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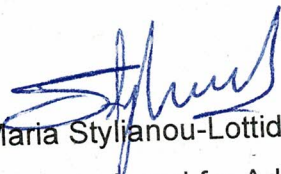
Nicosia, October 4<sup>th</sup>, 2022

Secretariat of the Human Rights Council  
Advisory Committee  
[OHCHR-hrcadvisorycommittee@un.org](mailto:OHCHR-hrcadvisorycommittee@un.org)

**Submission to the call for inputs on patterns, policies and processes  
leading to incidents of racial discrimination and on advancing racial justice  
and equality**

With reference to the above matter, please find enclosed the answers of my Office regarding the related questions.

Sincerely,



Maria Stylianou-Lottides

Commissioned for Administration  
And the Protection of Human Rights

Nicosia, October 4th, 2022

**Cyprus' Input Regarding HRC Resolution 48/18**

**Subject: Submission to the call for inputs on patterns, policies and processes leading to incidents of racial discrimination and on advancing racial and equality**

Regarding the above matter, please see below the response of the Commissioner for Administration and the Protection of Human Rights (Ombudsman) on the "Questions to all Stakeholders".

1. Is there a working definition or understanding of systemic, structural or institutional racism in your country/by your government/your organization?

As an Organization, we perceive that systemic discrimination involves institutional policies, cultures and procedures of any organization, that can amount to less favorable treatment for specific groups of persons in comparison to the majority of the population.

2. Is systemic, structural or institutional racism a prominent issue in your country?  
Is there any official acknowledgement that systemic, structural or institutional racism exists; and that it is a problem? In what sectors does systemic, structural or institutional racism occur-for example, access to justice, access to services, enjoyment of socio-economic cultural rights? (Refer to decided cases by national courts where relevant)

We have no information or data that would suggest systemic, structural or institutional racism is a prominent issue in our country.

3. What do you consider to be the root cause for systemic patterns of racial inequality?

We believe that the root cause for systemic patterns of racial inequality are stereotypes and normalized assumptions towards specific groups of persons.

4. What legal measures, if any, has your country put in place to address systemic, structural or institutional racism? (These could be constitutional provisions, anti-discrimination legislation, policy/strategies/national action plans, administrative measures, or the establishment of institutions such as equality bodies.)

Example:

➤ In May 2004, with Cyprus' accession to the EU, a new law was introduced that extended the mandate of the Commissioner for Administration to also act as a National Equality Body, within the meaning of article 13 of the Racial Directive (2000/43/EC). Our mandate as an Equality Body extends in both the private and the public sector and it includes all the grounds of discrimination covered by Directives 2000/43/EC and 2000/78/EC, as well as other forms/grounds of discrimination covered by the Cyprus Constitution, International Conventions ratified by Cyprus, and other national Laws (eg. Laws forbidding gender discrimination).

5. More specifically, has your government/country taken any special/positive (affirmative action) measures to ensure that past hindrances and obstacles to racial equality are overcome? (please provide details)

➤ A Committee of stakeholders under the supervision of the Civil Registry and Migration Department (as the competent Department of the Ministry of Interior) was established by the Council of Ministers and was entrusted to monitor the drafting and implementation of the National Plan for the Integration of Migrants.

The Plan contains suggestions and measures aiming to the integration of Third Country Nationals (TCN) legally residing in Cyprus in Cypriot (refugees, beneficiaries of subsidiary protection, immigrants, asylum seekers).

6. What extra-legal measures, if any, has your country put in place to address systemic, structural or institutional racism? (These could be educational, awareness-raising, measures related to racial equality in sport, access to and quality of health care, etc.)

When exercising our competences under the Equality and Anti-discrimination Directives, it is our responsibility to ensure the enjoyment of all rights and freedoms without any racial or other discrimination, both in the public and the private sector.

