

European Commission against Racism and Intolerance Commission européenne contre le racisme et l'intolérance

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# **European Commission against Racism and Intolerance**

SECOND REPORT ON CYPRUS

Adopted on 15 December 2000



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#### Foreword

The European Commission against Racism and Intolerance (ECRI) is a body of the Council of Europe, composed of independent members. Its aim is to combat racism, xenophobia, antisemitism and intolerance at a pan-European level and from the angle of the protection of human rights.

One of the pillars of ECRI's work programme is its country-by-country approach, whereby it analyses the situation as regards racism and intolerance in each of the member States of the Council of Europe and makes suggestions and proposals as to how to tackle the problems identified.

At the end of 1998, ECRI finished the first round of its country-by-country reports for all member States. ECRI's first report on Cyprus is dated 27 November 1998 (published in November 1999). The second stage of the country-by-country work, initiated in January 1999, involves the preparation of a second report on each member State. The aim of these second reports is to follow-up the proposals made in the first reports, to update the information contained therein, and to provide a more in-depth analysis of certain issues of particular interest in the country in question.

An important stage in ECRI's country-by-country work is a process of confidential dialogue with the national authorities of the country in question before the final adoption of the report. A new procedure in the second round of country reports is the organisation of a contact visit for the ECRI rapporteurs prior to the drafting of the second report.

The contact visit to Cyprus took place on 24-27 July 2000. During this visit, the rapporteurs met with representatives of various ministries and public administrations responsible for issues relating to ECRI's mandate. ECRI warmly thanks the Cypriot national authorities for their wholehearted co-operation in the organisation of the contact visit, and in particular would like to thank all the persons who met its delegation each of whom provided much valuable information on their own field of competence. ECRI would also like to thank the Cypriot national liaison officer whose efficiency and collaboration were much appreciated by ECRI's rapporteurs.

Furthermore, ECRI would like to thank all the representatives of non-governmental organisations with whom its rapporteurs met during the contact visit for the very useful contribution they made to the exercise.

The following report was drawn up by ECRI under its own responsibility. It covers the situation as of 15 December 2000 and any development subsequent to this date is not covered in the following analysis nor taken into account in the conclusions and proposals made by ECRI.

# **Executive summary**

Over recent years, Cyprus has taken some positive steps which are relevant to combating racism and xenophobia, including the fine-tuning of criminal legislation aimed at combating racism and intolerance, the extension of the powers of the Commissioner for Administration (Ombudsman), the adoption of legislation on refugees and asylum seekers and of measures aimed at improving the processing of complaints by foreign workers against their employers.

Problems of racism, xenophobia and discrimination persist, however, and immigrants appear to be in a particularly vulnerable position in this respect. The rights of immigrant workers, notably domestic employees, are often not respected and the remedies available in these cases are not always effective. Of serious concern are reports of use of excessive force by the police against aliens who enter or stay in Cyprus illegally and the detention of this category of persons for long periods of time pending deportation. ECRI also expresses its concern that the situation currently prevailing in the island as a whole prevents the creation of opportunities for the Turkish and Greek communities to reestablish contacts with each other and restore mutual confidence in preparation for renewed life together.

The current situation prevents ECRI from covering the position of populations living in the northern part of the island as regards discrimination.

In the following report, ECRI recommends to the Cypriot authorities that further action be taken to combat racism, xenophobia, discrimination and intolerance in a number of areas. These recommendations cover, inter alia, the need to ensure that the criminal, civil and administrative legal framework at national level aimed at combating these phenomena is adequate and that implementation of these provisions is effective; the need to ensure that the rights of immigrants are respected and that adequate and effective remedies are available in case of breach of these rights; the need effectively to address instances of ill-treatment of immigrants on the part of the police and, more generally, to raise awareness of the issues of racism, discrimination and intolerance amongst law enforcement and immigration officials. ECRI also stresses the need to adopt measures involving members of both the Greek and the Turkish communities to promote a climate of tolerance to restore confidence and counter prejudice.

