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

Opinion on Cyprus,
adopted on 6 April 2001

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EXECUTIVE SUMMARY

Following the receipt of the initial State Report of Cyprus on 1 March 1999 (due on 1 February 1999), the Advisory Committee commenced the examination of the State Report at its 4th meeting on 25 - 28 May 1999. In the context of this examination, a delegation of the Advisory Committee visited Cyprus, on 6 - 8 November 2000, in order to seek further information on the implementation of the Framework Convention from representatives of the Government and the United Nations, as well as from NGOs and other independent sources. The Advisory Committee subsequently adopted its opinion on Cyprus at its 10th meeting on 6 April 2001.

In examining the measures taken to give effect to the provisions of the Framework Convention, the Advisory Committee has only taken account of the territory which is under Government control. It notes that the Constitution of Cyprus in a number of respects appears not to be compatible with the requirements of the Framework Convention. The Advisory Committee is at the same time aware that there are particular circumstances to be taken into account in the case of Cyprus, so that a review of the Constitution in terms of national minorities may appear inappropriate at this time. The Advisory Committee is of the opinion that limited legislative measures may be envisaged to overcome some situations in a provisional or transitional way.

The Advisory Committee considers that Cyprus has in many respects made commendable efforts in the protection of national minorities. Valuable efforts have been made in access to sound radio broadcasting, in state support for national minorities and in particular in the field of education.

Nevertheless, important issues still need to be addressed. The obligation for religious groups - namely the Latins, the Maronites and the Armenians - and their members to choose adherence to the Greek Cypriot or to the Turkish Cypriot community, runs contrary to the principles set out in Article 3 of the Framework Convention. The impossibility for Turkish Cypriots to cast a vote in parliamentary and presidential elections, as well as at present to conclude civil marriages with Greek Cypriots, constitute discriminatory situations. The special situation of the Maronites, whose small community is now divided and dispersed following the events of 1974, requires further measures by the Government to promote the conditions necessary for them to maintain and develop the essential elements of their identity.

Whereas important steps have been taken to ensure the participation of religious groups in public life, the Advisory Committee considers that the Government should try, in consultation with those concerned, to make this participation more effective.

The Advisory Committee is of the opinion that specific conclusions and recommendations by the Committee of Ministers could help to improve further the implementation of the Framework Convention in Cyprus. It believes that such conclusions and recommendations could be helpful in a continuing dialogue between the Government and national minorities. The Advisory Committee, therefore, submits detailed draft conclusions and recommendations for consideration by the Committee of Ministers. The Advisory Committee stands ready to be involved in the monitoring of the follow-up to the conclusions and recommendations adopted by the Committee of Ministers in accordance with Rule 36 of the Committee of Ministers' Resolution (97) 10.

I. PREPARATION OF THE CURRENT OPINION

1. The initial State Report of Cyprus (hereinafter: the State Report), due on 1 February 1999, was received on 1 March 1999. Even though information on a number of articles was still missing, the Advisory Committee nevertheless commenced the examination of the State Report at its 4th meeting on 25 - 28 May 1999.

2. At that time, the Advisory Committee identified a number of points on which it wished to have further information, and it accordingly sent to the Cyprus authorities a questionnaire on 26 May 1999. The Cyprus Government replied to the questionnaire on 18 February 2000, thus also providing the information missing in the State Report with respect to a number of articles. Further to a request from the Government of Cyprus and pursuant to Rule 32 of the Committee of Ministers' Resolution (97) 10, a delegation from the Advisory Committee visited Cyprus on 6 - 8 November 2000. The delegation met representatives of the Government and other officials, including the Presidential Commissioner for religious groups, overseas Cypriots and repatriates, the Ombudsman, the Law Commissioner and the Attorney General. The delegation also met representatives of the Turkish Cypriots, the Armenians, the Maronites and the Latins, as well as representatives of the United Nations Force in Cyprus (UNFICYP), non-governmental organisations and other experts. When preparing the present opinion, the Advisory Committee consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.