Further to the Reporting function of our Office, that involves the examination of complaints and the submission of recommendations in cases where human rights breaches are observed and the submission of views and recommendations after own- initiative examination of issues relevant to our mandate, we also engage, amongst others, in the following:

- Our Institution's public education/sensitizing function, aiming at raising awareness on human rights issues, as well as addressing public opinion, is carried out by communicating with representatives of the media or by direct contact with the public.
- Within the framework of raising awareness, our Institution takes part in numerous events (i.e. conferences, workshops, public discussions, seminars, trainings), which are organized by either the Office itself or in cooperation with other relevant stakeholders including CSO's;
- Press releases on current issues and/or major interventions of our Office and our participation in events (or own organization of such events) comprise another means for publicizing our Institution's work and for targeting the public,

in order to achieve information, education and raising awareness on human rights issues.

- Through our social network accounts, any Report or action of our Institution is published, together with all the events that our Institution organizes, co-organizes or participates in. Moreover, the new website of our Office, constitutes another source of information regarding all matters of the Office.
- Additionally, on various occasions the Commissioner participates on radio and tv programs, when human rights related issues are discussed or when the actual aim is to address public opinion and raise awareness on specific issues.
- Furthermore, our Institution's Publications (Codes of Practice, information leaflets, annual reports) also constitute an important form of contact with the public and a source of information regarding the Institution's positions on various matters.
- Trainings related to the International and EU legal framework on discrimination in general is provided by the Office mainly to public officials (i.e. police officers) but also other stakeholders of the society (eg. Schools).

7. How effective is the practical/actual implementation and enforcement of these measures? Have they been successful in addressing systemic, structural or institutional racism in your country?

We believe that the implementation of such extra-legal measures as well as the interventions of our Institution, mitigates systemic, structural or institutional racism in Cyprus.

8. How has the ongoing COVID-19 pandemic brought to the surface and exacerbated systemic, structural or institutional racism in your country?

During the course of the pandemic, our Office paid special attention and closely monitored social issues that could lead to discriminatory practices or policies (such

as measures to prevent the spread of covid-19, public narrative in respect to migrants/asylum seekers/refuges).

With two interventions/reports, (in December 2020 and September 2019) we evaluated the living conditions of asylum seekers in the two Reception Centers established by the Republic of Cyprus, expressing concerns about their access to basic rights and highlighting problematic issues like. overpopulation (tensions), access to hygiene services, long stays of residents (even for vulnerable groups like pregnant women & unaccompanied minors), inadequacy of measures to prevent the spread of the covid-19 virus, lack of adequate infrastructure in the Centers etc.

9. To what extent is disaggregated data gathered by state and non-state actors in your country to identify systemic, structural or institutional racism, and to track progress in the measures adopted to address systemic/ structural or institutional racism? Is any other data gathering tool used specifically to capture data relates to systemic/ structural or institutional racism?

We are not aware of such data gathered.

10. To what extent has national antiracism policy research with a bearing on systemic racism been undertaken by national institutions/researches and what research is being undertaken, if any?

We are aware of some research conducted by university researchers. For example, in December 2020, our Office in collaboration with a Professor at UCLan Cyprus University submitted a Report on the status of Foreign domestic workers in Cyprus which constituted the first survey conducted on the rights of domestic workers based on interviews, focus groups and questionnaires completed by the domestic workers.

Based on the findings of the survey carried out, the Report made recommendations for the ratification of its Convention on the Rights of Domestic Workers, the transfer of responsibility for domestic workers from the Civil Registry and Immigration Department to the Ministry of Labour, further improvements in the employment contracts offered to domestic workers, better provision of information to domestic workers of their rights and responsibilities and actions to tackle violence against them. The recommendations also involved the recognition of the profession of domestic workers and care staff, as well as of the services they offer as real and distinct areas of employment, the provision of information to domestic workers regarding their access to health services and the improvement and continuation of dialogue with the parties involved.

11. In your country, what are the main human rights challenges arising for systemic, structural or institutional racism? List and explain them succinctly.

The main challenges arising from systemic, structural or institutional racism is the impact of such phenomenon to fundamental human rights of the persons involved, mainly those related to the access to health care and employment.

