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

Second Opinion on Cyprus, adopted on 7 June 2007

EXECUTIVE SUMMARY

Since the adoption of the Advisory Committee's first Opinion, Cyprus has taken new steps to improve the implementation of the Framework Convention in respect of the Armenians, the Latins and the Maronites. Efforts have been made to support the cultural activities of the three mentioned minority groups and to provide them with better opportunities to receive minority-specific education. Nevertheless, additional measures are necessary in order to meet the particular needs of these persons.

While the Armenians, the Latins and the Maronites are well integrated in society, their participation in decision-making on issues concerning them appears to be insufficient. Problems remain as regards the implementation of the principle of free self-identification in respect of the Armenians, the Latins and the Maronites, as well as in respect of the Roma.

It is positive that the legal and institutional framework for combating discrimination has been strengthened in Cyprus. Adequate resources should be provided to the new institutions established in this area.

Notwithstanding efforts made to promote tolerance and intercultural dialogue, Cypriot society remains divided and there is only a limited amount of dialogue and trust between the Greek Cypriot Community and the Turkish Cypriot Community. More resolute steps are needed to promote mutual respect, understanding and integration among all persons living on the territory of Cyprus, including through a more active contribution of the media and the education system.

It is essential that the authorities, as well as all the parties involved, strengthen their efforts to achieve as soon as possible a just and lasting solution to the division of Cyprus.

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

SECOND OPINION ON CYPRUS

1. The Advisory Committee adopted the present Opinion on 7 June 2007 in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 27 October 2006, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during its visit to Nicosia from 2 to 4 April 2007.
2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Cyprus. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise.
3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Cyprus adopted on 6 April 2001, and in the Committee of Ministers' corresponding Resolution, adopted on 21 February 2002.
4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Cyprus.
5. The Advisory Committee looks forward to continuing its dialogue with the authorities of Cyprus as well as with representatives of national minorities and others involved in the implementation of the Framework Convention. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

I. MAIN FINDINGS

Monitoring process

6. The Advisory Committee welcomes the Cypriot authorities' willingness to pursue, in the context of the second monitoring cycle of the Framework Convention, the dialogue on the implementation of this Convention in Cyprus. It regrets however that the State report was submitted with a delay of more than two years, a situation which significantly hampered the monitoring process. The Advisory Committee notes, in addition, that only limited consultations were held with the minorities during the preparation of the report, and considers that such consultations should in future be more extensive and more effective.

7. The Advisory Committee notes at the same time that Cyprus hosted a follow-up seminar, in January 2004, to discuss ways of implementing the conclusions set out in the first Opinion with representatives of the minority groups and the Advisory Committee.

8. As it did during the first monitoring cycle, the Advisory Committee focused, in preparing this Opinion, on the actions taken by the Cypriot authorities to implement the Framework Convention in the Government-controlled territory. It is evident that the division of the island has negative effects on the implementation and on the monitoring of the Framework Convention in territories outside the Government's effective control. The Advisory Committee understands that resolving the conflict is a priority for the Government and that efforts are being made in this direction. It considers however that, until it is resolved, the division of Cyprus will continue to affect significantly the climate of dialogue and understanding which characterises, in general, Cypriot society.

9. In this connection, the Advisory Committee welcomes the steps taken by the authorities of Cyprus, including recently, in order to enable movement and contacts between people living in the Government-controlled territory and in the northern part of the island. The Advisory Committee encourages the authorities, as well as all the parties involved, to strengthen their efforts and follow an open and constructive approach, so that a just and lasting solution to the conflict can be found as soon as possible. Appropriate attention should be paid, in this process, to the principles enshrined in the Framework Convention.

Constitutional and legal framework. Scope of application of the Framework Convention

10. The Advisory Committee notes that the Government's designation and protection of the Armenians, the Latins and the Maronites as "religious groups" is based on the 1960 Constitution, and that this forms the basis of the Government's official approach to the personal scope of application of the Framework Convention. Subsequent developments concerning the situation in Cyprus have had an additional impact on the Government's policy related to minority protection.

11. The Advisory Committee notes in this respect that the authorities' response to a number of recommendations made in the context of the first monitoring cycle, as well as to requests formulated by the three minority groups,¹ appear to depend on complex constitutional provisions or political and other developments, which are also related to the settlement of the question of Cyprus. It finds in particular that the obligation, for the persons belonging to the three minority

¹ In this Opinion, the Advisory Committee uses the terms "minority groups" to refer to the Armenians, the Latins and Maronites.

groups, to affiliate themselves to one of the two communities - the Greek Cypriot Community or the Turkish Cypriot Community -, as well as the obligation to vote for their representative in parliament, are not consistent with the Framework Convention. The Advisory Committee notes that the authorities are not ready to address these issues at this stage. No dialogue has been opened about the Framework Convention and the protection provided by it, with the Roma, who have not been offered the possibility to freely express their ethnic affiliation.

Combating discrimination

12. The Advisory Committee welcomes the adoption of new anti-discrimination legislation and the strengthening of the institutional framework for protection against discrimination. The Ombudsman Office and the equality and anti-discrimination institutions set up therein should receive appropriate resources for their effective and independent operation.

13. While alleged cases of discrimination against persons belonging to the three minority groups have not been reported, efforts are still needed in terms of awareness-raising of the relevant legal provisions and the legal remedies available.

Support for preserving the culture and identity of minorities

14. The authorities have continued to support, including by allocating increased financial resources in the relevant sectors, the efforts made by persons belonging to the three minority groups to preserve their culture and identity. However, more adequate measures should be taken in order to meet these persons' specific needs. The authorities should develop a more proactive approach by not only supporting but also promoting their identity and cultures.

15. The Advisory Committee notes in particular that increased efforts are needed in order to support the establishment of cultural centres for the minority groups. Additional measures are needed in order to help to revitalise the culture and language of the Maronites.

Tolerance and intercultural dialogue

16. In spite of the efforts made in recent years to maintain and improve the climate of tolerance that characterizes in general the Cypriot society, division persists in the society and there is limited dialogue between the two communities - the Greek Cypriot Community and the Turkish Cypriot Community. More determined measures are needed in order to facilitate participation of Turkish Cypriots in different sectors of public life, as well as to combat discrimination and hostility against them. More resolute steps should be taken to promote mutual respect, understanding and cooperation between all persons living on the territory of Cyprus.

17. The Advisory Committee notes at the same time that the persons belonging to the three minority groups are well integrated and positive attitudes are reported towards them, both within the population and among the authorities.

18. The situation of the Roma living in the Government-controlled territory has received increased attention in recent years, with measures of support taken in fields such as housing and education. Nevertheless, the Roma are still faced with prejudice and discrimination. The measures taken so far to address their problems should be continued and developed further.

19. The increasing diversity of the Cypriot society owing to immigration represents a considerable challenge for the authorities. Notwithstanding the measures taken by the authorities

in recent years, the situation of non-nationals, who find themselves particularly vulnerable to intolerance, racist manifestations and discrimination, is a serious cause of concern and requires immediate action. In this connection, it is essential to strengthen awareness about discrimination, racism and intolerance within the population and the public authorities, including the police.

Access of minorities to the media and presence in the media

20. Although the culture and concerns of the three minority groups receive little coverage in the media, the image of them that is conveyed to the public is positive. The recent initiatives taken by the competent authorities to increase the presence of the three groups in the public media, as well as the recent Government decision to provide financial support to their printed media, should contribute to increase public awareness about them.

Education

21. In recent years, the authorities have continued to pay attention to the situation of persons belonging to the three minority groups in education. Although difficulties persist, the Advisory Committee notes that a public primary school has been set up to address the Maronites' specific needs in education. Significant efforts have also been made to maintain opportunities for the Armenians to learn their language and to receive education in this language. The Latins have continued to benefit from the support provided to the two Catholic private schools. More generally, the financial assistance provided to the persons belonging to the three minority groups for access to private education has increased.

22. Difficulties are reported as regards the availability of teaching materials and qualified teachers in schools which provide minority-specific education. The representatives of the three minority groups also consider it unsatisfactory that minority-specific subjects are often taught in extra-curricular classes. Increased efforts are needed to ensure that information about the culture and history of the three minority groups is included in the mainstream textbooks, as well as to make sure that these groups' representatives are involved when the decisions are taken on the curriculum and content of textbooks.