3. The Advisory Committee subsequently adopted the present opinion at its 10th meeting on 6 April 2001 and decided to transmit this opinion to the Committee of Ministers.

4. The present opinion is submitted pursuant to Article 26(1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

II. GENERAL REMARKS ON THE REPORT

5. The Advisory Committee notes that Cyprus submitted its State Report on 1 March 1999 (due 1 February 1999). However, as the State Report recognised, it was not complete and it was supplemented by a further report received on 18 February 2000. Although the latter report indeed provides substantially more information, the Advisory Committee considers that in particular the information on the practical implementation of the Framework Convention remained rather limited. It therefore welcomed the invitation extended by the Cyprus Government to meet in Cyprus in order to gather additional information and clarify its understanding of measures taken to implement the Framework Convention.

6. The Advisory Committee regrets that the Cyprus authorities did not hold any consultations with minority representatives while the State Report was being prepared. It appears, for example, that the organisations and institutions representing minorities were not told that the Government was submitting the State Report. The Advisory Committee was pleased to note that the Government would give positive consideration to the holding of such consultations in the future.

7. As a general remark it should be pointed out that in examining the measures taken to give effect to the provisions of the Framework Convention, the Advisory Committee has only taken account of the territory which is under Government control. Thus, the situation in areas beyond the control of the Government falls outside the scope of this opinion. The Advisory Committee can but join the hope expressed by many that a lasting and just political solution be found to resolve the problems, also in the interest of persons belonging to national minorities. The Advisory Committee would further underline that the legal and constitutional arrangements included in a future political settlement must be compatible with the provisions of the Framework Convention and considers that the Council of Europe could have an important role to play in ensuring this result.

8. The Advisory Committee notes that the Constitution of Cyprus in a number of respects appears not to be compatible with the Framework Convention. Some specific issues are identified and addressed, although not exhaustively, in Part III below. Hoping that the Government will tackle these issues for which various solutions can be found, the Advisory Committee is at the same time aware that there are particular circumstances to be taken into account in the case of Cyprus. The Advisory Committee recognises that the Constitution of Cyprus is exceptional in at least two respects, firstly that it was not adopted by the people of Cyprus but is a result of international agreements (the Zurich/London Agreements of 1959) to which Cyprus was not party (a “given” Constitution) and secondly that a number of provisions of the Constitution are rendered unchangeable: according to Article 182 of the Constitution, certain provisions are indeed considered “basic” and cannot, in any way, be amended. This state of affairs is guaranteed by three other states, Greece, Turkey and the United Kingdom. Another major element of an exceptional nature is the *de facto* situation on the island, with a substantial part of the country not being under Government control. Another aspect to bear in mind is that the international community is engaged in finding an overall solution for the situation of Cyprus which, it is expected, will include the adoption of a new Constitution. For these reasons the Advisory Committee recognises that it could be inappropriate to initiate a review, at this stage, of the Constitution in terms of national minorities. However, even in the absence of such a review, limited legislative measures may be taken to overcome some situations in a provisional or transitional way, so as to comply with the requirements of the Framework Convention. In this context, the Advisory Committee

notes that remedial legislative measures, stemming out of necessity, have been taken in the past.

9. As no political settlement has been achieved so far, it must be kept in mind that the provisions of the Constitution regarding power-sharing at the different levels between the Turkish Cypriot and Greek Cypriot communities are not being applied. Following the events of 1974, only a few hundred Turkish Cypriots now live in the Government controlled areas, whereas their total number on the island amounts to 89,200, according to governmental figures. This raises a number of problems to be solved in a comprehensive political settlement, but did not prevent the Advisory Committee from examining to what extent the current situation of the Turkish Cypriots is in compliance with the requirements of the Framework Convention.

10. While welcoming the appointment of a Presidential Commissioner for religious groups, overseas Cypriots and repatriates in February 1998, the Advisory Committee noted that awareness of the Framework Convention and its contents is limited, particularly with those persons who may directly benefit from its implementation. The Advisory Committee therefore encourages the Government to take further measures to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through publication and dissemination of the State Report and other relevant documents.

