abusive or discriminatory behaviour by police officers, including abuses in relations between the police and migrants, ethnic profiling and violations of the human rights against irregular migrant workers. The Advisory Committee notes, however, that very few of these cases are referred to the Ombudsperson or the courts and that racist motivation is seldom proved. At the same time, more generally, it is not clear whether racially-motivated crimes are always investigated as such or how the Cypriot courts treat racist motivation. The Advisory Committee notes with interest that the introduction of a racist or xenophobic motivation as an aggravating circumstance is reportedly under consideration. It observes however that the criminal law provisions in force only include protection against incitement to discrimination, hatred or ethnic and racial violence.

94. The Advisory Committee notes with interest that an independent authority was set up in 2006<sup>17</sup> with the power to handle complaints concerning possible policing failures, including human rights violations. It notes that, when further investigation is needed, the cases are taken over, upon decision by the above-mentioned authority, either by the Attorney General where a criminal dimension is found or by the police investigation board where disciplinary action is needed. It is thus particularly important to ensure effective investigation of the cases in question by the police board and, where appropriate, proper action by the disciplinary board in charge of imposing penalties.

*Recommendations*

95. The Advisory Committee encourages the authorities to continue and step up training and awareness-raising for police officers on problems relating to racism and discrimination and to prepare them to work in a multicultural environment. All cases of human rights violations by police members must be urgently and adequately investigated and sanctioned and any possible racist or ethnic motivation of such acts should be explicitly addressed as a matter of priority.

96. The Advisory Committee encourages the authorities to review the legislation in force in order to ensure that it contains effective guarantees against hate crime, including by introducing racist or xenophobic motivation as an aggravating circumstance of any crime.

97. More attention should be paid to monitoring police work, in particular by ensuring that appropriate follow-up is given by the police investigation board and its disciplinary board to decisions taken by the independent authority in charge of handling complaints against police misconduct.

**Situation of Turkish Cypriots living in the government-controlled territory**

*Recommendations from the two previous monitoring cycles*

98. In the previous monitoring cycles, the Advisory Committee recommended adoption of effective measures to facilitate participation in the various sectors of public life by Turkish Cypriots living in government-controlled territory and to combat any instances of discrimination or hostility towards them. It called on the authorities to remove the legal obstacles preventing these persons from exercising their right to vote in parliamentary and presidential elections.

*Present situation*

99. The Advisory Committee takes note of the authorities' efforts to improve the situation of Turkish Cypriots in various sectors and create more favourable conditions for their effective participation in the social, economic and cultural life of Cypriot society (see State Report for details).

100. Thus, following the decision of the European Court of Human Rights in the case *Aziz V. the Republic of Cyprus*,<sup>18</sup> a special law was passed in 2009<sup>19</sup> to allow Turkish Cypriots living in government-controlled territory to participate (vote and stand for election) in municipal, parliamentary and presidential elections. In the field of education, special measures and programmes have been developed to offer them easier access and provide classes in Turkish language and culture in the schools they attend. The Advisory Committee welcomes information in the State Report on, amongst other measures, the recruitment of Turkish Cypriot teachers to teach Turkish, the publication of bilingual material for the pupils concerned, the use of Greek-

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<sup>17</sup> This authority was introduced by Law n° 9(1)2006, adopted by the parliament on 17 February 2006.

<sup>18</sup> ECHR/n° 69949/01 (22.06.2004).

<sup>19</sup> Law L. 3(I)2006 on exercise of the right to vote and stand for election by members of the Cypriot Turkish community (temporary provisions).

Turkish interpreters in schools with more Turkish Cypriots, the provision of free meals for Turkish Cypriot pupils in state schools, financial assistance with school fees for poor families (especially Roma), and free Greek and Turkish language courses for Turkish Cypriot children and their families in adult education centres.

101. Efforts are also being made to preserve and protect Turkish Cypriots' cultural heritage as well as to support cultural and arts events for all the communities living in Cyprus, including the Turkish Cypriots.

102. The public broadcasting corporation has made some efforts to promote intercultural understanding and relations between the Greek Cypriot community and the Turkish Cypriot community as well as with the other groups and has symbolically designated 2009 as the year of cohabitation ('Living Together'). State television broadcasts a monthly one-hour programme in Turkish devoted mainly to issues of interest to Turkish Cypriots but also to wider social and cultural problems, aimed at promoting interaction amongst the various groups in Cypriot society.

103. Despite these efforts, it appears that Turkish Cypriots are still at times facing hostile attitudes and difficulties, for instance in accessing social services and in education. The very limited use of Turkish, in spite of its status as an official language, complicates access to various public services for Turkish Cypriots, notwithstanding the measures taken by the authorities to provide information.

104. The Advisory Committee notes with deep concern that, while specific steps have been taken to promote multicultural education, many teachers are reportedly proving unresponsive to this policy and hostile attitudes to Turkish Cypriots continue to be reported in schools. It appears that a circular issued by the primary school teachers' union was urging its members, in particular with regard to planned visits by Turkish Cypriot teachers and pupils to Greek Cypriot schools, to refuse to implement targets set by the Ministry of Education for the development of a culture of peaceful coexistence with the Turkish Cypriots.<sup>20</sup>

#### *Recommendations*

105. The authorities should continue and strengthen their efforts to provide the necessary conditions for Turkish Cypriots to be able to exercise their rights effectively and have full and equal access to public services.