12. Are specific resources allocated to address structural or institutional racism in your country?

With respect to the operation budget of the Office of the Commissioner for Administration and the Protection of Human Rights, in 2020 for the first time, with the introduction of a new budgeting system, the budget has been assigned to the various different activities/functions of our Institution, and a specific budget corresponding to effective operation of the Equality Body was assigned.

13. In your country, which government agency has the mandate of combating and preventive racial discrimination? To what extent does the agency take issues

into account related to systematic, structural or institutional racism in its mandate? (please provide the most recent annual reports of this agency)

As described above, the Commissioner has the mandate of combating and preventing racial discrimination, as the National Equality Body. Annual Reports are available in the English on our website.

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/annualreport\\_table/annualreport\\_table?openform](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/annualreport_table/annualreport_table?openform)

Examples of our work:

- In March 2022, the Office issued a Report under its competencies as the National Preventive Mechanism for Torture and Other forms of inhuman and degrading treatment (NPM), after visits of the Commissioner and staff of the Office that took place at the Reception Centre of asylum seekers (Pournara). In the Report that was drafted, we stated the problems and shortcomings of the facilities and living conditions that were observed and submitted specific recommendations for their facilitation.

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/D771BF6DC3804E23C22588020026F87F/\\$file/%CE%95%CE%9C%CE%A0%CE%A4%201\\_2022\\_%CE%91YT\\_2022.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/D771BF6DC3804E23C22588020026F87F/$file/%CE%95%CE%9C%CE%A0%CE%A4%201_2022_%CE%91YT_2022.pdf?OpenElement)

- In February 2022, exercising our Own-Initiative competence, we drafted and submitted a Report in light of violent attacks against third county nationals working in the field of food-delivery-services. The implicated State authorities were called to firmly react and apply a zero-tolerance approach concerning such events and specific recommendations were made to the Police concerning the criminal examinations of the incident and to the Ministry of



Education, stressing the need for further awareness raising, sensitizing and education in schools with respect to acceptance, respect and equality.

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/633CF8977FF59ED6C22587ED0034038C/\\$file/AYT\\_1\\_2022.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/633CF8977FF59ED6C22587ED0034038C/$file/AYT_1_2022.pdf?OpenElement)

- In July 2021, we issued a public Statement/Report regarding the phenomenon of speech that promotes/incites racism and xenophobia and the specific implications that such speech has when it is expressed online through the internet. In the Statement/Report we cited a number of complaints that we received concerning online hate speech (e.g. online publications and comments and social media posts), which we found to be derogatory and offensive to specific groups of people and contributed to the cultivation of negative stereotypes and hostility against them, on the basis of their origin and/or religion. Amongst the recommendations we made to the Police was to take measures that facilitate the identification, recording and investigation of public statements, publications or posts that constitute extreme hate speech, and, in cooperation with the Law Office of the Republic, promote the effective prosecution of those who have committed relevant offenses.

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/9D9C31B0FEA3373FC2258714002FCBE5/\\$file/REPORT%20HATE%20SPEECH.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/9D9C31B0FEA3373FC2258714002FCBE5/$file/REPORT%20HATE%20SPEECH.pdf?OpenElement)

- In April 2021, and in light of the vandalism of a mosque in village in Cyprus that occurred, we issued a public Statement in relation to safeguarding the freedom of religion and cultural heritage. The Statement aimed to remind and underline the need to respect the right of religious freedom which includes ensuring and supporting the unobstructed expression of all religious beliefs, in the context of a modern democratic society and in particular in the Republic of Cyprus in the

light of our Constitution which explicitly refers to both the Greek Cypriot and Turkish Cypriot communities and other religious groups.

