

THE STATE OF TRANSPOSITION OF THE ANTI-DISCRIMINATION AQUIS IN CYPRUS

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Introduction

On May 1st 2004 On 01.05.2004 three laws came into force purporting to transpose Directives 43/2000/EC and 78/2000/EC: (a). The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law¹ purporting to discharge of the Republic's obligation to appoint a national Equality Body under Article 13 of the Race Directive (hereinafter Law No. 42(1)); (b) The Equal Treatment (Racial or Ethnic Origin) Law² purporting to transpose the Race Directive; and (c) The Equal Treatment in Employment and Occupation Law³ purporting to transpose the Framework Directive.

Law No. 42(1) appoints the Commissioner of Administration or *Ombudsman*, an independent officer appointed by the President of the Republic, as the specialised body to (i) combat racist and indirectly racist discrimination as well as discrimination forbidden by law and generally discrimination on the grounds of race, community, language, colour, religion, political or other beliefs and national or ethnic origin;⁴ (ii) promote equality of the enjoyment of rights and freedoms safeguarded by the Cyprus Constitution (Part II) or by one or more of the Conventions ratified by Cyprus and referred to explicitly in the Law⁵ irrespective of 'race', community, language, colour, religion, political or other beliefs, national or ethnic origin⁶ and (iii) promote equality of opportunity in the areas of employment, access to vocational training, working conditions including pay, membership to trade unions or other associations, social insurance and medical care, education and access to goods and services including housing.

The Law vests the Ombudsman with powers beyond those prescribed by the two EU Directives: the power to receive and investigate complaints of discriminatory treatment, behaviour, regulation, condition, criterion or practice prohibited by law; the power to issue reports of findings; the power to issue orders (through publication in the Official Gazette) for the elimination within a specified time limit⁷ of the situation which directly produced discrimination, although such right is somewhat limited by a number of exceptions.⁸ The Ombudsman's decisions can be used for the purposes of obtaining damages in a district court or at an employment tribunal.

The Ombudsman is further empowered to impose small fines,⁹ to issue recommendations to the person against whom a complaint has been lodged, and to supervise compliance with orders issued against persons found guilty of discrimination.¹⁰ However, all orders, fines and recommendations issued or imposed by the Ombudsman under this Law are

subject to annulment¹¹ by the Supreme Court of Cyprus upon an appeal lodged by a person with a 'vested interest.'¹²

The Ombudsman may also investigate issues on his/her own right where the Ombudsman deems that any particular case that came to his/her attention may constitute a violation of the law.¹³ Also, the Ombudsman may investigate cases following applications by NGOs, chambers, organizations, committees, associations, clubs, foundations, trade unions, funds and councils acting for the benefit of professions or other types of labour, employers, employees or any other organised group, local authorities, public law persons, the Council of Ministers, the House of Parliament etc.¹⁴ In such cases, the Ombudsman is empowered to issue recommendations to the person or group found guilty of discriminatory behaviour as to alternative treatment or conduct, abolition or substitution of the provision, term, criterion or practice.

Background

Cyprus acceded to the EU without resolving its long-standing problem on the basis of the United Nations Secretary General's settlement plan. In accordance with the Treaty of Accession, the Republic of Cyprus acceded to the E.U. as a whole; however, by Protocol no. 10 to the Treaty of Accession, the *acquis* is suspended in those areas of the Republic in which the internationally recognised Government of the Republic of Cyprus (run exclusively by Greek-Cypriots since 1963) does not exercise effective control. Meanwhile, since the partial lifting of the restrictions of movement, which commenced in April 2003, there have been over 12.000.000 crossings¹⁵ from the Government-controlled area to the area not under the control of the Government and vice-versa. A few hundred Turkish-Cypriots have, since April 2003, moved to the Government-controlled area, where they are now residing, while several thousands cross on a daily basis to work in the Government-controlled area. The Republic of Cyprus is still in the process of transformation as regards the implementation of the *Acquis* by introducing procedures to cater for the participation of the "new" members of its society, who have lived so close and yet so far apart for over 30 years. The package of measures for the Turkish-Cypriots includes social benefits, free of charge medical care, employment opportunities, issuance of the Republic of Cyprus' passports, identity cards, birth certificates etc.

The Constitution

The Cyprus constitution, adopted under the Zurich-London Accord of 1959, contains a rigorous bi-communalism, whereby the two communities, Greek-Cypriots and Turkish-Cypriots, share power in a consociational system of power-sharing. Cyprus citizenship was granted to all but was strictly communally divided, between the 'Greeks' and the 'Turks'.¹⁶ The three recognised religious groups were obliged to decide which of the two communities they would exercise their civic rights and obligations with.¹⁷ The Constitution provides for a system of separate elections; separate majorities are required in both the executive (Council of Ministers) and legislature (House of Representatives) and both the Greek-Cypriot President and the Turkish-Cypriot Vice-president have separate veto powers. A system of quota participation by the two major Cypriot Communities in all areas of public life is also provided for in the Constitution. Parliamentary seats are allocated by the Constitution on a 70% to 30% basis between the

Greek and the Turkish communities. Furthermore, laws of ‘personal’ nature (education, religion, family etc.) are organised along communal lines, under the supervision of separate communal chambers. Turkish and Greek were to be the two official languages of the Republic.

The “doctrine of necessity”

The rigorous bi-communal provisions of the Constitution did not prove very useful in the end. In 1963, merely three years after independence,¹⁸ the President of the Republic of Cyprus Archbishop Makarios proposed 13 amendments to the Constitution.¹⁹ The Turkish-Cypriots withdrew from the Government in protest.²⁰ Since then, the administration of the Republic has been carried out by the Greek-Cypriots. Even though it was never officially proclaimed, in practice, Turkish ceased to be used as an official language since 1963; instead Greek effectively became the only language of the state. In 1964 the Supreme Court ruled that the functioning of the government must continue on the basis of the “doctrine of necessity”, in spite of the constitutional deficiencies created by the Turkish Cypriot withdrawal from the administration.²¹ Since 1974 the northern part of Cyprus, some 35% of its territory, has been under Turkish army occupation and outside the control of the Cyprus Government. As a result, this report will only cover the territory under the control of the Government of the Republic of Cyprus, and not the areas which are not under its effective control.