106. Special attention should be paid to the linguistic problems encountered by these persons in access to services and enjoyment of rights and, more generally, to the implementation of constitutional provisions on the use of official languages in Cyprus. In addition, there should be more awareness-raising among the population and in the public sector with regard to tolerance and mutual respect.

### **Situation of the Roma living in the government-controlled territory**

#### *Recommendations from the two previous monitoring cycles*

107. In the previous monitoring cycles, the Advisory Committee recommended a wider range of measures to support the Roma in the various fields concerned - housing, education, employment and social services - as well as more determined efforts to address the prejudices and difficulties that they faced.

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<sup>20</sup> See also decisions by the Equality Authority n° ?? R 28/2009, ?? R 24/2009 du 05.06.2009 - decision on the teachers' union circular regarding the visits of Turkish Cypriot pupils and teachers to Greek Cypriot schools .

*Present situation*

108. The Advisory Committee notes with interest the authorities' efforts over the past few years with respect to the Roma living in government-controlled territories. In the district of Limassol, where part of the Roma population is concentrated,<sup>21</sup> steps have been taken by the local authorities in co-operation with the Government to provide the Roma with accommodation - whether in recently built or prefabricated housing units, renovated houses or houses belonging to Turkish Cypriots who have left the Government-controlled territory in the course of the conflict. Other measures aim to facilitate access to social services, employment, health care and education for the Roma (see State Report for whole range of measures).

109. Commendable efforts have been made by the Bi-communal Multifunctional Centre in Limassol, which provides social services for both Greek Cypriots and Turkish Cypriots living in Limassol, including the Roma. While the emphasis is on programmes for young people, the Centre also endeavours to cater for families and older people, offering advice and support and trying to help them cope with the difficulties that they face in terms of employment, housing, health, education and access to other public services. It is nevertheless difficult to find reliable information on the situation of these persons in the above-mentioned fields. The Advisory Committee is pleased to note that the opening of this centre offers a framework for dialogue between the authorities and the Roma.

110. The Advisory Committee welcomes the steps taken to promote the educational integration of Roma children and notes that most of these children are enrolled at school and have good attendance records. They are taught in Turkish at primary level and attend Turkish language classes at secondary level. Authorities have reportedly paid increased attention to the Roma's identity and linguistic needs over the past few years. The Advisory Committee is pleased to learn that research is being undertaken into their spoken language and encourages the authorities to pursue such initiatives in order to tailor their support measures more closely to the needs of this population.

111. Despite these positive developments, the Advisory Committee notes with concern that most Roma are still facing serious difficulties in a number of sectors and remain vulnerable to discrimination. Their living standards are considerably lower than those of the rest of the population and their situation remains problematic in terms of access to housing and services and employment. The Advisory Committee realizes that their frequent movements pose some challenges for the authorities' regular and comprehensive communication with them, as well as the implementation of stable support measures. However, it believes that a more sustained effort is needed on the government's part, also involving an assessment of needs based on up-to-date information as to the number and actual situation of the Roma (see comments on Article 3 above).

112. The Advisory Committee notes that the Cypriot Roma do not at present have associations able to formulate and represent their interests in an organised way. The Advisory Committee considers however important to develop a real and effective dialogue with this population group and is of the opinion that the authorities could use the Bi-communal Multifunctional Center of Limassol as a framework for dialogue with the Roma, and as a good practice for implementation in other relevant geographical areas as well.

*Recommendations*

113. The Advisory Committee encourages the authorities - both at the local level and the central level - to continue supporting the Limassol Bi-communal Multifunctional Centre with all

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<sup>21</sup> According to official sources and bearing in mind that this population frequently moves around, it is estimated that approximately 700 Roma live in Limassol. There are also Roma, although less numerous, in Paphos and in Nicosia.

the human, financial and other resources needed to enable it to provide effective support to persons belonging to the most vulnerable groups, including the Roma.

114. Systematic and sustainable measures of support for the Roma population, in co-operation with the latter and based on an assessment of existing needs, should be adopted in sectors where this population is still encountering difficulties. Efforts should be made to promote a structured dialogue with this population, including by encouraging the development of Roma associations.

## **Article 8 of the Framework Convention**

### **Military service and the right to manifest one's religion**

#### *Recommendations from the two previous monitoring cycles*

115. In the previous monitoring cycles, the Advisory Committee took note of plans to extend compulsory military service to persons belonging to the three “religious groups”. It invited the authorities, in consultation with these groups’ representatives, to seek ways and means of guaranteeing the effective exercise of these groups’ right to manifest their own religions and to opt out of any practices or activities specific to another faith.

#### *Present situation*

116. Pursuant to a decision adopted in 2007 by the Council of Ministers,<sup>22</sup> persons from the three “religious groups” are required to do military service in the national army just like any other citizens of Cyprus. The Advisory Committee welcomes the fact that the authorities have accepted the three groups’ request that these persons should be able to do their service in army units located near their communities’ places of worship and practice their religions unhindered. The State Report also points to the Government’s undertaking to protect the right of the persons concerned to opt out of the religious activities of other religious groups.