#### SECTION I: OVERVIEW OF THE SITUATION

# A. International legal instruments

1. Cyprus has signed and ratified a large number of international legal instruments relevant in the field of combating racism and intolerance. ECRI welcomes the signature by Cyprus of Additional Protocol N°12 to the European Convention on Human Rights, which widens in a general fashion the scope of application of Article 14 of the Convention and contains a non-exhaustive list of grounds of discrimination. It encourages the Cypriot authorities to ratify this Protocol as soon as possible. ECRI furthermore urges the Cypriot authorities to ratify the European Charter for Regional or Minority Languages, which Cyprus signed in 1992. ECRI also encourages the authorities to ratify the Convention on the Participation of Foreigners in Public Life at Local Level, to which Cyprus is a signatory, and to sign and ratify the European Convention on Nationality. In view of the considerable number of non-citizens living and working in Cyprus, ECRI also encourages the authorities to sign and ratify the European Convention on the Legal Status of Migrant Workers.

# B. Constitutional provisions and other basic provisions

- 2. The right to equality before the law, administration and justice is set out in Article 28 (1) of the Constitution. Article 28 (2) provides that every person shall enjoy all the rights and liberties provided for in the Constitution without any direct or indirect discrimination against any person on the grounds of their community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class or any other ground whatsoever unless there is express provision to the contrary in the Constitution.
- 3. Article 169 (3) of the Constitution stipulates that treaties, conventions and agreements have superior force over domestic law. Provisions contained in international treaties can be directly invoked if the treaties are self-executing or specific legislation has been enacted in order to implement them. In view of the absence of comprehensive primary anti-discrimination legislation<sup>1</sup>, ECRI feels that further efforts could be made to raise the awareness of the legal community of the provisions contained in the international legal instruments ratified by Cyprus in the fields of interest to ECRI.

#### C. Criminal law provisions

4. As noted by ECRI in its first report, through a 1992 amendment to the law which ratified the International Convention on the Elimination of All Forms of Racial Discrimination, Cyprus established a number of offences relevant to combating racism and intolerance. These include incitement to racial hatred, participation in organisations promoting racial discrimination, public expression of racially insulting ideas and discriminatory refusal to provide goods and

See Civil and administrative law, below

services. In conformity with a recommendation of the Committee for the Elimination of Racial Discrimination (CERD), Cyprus further amended these provisions in 1999. As a result of these amendments, it is no longer necessary that the incitement to racial hatred be intentional for the corresponding offence to be committed; in addition, for the refusal to provide goods and services to constitute an offence it is no longer necessary that race be the "only" ground of discrimination.

- 5. ECRI welcomes these developments. It notes, however, that these provisions are at present not being used and considers that further efforts should be undertaken to raise the awareness of the legal community and the public at large of the existence and the content of such provisions. Specialised training of police officers on how to detect and bring to the surface the racist element of these offences would also be beneficial. The lack of communications filed with the CERD under Article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination also indicates the need for improving awareness of rights and remedies in this area.
- 6. ECRI furthermore notes that there is no provision in Cypriot criminal law penalising common offences but with a racist nature as specific offences, or explicitly enabling the racist motives of the offender to be taken into account as an aggravating factor in sentencing. In line with its General Policy Recommendation N°1 on combating racism, xenophobia, antisemitism and intolerance, ECRI encourages the Cypriot authorities to consider the introduction of such provisions.

## D. Civil and administrative law provisions

- 7. As mentioned above, certain types of racially discriminatory behaviour are covered by criminal law provisions. However, ECRI considers that the establishment of comprehensive civil and administrative anti-discrimination provisions, can be a useful tool to help countering discrimination in such vital fields as employment, housing, education, etc. Consideration of these issues would also be in line with current developments taking place in the European Union (to which Cyprus is a candidate country) concerning the application of Article 13 of the Amsterdam Treaty.
- 8. As will be discussed below<sup>2</sup>, ECRI stresses the role that a specialised body on combating racism and intolerance could play in supervising the implementation of such anti-discrimination legislation.
- 9. According to the 1960 Constitution, the members of the Greek community and the members of the Turkish community elect, respectively, the President and Vice-President of the Republic of Cyprus. As noted by ECRI in its first report, however, since 1963, there have been no elections to fill the governmental posts designated for the representatives of the Turkish community. ECRI regrets this problematic situation and hopes it will be remedied as soon as possible. In the meantime, ECRI notes with interest that the Cypriot authorities

<sup>&</sup>lt;sup>2</sup> Specialised bodies and other institutions

are considering the attribution of voting rights for the election of the office of President to those members of the Turkish community who live in the government-controlled area of Cyprus. The Cypriot authorities are also trying to find ways for the Turkish community which lives in the government-controlled part of Cyprus to vote for members of parliament in elections which are due to take place in the first half of 2001.