11. In the following part of the opinion, it is stated in respect of a number of articles that, on the basis of the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement should not be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19

Article 1

12. The Advisory Committee notes that Cyprus has ratified a wide range of relevant international instruments. On the basis of the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

Article 2

13. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 3

14. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the Cyprus Government is therefore deemed to be the outcome of this examination.

15. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

16. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

17. The Advisory Committee notes with approval that the Cyprus authorities consider that the Framework Convention can be applied in Cyprus, despite some constitutional obstacles. The Advisory Committee notes that the Government considers in its approach that the Framework Convention applies to persons belonging to the Latin, Maronite and Armenian communities, defined as religious groups under the Constitution, as well as, and without prejudice to their constitutional position, to Turkish Cypriots living within the Government controlled areas.

18. The Advisory Committee notes that the Constitution of Cyprus is based on a division of the population into two communities, Greek Cypriots and Turkish Cypriots, and further recognises the existence of religious groups. The religious groups designated in the State Report are the Latins, the Maronites and the Armenians. Each religious group is under a constitutional obligation to choose - as a group - once and for all, adherence to one or other of the two communities recognised by the Constitution (the Greek Cypriots and the Turkish Cypriots). The Latins, the Maronites and the Armenians decided, by an overwhelming majority, to become members of the Greek Cypriot community. It is to be noted that each person belonging to a religious group is, as an individual, entitled to make use of an opting out. However, in so doing, an individual may only choose to belong to the other community, that is to the Turkish Cypriot community. The Advisory Committee considers that such arrangements, provided for by Article 2 of the Constitution, are not compatible with Article 3 of the Framework Convention, according to which every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such.

19. The Advisory Committee has learnt that many Maronites consider themselves not only a religious group, as they also share a specific ethnic origin and – at least for some of them – a

specific Arabic dialect. It encourages the Government, in consultation with those concerned, to re-examine the question of the designation of the Maronites as simply a religious group.

20. The Advisory Committee notes that many persons belonging to the Latin community are not satisfied with the term “Latins” the Government uses to designate them, as this expression does not properly reflect the essential element of their identity, namely the Roman Catholic rites they have in common. The Advisory Committee considers that it would be possible for the Government to address this issue in consultation with those concerned without undue difficulties, as it does not appear to require any change to the Constitution.

21. The Advisory Committee notes that persons belonging to religious groups are obliged to cast a vote in the parliamentary elections. The general legal obligation to vote in elections is indeed extended to the election of representatives of minorities. The Advisory Committee considers that it is to be welcomed that persons belonging to religious groups have the possibility to vote for a special representative in the House of Representatives. However, it considers that this should be conceived as a right and not an obligation. Article 3 of the Framework Convention provides that every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice. The obligation to elect special representatives for religious groups, failure of which may theoretically result in prosecution, is not compatible with the Framework Convention. The Advisory Committee considers that it would be possible for the Cyprus Government to address this issue without undue difficulty, as it does not appear to require any change to the Constitution.

22. Finally, the Advisory Committee notes that the State Report refers to the existence of other groups that the Government does not consider, at this stage, to be covered by the Framework Convention. The Advisory Committee is of the opinion that it would be possible to consider inclusion of persons belonging to these groups in the application of the Framework Convention on an article-by-article basis and takes the view that the Cyprus authorities should consider this issue in consultation with those concerned.

Article 4

23. The Advisory Committee notes that in Cyprus there is legislation in force prohibiting discrimination by public authorities, as well as providing for remedies in cases where individuals are discriminated against. However, the Advisory Committee notes that a comprehensive set of legal provisions outlawing such acts by private entities in societal settings, such as education and housing, still needs to be developed along with effective remedies, particularly those allowing the individual to obtain compensation for damages. It is further noted that no body exists which has the authority to address the full range of individual complaints which may arise concerning discrimination. Consideration could therefore be given to the extension of the powers of the Ombudsman, whose duties include investigating complaints lodged by individuals claiming that the authorities have violated their individual rights. A similar extension could be envisaged as concerns the National Institution for the Protection of Human Rights, whose general mandate is to keep under surveillance the respect of human rights in Cyprus.