General note

Following the adoption of legislation to transpose the directives, a crucial concern is the possibility of direct discrimination against Turkish-Cypriots on the ground of ethnic origin as well as indirect discrimination on the ground of religion.²² A key manifestation of these instances of discrimination is the fact that there are hardly any translations in Turkish language to enable Turkish-Cypriots to have access to public services, jobs, opportunities and pursuing their rights. The fact that new legislation came into force with accession on May 2004, combined with the fact that since April 2003 there are thousands of Turkish-Cypriots working, seeking employment and access to public services in the Government-controlled south has resulted in a totally novel situation, which opens up the possibility for on-going discrimination. The reason traditionally given for failing to provide for Turkish translation since 1963, the ‘doctrine of necessity’ i.e. those ‘temporary and minimum provisions absolutely necessary for the functioning of government’ may be questioned.²³

Cypriot Law provides for exemption from armed military service for conscientious objectors and allows alternative service. However, this exemption does not apply for reserve military duty. Several Jehovah’s Witnesses faced legal proceedings for failure to report for reserve Military duty. Their cases were suspended in November 2002 pending revision of the Law. The Law does not enable persons who have served their ordinary military service, to be recognised as conscientious objectors when called up to serve as reservists. It is expected that the situation will be remedied by amending legislation, which is being drafted by the Legal Service in consultation with the competent Ministry. This is to be submitted to the Council of Ministers for approval and introduction to Parliament.

State of implementation

The national laws enacted for the purpose of transposing Directives 43/2000/EC and 78/2000/EC²⁴ appear to be in full compliance with the said Directives. However:

- some of the older laws not yet officially repealed may not comply with the said Directives. Some of these laws for instance may lead to discrimination on the ground of age. On one occasion, the Cyprus Equality Body found that a certain law fixing a maximum age limit for a public service position was contravening the new anti-discrimination laws; as a result of this decision, a bill was promptly placed in parliament amending this law. Other laws and regulations fixing age limits are repealed as and when they are challenged by persons affected, but there is no procedure for continuous reviewing of existing legislation for the purpose of assessing compatibility with the anti-discrimination directives. The Equality Body is currently examining a complaint that a law, providing that persons who have reached retirement age lose their right to compensation for unfair dismissal, amounts to discrimination. The government has declared²⁵ that it does not consider this provision discriminatory and that it has no intention of repealing it; however one cannot exclude the possibility of this law being repealed in the event that the Equality Body finds it to be discriminatory.
- the principle of reversal of the burden of proof, as contained in Article 8 of the Race Directive, is transposed in the Cypriot law in a manner where this becomes applicable only with regard to the procedure before the Court and not with regard to any other procedure, such as the procedure before the Equality Body.²⁶

Cyprus has not taken the option to defer implementation of the provisions of Directive 78/2000/EC relating to age and disability to 02.12.2006. The relevant laws came into force on or before 1st May 2004, the date of Cyprus' accession into the EU.

However, certain provisions of the two Directives, which require the Member States to take measures, other than the enactment of legislation, have not been fully implemented. These measures involve: the promotion of dialogue with social partners and NGOs;²⁷ the obligation to bring all anti-discrimination provisions to the attention of the persons concerned;²⁸ the duty to ensure that discriminatory laws and provision contained in contracts, collective agreements, internal rules of undertakings or rules governing independent occupations and professions and workers and employers' organizations have been explicitly repealed²⁹ by way of a general provision in the two main anti-discrimination laws.³⁰ However, no review of the existing laws was made to ensure that they comply with the directives and if not to repeal such laws. Practice suggests that the process of formal repeal of those laws which do not comply with the directives is somehow 'triggered off' only *after* a complaint has been filed with the office of the Equality Body.³¹ In those cases, the Equality Body examines the complaint and issues a report which, however, is often termed in such a way that it amounts to a mere recommendation rather than a binding decision.³² Finally, the duty of collection of relevant data and the conducting of independent surveys concerning racial or ethnic

discrimination has not been utilised sufficiently, nor are there structures in place for the collection of such data.³³ The Equality Body has not as yet progressed in drafting codes of conduct,³⁴ even though the relevant Cyprus law authorises it to develop such codes.³⁵ Overall, since the adoption of the legislation, which was rushed through Parliament on the eve of Cyprus' accession to the EU, with the exception of a few seminars, there has been little initiative or positive action taken by the Government or other public body.³⁶ A great deal more could be done for the dissemination of information to the discriminated groups themselves.³⁷ When it comes to policy-making, dialogue or consultation with non-governmental organisations, it is either non-existent, very limited or appears to have little impact over the outcome of the process; there is little feedback or proper engaging in a debate, so as to identify the best possible ways of combating discrimination.

Definition of the grounds of unlawful discrimination within the Directives

a) How does national law on discrimination define the following terms: racial or ethnic origin, religion or belief, disability, age, sexual orientation?

All the grounds for discrimination ('racial or ethnic origin', 'religion' or 'belief', 'disability', 'age', 'sexual orientation' are provided for as grounds within the authority of the Equality Body. However, the meaning of each of the recognised grounds for discrimination is not defined, as the terms 'racial or ethnic origin', 'religion' or 'belief', 'age', 'sexual orientation' are not defined in the three anti-discrimination laws. The reason for not defining these terms can be traced back to the fact that that the laws were rushed through Parliament, without a public debate as to the most appropriate means to tackle discrimination or whether it is best to define such as terms. Moreover, the practice adopted was that of replicating the wording of the directives, a practice which is perhaps indicative of the drafters' intention to adopt only what is necessary in order to satisfy the directives.³⁸ Prior to the introduction of the new law, the approach taken on discrimination was not to define the grounds, presumably considering that these are self-explanatory in the ordinary use of the language.

The term 'disability' is defined in the Law concerning Persons with Disabilities No. 127(I)2000 enacted prior to the new anti-discrimination laws.³⁹ As for the other grounds, the concept of 'discrimination' virtually replicates the Directive as regards 'direct' and 'indirect discrimination', 'harassment' and 'instruction to discriminate'. Prior to the new legislation, even though these grounds were recognised in Cypriot law as prohibited grounds for discrimination in some areas of the law,⁴⁰ no definitions of racial or ethnic origin, religion or belief were provided. There is no reported case law on the subject.