10. In addition to their normal voting rights, the small Maronite, Armenian and Roman Catholic groups elect non-voting representatives to the House of Representatives from their respective groups.

# E. Administration of justice

11. ECRI notes that foreigners account for almost 30% of the total prison population of Cyprus. In most cases, they are detained for offences linked to their right to stay in the country and very rarely for violent crimes. ECRI encourages the Cypriot authorities to carry out research on the causes of the disproportionate representation of foreigners in Cypriot prisons.

#### - Legal aid

12. Free legal aid is currently available only for criminal cases. However, ECRI was informed that a bill is pending which regulates legal aid for proceedings before both criminal and civil courts in cases with human rights implications. ECRI hopes that legal aid will be promptly extended to cover all alleged cases of racial discrimination.

#### F. Specialised bodies and other institutions

- 13. As noted by ECRI in its first report, although Cyprus has no specialised body to combat racism and intolerance, the Commissioner for Administration (Ombudsman) is competent to investigate alleged violations of individual rights by the public administration. ECRI welcomes the fact that, in 1999, the powers of the Ombudsman were extended so as to be able to investigate cases also on his/her own initiative, i.e. without an individual complaint. A considerable number of complaints are filed with the Ombudsman against the Immigration Services. ECRI encourages the Cypriot authorities to ensure that the recommendations and reports issued by the Ombudsman are swiftly and thoroughly complied with by the governmental departments concerned.
- 14. The Ombudsman is also competent to examine complaints of ill-treatment by the police. Such cases can also be dealt with by investigators appointed by the Attorney General of the Republic. As will be mentioned below<sup>3</sup>, ECRI stresses the need for an independent body entrusted with examining all complaints of misbehaviour on the part of the police, including complaints of racism and discrimination.

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<sup>3</sup> Vulnerable situation of immigrants in Cyprus

- 15. The National Institution for the Protection of Human Rights was established in 1998 as a body with participation of government officials, representatives from the House of Representatives, non-governmental organisations and civil society. One of its functions is to examine -- on its own initiative or following an application -- complaints about violations of human rights which do not fall within the competence of other institutions or bodies and to submit reports and recommendations to the competent organs. It would appear, however, that this function has so far been rarely used if at all. ECRI encourages the Cypriot authorities to ensure that adequate resources are available to the National Institution thereby enabling it to establish its independence and exercise all of its functions and that the general public is informed about the possibility of filing a complaint with this institution.
- 16. ECRI draws the attention of the Cypriot authorities to its general policy recommendation n°2 on specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level and reiterates its call for the attribution to an independent body, such as the Ombudsman, of special responsibility for dealing with problems of racism and intolerance or for the creation of a separate body. These possibilities should also be examined within the context of the adoption of anti-discrimination legislation, in view of the central role that a specialised body could play in supervising the implementation of such legislation.
- 17. ECRI also stresses here the important role played by the Parliamentary Committee for Human Rights in matters connected with ECRI's mandate. ECRI hopes that the Committee will continue to pay attention, inter alia, to the situation of immigrants and their relations with employers and the police.
- 18. A Presidential Advisor on Religious Groups co-ordinates general policies vis-àvis the recognised minority groups and facilitates the processing and examination of complaints submitted by members of these groups.

#### G. Education and awareness raising

- 19. ECRI encourages the Cypriot authorities to continue their extra-curricular initiatives aimed at promoting human rights awareness in schools and, in this framework, to devote particular attention to the fight against racial prejudice, respect for difference and promotion of tolerance. It also encourages the Cypriot authorities to extend education in human rights to the curricula of all school children.
- 20. In consideration of the increasingly multicultural composition of the student population in Cypriot schools, ECRI urges the Cypriot authorities to ensure that all teachers are properly trained to teach in a multicultural environment and to react to any manifestations of racism or discriminatory attitudes in schools.
- 21. ECRI also stresses the need for initiatives in the field of education specifically aimed at improving better understanding between the Greek and the Turkish communities. To the same end, it supports the organisation of bi-communal events involving both students and adults.