24. The Advisory Committee is not persuaded by the governmental submission made during its visit that, as there appear to be no such cases of discrimination, a comprehensive set of legal provisions in this field would be superfluous. Although the Advisory Committee certainly shares the hope that there are no such cases, it considers that this can only be really ascertained once such legislation has been enacted and considers therefore that the Cyprus Government should review its anti-discrimination legislation in order to ensure that all acts of discrimination are outlawed and that effective remedies are available to all persons who suffer from discrimination, both by public authorities and private entities. The Advisory Committee further considers that, as legal provisions on non-discrimination may not themselves constitute a source of unjustified distinctions, such legislation and enforcement structures and procedures should protect all persons from discrimination on such grounds as language, culture, ethnicity or religion.

25. Concerning issues of discrimination, the Advisory Committee draws attention to two issues which it considers to merit particular attention, notwithstanding their complex constitutional origin, namely the impossibility for a Greek Cypriot and a Turkish Cypriot at present to conclude a civil marriage together in Cyprus and the impossibility for Turkish Cypriots resident in Government controlled areas to cast a vote in parliamentary and presidential elections.

26. Constitutional provisions lie at the origin of both issues. As indicated above the Advisory Committee considers that there are particular reasons that may make it difficult to envisage a constitutional review at this point. However, it does take the view that these two problems could be remedied, at least in part and in a provisional or transitional way. Such measures could be considered justified because they are necessary to mitigate the result of the current legal situation which is not compatible with Article 4 paragraph 1 of the Framework Convention. In this context, the Advisory Committee has been informed that the Government is currently taking steps to remedy the situation on civil marriages through appropriate legislation.

27. As the Government recognises, there is a possibility that census data do not accurately reflect the number of persons belonging to national minorities. In fact, discrepancies in figures can hamper the ability of the state to target, implement and monitor measures to ensure the full and effective equality of persons belonging to minorities. The Advisory Committee therefore considers that the Government should seek to identify ways and means of obtaining reliable statistical data to assess the size of the national minorities. Without such data being available, it is very difficult for the Cyprus authorities to operate effectively and for the international monitoring bodies to ascertain whether Cyprus meets its obligations flowing from the Framework Convention.

28. Concerning measures taken in order to achieve full and effective equality between persons belonging to national minorities and those belonging to the majority, the Advisory Committee notes with approval the measures available in the field of education, as well as the introduction of different levels of language skill requirements for entry into the civil service for persons belonging to religious groups (see also comments under Article 15).

Article 5

29. Many persons belonging to the Maronite community, who were traditionally residing in the north of the island of Cyprus, resettled in the Government controlled areas following the events of 1974. As a result of these movements, the Maronites are now divided between the north and the Government controlled areas where a number of them are dispersed in various places of settlement. As their total number is rather small - namely around 4,500 according to governmental figures - this particular situation is threatening their survival as a distinct group. In view of this situation, the Advisory Committee considers important that the Cyprus authorities pay particular attention to the promotion of the conditions necessary for the Maronites to maintain and develop the essential elements of their identity. The Advisory Committee notes that the leaders of the Maronite community repeatedly requested their own schools and housing areas or villages. The Advisory Committee therefore welcomes the recent decision taken by the Government to establish an elementary school for the Maronites. The Committee expresses the wish that the Cyprus authorities will adopt further measures aimed at preserving and developing the culture and the identity of the Maronites.

Article 6

30. The Advisory Committee acknowledges the efforts made by the Cyprus Government to encourage a spirit of tolerance and intercultural dialogue and would encourage that further action be taken along these lines. In that respect the Advisory Committee underlines the importance of information about national minorities being available to persons belonging to the majority and notes with approval the organisation of a cultural festival to bring to the attention of the broader public attributes of Maronite, Armenian and Latin culture. Furthermore, given the potential of the media to contribute positively to intercultural understanding, the Government, whilst respecting the editorial independence of the media, could seek actively to involve them more in this effort. Furthermore, in the field of education, the awareness and understanding of minority cultures could be further enhanced. In this respect, the Advisory Committee recalls the need to raise awareness about the Framework Convention.