The Law concerning Persons with Disabilities⁴¹ as amended in 2004⁴² does not expressly prohibit or render the use of pre-employment medical examinations discriminatory. "Disability"⁴³ is defined as "any form of deficiency or disadvantage that may cause bodily, mental or psychological limitation permanently or for an indefinite duration which, considering the background and other personal data of the particular person, substantially reduces or excludes the ability of the person to perform one or more activities or functions that are considered normal or substantial for the quality of life of

any person of the same age that does not experience the same deficiency or disadvantage”. No express reference is made in the law protecting persons who have had a disability in the past or who will acquire one in the future.

The Law on Civil Service (1/1990), which provides for employment opportunities in favour of persons with disabilities in the public sector, defines a “disabled” person as “a person who congenitally or by a subsequent incident suffers full or limited impairment, and the disability originates from a serious deformation or mutilation of the upper part of the lower limbs, or muscle disease, paraplegia, tetraplegia, or loss of sight in both eyes or loss of hearing in both ears or any other serious condition that substantially reduces a person’s physical condition confining the person to a limited circle of jobs.”

Direct discrimination (Article 2(2)(a))

a) How is direct discrimination defined in national law?

The definition of ‘discrimination’ contained in Sections 2 [of both Law N. 59(I) /2004 and Law N. 58(I) /2004] virtually replicates the Directive as “less favourable treatment afforded to a person due to [any recognised ground] than the treatment afforded to another person in a similar situation”. The translations appear accurate.

The Law (amendment) concerning Persons with Disabilities Law 57(I)/2004 is a replica of the above in providing the definitions of direct and indirect discrimination, instruction to discriminate and harassment, inserted in Section 2 of the main Law Concerning Persons with Disabilities Law 127(I)/2000. However, the amendment also retains the old definition of discrimination on the ground of disability. The Law concerning Persons with Disabilities (Law 127(I)/ 2000) contains provisions against direct discrimination, which is defined as “unfavourable treatment” when compared to “a person without disability in the same or similar situation” [s.3 (2)(a)], or on the basis of “characteristics which generally belong to persons with such disability” [s.3 (2)(b)], or “alleged characteristics” [s.3 (2)(c)], or in contravention of a code of practice [s.3(2)(d)]. It appears that both definitions are available in the law, which may create some confusion, if scrutinised closely on strict reading of the two texts. Nevertheless, a more liberal reading of the text would point to the similarities rather than the differences of the two, with the Cyprus definition, and given the ‘universality’ of the definition provided in the EU Directives, the likely outcome is likely to be that the directive definition is likely to prevail in the end.

There are comparable definitions of the term ‘discrimination’ when it comes to gender and the old law definition of disability based on Directive 76/207/EEC and inevitably reflect the differences that exist between this Directive and the Racial Equality Directive and Employment Equality Directive.

Employment Law defines both direct and indirect discrimination, further discussed below under gender discrimination.

b) Does the law permit justification of direct discrimination generally, or in relation to particular grounds? If so, what test must be satisfied to justify direct discrimination?

The law generally does not permit justification of direct discrimination, save for specific situation in relation to the grounds of (a) religion in the cases of “occupational activities within churches and other public or private organisations the ethos of which is based on religion or belief”, where “due to the nature of these activities or framework within which they are exercised, the religion or beliefs constitute a genuine, legitimate and justified occupational requirement”, as provided in the Framework Directive.⁴⁴ (b) Age: this follows the exact wording provided for by Article 6 of the employment directive.⁴⁵

Indirect discrimination (Article 2(2)(b))

Indirect discrimination defined in national law?

In the two substantive anti-discrimination laws N.58(I)/2004 and N.59(I)/2004, Indirect discrimination is defined in the exact terms the article 2(b)(i) of the EU directives are worded, presumably copied from there as “an apparently neutral provision, criterion or practice would put persons having a particular race or ethnic origin, religion or belief, a particular disability, a particular age, or a particular sexual orientation at a particular disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary”. Disability is dealt with separately with the amendment of the Law Concerning Persons with Disabilities Law 127(I)/2000 by the Law (amendment) Concerning Persons with Disabilities Law 57(I)/2004, which inserted word by word the definition contained in laws N.58(I)/2004 and N.59(I)/2004. Nevertheless, even within the original law there appeared to be an *indirect* discrimination provision, however this was not defined as such (s. 3(2)(c) Law 127(I)/2000). The wording reads “a person discriminates against another if he treats that person differently, based on the fact that this person does not satisfy or is not in a position to satisfy a condition, the nature of which is such that a high percentage of persons who do not have such disability satisfy or are in a position to satisfy, when compared to persons who do have such disability and the existence of such a condition is not justified by the circumstances of the case”. This provision is not defined as indirect discrimination and, on construal, may not have the same effect, as it is a matter of interpretation by the Courts. Furthermore, s. 3(2)(c) seems to be narrower than the Directives requirement which extends to any “apparently neutral provision, criterion or practice [that] would put persons having a particular [disability]” at a disadvantage. With the amendment of the law the disability provisions are in line with the acquis on this matter.

Prior to the introduction of the 2004 laws, indirect discrimination was not defined in the constitution or in any other the legislation, save for the gender provisions in the recent law on equal treatment between men and women (see below). The relevant case law confirms the constitutional provisions that prohibit ‘direct’ and ‘indirect discrimination’ but this is not defined.⁴⁶

Test must be satisfied to justify indirect discrimination

No case has so far gone to court to deal with the new laws. However, on the basis of the Cyprus case law on gender discrimination, European court decisions, as well as persuasive authority of UK court decisions, we may assume that the 'but for test' is likely to apply. The test involves asking the question as to how the victim would be treated had s/he not had the special characteristic, such as the particular ethnic origin or disability or religion, that s/he had.

Compatible with the Directives?

Cyprus law appears to comply with Article 2.2(b) of the Directives.

Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

How does national law implement the duty to provide reasonable accommodation for disabled people? When the duty does apply, the criteria for assessing the extent of the duty and any definition of 'reasonable'. e.g. does national law define what would be a "disproportionate burden" for employers or is the availability of financial assistance from the State taken into account in assessing whether there is a disproportionate burden?