Effective participation

23. The participation of persons belonging to the three minority groups in social, economic and cultural life appears not to pose particular problems.

24. As regards their participation in public affairs, it is noted that the three minority groups have their elected representatives in parliament. Nevertheless, the influence of the minority groups in decision-making on issues concerning them remains limited. Consultations with their representatives should be conducted on a regular basis, and provided with an institutional framework. Also, in spite of the efforts made in recent years, the management and coordination of Government policy for the protection of the minority groups needs to be improved and better institutionalised.

II. ARTICLE-BY-ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal scope of the Framework Convention

Findings of the first cycle

25. In its first Opinion on Cyprus, the Advisory Committee found that the provisions made in Article 2 of the Constitution, laying down the obligation for the three minority groups and their members to choose adherence to the Greek Cypriot Community or the Turkish Cypriot Community, were not compatible with Article 3 of the Framework Convention. Furthermore, the Advisory Committee considered it incompatible with Article 3 of the Framework Convention that there was a legal obligation for members of the three minority groups to elect their representatives, as part of the general obligation of citizens to vote.

26. The Advisory Committee encouraged the authorities to re-examine the question of the designation of the Maronites as simply a “religious group”, in view of their own self-identification as a separate ethnic group, and the wish of the Latins to be designated by a term more properly reflecting the essential element of their identity, the Roman Catholic religion.

27. The Advisory Committee considered it possible to envisage including persons belonging to other groups in the application of the Framework Convention, on an article-by-article basis.

Present situation

a) Positive developments

28. The formal approach regarding the designation as “religious groups”² of the three minority groups (the Armenians, the Latins and the Maronites) coming under the protection of the Framework Convention is founded on constitutional provisions. The Advisory Committee has nevertheless noted the existence of a general consensus that Maronites and Armenians in particular, above and beyond their distinctive religious characteristics, possess a linguistic, cultural and historical identity by which they may be regarded more broadly as ethnic minorities. The Advisory Committee notes that a study is in progress and that a dialogue has been opened on these issues with the groups concerned.

29. Regarding the term used to designate the Latins, legislative measures have been envisaged by the Government to meet the request of the members of this group that terms more accurately reflecting their religious identity (“Catholic Latins” or “Roman Catholic Latins”) be used to designate them. In this matter the authorities consider that a favourable response to their request would not raise any constitutional problems as it would not require any amendment to the Constitution.

² In Article 2.3, the Constitution recognises as forming a “religious group” 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 religious jurisdiction, thereof the number of whom, on the date of the coming into operation of the Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic”.

b) Outstanding issues

30. As to the obligation that members of the three minority groups adhere to either of the two Communities - Greek Cypriot or Turkish Cypriot - the authorities consider that this obligation, arising from constitutional provisions, cannot be altered at the present stage. The Advisory Committee is deeply concerned, as it was in the first Opinion, by the continuing existence of this obligation, which it considers not to be consistent with the Framework Convention. The Advisory Committee notes that, according to the Cypriot Constitution, members of the “religious groups”, or the groups as such, can decide to cease to belong to the Community in question (Greek Cypriot or Turkish Cypriot). It notes however that, as a result, they would automatically be deemed to belong to the other Community and that no other option exists. In addition, the procedure to follow in order to express this decision and to make it effective is complicated and difficult to apply, as it requires the approval of the two communities’ Chambers, which have ceased to exist. The Advisory Committee also considers that the constitutional provision according to which a married woman shall belong to the community to which her husband belongs is contrary to the principles of free self-identification and gender equality.

31. The Advisory Committee observes that, besides the population census, registration on the electoral rolls is an additional means of certifying the identification of individuals as members of a “religious group”. According to the information supplied by the authorities, all citizens are asked, on the forms to be completed for their registration in the general electoral rolls, to state *inter alia* their attachment to a “religious group”, and to indicate the group in question (Armenians, Latins, Maronites). In addition, each person that has indicated his or her belonging to a “religious group” must submit a declaration expressly requesting his or her inclusion in the electoral list for the group in question and is under the obligation to participate in the election of the group’s representative in parliament.

32. The Advisory Committee notes that, according to the information which it received, the fact of belonging to one of the three minority groups, stated upon registration in the electoral lists compiled for these groups, must be confirmed by the Church in question. The Advisory Committee considers that this practice creates serious concerns from the perspective of the principle of free identification enshrined in Article 3 of the Framework Convention.

33. The Advisory Committee notes that members of the three minority groups in Cyprus are still obliged to vote for their representative in parliament. The authorities have indicated that, as this obligation is part of a general legal obligation to vote in elections, which applies, under Cypriot law, to all citizens, they are not ready, at this stage, to consider the possibility of removing it. While understanding that this position is linked with the special situation in Cyprus, the Advisory Committee finds, as it did in the first Opinion, that the obligation imposed on members of the three minority groups to vote for their representative in parliament is not consistent with the Framework Convention. It notes however that, according to the authorities, nobody has been prosecuted since 2001 for non-compliance with the legal obligation to vote. Likewise, it understands that no such prosecutions will be initiated for non-compliance in the future.

34. The Advisory Committee notes that on becoming a citizen of Cyprus everyone is under the obligation to opt for adherence to either of the two main Cypriot communities (Greek or Turkish) and to vote in the elections, which also affords the opportunity to declare one’s attachment to a “religious group”. It is unclear, however, whether a naturalized citizen who

indicates his or her attachment to one of the three “religious groups” is officially recognised and protected as a member of the group in question by virtue of this declaration and if so, whether this is the case for all three minority groups. The Advisory Committee is concerned that the lack of clarity of this approach may lead to arbitrary distinctions and may give rise to discriminatory treatment within and between the groups concerned.

35. The Advisory Committee regrets that the measures initiated to meet the expectations of the Latins concerning the proper term with which to designate them have not been carried through. According to the authorities, this is due to constitutional difficulties linked with related requests made by the Latins. While aware of the complexity of the constitutional situation in Cyprus, the Advisory Committee recalls that persons belonging to minorities are entitled to freely identify themselves, and that the authorities should respect their choice as regards their designation.

36. The Advisory Committee notes that no development has been noted regarding the formal status of the Roma³ living in Cyprus, who since 1960 have continued to be regarded as belonging to the Turkish Cypriot Community. According to the information made available to the Advisory Committee, no dialogue has been opened with the representatives of the Roma on this issue.

37. The Advisory Committee regrets, in this connection, the restrictive nature of the question on ethnic or religious affiliation posed in the 2001 census, which did not provide any other option than adherence to one of the groups exhaustively itemised in the list provided: Greek Cypriot, Armenian, Maronite, Latin and Turkish Cypriot. The Advisory Committee considers that a closed list does not allow persons belonging to a minority freely to express their affiliation, and therefore raises deep concerns from the perspective of Article 3 of the Framework Convention.

38. The Advisory Committee is aware of the constitutional or other constraints that may make it difficult for Roma to be recognised as a separate national or ethnic group or minority. Likewise, it takes note of the practical difficulties invoked by the Government when it comes to communicating with their representatives. The Advisory Committee notes, however, that despite the frequent alleged movements of Roma between the south of the island and the territory not under Government control, the authorities have information on these people, their places of residence (particularly in the districts of Limassol and Paphos), and the situation and difficulties which they encounter in various sectors.

39. The Advisory Committee recalls that inclusion in the Framework Convention’s personal scope of application is not contingent on formal recognition of a group as a “national minority”. The Advisory Committee also notes that, in their definition of the Framework Convention’s personal scope of application, States Parties must avoid any unjustified or arbitrary distinction or exclusion. At the same time, it notes that, in practice, supporting measures have been taken by the authorities on behalf of Roma, in the areas of housing and education especially, and welcomes these commendable initiatives.

³According to the information obtained by the Advisory Committee, the Roma of Cyprus generally use the word “Kurbet” to designate themselves, and the term “Kurbetcha” for their language, whereas the Greek term in use is Athigganoi or Tsigganoi. According to some sources, the number of Roma living in the Government-controlled zone could be somewhere between 1,000 and 1,500 persons. According to the State Report, there are fewer (about 620-650 persons).