117. Despite this positive information, problems are still being reported, especially by members of the Maronite community. Another source of concern brought to the Advisory Committee’s attention is the religious (Greek Orthodox) aspect of the oath taken by soldiers, which poses a problem for those not sharing the faith concerned.

118. The Advisory Committee further notes that the brochure called ‘Serving my Country’ which is given to young recruits and contains awareness-raising material about the country’s basic values and symbols, its history and culture, has no information about the “religious groups” living in Cyprus and their contribution to those values. It finds this regrettable and expects that the authorities will remedy the situation given the special symbolic value attached by the three “religious groups” to recognition of their contribution to the richness of Cypriot society.

#### *Recommendation*

119. The Advisory Committee encourages the authorities to take all necessary steps to enable the Armenians, Latins and Maronites to exercise their right to religious freedom unhampered throughout their military service. It also invites the authorities to review the information material for young soldiers to ensure that it properly reflects the diversity of Cypriot society properly.

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<sup>22</sup> Council of Ministers’ 2007 Decision No. 65.732 on Military Service. Previously, members of the three “religious grumps” were exempt from the obligation to do military service in the national army.

## **Religious education**

### *Recommendations from the two previous monitoring cycles*

120. In its previous monitoring cycles, the Advisory Committee welcomed the Government's effort to help preserve the religious identity of persons belonging to the "religious groups" by paying the salaries of their priests, including those providing religious instruction to children belonging to these groups.

### *Present situation*

121. The Advisory Committee welcomes the fact that the authorities are continuing to fund religious education for the Armenians, Latins and Maronites. It notes that the schools attended by members of these three groups work closely with their respective churches and that religious instruction and practicing of their own religious beliefs and convictions are an integral part of these schools' activities.

122. The Advisory Committee has been informed, however, that, at the St Maron school, the majority of whose pupils are Maronites, the educational environment includes elements of the Greek Orthodox religion, as in all public schools in Cyprus. At the same time, the elements of religious education specific to Maronite culture are optional and can only be taught outside the mandatory curriculum. This being so, representatives of the Maronite community have expressed preference for secular instruction, which they feel has the advantage of not imposing an environment influenced by a specific religion where the mandatory curriculum is concerned and leaves parents free to opt for the religious education of their choice as an extracurricular activity.

### *Recommendation*

123. The Advisory Committee invites the authorities to review the situation at the St Maron School in the light of the specific religious identity of the pupils enrolled there and attempt to find, in co-operation with the parents, means of accommodating their specific needs including secular instruction if appropriate.

## **Article 9 of the Framework Convention**

### **Access to the media by persons belonging to national minorities**

### *Recommendations from the two previous monitoring cycles*

124. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to pay increased attention to the needs of the three "religious groups" in terms of media access, including a more visible presence in public broadcasting as well as involvement in the preparation of the programmes concerned.

125. The Advisory Committee welcomed the authorities' decision to grant annual funding for print publications produced by the three "religious groups" and, given the importance of these publications for preserving and asserting the identity of the three groups, encouraged the authorities to ensure effective implementation of their decision.

### *Present situation*

126. The Advisory Committee notes that, according to information from official sources, the amount of airtime devoted to programmes for the "religious groups" on public radio has increased. A positive change has been recorded over the past few years regarding the presence of information about the history, culture and identity of the Armenians, Latins and Maronites in radio and television public broadcasting for the majority population. Generally speaking, the



media – both public and private – have covered the three groups’ main public events. The media attitude towards these groups is generally positive, as is the image of them conveyed to the public.

127. The Advisory Committee notes with regret that public television does not broadcast any programmes specifically by or for the “religious groups”. The annual Armenian-language broadcast marking the Armenian Christmas has been discontinued. Also, the Armenians’ request for a short weekly cultural programme in Armenian has not been accepted. The Advisory Committee notes that discussions have recently begun concerning the possible introduction of a half-hour programme dedicated to the three “religious groups”. However, at the time of its visit to Cyprus, no decision had been taken to accept this proposal.

128. Generally speaking, and despite the positive developments mentioned above, media information about the three “religious groups” remains limited. Given the importance of recognition of the Armenians, Latins and Maronites as a distinct but fully integrated part of Cypriot society, including the clear acknowledgement of their contribution to it, the Advisory Committee believes that the authorities should encourage the media, whilst respecting their editorial independence, to pay more attention to the three groups’ expectations in this area. The Advisory Committee has noted with interest that, according to the representatives of the public broadcasting corporation, digitalization of the media should offer wider opportunities for the various groups in society to disseminate and have access to information, including in their own languages. It expects that the three “religious groups” will be able to make effective use of the possibilities opened up by the new technology in order to strengthen their presence in the media and considers that the authorities should fully support them in this context.

129. As regards the public subsidies given to the “religious groups” for their websites and one of their publications, the Advisory Committee has been informed that because the amount has not been revised for several years, it is now inadequate and this has a considerable impact on the quality and viability of the publications concerned.

#### *Recommendations*

130. The authorities should pay more attention to the needs of Armenians, Latins and Maronites in terms of their media access and presence. The authorities should encourage the public broadcasting corporation and the media in general, with due regard to safeguarding the independence of the media, to provide more resolute support for the three groups’ efforts to bring their identity, history and culture to the attention of the majority.