31. In respect of cases of discrimination, the Advisory Committee notes that no governmental agency appears to be collecting or registering data on such cases. The Advisory Committee is of the opinion that the Government should review this state of affairs (see also comments under Article 4).

32. As concerns Turkish Cypriots, the Advisory Committee notes that cases of ill-treatment committed by police officers have been reported, as well as difficulties in instituting criminal proceedings against officials under suspicion. While the Committee welcomes the efforts already initiated by the authorities, notably in the field of human rights training in the Police Academy, it considers that the authorities should ensure that the proceedings against officials under suspicion are properly conducted.

33. The Advisory Committee is concerned about the fact that some Turkish Cypriots have complained that unused mosques in the Government controlled areas have been vandalized. In this context, the Committee notes with satisfaction that the Cyprus authorities pledged to increase protection of Muslim sites following an arson attempt on a mosque in August 1999. The Advisory Committee considers that the Government should closely monitor the situation and take further steps, including an awareness raising campaign, to prevent such occurrences from happening in the future.

Article 7

34. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 8

35. The Advisory Committee notes with satisfaction that the Government has begun to pay salaries to the priests of religious groups as from January 1999, thus treating them on an equal footing with Orthodox priests.

Article 9

36. Whereas the Advisory Committee considers that access to sound radio broadcasting and the possibility to have printed media are generally satisfactory, it would encourage the Cyprus Government to review the area of public television broadcasting with a view to enhancing access for persons belonging to national minorities. The Advisory Committee further recalls its observation under Article 6 (above) in respect of encouraging main stream media to contribute to intercultural understanding. In this context, reference is made to the Committee of Ministers' Recommendation (97) 21 on the media and the promotion of a culture of tolerance.

Article 10

37. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 11

38. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Articles 12-14

39. The Advisory Committee notes with approval the regulatory possibilities and budgetary support available for minority education in Cyprus at primary, secondary and higher levels of education and equally notes a high degree of satisfaction of persons belonging to national minorities in this respect. The Advisory Committee welcomes in particular the recent decision taken by the Government to establish an elementary school for the Maronites (see also comments under Article 5).

Article 15

40. The Advisory Committee has already drawn attention to the complex constitutional situation, which it considers in a number of respects not to be compatible with the Framework Convention. In the context of participation in public life, the Advisory Committee notes with particular concern the fact that Turkish Cypriots living in Government controlled areas are not able to cast a vote in parliamentary and presidential elections and has addressed this matter above under Article 4.

41. The Advisory Committee notes that the religious groups have a right to elect their own representatives in the House of Representatives, who attend as observers and have an advisory role on religious and educational matters affecting their group, but without any legislative powers. Attention of the Advisory Committee was drawn to the concern that this advisory role might not be sufficient to ensure an effective participation. The Advisory Committee therefore encourages the Government to discuss this issue in consultation with the Armenians, the Maronites and the Latins with a view to improving their participation.

42. The Advisory Committee further notes with approval the creation of the post of Presidential Commissioner for religious groups, overseas Cypriots and repatriates, which has contributed to increased attention of the Government to minority issues. The Advisory Committee would hope that this development continues and that, for example, a consultative committee for minorities be created, to institutionalise the consultation between the Government and minority representatives. In this context thought could also be given to extending the scope of the mandate of the Presidential Commissioner, which is currently limited to relations with the Maronite, Armenian and Latin communities.

43. Concerning access to the civil service, the Advisory Committee notes with approval the differentiation in language requirements introduced for applicants belonging to religious groups. The Advisory Committee is of the opinion that the authorities should ascertain whether a fair number of persons belonging to religious groups are in fact recruited and employed in the civil service and, should the result prove to be unsatisfactory, adopt the necessary measures to better the situation. As concerns the representation of Turkish Cypriots within public administration, the Advisory Committee is aware of the fact that the allocation of public offices between the two communities, as provided for by Articles 124 and 125 of the Constitution, is no longer functioning. As already mentioned under the general remarks of the present opinion, the Committee expresses the hope that this unsatisfactory situation will be overcome in a future political settlement.