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/79EFC18500498F83C22586C50047E136/\\$file/AYT6\\_2021\\_.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/79EFC18500498F83C22586C50047E136/$file/AYT6_2021_.pdf?OpenElement)

- In December 2021 we filed a Report regarding the detention conditions at the Menogia Detention Centre for Irregular Migrants, with recommendations on maintaining those detention conditions in line with human rights law and the international standards set by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/FB1778C45E7E5870C22587D40044B825/\\$file/XOKAM\\_5.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/FB1778C45E7E5870C22587D40044B825/$file/XOKAM_5.pdf?OpenElement)

- In December 2021 we submitted a Report regarding the need to combat racial incidents in football matches and sports events in general. The Report was filed after we were informed about an incident that occurred, in a first division football match, during which a number of supporters of the home team racially abused with monkey chants a black player of the visiting team. Even though, for the said incident, a fine was imposed against the home team, we reiterated the responsibility of the state to show zero tolerance to racial incidents in sport.

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/939DF558B276D6CAC22587C1004D3F28/\\$file/AYT\\_16\\_2021\\_.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/939DF558B276D6CAC22587C1004D3F28/$file/AYT_16_2021_.pdf?OpenElement)

- In our own initiative investigation on the situation of Roma people in Cyprus dated 18th December 2020, we attempted to record the real daily life of the Roma community, the challenges it has to face, the obstacles it has to

overcome, but also the needs it has to meet, in order to reach adequate standard of living.

- Regarding the prevention and combating of trafficking in migrant workers, in 2019, a Report was issued following an inquiry into complaints submitted by a Non-Governmental Organisation on behalf of four recognised victims of trafficking with regard to the difficulties they faced in enjoying the rights provided by the Legislation due to the non-renewal of special residence permits granted to them as victims. The problem was that despite the clear provisions of the law that ensures the access of recognised victims to specific rights, regardless of their residence status in the Republic and by only showing their “certificate of recognition”, in practice, this was not applied by the services providing them access to these rights.
  
- Within our responsibility to examine cases related to the living conditions of foreign workers, assigned to us by the Council of Ministers in 2020, a number of cases related to the matter were brought to our attention in 2021, by the Department of Labor Relations. Specifically, on occasions where the issue of living conditions of foreign workers is raised in labor disputes between workers and their employer examined by the Department of Labor Relations, the case is referred to our Office, after its examination is concluded by the Department. Consequently, our suggestions related to measures needed to be implemented by the authorities to prevent and prosecute labor exploitation and to ensure protection against discrimination based on race, colour, or national extraction, will take place based on the findings deriving from the above relatively new mandate of our work.
  
- In 2021, in cooperation with the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE), we have launched a joint initiative to explore the possibilities that exist for the development and promotion of interagency co-operation between

competent public authorities and civil society bodies, in order to more effectively address hate crimes in Cyprus. In the framework of this cooperation, a Working Group has been set up, with the responsibility to define and promote specific actions that will strengthen and improve the national framework which deals with racist crimes and support of the victims. The Working Group was already met three times, during which we, inter alia, discussed the promotion of a functional definition of what constitutes hate crime, the appointment of prosecutors with more specific competence and knowledge on prosecuting hate crimes, the drafting and signing of a Partnership Agreement between the members of the WG to enhance our cooperation).

14. Do you think reparations for the root causes of systemic, structural or institutional racism (such as Transatlantic Slavery, colonialism and apartheid) have a current role to play in redressing systemic, structural or institutional racism, and in eradicating it?

We believe that such reparations can play a significant role in the efforts of the international community to eradicate systematic racism. Procedures that involve acknowledging the root causes of systemic, structural or institutional racism and compensating victims of such behavior, send a clear message with respect to zero tolerance as regards such acts.

15. How are systemic patterns of racial discrimination addressed within the framework of the Sustainable Development Goals (SDGs) 2030 agenda? In your view, do the SDGs contribute to advance racial justice and equality?

In our opinion, the implementation of the SDGs, can have a significant role to play in reducing inequality, especially the goals aiming in ending poverty and other deprivations, in improving health and education, in ensuring economic growth for all and in working against climate change.

16. Is the existing international framework, for example as it relates to the governance of international organizations, sufficient to deal with systemic, structural or institutional racism? If not what can be done?