131. The authorities are encouraged to continue supporting the print publications of the three groups. In addition, they are encouraged to adjust subsidies to the actual media needs of these groups.

### **Article 12 of the Framework Convention**

#### **Intercultural education. Equal opportunities for access to education.**

##### *Recommendations from the two previous monitoring cycles*

132. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to examine more closely the specific educational needs of the “religious groups” and identify, in consultation with their representatives, the most appropriate ways and means of satisfying their needs. The Advisory Committee stressed that the concerns of the Maronites should be addressed as a matter of priority in view of their particularly vulnerable position.

133. The authorities were encouraged to pay increased attention to the availability of appropriate teaching material and the training of qualified teachers for schools serving the “religious groups” as well as to the teaching of the history and culture of these groups.

*Present situation*

134. The Advisory Committee notes with interest the continuing reform of the Cypriot education system, already begun in 2005. It observes that, as well as modernising the system as a whole, one of the main objectives of the reform is to prepare the system to be more responsive to the needs of pupils and specific groups.

135. The Advisory Committee welcomes the fact that the multicultural aspect of education has been the focus of special attention in the reform process. A multicultural education strategy has been developed, providing for revision of textbooks and syllabuses and putting the accent on teacher training and awareness-raising. Despite consultations with the various parties concerned (teachers, parents’ associations, political parties, etc.), when the Advisory Committee visited there was nonetheless little information available on their outcome and the solutions identified by the Government. As for the “religious groups”, their representatives only partly confirmed that they had been consulted about the new syllabuses.

136. The Advisory Committee notes with interest the history teaching plans under this reform. It welcomes the fact that the three “religious groups” have been offered the option of providing written contributions summarising the main elements of their history, culture and traditions to be included in the future curriculum and new textbooks. It is unclear at this stage to what extent these contributions have been taken up by the Ministry of Education and whether this information is going to be incorporated in the curriculum and textbooks for all pupils or just in those for the three “religious groups”. Meanwhile, in the absence of appropriate textbooks and training, teaching the history of their own communities remains a challenge for the Armenians, Latins and Maronites.

137. The Advisory Committee notes that the authorities continue to support the Armenians, Latins and Maronites in the field of education through special arrangements to respond to each group’s specific needs - the school Nareg for the Armenians, the school St. Maron for the Maronites and, in the private system, the school Terra Santa, for the Latins (and others) (see also comments under Article 13).

138. The Advisory Committee notes, as regards Armenians, that the Nareg schools (whether in Nicosia, Larnaca, or Limassol, where a new primary school has been built with Government funding) continue to play a key role in the education of young Armenians. It took note with interest of the efforts made by these schools to meet families’ expectations in a situation where these families are finding it increasingly difficult to maintain a proper balance between their children’s need to learn and preserve their Armenian language and culture and their need to achieve proficiency in Greek and English.

139. The Advisory Committee notes that the Nareg schools, which offer education in three languages - Armenian (at primary level), Greek (government-funded) and English - are still facing serious problems in obtaining appropriate teaching material and qualified teachers. These problems mainly concern Armenian-language teaching and are due not only to inadequate funding but also to the impossibility at present of training Armenian-language teachers in Cyprus and producing appropriate teaching materials there. Use of imported textbooks paid for from private sources can only be a temporary solution, since the content and language used are not tailored to the specific needs of Cypriot Armenians. The Advisory Committee is pleased to learn that a plan to develop in Cyprus textbooks in Armenian is to be funded by the authorities and implemented over the next few years.

140. The Advisory Committee has taken note of the efforts by the authorities, in co-operation with the Maronite community, to offer children from this community equal opportunities for education, through the St Maron school. The great majority of its pupils (approximately a hundred) come from the Maronite community, including from one family living in villages in territories outside the government's control. The Advisory Committee welcomes the Government's support for these children and their families which enables them to travel and receive an education in common with other members of their community.

141. It notes, however, that while the Maronites have some influence on the everyday running of the school, the latter remains a public school, fully funded by the Government, and follows the public schools' curriculum, which is taught in Greek. The teaching of the Maronites' language, culture and religion, currently offered as optional classes, is adversely affected by the lack of appropriate textbooks, such as those needed to teach history and religion, and the lack of qualified teachers. The Maronite community believes that, to be more effective, this teaching should form part of the mandatory curriculum.

142. The Advisory Committee notes the Maronite community's concern about the quality of teaching provided in the school and the need for more sustained assistance and greater flexibility on the part of the Ministry of Education to draw up an attractive curriculum appealing to a larger number of pupils from this community. It observes that at present, due *inter alia* to the fact that the school is located outside the city centre, many Maronites prefer to enrol their children in other schools, particularly Terra Santa. According to the Maronites, a more varied curriculum would encourage pupils belonging to other communities to enrol in this school and therefore make this school multicultural. This would also gradually help to dispel remaining prejudices against this community in Cypriot society.