Cypriot law provides for the duty to take "reasonable measures" to the extent and where the local economic and other circumstances allow.⁴⁷ These measures are not restricted to the working place but cover: (a) basic rights (right to independent living, diagnosis and prevention of disability, personal support with assistive equipment, services etc, accessibility to housing, buildings, streets, the environment, public means of transport, etc, education, information and communication through special means, services for social and economic integration, vocational training, employment in the open market, etc etc);⁴⁸ (b). employment including access to, working conditions, training etc etc;⁴⁹ (c). supply of goods and services, including the facilitation of accessibility for safe and comfortable use of such services, etc etc;⁵⁰ transport;⁵¹ and telecommunications.⁵²

Specifically with regard to reasonable measures within the working place, the law provides that "equal treatment" means, inter alia, "the obligation to provide reasonable access and facilities in the working environment, including: (i) the necessary modifications or adjustments of accessibility to existing facilities so as to make them accessible to persons with disabilities; (ii) the reshaping of work by creating working schedules of part-time occupation or modified working hours, with the acquisition of new or the modification of existing equipment, machinery, tools, means and any facilities or services".⁵³

The law defines the factors which must be taken into account in order to determine whether a measure is reasonable or not, as follows:⁵⁴ (1) The nature and required cost for the adoption of the measures; (2) the financial sources of the person who has the obligation to adopt the measures; (3) the financial situation and other obligations of the state in those cases where the obligation for the adoption of measures refers to the state; (4) the provision of donations by the state or other sources as a contribution towards the total cost of the said measures; (5) the socio-economic situation of the disabled. It is apparent that, although the scope is wide, the test of reasonableness is much wider in the Cyprus law than in the Employment Directive (which provides only for the test of “disproportionate burden on the employer”) and clearly falls short of creating a full-blown mandatory regime.

No case has actually been examined in court so far to assess how courts would determine whether accommodation is ‘reasonable’ or whether it imposes a ‘disproportionate burden’; therefore we must interpret the statutes as they stand. When comparing the provisions under the Directive, which provide for a test of whether “such measures would impose a disproportionate burden on the employer” to the criterion introduced into Cyprus law regarding the socio-economic situation of the disabled (Section 9), the disparity between the Cyprus law and the Employment Equality Directive is apparent.

Failure to meet the duty count as discrimination; justification as defence

The law does not expressly stipulate that failure to meet the duty of reasonable accommodation amounts to discrimination. However, Article 6(b) of Law 57(I) of 2004, which amends Article 9 of the 2000 law (No. 127(I)/2000) provides that a person who *without due cause* commits or omits an act which amounts to discrimination against a person with disability is guilty of an offence and liable to a fine or to a prison sentence. As “due cause”, the law defines those cases where it was not possible to take measures for reasonable accommodation or where simply no such measures were taken.

No such case was ever tried by the Courts, so as to have an interpretation of these provisions. However, a decision of the Equality Body on this issue appears to consider the failure to meet this duty as discrimination prohibited by law. The complaint examined concerned a blind person working as a telephonist in the hospital, who was moved to a new hospital and had to cope with a more complicated and sophisticated telephone system, with more telephone lines and with a less favourable working schedule. The Equality Body decided that the hospital authorities ought to have transferred to the new post one of the other employees without who did not have a disability and to leave the blind employee at the post where he could cope. The report calls on the hospital authorities to explain, in a manner satisfactory to the Equality Body, why the employee had to be moved to the new hospital, failing which a decision would be issued against them by the Equality Body.⁵⁵

Has national law implemented the duty to provide reasonable accommodation in respect of any of the other grounds?

No. There is no such duty for any ground other than disability.

d) Does national law require buildings and infrastructure to be designed and built in a disability-accessible way? If so, could and has a failure to comply with such legislation be relied upon in a discrimination case based on the legislation transposing Directive 2000/43?

The accessibility of persons with disabilities to public buildings is regulated by the Regulations on Streets and Buildings of 1999, which were issued by virtue of section 19 of the Streets and Buildings law. The regulations apply to public buildings as well as to those buildings where entry to the public is allowed, to commercial centres, to buildings which include shops and/or offices, to educational institutions, clinics, doctors' offices and generally to any building which the competent authority decides that these Regulations should apply. The Regulations set the minimum necessary specifications for the erection of all the aforesaid buildings in relation to persons who, due to physical weakness or inefficiency, face permanent or temporary difficulty in accessing a building or a street and aim at securing the comfortable access of all persons with disability to the main entrance of such buildings and to the spaces within such buildings. The Regulations provide analytically the construction specifications for ramps to the main entrance, for the pavements, the staircases, the common use corridors, the elevators, the lavatories and other spaces where the public may go in, including the parking areas.

Furthermore, Section 4(1) of the Law on Persons with Disabilities of 2000 and 2004 provide for the right of every person with disability to independent living, full integration to the community and equality of participation in economic and social life. The right of persons with disabilities to accessibility in housing, buildings and generally the environment and means of public transport is guaranteed in Section 4(2) of the same law. Section 6 of the law guarantees the right of equal treatment of persons with disabilities in relation to the supply of goods, services and facilities and expressly states that failure to effect changes to services or facilities rendering their use impossible or unjustifiably difficult for a person with disability does not constitute equal treatment. According to Section 6(2) such changes may concern the creation of the appropriate means of accessibility and facility for the safe and comfortable use of services and facilities; the use of special means, equipment or persons for communication with and informing certain groups of persons with disabilities; and the use of special equipment in particular places where services are supplied, such as schools, hospitals, clinics etc.

However, the above provisions do not impose a clear duty on any particular person or department and do not provide for an enforcement mechanism. The result is that a large number of public buildings and almost all means of public transport remain inaccessible to persons with disabilities.

A decision of the Equality Body on a complaint by a person with a disability, alleging that the lack of the necessary facilities for persons with disabilities in governmental buildings amounted to discrimination seemed to recognise that persons with disabilities

are entitled to accessibility features in public buildings. The report cited all the aforementioned legislation, in order to arrive at the conclusion that the state must view the issue of accessibility of persons with disability to governmental buildings with greater sensitivity and recommended that the Ministry of Transport and Public Works compiles a special program with specific targets for the implementation of the right of persons with disabilities to accessibility to all governmental buildings, with a specific time schedule for implementation.⁵⁶ The decision reinforces the impression that the current legislation on accessibility does not create any specific obligations for any persons or for the state.