40. The Advisory Committee notes that, due to their constitutional position,⁴ the Turkish Cypriots are not regarded by the authorities as a minority. The Advisory Committee also understands that the Turkish Cypriots themselves do not want to be treated as a minority. It notes at the same time that the Government reports that it is trying to devise specific measures to meet the needs of these persons, whose number has considerably diminished in the Government-controlled territory and who, due to the specific Cypriot context, find themselves in a vulnerable position. The Advisory Committee appreciates the fact that the State Report contains quite detailed information on the measures adopted in various sectors in respect of persons belonging to this Community. The inclusion of such information is particularly welcome as it covers also the measures taken to improve the situation of the Roma, who are deemed to belong to the Turkish Cypriot Community.

Recommendations

41. The authorities should re-examine, in the light of Article 3 of the Framework Convention, the obligation to affiliate oneself to one of the two Communities - Greek Cypriot or Turkish Cypriot - imposed on persons belonging to the three minority groups and to look for possibilities to revise this obligation. The legal obligation for members of the three minority groups to vote for their representative in parliament should likewise be reviewed. The authorities should also take appropriate measures to ensure that, after marriage, both spouses have the possibility to maintain their respective community, ethnic and religious affiliation.

42. The authorities should continue their dialogue with the Latins in order to identify, in consultation with them, a solution permitting a designation for them that is acceptable to the members of this group.

43. The authorities should take appropriate measures to ensure that, in future, the census questions and forms are established in such a way as to allow the free expression of individuals' ethnic or religious identification.

44. The Advisory Committee encourages the authorities to consider allowing Roma access to the protection of the Framework Convention, should they, after being duly informed of the content of the Convention, express the wish for it. It is also important to ensure that the inclusion of Roma in the Turkish Cypriot Community is not against the wishes of the persons concerned. Accordingly, it is essential to open a dialogue with Roma representatives on these issues.

45. The authorities are encouraged to display a flexible approach to the Framework Convention and to consider the possible inclusion in its application of other persons who have shown an interest in the Convention.

Collection of data

Findings of the first cycle

46. In its first Opinion, the Advisory Committee stressed the importance of having reliable data on the ethnic make-up of the population, and encouraged the authorities to consider various possibilities for obtaining data in order to better determine the numerical size of the communities and their relative situation.

⁴ The 1960 Constitution instituted a dual-community Cypriot State, in the framework of which Greek Cypriots and Turkish Cypriots represent the two principal communities.

Present situation

a) Positive developments

47. The authorities currently have at their disposal updated statistics on the numbers and the situation of the persons belonging to the groups protected under the Framework Convention, derived from the population census organised in 2001. The Advisory Committee notes that such information is also obtained by other means. These include the process of voters' registration in the special lists established for election of the representatives of the three minority groups in parliament, and in the context of the education system.

b) Outstanding issues

48. The Advisory Committee notes that there are disparities between the official figures and the three minority groups' own estimates of their actual numbers.⁵ It further notes the concern of the representatives of these groups over the dwindling numbers, due *inter alia* to the growing frequency of mixed marriages and to the fact that young people, from the Armenian group in particular, choose to remain abroad on completing their studies (see also observations under Article 5 below).

49. The Advisory Committee appreciates the efforts made by the Government to supplement by other means the data provided by the census on the religious or ethnic identity of individuals. The Advisory Committee is, however, concerned by the information it has received from school representatives, according to which, until recently, the religious and ethnic identity of pupils was stated on their graduation certificates. Concerns may also be raised with regard to the application of the principle of free self-identification in the context of the collection of data in respect of the Roma. The Advisory Committee reminds the authorities of the importance of respecting the principle of free self-identification, and the need to provide safeguards concerning data protection when such private information is collected, processed and disseminated, in accordance with the relevant international principles and standards.

Recommendation

50. In the collection and utilisation of data on the religious or ethnic composition of the population, the authorities should ensure respect for the right of every person belonging to a national minority "freely to choose to be treated or not to be treated as such" embodied in Article 3 of the Framework Convention. Likewise, the principles contained in Recommendation No. 97 (18) of the Committee of Ministers concerning the protection of personal data collected and processed for statistical purposes should be duly taken into account.

⁵ According to the data derived from the last census, out of a total of 698 565 persons recorded in the census (of whom 90.6% were Cypriot citizens), in Cyprus in 2001 there were 1,341 Armenians, 3,658 Maronites, 279 Latins and 360 Turkish Cypriots. Official statistics place the membership of these groups in 2004 at 2,600 Armenians, 4,800 Maronites and 900 Latins living in the Government-controlled territory. About 150 Maronites were living in the villages located in the part of the island not controlled by the Government. According to the representatives of the three groups, the actual number of persons in their respective groups is higher.

Article 4 of the Framework Convention

Legal and institutional framework for combating discrimination

Findings of the first cycle

51. In its first Opinion on Cyprus, the Advisory Committee, having noted shortcomings in the legal framework for protecting against discrimination, encouraged the authorities to take the necessary measures to ensure protection against discrimination in all sectors and to make effective remedies available to potential victims.

Present situation

a) Positive developments

52. Specific measures have been taken over the last few years in order to strengthen the legal and institutional framework for preventing discrimination. Most of these measures have been adopted in the context of the transposition of the Council of the European Union's Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin.⁶

53. Since 2004, the Commissioner for Administration (the Ombudsman) has been designated as the new specialised Anti-discrimination Agency. In the event of proven discrimination, the Ombudsman can levy fines on responsible persons or authorities and/or make recommendations to them indicating the practical steps required to end the discriminatory acts and avert their recurrence. The Advisory Committee is pleased to note that the Constitution of Cyprus, in Article 28(2), as well as the anti-discrimination legislation which recently came into force, include a person's attachment to a "community" among the prohibited grounds for discrimination. According to the information supplied by the authorities, discussions are proceeding in the Ministry of Justice on introducing aggravating circumstances for racially-motivated crimes.

54. Under the legislation governing equal treatment for men and women and equal treatment in employment and labour, the Ombudsman has also been designated as the Equality Authority. The two institutions, the Anti-discrimination Agency and the Equality Authority, together form the Cypriot Equality Agency.

55. The Advisory Committee takes note of the efforts made by the Ombudsman to supervise compliance with the anti-discrimination legislation, and welcomes this institution's sound cooperation with the NGOs. It notes that the Office of the Ombudsman accepts complaints lodged in different languages and, where necessary, through recourse to interpreters for oral communication.

56. The Advisory Committee notes that the representatives of the three minority groups whom it met do not report instances of discrimination against members of their groups for reasons relating to their religious or ethnic origin. At the time of the Advisory Committee's visit to Cyprus, only three complaints had been lodged with the Ombudsman by members of the

⁶ The Equal Treatment (Racial or Ethnic Origin) Law 59(I)/2004 and the Equal Treatment in Employment and Occupation Law 58(I)/2004 (concerning racial and ethnic origin, religion or belief, age and sexual orientation); the Commissioner for Administration (Amendment) Law 36 (I)/2004 and the (Commissioner) Law No. 42(1)/2004 on Combating of Racial and Some Other Forms of Discrimination.

minority groups (Maronites).⁷ In general, it is observed that, while complaints against discrimination have been lodged with the courts, few court findings of discrimination have been recorded.

b) Outstanding issues

57. In view of the increased capacity required by the Office of the Ombudsman to deal with its new tasks in the area of preventing discrimination, the Advisory Committee encourages the authorities to grant all necessary support to this institution. It notes that, hitherto, with the resources placed at its disposal, the Office of the Ombudsman has not been able to develop, as prescribed in its terms of reference, codes of good practice specific to the activities of the various public or private bodies bound by the principles of non-discrimination and equality. Likewise, it appears that the resources available do not enable the Office of the Ombudsman to conduct research and produce statistics on the state of discrimination in the various sectors.

58. The Advisory Committee observes that, while the Ombudsman is an institution known and respected by the population and the authorities, and that projects have already been implemented to increase awareness about it (information campaigns, seminars, educational programmes), further efforts are needed as regards information and awareness-raising concerning the principles of non-discrimination and equality. The Advisory Committee expresses the hope that the various projects to be implemented as part the European Year of Equal Opportunities for All 2007 will make a substantial contribution in this respect.