143. Whilst welcoming these measures and the efforts made by the schools in question to provide high-standard education and an environment conducive to intercultural dialogue, the Advisory Committee once again notes its interlocutors' concern as to the difficulty of recruiting and training Cyprus-based teachers qualified to teach minorities. Given the specific needs of minority education, which is bilingual or even trilingual in some cases, the representatives of the three groups emphasised, albeit in different ways, that specific support from the Government was vital for guaranteeing the future of the schools concerned and maintaining educational provision appropriate to their needs. The Advisory Committee takes note with interest of the plans announced by the University of Cyprus to use targeted measures to facilitate admission of students from the "religious groups" and expresses the hope that they will materialise without further delay. Such plans might include the provision of courses in and of the Armenian and Maronite languages and on the Armenian and Maronite cultures.

#### *Recommendations*

144. The Advisory Committee encourages the authorities to review the educational situation of the "religious groups" with the latter's representatives in order to adjust and update Government support according to needs. More resolute efforts should be made to overcome the difficulties faced by the three communities as regards provision of appropriate teaching materials and qualified teachers.

145. The authorities are also encouraged to take additional measures, in consultation with the Maronites, to enable the St Maron School to meet the needs of this community. In addition, the Advisory Committee encourages the authorities to engage in dialogue with the Maronite community as well as other persons potentially concerned on ways and means to strengthen this school's multicultural dimension.

## **Article 13 of the Framework Convention**

### **Private schools**

#### *Recommendations from the two previous monitoring cycles*

146. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to find ways and means, in consultation with representatives of the three “religious groups”, of overcoming the difficulties affecting the educational opportunities in private schools catering to the needs of children belonging to these groups.

#### *Present situation*

147. The Advisory Committee welcomes the fact that the authorities have continued to subsidise access to private schools by Armenian, Latin and Maronite children as an alternative for those among them who find the educational provision of the public system inadequate to their needs. It notes with interest that, while officially under the ownership of the Catholic Church, the Terra Santa school in Nicosia offers a curriculum with a multiethnic and multicultural approach and, in addition to Latins, takes Greek Orthodox Cypriots, Maronites, Armenians and young people from other religious and ethnic communities. The teaching staff includes teachers from the various communities.

148. The Advisory Committee notes that the Government awards subsidies to Maronite, Latin and Armenian pupils attending this school as a specific measure of support for the three “religious groups”. At the same time, it has been informed that the current level of subsidy does not adequately reflect the increase in school fees over the past few years, which makes it increasingly difficult for some families to keep their children at these schools.

#### *Recommendation*

149. With a view to ensuring equal access to quality education respectful of the specific identity of the children, the Advisory Committee encourages the authorities to review the level of subsidies provided to children from the “religious groups” for access to private schools catering to the needs of the specific groups, in consultation with representatives of the three “religious groups”.

## **Article 14 of the Framework Convention**

### **The right to learn a minority language and education in a minority language**

#### *Recommendations from the two previous monitoring cycles*

150. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to step up their efforts to find solutions, including through bilateral co-operation, to the reported problems of textbook provision and teacher training for instruction in Armenian.

151. The authorities were also encouraged to improve the teaching of Cypriot Maronite Arabic, including by specific measures to codify it, develop appropriate teaching materials and train teachers for this language.

#### *Present situation*

152. The Advisory Committee has found that, since the closure of the Melkonian Institute in 2005, only a small number of Armenian families<sup>23</sup> have enrolled their children in the Nareg secondary school in Nicosia, despite the school’s efforts to extend its curriculum (in Armenian,

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<sup>23</sup> According to information received to date, only about a third of Armenian children attend the Nareg School.

Greek and English) to cover elements of the language, culture and history of this community. It appears that the difficulty of maintaining Armenian-language teaching at secondary level, the uncertainty as to the learning of Armenian in the mandatory primary curriculum, and the lack of opportunities in Cyprus for training teachers in Armenian are the main factors which have contributed to this situation. In these circumstances, the preservation of their linguistic heritage is a source of concern for the Armenians. Whilst noting that discussions are in progress with the University of Cyprus on the possible creation of a chair in the Armenian language and culture as well as the solving of the problems arising from the closure of the Melkonian Institute, the Advisory Committee observes that concrete solutions have not been yet identified.

153. The Advisory Committee notes that, apart from the lack of continuity in the teaching of Armenian, families' choices are influenced by the need to strike a balance between having young Armenians learn their own language and culture on the one hand and, on the other, having them acquire sufficient command of Greek to find employment, especially in the civil service. The Advisory Committee has been informed of the Greek language proficiency problems facing young Armenians wishing to enter certain positions in the civil service or gain promotion in the army (see also comments under Article 15 below).

154. The Advisory Committee welcomes the progress made in revitalising Cypriot Maronite Arabic, including the finalisation of its codification, following its inclusion among the languages protected by the European Charter for Regional or Minority Languages. It notes, however, that additional efforts are needed to train teachers and prepare the necessary teaching materials.<sup>24</sup> The Advisory Committee also takes note of the Maronites' request that the teaching of this language be included in the mandatory curriculum and considers that provision of appropriate textbooks and qualified teachers is a prerequisite for achieving this. It notes that the request is being considered by the ministerial committee responsible for revising the curriculum and that the introduction of courses in Cypriot Maronite Arabic at the University of Cyprus is also being discussed.