Sheltered or semi-sheltered accommodation/employment

To what extent does national law make provision for sheltered or semi-sheltered accommodation/employment for disabled workers?

The closest practice to what is known as sheltered employment is a kind of ‘sheltered workshop’ known as KEAA (Centres for Vocational Rehabilitations for the Disabled), whose role is to provide ‘training’ and ‘quasi-employment’ to persons with a disability; however. The goods produced at the workshops are bought by governmental agencies⁵⁷ and NGOs.

Would such activities be considered to constitute employment under national law?

The relation between each Centre for Vocational Rehabilitations for the Disabled and the individual person with disabilities is not that of employment, or even of ‘sheltered employment’, in the strict sense of the term. The persons who work at the Centres are primarily treated as ‘trainees’ and as such they are provided with a ‘training allowance’⁵⁸ for taking part in the workshops. Secondly, the ‘training allowance’ varies according to whether the person is married or not (married persons get more). Thirdly, the income derived from the work they do, is what is called ‘production allowance’⁵⁹ and it depends on the profits of each of the craft workshop.⁶⁰ It is noteworthy that the vast majority of persons occupied at KEEA are already receivers of welfare (disability) benefit.⁶¹

IMPLEMENTATION ISSUES

Dissemination of information, dialogue with NGOs and between social partners

Action taken by the Member State

a) to disseminate information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

b) to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78) and

c) to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice, workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

(i). Initiatives of the Equality Body

We are informed by the Equality Body that they are currently in the process of preparing a number of activities in the area of dissemination of the new procedures which became available by the new laws, including training seminars for trainers, leaflets in six languages and an anti-racism festival. At its inception, this initiative did not include communication means accessible to persons with disabilities. However, following a recommendation by the Cyprus Labour Institute to the Equality Body, it is anticipated that the plans will be revised to include such measures.

(ii). Via the Cyprus National Action Plan for Employment 2004-2006, the involvement of the social partners in setting the employment priorities includes Guideline 7 of the Cyprus National Action Plan titled “Promote the integration of and combat the discrimination against people at a disadvantage in the labour market”, dealing with discrimination but is silent on measures to combat racial or ethnic origin discrimination.

(iii). Via the Cyprus National Action Plan for Social Inclusion 2004-2006 all interested parties, NGOs were invited to submit their views on the matter.

None of the Action Plans mentioned in (ii) and (iii) above were communicated to any disability organisation, nor were they made available in Braille.

(iv). In March 2004 the Cyprus Labour Institute INEK-PEO organised a series of seminars on the implementation of the new anti-discrimination legislation transposing Directives 2000/43/EC and 2000/78/EC, with focus on discrimination in employment. The seminars were attended by a few hundreds of persons, who were offered a comprehensive insight, with power point presentation, into the new anti-discrimination laws and practices.

(v). In December 2004 a seminar on disability discrimination was organised by the National Organisation for the Blind and the Ministry of Labour under an EU funded project. Sign language translations were provided throughout and programs were issued in Braille.

(vi). In January 2005 an awareness-raising seminar on discrimination was organised by the Equality Body

A number of other seminars had also been organised in 2003, including an awareness-raising Seminar on the two non-discrimination Directives, organized by the House of Representatives in which all key actors involved on the issue (Governmental and non-governmental sectors etc.) participated and had the opportunity within the framework of three workshops to express their views, to submit their suggestions and to identify needs for further activities/measures to be taken to prevent and combat racism at domestic level. A similar awareness-raising Seminar on the two Directives on non-discrimination, organised by the Ministry of Justice and Public Order and the European Commission, took place in 26 June 2003.⁶²

Seminars are generally held in buildings which are accessible by wheelchairs. However, only the seminar of December 2004, mentioned in paragraph v above, offered sign language translation and documents in Braille, probably reflecting the fact that it was a seminar dedicated to disability and organised by a disability organisation. Funding may also partly account for the fact that these features were made available in this event.

Discrimination on the ground of sexual orientation is one of the topics covered in seminars dealing with discrimination in general, although no particular support is offered to organisations working in this field. Homosexuality continues to be a taboo subject in Cypriot society in spite of the fact that it has been decriminalised and homosexuals themselves are highly reluctant in revealing their sexual orientation to the public.

A number of anti-racist activities have been organised by the Youth Board of Cyprus with the financial support of the Government. These activities included a photographic exhibition, a camp for youth groups from Cyprus and abroad, anti-racism festivals on the occasion of the International Day of Tolerance, etc. Also, the Youth Board financed other Youth organizations anti-discrimination activities and the participation of young people to attend seminars abroad. Finally, the Youth Board financed a festival (Rainbow Festival) organised by the Action for Equality, Support and Anti-racism (formerly ISAG).

On the question of disability there has been consultation with the Federation of Organisations of the Disabled.

Compliance (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

a) Are there mechanisms to ensure that contracts, collective agreements, internal rules of undertakings and the rules governing independent occupations, professions, workers' associations or employers' associations do not conflict with the principle of equal treatment?

b) Are any laws, regulations or rules contrary to the principle of equality still in force?

The existing constitutional practice is such that any matter that is contrary to the principle of equal treatment, as guaranteed by Article 28 of the Constitution, and the human rights sections of the constitution, is unconstitutional, as the principle underlies all relevant laws. Therefore, it is considered to be null and void and of no legal effect. Case law has confirmed this. Secondly, the equality provisions contained in the international treaties, signed and ratified by the Republic, take precedence over any municipal law and therefore override any provisions that are contrary to the principle of equal treatment. Thirdly, the laws of the republic on Equal Treatment (gender, disability and minority anti-discrimination) expressly repeal any contrary provisions; even if, under the doctrine of implied repeal, these would not normally prevail over the latest laws where there is a conflict.

The mechanism under national law by which provisions in agreements, contracts or rules relating to professional activity, workers and employers that are contrary to the principle of equal treatment can be declared null and void or amended is that provided for the functioning of the Equality Body.

In spite of the explicit general repeal of all contrary laws, collective agreements, contracts or rules etc there is little screening as such on each and every law, collective agreements, contract or rule, unless there is an actual complaint.