59. The Advisory Committee notes that a National Institution for the Defence of Human Rights has been established under the aegis of the Law Commissioner.⁸ The Advisory Committee acknowledges the efforts and commitment of the Law Commissioner to promote and supervise compliance with the commitments undertaken by Cyprus under various international human rights instruments. However, it notes that the plan announced by the authorities to enable the transformation of this institution into an independent National Human Rights Commission, based on the Paris Principles, has so far not been implemented.

Recommendations

60. The authorities should make available to the Office of the Ombudsman additional resources - technical, financial and human - to build its institutional capacity and ensure the operational independence and the effectiveness of the new institutions established under its aegis. The Advisory Committee encourages the authorities to intensify the awareness-raising and information activities on the principles of non-discrimination and equality, especially concerning the safeguards and defences against discrimination introduced over the last few years.

61. The authorities should take appropriate measures to implement their plan to establish a National Human Rights Institution based on the Paris Principles, with a mandate to conduct its activities on its own authority and with complete independence. Appropriate financial and human resources for the effective functioning of this institution should be made available to it.

⁷ On the other hand, the available statistics indicate a considerable number of complaints by Turkish Cypriots alleging discriminatory practices against them.

⁸ The Law Commissioner of the Republic of Cyprus, directly responsible to the President of the Republic, is traditionally appointed by the Council of Ministers as the President of the National Institution for the Protection of Human Rights.

Article 5 of the Framework Convention

Preservation of the culture of persons belonging to national minorities

Findings of the first cycle

62. In its first Opinion on Cyprus, the Advisory Committee took note of the difficulties facing the Maronites, scattered and divided between the north and the south of the island as a result of the resettlement of most of them, after the events of 1974, in the Government-controlled territories. The authorities were encouraged to adopt appropriate measures to allow the Maronites to preserve and develop their culture and identity.

Present situation

a) Positive developments

63. The Advisory Committee welcomes the efforts made by the Government to enable the Maronites to visit regularly their traditional villages lying in the northern part of the island (see State Report for details). Regular contacts with other Maronites who continue to dwell there, the possibility of visiting and repairing their former homes, to worship in their own churches and to communicate in their language are essential for the preservation of this group's identity, and the support of the Cypriot State is indispensable in this respect. Increased efforts have also been made to support the Maronites in the field of education, by setting up a state primary school for Maronite children (see also the observations relating to Articles 6, 9, 12-14 and 17).

64. The increase in the level of grants made available to pupils who attend the private schools of minority groups also deserves commendation, as does the financing of priests' salaries for the three groups and the support for the activities of their churches.

65. The authorities have also informed the Advisory Committee of the decision to grant financial assistance for the printed publications of the three minority groups and for the creation and/or maintenance of Internet pages devoted to the identity and the life of the three groups.

b) Outstanding issues

66. In the special circumstances arising from their resettlement in the Government-controlled territories, the preservation of their identity and especially their language represents the first priority for the Maronites. Despite their past efforts to establish grouped settlement in the south of the island, the Maronites are scattered at present and few of them continue to speak their own language. Since it does not have a written form and is not standardised, this language is in fact dying out and cannot be revitalised without substantial state aid, above all of a scientific and financial nature.

67. The Maronites also consider that their culture and their historical and religious heritage are significantly threatened by the fact that the four villages inhabited by this group in the past, form enclaves in the territory not under Government control and are used in part as a military base. Former residents remain virtually barred from two of these villages, Asomatos and Agia Marina, and there is no possibility whatsoever of celebrating religious services there, repairing the houses or contemplating their reoccupation. Following a certain relaxation of the transit conditions and thanks to the supportive measures taken by the authorities (financial assistance for transport, food, etc.), the villages of Kormakitis and Karpshia are accessible to a certain extent. Nonetheless, the situation remains particularly difficult for the Maronites still residing in

their traditional villages, and the prospects of resettling there remain very problematic for the other members of the group (see also observations under Article 17 below).

68. The Advisory Committee takes note in this context of the Maronites' request for the establishing of a cultural centre, and considers that this request deserves the full attention and support of the authorities. It notes that, while a plot of land has been granted by the State for this purpose, the Maronites do not have the necessary funds to implement the project.

69. In the field of education, the Advisory Committee notes that some representatives of the Maronites consider that a secular form of education for their children would be preferable as a means to enhance the preservation of their distinct identity. They conceive this as an alternative option to the education currently available.

70. More generally, the Advisory Committee understands that Government subsidies for the activities of the minority groups arrive in many cases with significant delays, and that this has been particularly problematic for the schools.

71. The Armenians, while appreciating the support provided by the state, consider that funding of the cultural development of the minority groups should be covered by a consistent, structured state policy. Besides *ad hoc* grants, they consider important to receive state support to implement projects which they deem essential in the long term for the preservation of their identity, such as establishing an Armenian Cultural Centre and a database on the history and culture of their group, or the opening of an Armenian Language and Culture Department at the University of Cyprus.

72. The Latins have also expressed concern over the risk of losing their distinct identity, which they consider especially vulnerable in the absence of a language of their own and of a kin-State that would support them. They are therefore particularly sensitive to the issue of the number of members of their group, on which they disagree with the authorities. In the same way, through their claim to be designated in future as "Catholic Latins" or "Roman Catholic Latins", they are seeking a way to assert their distinct identity and make it better known (see also observations concerning Article 3 above).

Recommendations

73. The measures taken to facilitate travel by the Maronites to their traditional villages and the revitalisation of their cultural and religious heritage should be continued and intensified. The authorities should pay greater attention to the concerns of the Maronites regarding the preservation of their language, and should support their efforts in this respect.

74. The authorities are encouraged to examine the arrangements for allocating financial support to the cultural activities of the minority groups, in order to improve and systematise this support. They should also examine, in cooperation with those concerned, the requests for assistance in creating cultural centres for the Maronites and the Armenians, as well as other projects considered to be priorities by the three groups.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

Findings of the first cycle

75. In its first opinion, the Advisory Committee encouraged the authorities to increase the amount of information on minority cultures provided to the majority population by taking appropriate measures to disseminate information on minorities in the field of education and in the media.

76. The authorities were also encouraged to pay appropriate attention to cases of ill-treatment of Turkish Cypriots by members of the police, and to review the provisions in force regarding instituting criminal proceedings against the perpetrators of such acts. The authorities were urged to protect unused mosques in the Government-controlled territory and to raise awareness about the importance of tolerance and intercultural dialogue in order to avoid further acts of vandalism as seen in the past.

77. At the same time, the Advisory Committee called on the authorities to remove the legal obstacles preventing Turkish Cypriots living in the Government-controlled territory from contracting a civil marriage and from exercising their right to vote in parliamentary and presidential elections.

Current situation

a) Positive developments

78. The Advisory Committee notes with satisfaction that persons belonging to the minority groups are well integrated in Cypriot society and have a positive image among both the authorities and the rest of the population. It notes that the authorities have continued with their efforts to raise the population's awareness of the culture and traditions of these groups, and in general of the diversity of Cypriot society.

79. For example, the Public Broadcasting Act, as amended, underlines the duty of the public broadcasting corporation to give appropriate airtime to programmes aimed at the different groups, including the minority groups, that make up Cypriot society. Similarly, the journalists' ethical code of journalists in Cyprus contains significant provisions to protect people belonging to these groups from discrimination or hostility by the media on the grounds of their religious or ethnic identity.

80. In practice, efforts have been made to increase the length of public broadcasting airtime dedicated to the three minority groups and to provide more information on their life and cultures. The authorities have also reported that information on the history and identity of the minority groups has been included in the new history textbooks, and efforts to raise awareness among pupils and teachers on the issues of tolerance, respect for human rights and diversity have continued.

81. The Advisory Committee is pleased to note that the authorities have dealt with the issue of human rights violations by police officers as a priority. Sessions on cultural diversity and the fight against discrimination have been incorporated into police training courses at different levels and human rights and diversity awareness-raising activities have been stepped up. A

special department responsible for the fight against discrimination, racism and xenophobia has been set up in the police forces and a system has been introduced to gather data on racially-motivated crime. In addition, an independent authority has been set up to investigate complaints and allegations against the police. In parallel, as a result of the greater powers given to the Attorney General, the latter can appoint, including *ex officio*, independent investigators to look into allegations of police malpractice.