# H. Reception and status of non-citizens

# - Refugees and asylum seekers

- 22. The number of people seeking asylum in Cyprus has been increasing over recent years. Currently, Cyprus receives a few hundred asylum applications per year.
- 23. Since the preparation of ECRI's first report, a Refugee Law was adopted in January 2000, which, inter alia, establishes a Refugee Authority responsible for monitoring the application of the law. ECRI notes that the necessary regulations to implement this law are not yet in place and encourages the Cypriot authorities to proceed to the adoption of these regulations in close collaboration with the local offices of the UN High Commissioner for Refugees.
- 24. ECRI expresses serious concern at reported episodes of ill-treatment of rejected asylum seekers. This issue is addressed below in more detail<sup>4</sup>. However, ECRI underlines here the need to raise the awareness of refugee issues among officials coming into contact with asylum seekers and in civil society generally.

#### - Acquisition of citizenship

- 25. In its first report, ECRI noted that Cypriot women married to non-citizens were denied the right to pass citizenship on to their children, and that only Cypriot fathers could transmit citizenship to their children automatically. ECRI expressed concern that these provisions resulted in the denial of citizenship to children with a legitimate right to citizenship by descent. ECRI notes that a 1999 amendment to the citizenship law accords Cypriot women the same rights as men in this respect. A further amendment to the citizenship law grants the same rights of acquisition of citizenship to alien spouses of Cypriot citizens, irrespective of sex.
- 26. ECRI welcomes these developments. In general it notes, however, that the rules for acquisition of naturalisation leave a wide margin of discretion to the Naturalisation Department as concerns decisions to grant citizenship. There have been complaints that these decisions are sometimes discriminatory. ECRI understands that the Cypriot authorities envisage overhauling the provisions regulating acquisition of citizenship in the near future. In the meantime, it urges the Cypriot authorities to ensure that the provisions governing naturalisation are implemented in a non-discriminatory way.

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<sup>4</sup> Vulnerable situation of immigrants in Cyprus

### I. Access to public services

#### - Access to education

27. Given the increasing numbers of immigrant children in Cypriot schools, ECRI encourages the authorities to ensure that the provision of Greek as a second language meets the demands of the immigrant community and that teachers are properly trained in this respect. Consideration may also be given to introducing, as necessary, teaching in languages other than Greek for students of non-Greek mother tongue in parallel with education in Greek to facilitate the process of learning for these students.

# J. Employment

28. ECRI deals with the employment situation of immigrants in the second part of this report. Here, ECRI notes once more the lack of civil anti-discrimination legislation covering employment. ECRI is aware that specific legislation against gender discrimination in employment is currently being drafted and encourages the authorities to consider the adoption of similar legislation against discrimination on grounds of race, national or ethnic origin, etc. Once again, ECRI stresses that consideration of these issues would also be in line with current developments taking place in the European Union concerning the application of Article 13 of the Amsterdam Treaty.

# K. Monitoring the situation in the country

29. ECRI considers that the collection of reliable and comparable data broken down by ethnic origin could help better assess and evaluate the situation and experiences of the minority groups living in Cyprus in different fields, such as employment, housing, education, etc. This should of course be carried out in accordance with European laws, regulations and recommendations on data protection and protection of privacy and the principle of non-compulsion. In addition, ECRI considers that further efforts should be made to establish a more reliable picture of the situation as regards discrimination and racism in the country -- for example by means of opinion polls among the majority but also among minority populations to ascertain how they perceive levels of discrimination and intolerance. In this respect, the attention of the Cypriot authorities is drawn to ECRI's general policy recommendation N°4 on national surveys on the experience and perception of discrimination and racism from the point of view of potential victims.

#### L. Media

30. In Cyprus, the media, and particularly newspapers, have sometimes played a role in bringing to the attention of the general public and promoting public debate on issues connected with racism, xenophobia and related intolerance. However, there are also examples of negative reporting on immigration and asylum issues which contribute to creating an atmosphere of hostility and rejection towards members of minority groups. These include portrayal of immigrants in a negative and stereotypical fashion and sensational coverage of incidents involving members of minority groups. ECRI considers that ways should be considered to discourage this type of reporting. ECRI welcomes the fact that a Media Complaints Commission is entrusted with the task of supervising the application of a code of self-regulation of the media profession, which contains, inter alia, a provision against unnecessary mention of racial or ethnic origins. It notes, however, that such provision has not so far been applied.