OVERVIEW

Cypriot society today offers a constantly changing picture due to various factors. These include its EU accession; the lifting of the restrictions in movement that have brought about the relocation, in terms of residence and mainly employment, of many Turkish-Cypriots to the south; the increase in numbers of migrant workers and the even larger increase in numbers of asylum seekers.

These changes had a serious impact on the issue of discrimination in employment, education, housing, racial violence, access to goods and services, healthcare and social security to varying degrees. New legislation has come into force to deal with these issues, but it is too soon to say to what extent these new regulations have actually alleviated the problem. Further public awareness must be pursued, particularly among the vulnerable groups, to enable them to utilise these procedures. In addition, in order to make these new procedures more readily available to the affected groups, several obstacles must be addressed, such as the legal costs which are often prohibitive for many vulnerable groups as well as the risk of victimization which, in the cases of migrants, often takes the form of deportation.

There is, at the same time, an increasing rate of civil society initiatives to help raise public awareness and to take direct action on discrimination cases but NGOs have to struggle against a difficult backdrop of homophobia and increasing nationalism and xenophobia. The participation of NGOs in all processes must be further encouraged and enhanced if discrimination issues against vulnerable groups are to be effectively addressed.

The increasing numbers of asylum seekers during 2004 and 2005 introduced a new category of vulnerable persons in Cyprus who are adversely affected by policies and practices and police heavy-handedness⁶³ aimed at reducing the number of asylum seekers in some cases; in others it is the result of heavy workload on the part of governmental departments involved which are understaffed and unprepared for this sharp rise in numbers.

In 2004, the police had the lowest record of compliance with the Equality Body's decisions⁶⁴ while in a more recent statement to the press, the Equality Body complained again of the low compliance record of the police.⁶⁵ On 12.09.2005 a law was passed,

titled “The Police (Independent Authority for Investigating Allegations and Complaints) Law”, intended to create a new procedure for investigating police practices, in which a member of the police force themselves will also participate. The Attorney General’s office has explained this move⁶⁶ as an effort to enable criminal proceedings to be instigated by the Attorney General’s office, arguing that in order for such proceedings to be commenced, the investigation carried out by the Equality Body will not suffice, as the law requires the investigation preceding the criminal procedure to have been carried out upon the instructions of the Attorney General. This move has raised concerns that, instead of strengthening the institution of the Equality Body by granting to it powers to conduct investigations which can lead to criminal prosecutions, the institution is being undermined, by transferring part of its mandate to a newly established authority.

For the first time in decades, at least three incidents of violence against Turkish-Cypriots were reported by the media,⁶⁷ all three of which led to criminal prosecutions but not to any conviction. In two out of the three cases⁶⁸, the accused was the same person, who also declared himself to be a member of the Greek neo-fascist organisation Chrysi Avgi (“Golden Dawn”).⁶⁹ He was acquitted by the court on the ground that the prosecution failed to prove its case beyond reasonable ground and that any actions of the accused were self-defence.⁷⁰ The incidents and the acquittal that followed have raised concerns that acts inciting ethnic hatred are not effectively dealt with and the activities of Chrysi Avgi in Cyprus are not properly monitored and addressed. Incidents of racial violence against migrants are also regularly reported by NGOs and by the media; however, the system maintained by the police for recording racially motivated incidents has only recorded two of such incidents for the whole of 2005.

Special mention must be made of the constitutional provisions which set out quotas of participation for the two communities in Cyprus, the Greek-Cypriots and Turkish-Cypriots, in all major sectors: the army, the police, the House of Representatives, the Courts and the civil service. This quota arrangement may prima facie appear incompatible with the equality principle expounded in the two Directives. However it must be juxtaposed with the fact that the quota provisions are designed to provide for a wide scope of community autonomy so to create a consociational system of power-sharing, forming part of a democratic system of governance by securing the participation of two politically equal communities. As such, these provisions may be viewed in light of the two exceptions provided in the two Directives in respect of occupational requirements. Overall, there is an ongoing problem with the resulting different treatment of Turkish-Cypriots due to provisions made under the ‘law of and other measures introduced to deal with the situation that resulted from the invasion, occupation and division of the island. It appears that many of these measures result in discrimination on the grounds of ‘racial’ or ethnic origin. Such examples include the right of enjoyment of their ‘abandoned’ properties, the ongoing indirect discrimination due to language as no public documents and signs are available in Turkish and the right to access to certain provision that require a valid address in the area under the control of the Republic, which is again indirect discrimination against Turkish-Cypriots.

In the field of disability, a number of decisions by the Equality Body in response to complaints submitted by persons with disability are gradually building up a new regime whereby persons with disabilities are claiming their rights and some obstacles in their social integration are starting to be removed. The newly established national branch of the European “Advocates and Activists” program is expected to bring significant developments in this field.

In the field of employment, following a number of Equality Body decisions addressing the issue of maximum age limits in advertised posts, it is expected that age will no longer constitute an obstacle for persons applying for jobs. Whether this will mean that more older people will be gaining access to employment remains to be seen.

Sexual orientation continues to be the reason for many persons’ exclusion from the labour market, with homosexuality being a taboo that has not as yet been addressed. Gay people themselves find it hard to come forward and claim their rights, for fear of social contempt. At the time of writing this report, the Equality Body is about to present a report following its own investigation into this issue, but this is not available yet.

CO-ORDINATION AT NATIONAL LEVEL

There is no single authority or Government department responsible for the overall coordination of the implementation measures under the newly enacted legislation. Several ministries are involved depending on the issue at stake: the Ministry of Labour and Social Insurance deals with issues such as employment and social insurance benefits; the Ministry of Justice and Public Order deals with issues of legislation drafting and interpretation; the Ministry of Education and the Ministry of the Interior with their respective competencies.

Notes

¹ Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004)

² Cyprus/ The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I) /2004 (31.3.2004)

³ Cyprus / The Equal Treatment in Employment and Occupation of 2004 No. 58 (1)/2004 (31.3.2004).

⁴ Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 3.(1).(a), Part I.

⁵ These Conventions are: Protocol 12 of the European Convention for Human Rights and Fundamental Freedoms; the International Convention for the Elimination of All Forms of Racial Discrimination; the Framework Convention for the Protection of National Minorities; the Covenant for Civil and Political Rights and the Convention Against Torture and Inhuman and Degrading Treatment or Punishment.

⁶ Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 3(1).(b), Part I.