82. A new law on the rights of individuals arrested and detained, providing strengthened procedural guarantees, has come into force and an information document setting out the rights of individuals held in remand is now available in several languages spoken by the various groups living in Cyprus.

83. The Advisory Committee notes with satisfaction that, following a decision by the European Court of Human Rights,⁹ legislative measures have been taken to enable Turkish Cypriots to exercise their right to vote and stand as candidates in local, parliamentary and presidential elections. The Advisory Committee notes, however, that, at this stage, the seats allocated to the Turkish Cypriots in parliament are not filled. The Advisory Committee also welcomes the changes introduced to legislation aimed at removing the obstacles preventing Turkish Cypriots living in the Government-controlled territory from contracting a civil marriage. According to the authorities, the new legislation allows Turkish Cypriots living in this territory to contract a civil marriage without prejudice to the rules and traditions of their own religion.

84. More generally, positive developments and a greater degree of openness have been witnessed in recent years on the part of civil society and the authorities, as well as in different sectors of economic and social life, towards Turkish Cypriots living or working in the territory under Government control. Their number has been constantly growing¹⁰ since the partial lifting, in April 2003, of restrictions on the freedom of movement across the “Green Line”. The Advisory Committee welcomes the measures taken recently to open a new crossing point into the territory outside the Government’s control, which reflects the Cypriot authorities’ open and constructive approach. This is an important symbolic gesture, since the future crossing point is situated in a pedestrian area in the heart of the capital, Nicosia.

85. The Advisory Committee also notes that the authorities and certain private entities have made efforts to allow more effective participation of Turkish Cypriots in the different sectors of social life and to maintain and develop a social climate conducive to bringing the Greek and Turkish communities closer together (see the State report for further details). The Advisory Committee notes in particular the support measures, including financial support, taken by the Ministry of Education, to facilitate access by Turkish Cypriot children to education and the learning of their language, as well as the Greek language (for them and their parents). The Advisory Committee has however noted that the authorities mostly support access by these children to English language schools. According to the authorities, measures have also been taken to protect the property of Turkish Cypriots and to protect, maintain and renovate Turkish Cypriot monuments, mosques and museums.

86. The Advisory Committee notes that, following specific measures taken by the authorities, an increasing number of Turkish Cypriots have been able to obtain their passport and other

⁹ Case *Aziz v. Cyprus* (Application No. 699949/01), Decision of 22 June 2004, Final (22/09/2004).

¹⁰ According to the authorities, several thousand Turkish Cypriots work in the Government-controlled territory and pay their contributions, and approximately 900 Turkish Cypriots living outside this territory are in receipt of pensions.

personal identity documents. Different public authorities are beginning to recognise the need to increase the use of Turkish in various areas of public life, in order to facilitate communication and uphold the rights of the Turkish Cypriots living in the Government-controlled zone.¹¹ The Advisory Committee notes, on a practical level, the decision to translate certain important information documents on the rights and obligations of citizens regarding access to social welfare, the use of Turkish on passport application forms, as well as the efforts made to support Turkish language classes by employees of the relevant public departments.

87. Specific measures have been taken in support of the Roma living in the Government-controlled territory. For example, more determined efforts have been made to encourage school attendance by Roma children, including targeted financial allowances to meet the children's transport, food and clothing needs. Similarly, in order to remedy the housing difficulties encountered by the Roma, the authorities have made efforts to provide them with accommodation options. According to the authorities, some 250 people have benefited from such measures.

88. The authorities have in recent years paid particular attention to the problems occasioned by the arrival of a growing number of migrant workers. Efforts have been made at legislative, institutional and practical levels in order to enable the competent authorities to manage the growing pressure and address the numerous difficulties caused by the steadily increasing number of asylum seekers. According to different sources, in early 2007 approximately 12,000 applications were waiting to be processed. New legislation has been passed regulating the entry and stay of foreigners in Cyprus and efforts are under way to frame a global immigration and integration policy, covering the fields of education, employment, social inclusion and cultural integration.

89. The Advisory Committee recalls the wide personal scope of Article 6 of the Framework Convention, which includes persons belonging to other groups that have not traditionally resided in the country concerned.

b) Outstanding issues

90. Despite the progress outlined above, Cypriot society remains heavily marked by the division perpetuated by the failure to resolve the Cyprus issue. Further steps must be taken to promote intercultural dialogue and raise awareness about cultural diversity. In the field of education, information on the growing diversity of Cypriot society remains scant and insufficient measures have been taken to familiarise the younger generations with other cultures present in the country, including cultures of groups traditionally settled there, such as the Turkish Cypriots, the Armenians, the Latins and the Maronites, and the cultures of groups that have arrived more recently. The media do not adequately reflect this diversity either and their contribution to rapprochement and intercultural understanding is limited.

91. As a result of the conflict which continues to divide the island, constitutional arrangements regarding the two communities are not fully applied and most of the Turkish Cypriots who live in the territory under Government control find themselves isolated and marginalised politically, economically, socially and culturally. Similarly, the constitutional provisions granting Turkish official language status alongside Greek, are not applied. Despite undoubted progress and

¹¹ In accordance with the 1960 Constitution, Turkish, alongside Greek, is an official language in Cyprus. In practice, since the events of 1974, the constitutional provisions in question, like most of the provisions relating to the two-community nature of Cyprus, are not applied.

genuine outreach among the population and the authorities, relations between Greek and Turkish Cypriots remain tense and there is still a lack of trust within society. Notwithstanding the measures taken by the authorities to strengthen the legal and institutional anti-discrimination framework, the Advisory Committee is concerned about the risk of discrimination to which Turkish Cypriots are exposed.

92. The Advisory Committee also notes that, despite the authorities' efforts in recent years, the Roma are still faced with difficulties in areas such as housing and education, and have to cope with instances of intolerance from the rest of the population. The Advisory Committee notes with concern that, in some Cypriot schools, parents of pupils have reacted negatively to the presence of Roma children. It believes also that insufficient efforts have been made to raise awareness of the culture and identity of the Roma and that more resolute measures are needed in this respect in the relevant sectors - in education, in the media, in the training of civil servants and in political communication.

93. The Advisory Committee notes that, while the legal and institutional anti-discrimination framework has been significantly strengthened in recent years, too little is being done by the authorities to protect non-nationals (legal immigrants, illegal immigrants and asylum-seekers) and considers that these persons' situation is a serious cause for concern. These people continue to be particularly vulnerable to intolerance, human rights violations, exploitation and discrimination. It is to be hoped that the measures set out in the integration strategy recently announced by the Government will help combat more effectively the discrimination and abuse which new-comers continue to face, whether in employment, access to housing or social services. More generally, additional efforts are needed to ensure that the children of immigrants have access to education, and adequate measures should be taken to improve and adapt the teaching of Greek or Turkish, in accordance with the specific needs of both children and adults of foreign origin.

94. Like ECRI in its last report on Cyprus,¹² and despite the efforts made in recent years, the Advisory Committee is concerned about the situation in which asylum-seekers continue to find themselves, especially as regards detention, access to the asylum procedure, protection against refoulement, access to legal aid, and the conduct of the police towards them.

95. In spite of some progress and awareness-raising efforts by the authorities, there is still much prejudice in society towards these people, and in some cases, open hostility, including occasionally from representatives of the authorities in their public statements. The Advisory Committee is concerned that such attitudes continue to exist and considers that they may have a negative impact on the general climate of mutual understanding and intercultural dialogue which prevails in Cyprus. It notes also that hostile or discriminatory attitudes and, in some cases, excessive use of force by members of the police against refugees, immigrants and asylum-seekers have continued to be reported in recent years.