#### *Recommendations*

155. The authorities should pay all due attention to the difficulties faced by the Armenians in their efforts to maintain the teaching of Armenian and should support plans to address these difficulties, including introduction of Armenian courses and training of teachers in Armenian at the university.

156. The authorities are also encouraged to establish the conditions for the teaching of Cypriot Maronite Arabic as soon as possible, paying particular attention to teacher training and preparation of appropriate teaching materials. Subsequently, consideration should be given to the possible inclusion of this teaching in the regular curriculum.

### **Article 15 of the Framework Convention**

#### **Effective participation of persons belonging to minorities in public affairs**

##### *Recommendations from the two previous monitoring cycles*

157. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to look again at participation of representatives of the three "religious groups" in parliament and identify ways of making it more effective. The authorities were also encouraged to improve and better institutionalise the management and coordination of the government's minority policies.

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<sup>24</sup> See also *European Charter for Regional or Minority Languages, Application of the Charter in Cyprus, 2nd Monitoring Cycle, Report of the Committee of Experts on the Charter*, Strasbourg, 23 September 2009, ECRML(2009) 5.

158. The Advisory Committee recommended that the authorities involve the three groups more closely in decision-making on matters of concern to them by consulting them regularly and keeping them informed of developments of particular interest to them.

*Present situation*

159. The Advisory Committee notes with satisfaction the positive relations and constructive dialogue that the Ministry of the Interior has maintained with the three “religious groups” and their representatives. It notes that there have also been contacts and exchanges with other authorities, such as the Ministry of Education in connection with the overall reform of the education system. The Advisory Committee notes that the current president of the Cypriot parliament is a member of the Armenian community.

160. Despite these positive developments, participation by Armenians, Latins and Maronites in the taking of decisions that concern them is still fairly limited and continues to be a concern for these groups. Whilst stressing their positive relations with the Ministry of the Interior, they expect a more systematic and determined commitment on the part of the Government to enforcing their rights. They reiterated their wish to see a Government body or post with sole responsibility for coordinating policy for the protection of the “religious groups” and which could act as an intermediary between these groups and the authorities.

161. Under Cypriot legislation (Law 58/1970 as amended)<sup>25</sup> the representatives of the three groups in parliament have an advisory role in legislative processes relating to matters of concern to their groups, such as religion, education and marriage. In practice, this is a purely symbolic role, since the three representatives are not entitled to speak, vote or initiate legislation. According to them, they are not adequately consulted on these issues, despite being elected for that purpose, in contrast to political party members belonging to the three “religious groups” who are consulted. The Advisory Committee notes that the Attorney General has been asked for a legal opinion on the possibility to strengthen the role of the three representatives in the Cypriot parliament. It understands that a constitutional amendment is not absolutely necessary inasmuch as their current role is governed by a law and not by constitutional provisions.

162. The Advisory Committee realises that matters relating to the operation of parliament are particularly sensitive for the Cypriot authorities and concerns may rightly be raised as to the expediency at present of any amendments to the existing system. The Advisory Committee however believes that ways might be found, even if only provisional, to improve the three representatives’ participation and make it more effective. The Advisory Committee noted with satisfaction, during its visit to the Cypriot parliament, that a consensus had emerged – clearly expressed in the course of dialogue with the Parliamentary Committee on Human Rights – to strengthen the role of these three representatives. It expects that this position will be acted on, in ways to be determined in co-operation with those concerned and which take into account the political situation in Cyprus.

163. Whilst welcoming the three representatives’ positive and constructive relations with the various authorities concerned, and whilst supporting a stronger role for them in the work of parliament, the Advisory Committee also wants to echo the wish of the three “religious groups” for wider participation, through a broader range of provisions, in preparation and adoption of all measures concerning them. It believes that the authorities could, in co-operation with the three groups and their representatives, identify additional mechanisms and means of consulting and

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<sup>25</sup> The Religious Groups (Representation) Act - Laws 58/1970, 38/1976 and 41/1981 – specifies that each religious group shall be represented in parliament by one elected representative who acts as a link between the community and the State, has an advisory role, and is elected for five years.

involving the Armenians, Latins and Maronites in a more inclusive way with regard to finding more appropriate and effective answers to their needs.

164. The Advisory Committee notes with satisfaction that, according to the information available to it, members of the three groups are taking an active part in the country's social, economic and political life. At the same time, it notes that the authorities have no information on the access of persons belonging to ethnic groups to employment and their situation in this field.

165. The Advisory Committee draws attention to the previously mentioned language problems hampering young Armenians' access to certain positions in the civil service, including the police (see comments on Article 14 above). The Advisory Committee notes the authorities' willingness to provide increased opportunities and to promote equal conditions of access for all to the civil service,<sup>26</sup> as indicated by some adjustments made to recruitment procedures to allow a degree of flexibility with regard to language proficiency. It is not clear however whether such measures are adequate and sufficient. In this respect, the Advisory Committee again wishes to point out that, as laid down in Article 43 of the Framework Convention, measures taken to provide persons belonging to national minorities with effective equality shall not be considered to be acts of discrimination.

#### *Recommendations*

166. The Advisory Committee encourages the authorities to identify, in co-operation with those concerned, ways of strengthening the role of the Armenian, Latin and Maronite representatives in parliamentary debates and decision-making.