⁷ Which time limit shall not exceed 90 days from publication in the Official gazette (Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 28).

⁸ Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), section 14(2) and section 14(3), Part III, list the limitations to the Commissioner's power to issue orders as follows: where the act complained of is pursuant to another law or regulation, in which case the Commissioner advises the Attorney General accordingly, who will advise the competent Ministry and/or the Council of Ministers about measures to be taken to remedy the situation [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Sections 39(3) and 39(4)]; and where discrimination did not occur exclusively as a result of violation of the relevant law; where there is no practical direct way of eradicating the situation or where such eradication would adversely affect third parties; where the eradication cannot take place without violating contractual obligations of persons of private or public law; where the complainant does not wish for an order to be issued; or where the situation complained of no longer subsists.

⁹ The fine to be imposed cannot exceed CYP350 for discriminatory behaviour, treatment or practice [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 18(a)], CYP250 for racial discrimination in the enjoyment of a right or freedom [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 18(b)], CYP350 for non-compliance with the Commissioner's recommendation within the specified time limit [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 26(1) (a)] and CYP50 daily for continuing non-compliance after the deadline set by the Commissioner [Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 26(1) (b)]. Generally speaking, the fines are considered to be very low.

¹⁰ Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 24(1).

¹¹ Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 23.

¹² Term used in Section 146 of the Cyprus Constitution, which sets out the procedure for appeal to the Supreme Court of Cyprus.

¹³ Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 33.

¹⁴ Cyprus/ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 34(2).

¹⁵ The figure represents the number of *crossings* and not of *persons* who have crossed the dividing line; many persons have crossed the line several times. The number is derived from the author's own estimates.

¹⁶ See article 2(1) and 2(2). In 1960 Turkish-Cypriots constituted 18% of the population and Greek-Cypriots 78%.

¹⁷The 'religious groups', as referred to in the Constitution, consisting of Armenians, Latins, Maronites and 'others', constituted 3,2% of the population. For the purposes of the Constitution a "religious group" means

a group of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction thereof, the number of whom, on the date of the coming into operation of this Constitution, exceeded one thousand out of which at least five hundred become on such date citizens of the Republic. The Constitution recognises two Communities, the Greeks and the Turks, and three “religious groups” (Maronites, Armenians and Latins). These groups were to exercise the civil duties and enjoy their political rights as either of the two communities and they were obliged to opt for either of the communities. They opted to belong to the Greek community.

¹⁸ Chrysostomides (2000: 34) recognises that “it may have been premature to attempt to effect large-scale review of the constitution a mere three years after the Republic was established”, but nonetheless proceeds to justify why it was necessary in the pages that follow.

¹⁹ The Greek-Cypriot political leadership claimed that the amendments aimed at ‘improving the functionality of the Republic’ and ‘overcome the anomalies and constitutional stalemate’, which were result of ‘problematic provisions of the Constitution’. For an analysis of this turbulent period see Chrysostomides, 2000, Droussiotis, 2005

²⁰ The Turkish-Cypriot leadership saw this as a direct attack on the concociational and bi-communal nature of the Republic that aimed to reduce the Turkish-Cypriots from a ‘community’ to mere ‘minority’ in a unitary state (see Chrysostomides, 2000, Nacatigil, 1999, Droussiotis, 2005).

²¹ The case was Attorney General of the Republic v Mustafa Ibrahim and Others (1964) CLR 195. See Nedjati 1970, Loizou 2001, Nicolaou 2000.

²² given that Greek-Cypriots are almost entirely Greek Orthodox and Turkish-Cypriots entirely Moslem.

²³ For a discussion on the ‘doctrine’ or ‘law’ on necessity see Papafilippou, L. (1995) *The Law of Necessity and the Constitutional Order in Cyprus* [Το Δίκαιο της Ανάγκης και η Συνταγματική τάξη στην Κύπρο], Nicosia, Cyprus and Nicolaou, I (2000) *The Control of the Constitutionality of the Laws and the Separation of Powers of the State Institutions of Cyprus- Constitutional Regulation and the Evolution of the Law of Necessity* [Ο Έλεγχος της Συνταγματικότητας των Νόμων και της Κατανομής των Αρμοδιοτήτων, των Οργάνων του Κράτους στην Κύπρο – Η Συνταγματική Ρύθμιση, η Εξέλιξη και το Δίκαιο της Ανάγκης], Εκδόσεις Αντ. Ν. Σάκκουλα, Athina, Greece; and Loizou, A. N. (2001) *The Constitution of the Republic of Cyprus* [Σύνταγμα Κυπριακής Δημοκρατίας], Nicosia, Cyprus.

²⁴ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/2004 (19.03.2004); The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I)/2004 (31.3.2004); The Equal Treatment in Employment and Occupation Law No. 58 (1)/2004 (31.3.2004); the Disability (Amendment) Law N.57(I)/2004 Section 9Δ..

²⁵ Letter from Director of Labour Department of Ministry of Labour to the author. Discussed further in Section 4.7.4.(e) below.

²⁶ Cyprus/ The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I)/2004 (31.3.2004) Section 7(2).

²⁷ Directive 78/2000/EC, Paragraph 33 of the Preamble; Articles 13 and 14. Also, Directive 43/200/EC, Preamble paragraph 23. During the drafting of the various National Action Plans, the trade unions were consulted but were not informed as to which of their proposals were accepted or not, nor were any reasons given; they saw the final National Action Plans published. The only NGO dealing with racism and racial exclusions at the time (KISA) was not consulted in the formation of National Action Plans (for Employment, Social Inclusion, Education).

²⁸ Directive 78/2000/EC, Article 12 and Directive 43/200/EC Article 10. Although Turkish is one of the two official languages of the Cyprus Republic, none of the new instruments (or indeed any of the old ones or even the Official Gazette) are translated into Turkish, thus rendering it difficult for members of the Turkish-Cypriot community to be informed about and utilise the new procedures available. No alternative means are used to inform disabled people of non-discriminatory measures such as Braille.

²⁹ As required by Directive 78/2000/EC, Article 16 and Directive 43/200/EC, Article 14.

³⁰ Section 16(1) The Equal Treatment in Employment and Occupation Law No. 58 (1)/2004 (31.3.2004) and Section 10(1) The Equal Treatment (Racial or Ethnic Origin) Law No. 59(I)/2004 (31.3.2004).