96. In this context, the Advisory Committee is deeply concerned about recent violent acts targeted against the headquarters of a non-governmental organisation active in the fight against

¹² For more detailed information on the situation of non-nationals and the challenges facing the Cypriot authorities in this area, see ECRI's last report (Third report on Cyprus, adopted on 16 December 2005 and published on 16 May 2006, CRI(2006)17), as well as the Follow-up report on Cyprus, presented by the Council of Europe's Commissioner for Human Rights (Follow-up report on Cyprus (2003-2005), CommDH(2006)12, 29 March 2006).

racism and discrimination (KISA). Appropriate steps should be taken to identify and sanction those responsible. In addition, prevention and protection against such acts should be strengthened by adopting appropriate measures at both the legal and practical levels. More generally, the Advisory Committee calls on the authorities to step up their cooperation with NGOs and to increase, with due regard for their independence of action, state support for organisations working to defend human rights and the principles of equality and non-discrimination.

Recommendations

97. The authorities should strengthen their efforts to facilitate the participation of Turkish Cypriots in the various sectors of public life and take all the necessary measures to combat any instances of discrimination or hostility towards them.

98. Supportive measures for the Roma should be continued and developed in the various sectors concerned - housing, education, access to employment and social welfare. Also, prejudices and difficulties they face should be duly addressed.

99. Measures for the protection of non-nationals should be stepped up and appropriate technical, human and financial resources should be made available to deal with the many difficulties encountered in this area. At the same time, the integration policy recently announced by the Government should be implemented without delay, with concrete steps taken in the different sectors of concern for the persons covered.

100. The authorities should step up their efforts to raise awareness of the problems of racism and discrimination based on race, ethnic origin or religion in all the relevant circles. Education should play a prime role and the media should be encouraged, with due regard for their editorial independence, to contribute more actively to the promotion of tolerance and intercultural understanding in Cyprus.

101. The authorities should further develop the measures taken to raise the awareness, among the police forces, of the need to respect human rights and cultural diversity. The authorities should also ensure that the new mechanisms for supervising the work of the police are applied effectively.

Article 8 of the Framework Convention

The right of persons belonging to national minorities to manifest their religion or belief

Findings of the first cycle

102. In its first Opinion, the Advisory Committee welcomed the fact that the Cypriot Government had begun to pay salaries to the priests of the minority groups, thereby treating them on equal terms with Orthodox priests.

a) Positive developments

103. The Advisory Committee notes that the authorities have continued with the practice begun in 1999 to pay the salaries of priests of the minority groups, including for the religious education they provide to pupils belonging to the minority groups.

b) Outstanding issues

104. In their dialogue with the Advisory Committee, the representatives of the minority groups, and in particular the Armenians, expressed their concern over the authorities' intention to end the current exemption granted to persons belonging to the three groups from the obligation to carry out military service. While, in principle, they find it acceptable that such an obligation should apply to all citizens, the Armenians believe that, if such were to be the case, appropriate measures should be taken to enable the members of the minority groups carrying out military service to manifest their own religion, without this resulting in any negative consequences to them. In addition, it is essential to ensure that these persons are not obliged to participate in religious activities - in the context of the military service - related to a religion which is not their own.

Recommendation

105. If the obligation to carry out military service is extended to persons belonging to the minority groups, the authorities should, in consultation with the groups' representatives, seek the ways and means of guaranteeing the effective exercise of their right to manifest their own religion. This should include the right to opt out of any practices or activities which are specific to another religion.

Article 9 of the Framework Convention**Access to the media by persons belonging to national minorities***Findings of the first cycle*

106. In its first Opinion on Cyprus, the Advisory Committee encouraged the authorities to identify the ways and means of improving access to public television by persons belonging to minorities.

a) Positive developments

107. According to the information provided by their representatives, the three minority groups appreciate the positive attitude displayed towards them by the media and are generally satisfied with their image as portrayed to the public in the media. As mentioned in the State Report, the public radio service broadcasts weekly programmes devoted to their culture and traditions, including, for the Armenians, in their own language. Since the Committee's first Opinion, the amount of airtime devoted to these programmes has increased. Although not at regular intervals, cultural information regarding the three minority groups is also broadcasted on television, in connection with their most important religious and cultural events.

108. The Advisory Committee notes with interest that, following a proposal from the Maronites, a consultative body comprising representatives of public radio and the Maronites was set up, to bring the content of the programmes more into line with the expectations of the group. The first meetings of this body confirmed the value of such consultation and, according to the authorities, this is to be pursued and extended to cover programmes devoted to the three minority groups.

109. The Advisory Committee notes with satisfaction the very recent decision by the public television service, notified during the Committee's meeting with the head of the public

broadcasting corporation, to include in its schedules a weekly 30-minute broadcast dedicated to the minority groups. The Advisory Committee hopes that, as indicated by the relevant authorities, this plan can be put into practice with effect from autumn 2007. It also hopes that the three minority groups will be duly consulted in this context.

b) Outstanding issues

110. Despite the information referred to above, the actual presence in the Cypriot media of the three minority groups is limited and tends to relate only to specific events. Their representatives believe that, if the authorities displayed a more active attitude, the three groups could have a stronger media presence and their cultures and identity would be better known among the rest of the population. They particularly stress that the life and concerns of their communities are still not given sufficient attention by the public television service. The Maronites have also expressed the hope that a short weekly news programme (of a few minutes) could be broadcasted in their language by the public broadcasting company.

111. It is only recently that the state has decided to provide support for the written publications of the three minority groups. Following a March 2006 decision by the Council of Ministers, the state should grant annual financial aid to the newspapers and publications of the three minority groups. While the three groups have periodicals covering their life and issues of more general interest, hitherto they have been financed primarily out of their own resources. The representatives of the three minority groups have asked the state to become more involved, both technically and financially, to enable them to preserve and raise awareness of their culture and identity.

Recommendation

112. The Advisory Committee encourages the authorities to pay increased attention to the needs of the three minority groups as regards access to the media. They should have a more visible presence in radio and television public broadcasting and their representatives should be consulted in the preparation of the programmes in question. Given the importance of written publications for the preservation and assertion of the identity of the three minority groups, the authorities are encouraged to ensure the effective implementation of their recent decision to grant annual financial support for their publications.

Article 12 of the Framework Convention

Equal opportunities in access to education. Intercultural and multicultural education

Findings of the first cycle

113. In its first Opinion on Cyprus, the Advisory Committee welcomed the regulatory possibilities and budgetary support for minority education, as well as the decision taken by the Government to establish a primary school for the Maronites.

Current situation

a) Positive developments

114. The Advisory Committee welcomes the measures taken by the authorities to support the members of the minority groups in the education field. The Government gives considerable financial support to schools providing education for these persons, in both the public and private

systems. There are different school arrangements for each of the three minority groups, aiming to respond to their specific needs, traditions and cultures, based on the opportunities that exist within the Cypriot educational system.

115. For example, the Santa Maronas School, an entirely state-funded primary school, was set up to accommodate Maronite pupils in particular, but it is also open to children belonging to other groups. The school curriculum, identical to that of all public schools, also includes a weekly class on the Maronite religion. In the afternoon the Maronite pupils (of whom there are over one hundred and who make up the majority of pupils in this school) are offered optional classes on their language and culture, and additional religious education instruction.

116. The Advisory Committee appreciates that efforts are made by the authorities to respond to the challenges posed by the closure of the Melkonian Institute, a renowned private secondary school, attended by the majority of Armenian pupils. It welcomes in particular, the decision to adapt the teaching provided by the Nareg School, a public school operating in Nicosia, Limassol and Larnaka, in order to respond to the Armenians' needs in the field of education (see also comments under Article 14 below). While it is entirely funded by the Government, this school has a degree of autonomy since its governing body, appointed by the state, is comprised of Armenians who are chosen from a list put forward by the Armenian representative in parliament. In Larnaka and Limassol, there are other Armenian schools for pupils belonging to this group.

117. The Advisory Committee was informed by the authorities that, in order to promote more effectively the specific identity of the three minority groups among the rest of the population, information on their history and culture has been included in the new history text books.

b) Outstanding issues

118. While the representatives of the three groups are generally satisfied with the efforts taken by the authorities to meet their educational needs, they nonetheless also point out to shortcomings and difficulties in the practical implementation of the existing arrangements.