167. The authorities are further encouraged to examine the possibility of setting up a specialised entity within the Government to handle and coordinate matters relating to the protection of national minorities. Priority should be given to broader and more inclusive and systematic dialogue with the members of the groups concerned.

168. The authorities are encouraged to take all necessary steps to ensure equal access for all to the civil service, including by adjusting recruitment procedures and requirements. They are also encouraged to adopt, where appropriate, additional opportunities for improving their Greek language proficiency by members of the "religious groups", before and after recruitment.

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<sup>26</sup> See in this regard the 2<sup>nd</sup> Thematic Commentary on the Effective Participation of Persons belonging to National Minorities in Cultural, Social and Economic Life and in Public Affairs, adopted by the Advisory Committee on 27 February 2008.

## **Article 17 of the Framework Convention**

### **The right to establish contacts with persons sharing the same ethnic, cultural, linguistic or religious identity**

#### *Recommendations from the two previous monitoring cycles*

169. In the previous monitoring cycles, the Advisory Committee stressed that it was important for the Maronites to maintain free and frequent contacts with members of their community still living in the traditional villages in the territory outside the Government's control. It encouraged the authorities to continue their policy of facilitating these contacts and to give greater support to the Maronites' efforts to preserve their culture and identity in these particular circumstances.

#### *Present situation*

170. The Advisory Committee notes with satisfaction that the authorities have made additional efforts to facilitate movement between government-controlled territory and territory outside the Government's effective control, and welcomes in this context the opening of several crossing points in recent years.

171. Whilst welcoming the specific support provided to the Maronites in this regard, the Advisory Committee notes that Maronites expect more determined measures to deal with the problems that they are still facing, including access to traditional villages which are at present inaccessible (see also related comments on Article 5 above).

#### *Recommendation*

172. The authorities should continue and strengthen, when possible, the measures taken to facilitate movement between the Government controlled territory and the territory outside its control, thus allowing Maronites as well as all other persons concerned to maintain contacts with persons sharing the same identity.

## **Article 18 of the Framework Convention**

### **Bilateral agreements concerning the protection of minorities**

#### *Recommendations from the two previous monitoring cycles*

173. In the previous monitoring cycles, the Advisory Committee encouraged the authorities to make use of the numerous opportunities opened up by bilateral co-operation in the fields of culture, education and science to assist persons belonging to the "religious groups". It also encouraged them to keep the representatives of the "religious groups" informed and involve them in the drawing up and implementation of bilateral projects of interest to them.

#### *Present situation*

174. The Advisory Committee welcomes the authorities' undertaking, as expressed in the State Report, to involve representatives of the "religious groups" more effectively in the development of bilateral co-operation on matters of particular interest to them. However, the Advisory Committee has not received any information on actual developments in this field since the previous monitoring cycle.



*Recommendation*

175. As in previous monitoring cycles, the Advisory Committee encourages the authorities to explore and make full use of the opportunities opened up by bilateral co-operation to assist persons belonging to the “religious groups” in fields of interest to them, as well as to consult, their representatives and involve them in such projects.

### **III. CONCLUDING REMARKS**

176. The Advisory Committee considers that the present concluding remarks could serve as the basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Cyprus.

#### **Positive developments from the two previous cycles of monitoring**

177. Since the entry into force of the Framework Convention, Cyprus has pursued a constructive approach towards the monitoring process of this Convention and has taken useful steps to publicise, discuss and implement the results of the two first cycles of monitoring.

178. While there is scope for improvement in different sectors, it appears, as stated by the representatives of the “religious groups” protected under the Framework Convention – the Armenians, the Latins and the Maronites – that the entry into force of the Convention in respect of Cyprus and its monitoring have had an overall positive impact on the situation of these groups.

179. The fact that the Roma living on the territory under the effective control of the Government now have access to the protection of the Framework Convention is a positive development. A number of practical measures have been taken in recent years to protect and support them.

180. In view of the growing diversity of Cypriot society, efforts have been made to improve and complete the anti-discrimination legislative and institutional framework and to increase awareness about human rights, tolerance, and the principles of equality and non-discrimination. Additional measures have been taken to enable Turkish Cypriots to more effectively participate in public affairs and social, economic, and cultural life. Practical steps have also been taken to support persons who have recently settled in Cyprus and are not officially covered by the Framework Convention.

181. The authorities have continued to support the preservation and promotion of the culture of the Armenians, the Latins and the Maronites, including by providing subsidies to their respective websites and written publications. Increased attention has been paid to the particularly vulnerable situation of the Maronites and their cultural heritage, mainly situated in the territory not under Government control.

182. Public radio has increased its broadcasting time devoted to the “religious groups” and these groups’ main community events have benefitted from good media coverage.

183. Efforts are being made to increase the multicultural dimension of education and to raise awareness of the history and culture of the “religious groups”. Public support continues to be provided to children belonging to “religious groups” for access to private schools catering to their specific needs.

184. Armenians, Maronites and Latins are reportedly well integrated and, in general, take an active part in the Cypriot society’s life. Positive and constructive relations have been maintained between them and the public authorities involved in minority protection.