Article 16

44. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

Article 17

45. As concerns paragraph 2, the Advisory Committee considers important that especially the Turkish Cypriots and the Maronites can maintain free and frequent contacts with members of their community living in the north of Cyprus. It therefore welcomes the fact that freedom of movement has been facilitated in recent years and that reciprocal visits to religious sites continue. The Advisory Committee encourages the Cyprus authorities to continue this policy.

Article 18

46. The Advisory Committee welcomes the recent adoption of a bilateral agreement between Cyprus and Armenia on co-operation in the fields of culture, education and science, as well as the establishment of a Joint Committee to consider matters relating to its implementation. It expresses the hope that the Cyprus authorities will make use of the numerous possibilities of exchanges foreseen in this bilateral agreement.

Article 19

47. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

IV. CONCLUDING REMARKS

48. In examining the measures taken to give effect to the provisions of the Framework Convention, the Advisory Committee has only taken account of the territory which is under Government control. It notes that the Constitution of Cyprus in a number of respects appears not to be compatible with the requirements of the Framework Convention. The Advisory Committee is at the same time aware that there are particular circumstances to be taken into account in the case of Cyprus, so that a review of the Constitution in terms of national minorities may appear inappropriate at this time. The Advisory Committee is of the opinion that limited legislative measures may be envisaged to overcome some situations in a provisional or transitional way.

49. The Advisory Committee considers that Cyprus has in many respects made commendable efforts in the protection of national minorities. Valuable efforts have been made in access to sound radio broadcasting, in state support for national minorities and in particular in the field of education.

50. Nevertheless, important issues still need to be addressed. The obligation for religious groups - namely the Latins, the Maronites and the Armenians - and their members to choose adherence to the Greek Cypriot or to the Turkish Cypriot community, runs contrary to the principles set out in Article 3 of the Framework Convention. The impossibility for Turkish Cypriots to cast a vote in parliamentary and presidential elections, as well as at present to conclude civil marriages with Greek Cypriots constitute discriminatory situations. The special situation of the Maronites, whose small community is now divided and dispersed following the events of 1974, requires further measures by the Government to promote the conditions necessary for them to maintain and develop the essential elements of their identity.

51. Whereas important steps have been taken to ensure the participation of religious groups in public life, the Advisory Committee considers that the Government should try, in consultation with those concerned, to make this participation more effective.

52. The Advisory Committee is of the opinion that specific conclusions and recommendations by the Committee of Ministers could help to improve further the implementation of the Framework Convention in Cyprus. It believes that such conclusions and recommendations could be helpful in a continuing dialogue between the Government and national minorities. The Advisory Committee, therefore, submits detailed draft conclusions and recommendations for consideration by the Committee of Ministers. The Advisory Committee stands ready to be involved in the monitoring of the follow-up to the conclusions and recommendations adopted by the Committee of Ministers in accordance with Rule 36 of the Committee of Ministers' Resolution (97) 10.

V. PROPOSAL FOR CONCLUSIONS AND RECOMMENDATIONS BY THE COMMITTEE OF MINISTERS

With a view to the foregoing, the Advisory Committee is of the opinion that the Committee of Ministers should consider the adoption of the following draft conclusions and recommendations with respect to Cyprus:

The Committee of Ministers,

Having regard to the Framework Convention for the Protection of National Minorities and the initial State Report submitted by Cyprus, on 1 March 1999, on the implementation of the Framework Convention;

On the basis of the opinion adopted by the Advisory Committee on 6 April 2001;

Welcoming the efforts that have been made by Cyprus to implement the Framework Convention;

Considering that specific conclusions and recommendations could help further to improve the implementation of the Framework Convention by Cyprus;

Adopts the following conclusions and recommendations and invites Cyprus to inform the Advisory Committee, within one year from the adoption of the present decision, of follow-up made in this respect.

In respect of Article 3

The Committee of Ministers *concludes* that it would be possible to consider the inclusion of persons belonging to other groups in the application of the Framework Convention on an article-by-article basis and *recommends* that Cyprus consider this issue in consultation with those concerned.