17. Is the existing national legal and human rights framework if any, sufficient to deal with systemic, structural or institutional racism? If not, what can be done?

The Cyprus legal framework provides extensive protection from discrimination on the basis of a person's race and ethnic origin, religion or belief, sexual orientation, disability, sexual orientation, gender and age. Such protection is provided by the Constitution of Cyprus, but also by a number of other Laws, mainly adopted to transpose EU anti-discrimination legislation, or, ratify international conventions and protocols in the field of human rights.

Based on the legal framework regulating the functions of the Commissioner for Administration, the Commissioner (Ombudsman) is, amongst others, specifically mandated to act accordingly, for ***the promotion and protection of human rights, their preservation or expansion in the Republic of Cyprus and the observance of these rights and fundamental freedoms by the administration.***

In particular, the Institution has responsibility through the exercise of its own power to submit opinions, recommendations, proposals and reports which relate to the following areas:

- i. Any situations of violation of human rights observed in the society;
- ii. The national situation with regard to human rights in general and on more specific matters.
- iii. Drawing the attention of the Government to situations in any part of the country where human rights are violated and making appropriate amending proposals.

Human Rights are protected by the Constitution and national legislation, European and international legal documents on human rights, including the EU Charter of Fundamental Rights. In addition, when exercising our competences under the Equality and Anti-discrimination Directives, it is our responsibility to ensure the enjoyment of all rights and freedoms without any racial or other discrimination, both in the public and the private sector.

In conclusion, the legal framework is strong and the challenge is its implementation.

18. What are the responsibilities of key stakeholders (UN agencies, states, NHRI's civil society organizations, technical community and academia, private sector) in addressing systemic, structural or institutional racism and racial discrimination? (Elaborate on what they can do to address systemic patterns of racial inequality)

The responsibilities of our institution as a NHRI and a National Equality Body with respect to addressing systemic, structural or institutional racism and racial discrimination are cited above in previous answers.

Various key stakeholders have an important role to play in detecting systemic, structural or institutional racism (i.e. civil society organisations, academia), ensuring adequate legal framework and forming policies (i.e. states and international stakeholders), complying with the current legal framework with respect to racism and discrimination and forming and applying codes of conduct (i.e. private sector), raising awareness around the issue (all of the stakeholders involved).

19. To what extent are private actors responsible for systemic patterns of racial discrimination in your country?

We do not have enough information to provide such an estimate.

20. What role do you consider new emerging technologies, such as artificial intelligence based on algorithms, play in eradicating or sustaining systemic patterns of racial inequality?

We are aware of the general risks / threats arising in matters of human rights protection (and in particular the principle of non-discrimination) from the application of artificial intelligence technologies, -especially in reinforcing existing prejudices and to discriminating against specific individuals or groups of individuals, - and are informed of the relevant concerns of the international human rights organizations around the issue. However, our institution, does not have experience on the matter.

21. Are there any 'good practices' by your State or other stakeholders (such as business or civil society organizations) that advance racial justice and equality and address systemic, structural or institutional racism? If yes, could you please share these practices?

Examples:

- Local Non-Governmental Organisations dealing with human rights, based on their experience and their networks with the civil society, often tackle issues related to racial injustice, either by making relevant interventions to implicated authorities or by bringing such issues to the attention of our Office, and also through awareness raising actions aiming to sensitize the society.
- The Republic of Cyprus has drafted a National Strategy for the Protection and the Promotion for Human Rights in June 2021, aiming, amongst others, to identify gaps, deficiencies and weaknesses in existing procedures that prevent effective protection against discrimination and to continuously

improve the operational capacity of the state apparatus to provide effective protection to victims of discrimination, violence and violation of human rights.

22. Do you have any recommendations to any stakeholder that you think would advance efforts to address systemic, structural or institutional racism either at the national or international level? Please share those.

Since "systemic, structural or institutional racism" is not interpreted the same way by all stakeholders, a definition of the term by international organizations, and the establishment of relevant indicators, will be useful and will contribute in advancing the efforts to address issues related to institutional racism.