

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

COUNCIL OF EUROPE



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**Comments of the Government of Cyprus on the Fifth Opinion of the Advisory
Committee on the implementation of the Framework Convention for the Protection
of National Minorities by Cyprus –
received on 20 May 2020**

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Advisory Committee on the implementation of the Framework Convention
for the Protection of National Minorities**

Document ACFC/OP/V(2019)002, adopted on 7 November 2019

I. Introduction

1. Cyprus would like to thank the Advisory Committee for the preparation of its Fifth Opinion under the Framework Convention for the Protection of National Minorities.
2. The report and its recommendations will be studied in detail and are duly noted. Furthermore, Cyprus will translate the recommendations of the 5th monitoring cycle in Greek and will publish them on the relevant Governmental websites.
3. Cyprus takes this opportunity to express its appreciation to the delegation of the Advisory Committee for the constructive dialogue on the occasion of its country visit in July 2019.
4. As also stated in the Reports of the Republic of Cyprus, the Framework Convention for the Protection of National Minorities contains no definition of the notion of “national minorities”. It is up to the individual contracting party to determine the national minorities to which it shall apply the Framework Convention. The term “national minorities” within the meaning of the Framework Convention is understood to designate for the Republic of Cyprus: the Armenian, Maronite and Latin (Roman Catholic) religious groups composed of citizens of the Republic of Cyprus who at the time of establishment of the Republic of Cyprus in 1960 opted in accordance with its Constitution to be part of the Greek Community.

The Constitution of the Republic of Cyprus recognizes the two communities of the Republic of Cyprus: Greek Cypriot and Turkish Cypriot. The Roma of Cyprus are deemed to be members of the Turkish Cypriot Community. In the context of Cyprus, the term Cyprus Roma as used in the national report is considered more appropriate.

It is understood that the use of the term “community” in the Advisory Opinion does not follow the definition of the term in the Constitution of the Republic of Cyprus and it is rather used more loosely to denote any ethnic or religious group present in Cyprus.

II. Comments on the observations and recommendations contained in the Advisory Committee’s Fifth Opinion

The following comments are intended to clarify some issues mentioned in the Advisory Opinion and to provide some factual corrections:

5. *Par. 141, “... the proceedings and the judgment would be made available only in Greek”.*

Comment: It is a constitutional right of every person appearing before the Court (either for the determination of his civil rights and obligations or for any criminal charge against him) to have the free assistance of an interpreter, if he cannot understand or speak the language used in the Court.

The same applies in the pre-court proceedings according to the relevant laws [Criminal Procedure Law (Cap.155), Law on the Rights of suspected persons, arrested persons and persons in detention (L.163(I)/2005) and the Law on the right to interpretation and translation in the criminal procedure (L.18(I)/2014)].

The reference, however, that the proceedings and the judgment would be made available only in Greek, in paragraph 141, is inaccurate, since the information provided by the authorities was that it is a constitutional right of every person appearing before the Court to have the free assistance of an interpreter, if he cannot understand or speak the language used in the Court until the delivery of

the judgment, meaning that this applies throughout the procedure, either in pre-trial stage or during court proceedings. The judgment is also translated in written if the litigant so requests.

6. *Par. 46, “The Advisory Committee was informed that a question on ethnic/religious groups will be asked to all those who have resided in Cyprus for the last 12 months, and therefore no longer only to Cypriot citizens, as was the case in the 2011 census.”*

Comment: The sentence in question has to be corrected as follows: “The Advisory Committee was informed that a question on ethnic/religious groups will be asked to all those who are usual residents of Cyprus (i.e. those who, on the reference date of the Census, have been living in Cyprus for at least 12 months, or who have arrived in Cyprus within the last twelve months and have the intention to reside in Cyprus for a period of at least twelve months) and therefore no longer only to Cypriot citizens, as was the case in the 2011 census.”

7. *In relation to Footnote no. 29, “The questionnaire used in the context of and 5% in Paphos).”*

Comment: The figures presented are neither from the 2011 Census of Population data nor from the annual Demographic Report published by CYSTAT. From the way this particular note is formulated, it is implied by the reader that the figures refer to the 2011 Population Census. The source of the specific figures, which is other than the CYSTAT, has to be stated; otherwise, the figures from the 2011 Census of Population or from the Demographic Report have to be provided, with the source stated in any case.

8. *Par. 47: “... Members of the Armenian community also insisted that census interviewers be properly trained to avoid repeating situations that allegedly took place in 2011 when certain census interviewers excluded some questions on their own initiative or answered the question on ethnic/religious affiliation themselves based on visible or linguistic characteristics of the interviewee...”*

and footnote no.31 “As an example during the visit would have been wrongly reported”.

Comment: The incident described in footnote 31 is deemed to be an isolated incident. The interviewers underwent a week-long training and the supervisors a ten-day training program, where all of the questions of the questionnaire and their respective response categories were explained in depth. Both the interviewers and the supervisors' groups had their own Instructions' Manuals. Furthermore, the interviewers were being supervised by supervisors throughout the data collection period, with each supervisor being responsible for a small number of interviewers (a maximum of ten each).

9. *Par. 52, “... if only one reference person from a given household is asked to provide information for the census on behalf of all household members, this may lead in practice to one-sided or inaccurate replies.”*

Comment: There was a misinterpretation regarding this point. CYSTAT had clarified that if a member of the household is absent or not available to answer to the personal questionnaire at the time of the interviewer's visit, then the reference person of the household or another adult member can answer on his/her behalf. It is implied that if the adult household members are available to answer the questions of the personal questionnaire, they can do so, each one individually.