119. The Advisory Committee notes that the Maronites expect to receive more sustained support from the state in order to elaborate and produce the teaching materials they need to teach the key aspects of their culture, religion and, most importantly, their language, as well as to ensure better teacher training. It also appears that there are too few Maronites among the teaching staff and within school boards, which also means insufficient opportunities for them to influence school programmes and processes. According to Maronite representatives, increasing such opportunities would help to make the education offered by the Santa Maronas school more attractive and responsive to the needs of Maronites, and would encourage more Maronite families to choose this school for their children.

120. The Advisory Committee is also concerned by the reported difficulties and delays in the preparation and publication of textbooks in Armenian. It also notes the shortage of teachers who have sufficient knowledge of Armenian to teach the different subjects in that language.

121. In addition, the Advisory Committee notes that the optional classes on the history, language and culture of the three groups appear to only partly satisfy the needs of the pupils concerned. It supports the idea, expressed by the representatives of the three groups, that one way of making them more effective is to include these classes in the compulsory programme.

122. While welcoming the recent information provided by the Government on the content of the new history textbooks, the Advisory Committee notes that the representatives of the three groups have not been consulted by the relevant authorities on this matter. The Advisory Committee understands at the same time, from the information received, that the textbooks currently in use have only very limited information on the three minority groups, located within an optional chapter.

Recommendations

123. The Advisory Committee encourages the authorities to examine more closely the specific educational needs of the three minority groups and to try to find, in close consultation with their representatives, the most appropriate ways and means of satisfying those needs.

124. The availability of appropriate teaching material and qualified teachers for schools serving the minority groups should receive increased attention. Similarly, the latter's representatives should be constantly involved in the efforts made to promote their history and culture. The concerns of the Maronites should be addressed as a matter of priority in view of their particularly vulnerable position.

Article 13 of the Framework Convention

Private schools

Current situation

a) Positive developments

125. The Advisory Committee welcomes the fact that children from the three minority groups are assisted by the state, by means of annual subsidies, in order to attend private schools if that is their wish. The Latins have two schools they can attend, the Terra Santa secondary school in Nicosia and St. Mary's school in Limassol. These are private Catholic schools following in the main a similar curriculum to the state schools but offering education (from kindergarten to secondary level) also open to other denominations. The state pays for the annual fees of pupils belonging to the minority groups, primarily the Latins and the Maronites, enrolled in these schools which are designated by the authorities as "national" or "ethnic" schools. The state also subsidises the teachers' salaries and adequate religious instruction is given to pupils from each group. Pupils from the minority groups who choose other private schools are also given financial assistance, but in their case the assistance covers only part of the annual fees.

b) Outstanding issues

126. While welcoming the support given by the authorities to the private schools offering education for pupils belonging to the minority groups, the Advisory Committee notes the delays reported in the provision of textbooks for these schools and the difficulties faced in finding qualified teachers for this type of education.

Recommendations

127. The Advisory Committee encourages the authorities to examine the difficulties affecting the educational opportunities of children belonging to the three minority groups in private schools. In consultation with all interested parties, the authorities are invited to identify ways and means of overcoming these difficulties.

Article 14 of the Framework Convention

The right to learn a minority language and conditions for teaching in a minority language

Current situation

a) Positive developments

128. The Advisory Committee welcomes the efforts made by the authorities, following the closure of the Melkonian Institute, to maintain opportunities for the Armenians to learn Armenian or be taught in this language. It notes in particular the decision to extend to secondary level the teaching offered by the Nareg School and, pending the gradual introduction of this level of education, to cover the annual fees of pupils attending private schools.

b) Outstanding issues

129. Despite the efforts referred to above, the opportunities for Armenians to learn their language (a western variety of Armenian), and to be taught about their culture and history are now more limited, being restricted to additional optional classes in the afternoons, outside the core curriculum. The interlocutors of the Advisory Committee consider that such classes only partly meet the needs of Armenians and would like additional Armenian language classes to be introduced.

130. The Advisory Committee also notes the shortage of textbooks and qualified teachers to teach other subjects in Armenian. In Cyprus, there are no opportunities for training Armenian language teachers and the textbooks in question are obtained from abroad. In practice, the teaching in the Nareg School is either in Armenian or is bilingual and in some cases, textbooks in Greek are used with the lesson being taught in Armenian. Like some of the Armenian representatives, the Advisory Committee has doubts about the effectiveness of such an approach and on the quality of the teaching given in this way.

131. It should also be noticed that, since the closure of the Melkonian Institute, the Armenians no longer have any opportunity to learn their language at secondary level, and that, accordingly, increasing emphasis is now being placed on learning Greek and English.

132. In the Maronite school, teaching takes place in Greek, and the Maronite language classes, added onto the core curriculum, are optional. At the same time, there are no opportunities for learning this language at pre-school level or beyond primary school, and no response has been forthcoming to the requests made by the parents for such classes to become part of the compulsory curriculum.

133. The Advisory Committee has also noted that only a smaller number of Maronite children attend this school, and of those who do, only about 10% actually speak the language. It also recognises that the shortage of teaching materials and teacher training opportunities are genuine difficulties, mainly linked to the fact that this language is not codified, and that such difficulties can dissuade parents from sending their children to that school. Nonetheless, noting that among the Maronites there is a particular interest in learning and preserving their language, the Advisory Committee considers that the authorities should pay increased attention to meeting Maronites' expectations in this regard¹³ (see also paragraph 95 above).

¹³ See also the Report of the Committee of Experts on the European Charter for Regional or Minority Languages on the Application of the Charter in Cyprus, ECMRL (2006)3, 27 September 2006.

Recommendations

134. In consultation with the representatives of the Armenians and involving bilateral co-operation where appropriate, appropriate solutions should be found for the provision of textbooks and the training of Armenian language teachers. Inviting qualified teachers from other countries to teach in Cyprus could also be envisaged as a way to provide a more adequate response to the Armenians' needs in the field of education.

135. The authorities should make efforts to improve the teaching of the Maronite language, including specific measures to codify the language. Particular attention should also be paid to drawing up appropriate teaching material and to the training of teachers for this language.

Article 15 of the Framework Convention

Effective participation of persons belonging to minorities in public affairs

Findings of the first cycle

136. In its first Opinion on Cyprus, the Advisory Committee encouraged the authorities to look at the issue of the participation of representatives of the three minority groups in parliament and, in consultation with these representatives, to identify the ways and means of making this participation more effective. The Advisory Committee also recommended that the authorities look at the representation of these groups in the civil service and, where necessary, take appropriate action to improve the situation.

Current situation

a) Positive developments

137. The Advisory Committee notes that, in general, persons belonging to the three minority groups take an active part in the different sectors of economic, social, cultural and political life and many of their members hold important positions in the public sector.

138. The Advisory Committee has also taken note of the concerns expressed by certain representatives of the three minority groups, the Armenians in particular, about the difficulties encountered by certain young members of their group on entering the labour market, due to their insufficient knowledge of Greek. The Advisory Committee welcomes the fact that more attention is being paid to this issue in both state and private schools and that intensive Greek lessons have been introduced in recent years. It also appreciates the fact that, for several years, the level of proficiency in Greek required for access to the civil service has been relaxed for persons belonging to the three minority groups.

b) Outstanding issues

139. The Advisory Committee notes that, according to the generally expressed view of the representatives of the three minority groups, the transfer of responsibility for minority-related issues to the Ministry of the Interior and the elimination, in 2003, of the position of Presidential Commissioner for Minorities, have not produced the expected policy improvements. The Advisory Committee also understands that the three groups were not sufficiently consulted and their opinion was not taken into account when these changes were made. It also appears inadequate to give the responsibility of coordinating all aspects of minority protection, in view

of their complexity, to only one official in the ministry, who also has other responsibilities. The representatives of the three minority groups believe that the Presidential Commissioner was much better placed to defend their interests effectively because of its stronger institutional position.

140. The representatives of the three minority groups currently are in favour of responsibility for minority-related issues to be assigned to a distinct commission or agency having a clearly defined institutional position and sufficient influence.