#### **Issues of concern from the two previous cycles of monitoring**

185. The Advisory Committee notes that follow-up of a number of its previous recommendations was apparently hindered by complex constitutional provisions or by political

and other developments, also related to the settlement of the Cyprus problem. It also notes that, despite ongoing efforts, only limited progress has been made towards a lasting settlement of the Cyprus problem, which continues to have an impact on the Government's policy related to minority protection.

186. The demand by the Armenians and the Maronites to have their groups recognised as national minorities rather than just "religious groups" and by the Latins' to be designated by a term more properly reflecting their Roman Catholic religion, have not been positively received.

187. The constitutional obligation of persons belonging to the three "religious groups" to affiliate themselves either with the Greek Cypriot Community or the Turkish Cypriot Community as well as their members' statutory obligation to vote to elect their representative to parliament, are still in force. The implementation of the principle of self-identification thus remains problematic. The 2011 population census will provide a key opportunity for the authorities to ensure proper implementation of this principle in respect of all and to obtain up-to-date information on the ethnic, linguistic and religious composition of the population.

188. More adequate conditions are needed for the effective participation of the Armenians, the Latins and the Maronites in decision-making on issues of interest to them, notably in parliament.

189. The demand by the Armenians and the Maronites for Government support for the establishment of cultural centres is still pending. Increased transparency is needed as regards the funding available for minority cultural projects and related procedures. The Maronites continue to be in a vulnerable situation in terms of preservation of their cultural heritage, notably the language, and still face practical difficulties in maintaining links with members of their group and their place of origin, in the territory out of the Government effective control.

190. Difficulties persist concerning the availability of schoolbooks and training and recruitment of teachers for minority education. While the Armenians continue to face difficulties in their efforts to maintain the teaching of Armenian, the necessary conditions for the teaching of Cypriot Maronite Arabic are yet to be put in place.

191. Despite increased efforts made to promote tolerance and mutual understanding, intercultural dialogue remains problematic, in particular between the Greek Cypriot Community and the Turkish Cypriot Community. Also, notwithstanding the measures taken to facilitate the participation of Turkish Cypriots in different sectors of public and social life, shortcomings are still reported in this respect. The Roma are still facing prejudice and serious difficulties in various sectors and the establishment of a dialogue with them remains problematic.

192. The growing diversity of the Cypriot society is a particular challenge for the authorities. A Government integration strategy remains to be adopted. Persons belonging to certain groups, in particular the immigrants, are confronted with discrimination and intolerance, which is sometimes fuelled by the media. Instances of racially-motivated insults and acts, as well as police misconduct, have also been reported. Measures taken in recent years to combat such manifestations appear to be insufficient and must be intensified. In addition, increased efforts are needed to strengthen the institutional capacity of the Ombudsman Office and to ensure the operational independence and effectiveness of the National Human Rights Institution.

## **Recommendations**

193. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

**Issues for immediate action<sup>27</sup>**

- **Take adequate measures to ensure, during the population census in 2011 and other forthcoming processes, effective implementation of the principle of self-identification, especially in respect of the Armenians, the Latins and the Maronites, as well as the Roma;**
- **Take urgent action to combat and sanction effectively all forms of discrimination and intolerance, including misconduct by members of the police force;**
- **Adopt without further delay a comprehensive integration strategy and take adequate measures to ensure its effective implementation;**
- **Take additional measures to provide a more adequate response to the educational needs of the Armenians, the Latins and the Maronites, in particular as regards the availability of teaching materials and qualified teachers; provide the support needed to enable adequate minority language teaching for the Armenians and the Maronites.**

**Further recommendations<sup>28</sup>**

- Re-examine, in the light of the principle of free self-identification and in view of any subsequent revision of the Constitution, the obligation of the Armenians, the Latins and the Maronites to affiliate themselves with either the Greek Cypriot Community or the Turkish Cypriot Community, as well as their statutory obligation to vote to elect their representative in parliament;
- Pursue the dialogue with the Armenians and the Maronites concerning their possible recognition as a national minority rather than “religious group”, and with the Latins to find a designation more acceptable to them;
- While stepping up measures to protect and support the Roma under the Framework Convention, identify ways to establish a structured dialogue with them and to obtain up-to-date information regarding their ethnic, linguistic and religious affiliations;
- Take more resolute measures to increase awareness on the equality and non-discrimination principles, focussing in particular on journalists, law enforcement forces and members of the judiciary; ensure the operational independence and effectiveness of the National Human Rights Institution and strengthen the institutional capacity of the Ombudsman Office;
- Make efforts to adjust public support to the preservation and development of the culture of the Armenians, the Latins and the Maronites to their actual needs, and effectively assist these groups in the establishment of cultural centres;
- Take effective measures, including of a financial nature, to support the revitalisation and promotion of the language of the Maronites as well as their culture, religion and

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<sup>27</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

<sup>28</sup> The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

traditions and increase efforts to facilitate their contacts with persons who share their identity and their place of origin;

- Take more resolute steps to promote mutual respect and understanding within Cypriot society; pursue and develop measures to enable effective participation of Turkish Cypriots in cultural, social and economic life and in public affairs, in particular those affecting them;
- Identify ways to enable a more effective participation of the Armenians, the Latins and the Maronites in public affairs in parliament and through improved consultation mechanisms.