³¹ The newly enacted law titled The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004) appoints the Commissioner for Administration (or Ombudsman) as the specialised anti-discrimination body.

³² The only time this was tested was when a complaint of age discrimination was lodged by the Director of the Cyprus Labour Institute that the law concerning the appointment of the President of the Commission for Public Education, which set an age limit of 60 years of age, whilst the Commission of Public Service,

performing parallel functions for civil servants does not contain such provisions. The Commissioner found that there was ‘direct discrimination due to age’ and that the relevant provision is therefore repealed under Section 16(1) of Law No. 58 (1)/2004 (31.3.2004). However, the final paragraph of the relevant decision suggested that “should there be any doubt or challenge as to whether the law was repealed or not the issue is adjudicated by the competent District Court” and to avoid any legal complications the specialized body recommended the formal repeal of the relevant provision of the law. We have no information on any follow up by the authorities.

³³ As provided by Directive 43/200/EC, Article 13. The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 44 empowers the specialized body to conduct research and collect statistics, however no such research or statistics have been collected, nor is there any definition of the categories for the collection of such relevant statistics. This derives from information collected for the RAXEN network..

³⁴ As provided by Directive 43/200/EC, Article 11.

³⁵ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(1)/ 2004 (19.03.2004), Section 40. The Specialized Body declined an offer to participate in an EQUAL project to develop such codes of conduct for employment, preferring instead of to leave it to other Government departments to participate.

³⁶ With the exception of two seminars little other Government organised activity has taken place. A number of civic initiatives and collaborations of NGOs with government departments have emerged recently, most in the form of EU-funded projects. One such project is the national campaign with the slogan "For Diversity. Against Discrimination." (see <http://www.stop-discrimination.info/index.php?id=5514>)

³⁷ As provided by Directive 43/200/EC, Article 12.

³⁸ The issue has not arisen in Cypriot law in the past as it became an issue in other jurisdictions where there is jurisprudence defining for example what is an ‘ethnic’ or ‘racial’ group.

³⁹ N.42 (1)/2004, N.58 (1)/2004, N.59 (1)/2004, N.57 (1)/2004.

⁴⁰ For example in administrative law or in employment law for the purpose of ‘unfair dismissal’.

⁴¹ Law N. 127(I)/ 2000.

⁴² N.57 (1)/2004.

⁴³ This law uses the term ‘disability’ and not ‘special needs’, as used in the Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, mentioned in footnote 82 above.

⁴⁴ Law on Equality of Treatment in Occupation and Employment N.58 (1)/2004, Article 7.

⁴⁵ Law on Equality of Treatment in Occupation and Employment N.58 (1)/2004, Article 8.

⁴⁶ Elia and another V. the Republic, 3 RSCC 1, at p. 6, per Forstshoff.

⁴⁷ Section 9(1) of the Law on Persons with Disabilities N.127(I)2000.

⁴⁸ Section 4 of the Law on Persons with Disabilities N.127(I)2000.

⁴⁹ Section 5 of the Law on Persons with Disabilities N.127(I)2000.

⁵⁰ Section 6 of the Law on Persons with Disabilities N.127(I)2000.

⁵¹ Section 7 of the Law on Persons with Disabilities N.127(I)2000.

⁵² Section 8 of the Law on Persons with Disabilities N.127(I)2000.

⁵³ Section 5(2)(d) of the Law on Persons with Disabilities N.127(I)2000, as amended by Law No. 57(I) of 2004.

⁵⁴ Section 9(2) of the Law on Persons with Disabilities N.127(I)2000.

⁵⁵ Report of the Equality Authority No. A.K.I 58/2005, issued on 08.12.2005.

⁵⁶ Report of the Equality Body No. A.K.R. 48/2005, issued on 13.10.2005.

⁵⁷ Such as the agency of the Ministry of Trade and Industry (Τμήμα Κρατικών Αγορών και Αποθηκών), as well as agency for Cypriot crafts (Υπηρεσία Κυπριακής Χειροτεχνίας).

⁵⁸ In Greek this is called «εκπαιδευτικό επίδομα».

⁵⁹ In Greek this is called «παραγωγικό επίδομα».

⁶⁰ According to Mr. Aggelides, Official, Ministry of Labour, about 90% of the profits are shared amongst the producers of each craft workshop, 23.1.2005.

⁶¹ Information from Mr. Aggelides, Official, Ministry of Labour, 23.1.2005.

⁶² During this Seminar, three experts from EU countries were invited in order to explain/discuss the provisions of the two Council Directives as well as their implementation with all key actors involved in discrimination issues.

⁶³ A number of Equality Body reports condemn incidents of violence used by the police against asylum seekers in order to convince them to withdraw their asylum applications.

⁶⁴ In October 2004, the Ombudsman Eliana Nicolaou presented a report to a Committee of the House of Parliament, where she criticized the police as having the lowest rate of compliance with her decision (reported in Hadjivasilis, M. (2004) “Ston kalatho ta 40% ton ektheseon tis Epitropou” in *Phileltheros* (28.10.2004).

⁶⁵ Evaggelou, M. (2005) “Kleinei ta aftia stin Epitropo I Astynomia” in *Politis* (11.08.2005), p.3.

⁶⁶ In their letter to the national expert dated 12.10.2005.

⁶⁷ Kalatzis, M. (2005) “Xespasan anev logou se Tourkokyprio” in *Politis* (30.09.2005), p.22; Nearchou J. (2005) “Katathese o Tourkokyprios: Anagorise ton Chrysavgiti” in *Politis* (21.09.2005), p.21; Nearchou J. (2005) “Katigoreitai oti ktypise Tourkokyprious- Se apologia o Chrysavgitis” in *Politis* (05.10.2005), p.22.

⁶⁸ The third case was still pending at the time of writing this report.

⁶⁹ Chrysi Avgi was described by the major political parties in Cyprus as “Nazi”, “racist”, “fascist”, as reported in Psyllides, G. (2005) “Ultra-nationalist group in the dock after Turkish Cypriot beaten” in *The Cyprus Mail*, (02.08.2005). Its symbol is based on the Nazi swastika.

⁷⁰ Kalatzis, M. (2005) “Athoothike o Chrysavgitis” in *Politis*, (05.11.2005), p.47.