141. Improved participation in parliament of the representatives of the Maronites, Armenians and Latins is a priority issue in the dialogue between the latter and the authorities. Under the Constitution (article 109) and the legislation in force, an elected member of the group represents each minority group in the parliament, following elections specifically held for this purpose. These representatives take part in parliamentary activities as observers and are consulted on issues relating to religion, culture and education, although they do not have any legislative role and therefore do not have voting rights. For several years, they have been asking the authorities for a strengthened role in parliament, with a right to take the floor, including in plenary sessions, a right to initiate legislation and voting rights.

142. The Advisory Committee notes that the Office of the Attorney General is preparing a legal opinion in response to these requests. The Advisory Committee also notes, from his talks with members of the Cypriot parliament, a spirit of openness and an explicit political will to respond positively to the requests. It notes in addition that, according to some representatives of the authorities, the constitutional difficulties which such changes could entail are not insurmountable.

Recommendation

143. The authorities are encouraged to identify, in consultation with the representatives of the three minority groups, measures to improve and better institutionalize the management and co-ordination of the Government's minority policies. In addition, it is important to ensure that consultation with the minorities is conducted on a regular basis, as part of the institutional arrangements. There is also a need to identify ways of making the participation of the representatives of the three minority groups in parliament more effective.

Article 17 of the Framework Convention

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

Findings of the first cycle

144. In its first Opinion on Cyprus, the Advisory Committee felt it was important for the Maronites to be able to maintain free and frequent contacts with members of their group living in the north of Cyprus and encouraged the authorities to pursue further their policy to facilitate such contacts.

Current situation

a) Positive developments

145. The Advisory Committee expresses its satisfaction at the positive developments regarding movement between the Government-controlled territory and the north of the island. It notes in particular the partial lifting, in 2003, of restrictions to the freedom of movement across the Green Line, and welcomes the measures recently adopted in Nicosia to open an additional crossing point.

146. The authorities have continued their efforts to facilitate the maintenance of links and regular contacts between Maronites living in the Government-controlled territory and those who remain in their traditional villages outside this area. Regular aid is given to these persons by means of the provision of free transport and food, and financial support measures have been approved for the repair of houses, churches and infrastructure in the villages concerned, in particular in Kormakitis. In addition, parents of Maronite children enrolled in schools in the Government-controlled zone are provided free accommodation when they travel, across the “Green Line”, to visit their children.

b) Outstanding issues

147. While appreciating the Government’s efforts, the Maronites’ representatives consider that this support could be increased and would expect the authorities to be more proactive in finding solutions to enable them to travel to the villages which are at present inaccessible (see also the observations on Articles 5 and 6 above).

Recommendations

148. The authorities should strengthen further the measures taken to facilitate movement of persons between the territory under Government control and the northern part of the island in order to allow Maronites, among others, to maintain contacts with persons that share the same identity in the northern part of the island. In addition, they should give more resolute support to the Maronites’ efforts to maintain their culture and identity.

Article 18 of the Framework Convention

Bilateral agreements concerning the protection of minorities

Findings of the first cycle

149. In its first Opinion on Cyprus, the Advisory Committee took note of the conclusion of a bilateral agreement with Armenia on cooperation in the fields of culture, education and science and encouraged the authorities to make use of the numerous opportunities opened up by this bilateral agreement to assist the Armenians living in Cyprus.

Current situation

a) Positive developments

150. The Advisory Committee welcomes the recent developments announced by the authorities with regard to bilateral cultural co-operation with Lebanon and the possible positive impact of this co-operation on the protection of the Maronites.

b) Outstanding issues

151. While expressing satisfaction at the progress referred to above, the Advisory Committee notes with regret that the Armenians and the Maronites do not seem to be informed about the developments in question and are not adequately consulted and involved in bilateral cooperation of potential interest to them.

Recommendations

152. The Advisory Committee encourages the authorities to ensure that the representatives of the minority groups are kept informed and are involved in the drawing up and implementation of plans for bilateral cooperation of interest to them.

III. CONCLUDING REMARKS

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

Positive developments

154. Following the adoption of the first Opinion of the Advisory Committee in April 2001 and the Committee of Ministers' Resolution in February 2002, Cyprus has taken new steps to improve the implementation of the Framework Convention.

155. The legal and institutional framework for tackling discrimination has been strengthened. Specific measures have also been taken to increase awareness about human rights and diversity, including within the police forces. Mechanisms for independent investigation of complaints against the police have been established.

156. The Government has continued to provide support for the cultural activities of the Armenians, the Maronites and the Latins. The Government reports that information on their culture and identity has been included in history textbooks and new support initiatives have been taken for these groups in the field of media.

157. Although there is scope for improvement in this area, the authorities have continued to support minority education. A public primary school has been set up to respond to the specific needs of the Maronites and, in spite of difficulties, efforts have been made to maintain adequate educational opportunities for the Armenians. The annual subsidies provided to the Armenians, the Maronites and the Latins for private education have been increased.

158. A series of measures have been taken to facilitate participation of persons with different community, religious and ethnic affiliation in economic and social life. There have also been positive legislative developments in relation to voting rights and to the right to contract a civil marriage.

159. Steps have also been taken to facilitate movement between the Government-controlled territory and the northern part of the island. Specific measures have been adopted to assist Maronites in their efforts to maintain contacts with members of their group living in their traditional villages, located outside the Government-controlled territory, and to preserve their cultural, religious and historical heritage.

Issues of concern

160. In spite of the efforts made to promote tolerance and intercultural dialogue, Cypriot society remains divided. The limited dialogue and trust which exist between the two communities - the Greek Cypriot Community and the Turkish Cypriot Community - is still a serious source of concern.

161. Notwithstanding the complex constitutional situation and current political context in Cyprus, the obligation imposed on the three minority groups and their members to affiliate to either the Greek Cypriot Community or the Turkish Cypriot Community, as well as the obligation to vote for their representative in parliament, remain problematic.

162. Despite Government support, the preservation of the culture and identity of the Armenians, the Maronites and the Latins remains a challenge, for reasons linked *inter alia* to their diminishing numbers. The Maronites still face difficulties in their efforts to preserve their cultural heritage and to maintain contacts with members of their group, and links to their place of origin, in the northern part of the island.

163. The opportunities available for minority education need to be adjusted to provide a more adequate response to the specific needs of the three minority groups, and their participation in decision-making in this sphere needs to be enhanced. In particular, difficulties are reported with regard to the availability of schoolbooks and training and recruitment of teachers. Information about the Armenians, the Latins and the Maronites, and their cultures, in the media and in mainstream educational materials also remains limited.

164. Although the Armenians, the Maronites and the Latins are well integrated in Cypriot society, there still appear to be insufficient opportunities available for them to participate effectively in decision-making on issues of interest to them.

165. Despite efforts in recent years, the Roma continue to face prejudice and particular difficulties in various sectors. The implementation of the principle of free self-identification in respect of the Roma remains a source of concern.

166. More resolute measures are needed in order to strengthen mutual understanding and integration in the society, including by facilitating participation of Turkish Cypriots in the different sectors of public life. The role played by the media and the education system in this regard needs to be developed further.

Recommendations

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

- Look for possibilities to review the obligation to affiliate to either the Greek Cypriot Community or to the Turkish Cypriot Community imposed on the Armenians, the Latins and the Maronites, as well as the legal obligation to vote in elections for their representatives in parliament;
- Make further efforts to support and promote the preservation and development of the culture of the Armenians, the Latins and the Maronites, and assist them in the establishment of cultural centres; promote their increased presence in the media and in educational materials;
- Take additional measures to support the revitalisation and promotion of the cultural, religious and linguistic heritage of the Maronites, as well as their contacts with persons who share their identity and with their place of origin, in the northern part of the island;
- Identify ways to provide a more adequate response to the specific needs of the Armenians, the Latins and the Maronites in the field of education, in consultation with the persons concerned; take additional measures to ensure the availability of adequate teaching materials and qualified teachers for the schools concerned;

- Review existing processes of consultation and participation of the Armenians, the Latins and the Maronites in public affairs, with a view to strengthening these processes and making them more effective;
- Pursue and develop further the measures taken to address the problems faced by the Roma in various sectors; identify ways to secure implementation of the principle of free self-identification in their respect;
- Take more resolute steps to promote mutual respect, understanding and integration among all persons living on the territory of Cyprus; encourage the education system and the media to play a more active role in combating racism and intolerance.