10. *Par. 69, “The Statistical Service of Cyprus does not gather disaggregated equality data apart from demographic data collected through population censuses.”*

Comment: The sentence should be corrected as follows: “The CYSTAT does not gather disaggregated equality data apart from demographic data collected through population censuses and sample social surveys.”

11. *In relation to Footnote no 36: “The authorities have indicated that questions on ethnicity and religion will be optional in the electronic system (Blaise).....”.*

Comment: Regarding this point, it is noted that the interviewer will have to ask the questions on ethnicity and religion but the respondent will be given the option to refuse to reply and the option “Not Stated” will be activated in Blaise, thus making it an optional question for the respondent.

12. *In relation to Footnote no. 77, “... the TCCH is composed of an equal number of Greek Cypriot and Turkish Cypriot experts - ten each - appointed by the Leaders...”*

Comment: For reasons of accuracy, it is stated that the Technical Committee on Cultural Heritage is composed of five representatives from each community, and not of ten experts from each community, as erroneously stated in the report. The Advisory Board of the TCCH has an advisory role to the work of the TCCH and is also composed of five experts from each community.

13. *Par. 5: “The Advisory Committee welcomes progress in the codification of the Cypriot Maronite Arabic language and consider that further steps should be taken to produce textbooks and gradually extend its teaching to other educational levels...”.*

Comment: The sentence should be corrected as follows: “The Advisory Committee welcomes progress in the codification of the Cypriot Maronite Arabic language and notes that further steps were taken to produce textbooks and gradually extend its teaching to other educational levels”.

14. *Par. 181: “...So far, 17 teaching units for the levels A1 and A2 have been designed and completed. All the units were adapted for the teaching of children, enriched with appropriate illustrations. The educational material for the adults was also illustrated. The material produced is used in Agios*

Maronas Primary School, the Adult Education Centres and the Annual Summer Language Camp in Kormakitis”.

Comment: The following should be added: So far, based on the Common European Framework of Reference for Languages, 17 teaching units for the levels A1 and A2 have been designed and completed. All the units were adapted for the teaching of children, enriched with appropriate illustrations. The educational material for the adults was also illustrated. The material produced is used in Agios Maronas Primary School, the Adult Education Centres and the Annual Summer Language Camp in Kormakitis.

15. *Par. 92, " The Advisory Committee takes note that the Ministry of Education, Culture, Sports and Youth continues to support the preservation of Cypriot Maronite Arabic (CMA)...".*

Comment: The reference is not entirely correct. It should be corrected as follows: The Advisory Committee takes note that the MOECSY and the Office of the Presidential Commissioner continue to support the preservation of Cypriot Maronite Arabic”.

16. *In relation to footnote 84, “The codified CMA is used in Limassol Agios Antonios Primary School”.*

Comment: The reference is inaccurate and should be corrected as follows: “The codified CMA is used in Agios Maronas Primary School in Nicosia”.

17. *Par. 159, The Advisory Committee was made aware during the visit of the need to obtain more support, including subsidies from the authorities and the representatives of the Maronites for producing textbooks in the CMA language.*

Comment: “It should be noted that the production of teaching material for CMA is fully funded by MOECSY.”

18. *Par. 174, “The Terra Santa and Saint Mary’s schools of the Latins are both private schools fully subsidized by the Ministry of Education, Culture, Sports and Youth”.*

Comment: The reference should be corrected as follows: “The Terra Santa College in Nicosia and Saint Mary’s School in Limassol are both private schools partly subsidized by the MOECSY where many children belonging to the Maronite and Latin religious groups and some belonging to the Armenian religious group are enrolled”.

19. *In relation to Footnote no. 174, “The Terra Santa College is subsidized with the amount of €17,086 annually and Saint Mary receives €25.945 as per the 30 May 2002 Council of Ministers Decision No. 55.709.”*

Comment: The reference should be corrected as follows: “The Terra Santa College is subsidized with the amount of €17.100 annually and Saint Mary receives €25.945 as per the 30 May 2002 Council of Ministers Decision No. 55.709, provided that the schools request the subsidies.”

20. *Par. 197, “... and representatives of Cypriot Roma and their only NGO, CypRom”.*

Comment: CypRom had not been established yet during the period the Platform operated. The mention to its participation in the Platform is incorrect.

21. *Par. 203, “The Advisory Committee identified or proposed as a follow up”.*

Comment: All the deliverables / workings of the Cyprus National Roma Platform, are mentioned in paragraph 80 of the Fifth Report submitted by Cyprus. Paragraph 203 only mentions two of these deliverables.

22. *Par. 199, “During the visit, access to employment and (e.g. “not suitable”, “not interested”), and Par. 204, “The Advisory Committee underlines ... in tremendous difficulties”.*

Comment: All people who receive social benefits on the ground of unemployment must be registered with the Public Employment Service (PES) as unemployed, to receive necessary support in their search for a suitable job. To be eligible for registration, they must be able, willing and available to work. When they are registered, PES Officers will assist them in finding employment, through job search and placement services, which include vocational guidance, counseling and referrals to training programmes and job vacancies. PES Officers search for suitable employment for each person, always considering their family or personal situation and any health issues as well as their skills and competences. Comments from both sides, the unemployed and the employer, are recorded, regarding the referrals to job vacancies, in order for the officers to fairly conclude and decide on further action.

The government’s aim is to support and help candidates who fulfill the criteria of being able, willing and available to work, and also to offer financial support to persons in need as they cannot find employment, even though they are able and willing to work.