The Committee of Ministers *concludes* that the obligation for religious groups and their members to choose adherence to the Greek Cypriot or to the Turkish Cypriot community, as provided for by Article 2 of the Constitution, is not compatible with Article 3 of the Framework Convention.

The Committee of Ministers *concludes* that the legal obligation for persons belonging to religious groups to elect their representatives is not compatible with Article 3. It *recommends* that the Cyprus Government address this issue.

In respect of Article 4

The Committee of Ministers *concludes* that the existing legislation prohibiting discrimination, as well as providing for remedies, is not comprehensive. Notably, legal provisions outlawing acts of discrimination by private entities in societal settings still need to be developed, as well

as effective remedies, particularly those allowing individuals to obtain compensation for damages. The Committee of Ministers *recommends* that the Cyprus Government should review its anti-discrimination legislation in order to ensure that all acts of discrimination are outlawed and that effective remedies are available to all persons who suffer from discrimination, both by public authorities and private entities in societal settings.

The Committee of Ministers *concludes* that the impossibility for a Greek Cypriot and a Turkish Cypriot to conclude a civil marriage together in Cyprus, and for Turkish Cypriots resident in Government controlled areas to cast a vote in parliamentary and presidential elections, is not compatible with Article 4 paragraph 1 of the Framework Convention. The Committee of Ministers *recommends* that the Government remedy these two problems, at least in part and in a provisional or transitional way.

The Committee of Ministers *concludes* that, as the Government recognises, there is a possibility that census data do not accurately reflect the number of persons belonging to national minorities. The Committee of Ministers *recommends* that the Government consider ways and means of obtaining reliable statistical data to assess the size of the national minorities.

In respect of Article 5

The Committee of Ministers *concludes* that since the 1974 events, the Maronites are threatened in their survival as a distinct group. In addition to the measures already taken in the field of education, the Committee of Ministers *recommends* that the Cyprus authorities adopt further measures aimed at preserving and developing the culture and the identity of the Maronites.

In respect of Article 6

The Committee of Ministers *concludes* that the Cyprus Government has made efforts to encourage a spirit of tolerance and intercultural dialogue but that further action should be taken along these lines. It *recommends* in particular that the Government seek to encourage the media to contribute positively to intercultural understanding. It also *recommends* that the Government enhance the awareness and understanding of minority cultures in the field of education.

The Committee of Ministers *concludes* that no governmental agency appears to be collecting or registering data on cases of discrimination. It *recommends* that the Government review this state of affairs.

The Committee of Ministers *concludes* that there is reason for concern about reports from Turkish Cypriots on cases of ill-treatment committed by police officers, as well as difficulties in instituting criminal proceedings against officials under suspicion. It *recommends* that the Cyprus authorities ensure that these proceedings are properly conducted.

The Committee of Ministers *concludes* that there is reason for concern about complaints from Turkish Cypriots that unused mosques have been vandalized. It *recommends* that the

Government closely monitor the situation and take further steps to prevent such occurrences from happening in the future.

In respect of Article 9

The Committee of Ministers *concludes* that access to sound radio broadcasting and the possibility to have printed media are generally satisfactory. The Committee of Ministers however *recommends* that the Cyprus Government review the area of public television broadcasting with a view to enhancing access for persons belonging to national minorities.

In respect of Article 15

The Committee of Ministers *concludes* that the religious groups have a right to elect their own representatives in the House of Representatives, who attend as observers and have an advisory role on religious and educational matters affecting their group. The Committee of Ministers *recommends* that the Government consult the Armenians, the Maronites and the Latins on these arrangements with a view to making their participation more effective.

The Committee of Ministers *concludes* that there is a differentiation in language requirements introduced for applicants belonging to religious groups as concerns access to the civil service. It *recommends* that the Cyprus authorities ascertain whether a fair number of persons belonging to religious groups are recruited and employed in the civil service and, should the result prove to be unsatisfactory, adopt the necessary measures to promote a fair representation of the minorities in the civil service.

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