#### M. Conduct of law enforcement officials

31. ECRI addresses the issues related to the conduct of law enforcement officials in Section II of this report.

# N. Impact of the current situation on relations between the Greek and Turkish communities

- 32. As noted by ECRI in its first report<sup>5</sup>,, the current situation prevents ECRI from covering the position of populations living in the northern part of the island, as this part of the territory is currently not under the effective control of the Cyprus Government, to which the present report is addressed. In the framework of its mission, ECRI is nevertheless concerned at reports of discrimination in this part of the island, including reports concerning restrictions on the rights of the Greek community. ECRI notes in this respect the conclusions contained in the June 1999 Report of the European Commission of Human Rights on Application N° 25781/94 (Cyprus against Turkey).
- 33. ECRI expresses its concern at the impact of the situation currently prevailing in the island as a whole and resulting in virtually complete separation between the Greek and Turkish communities on the relations between such communities. ECRI reiterates its hope that solutions will be identified in the near future. However, it stresses that a return to life together in an atmosphere where human rights are respected can only be brought about through the gradual re-establishment of contacts and through the restoration of mutual trust between the two communities. In this respect, ECRI expresses serious concern at the lack of opportunities available at present for the members of the two communities to do so. It therefore reiterates its call for the extension of measures involving members of both the Greek and the Turkish communities to promote a climate of tolerance, to restore confidence and counter prejudice.

<sup>&</sup>lt;sup>5</sup> CRI (99) 50, Introduction

# SECTION II: ISSUES OF PARTICULAR CONCERN

34. In this section of its country-by-country reports, ECRI wishes to draw attention to a limited number of issues which in its opinion merit particular and urgent attention in the country in question. In the case of Cyprus, ECRI would like to draw attention to the vulnerable situation of immigrants in Cyprus.

## O. Vulnerable situation of immigrants in Cyprus

- 35. Following a steady increase in their number in recent years, immigrants represent today a considerable part of the population of the Republic of Cyprus. These include over 20,000 legal immigrants -- mainly coming from Europe, the Middle East and Asia who compensate for the shortage of labour in certain sectors of the Cypriot economy, but also an unspecified number of illegal immigrants. As mentioned above, a few hundred people also apply for asylum every year.
- 36. ECRI is concerned at the absence of a comprehensive immigration policy aimed not only at regulating the entry and stay of immigrants and the rights connected to the employment of these, but also at a better mutual integration between the immigrant population and the rest of the Cypriot society. ECRI considers that, in general, immigration policies have largely been based on the idea of immigrants as persons who come to work in Cyprus only for a very limited period of time, and that this has impacted negatively on the immigrants' possibilities to fully exercise all their rights and to organise themselves to defend their common interests. ECRI therefore urges the Cypriot authorities to elaborate a comprehensive integration policy and to put in place concrete strategies to ensure that these concerns are addressed. This could be done in the framework of the ongoing process of reform of the antiquated Aliens and Immigration Law which -- dating from before the independence of the Republic of Cyprus -- is still in force. In line with the Convention on the Participation of Foreigners in Public Life at Local Level<sup>6</sup>, such strategies may include, inter alia, the establishment of consultative bodies to represent foreign residents at local level in areas with a significant foreign population.
- 37. In line with the approach strongly linking immigration with employment, one of the main immigration issues faced by the Cypriot authorities has been the need to ensure that migrant workers and their families enjoy equal treatment with that offered to nationals in matters of employment. However, the practical application of this principle appears not to have been uniform. While there are sectors, notably in unionised and construction industry, where foreign workers appear to enjoy in practice the same conditions as their Cypriot counterparts, in others the practical application of the principle of equality of treatment of migrant workers in respect of their terms and conditions of employment has been less successful. As noted by ECRI in its first report, a particularly vulnerable group appears to be constituted by domestic workers, who comprise almost one third of all legal immigrants working in Cyprus. There have been

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<sup>6</sup> See International Legal Instruments, above

reports that the terms of contract of these workers are often breached by employers, who may for instance force the women to work much longer hours or during their days off, assign them to duties not provided for by the contract, or dismiss them in an unjustified manner. There have also been reports of inhuman treatment and sexual harassment of these women.

- 38. Although domestic workers may lodge complaints, the remedies available have so far not proved to be sufficiently effective. It must be noted, in this respect, that the Immigration Department had special responsibility for examining complaints made by this particular category of foreign worker whereas complaints made by most other categories of foreign worker were dealt with by the Ministry of Labour and Social Insurance<sup>7</sup>. Following a recommendation of the Ombudsman, all complaints by foreign workers against their employers, including those employed as domestic employees, can now be lodged with the employment services of the District Labour Offices of the Ministry of Labour and Social Insurance.
- 39. It would appear, however, that domestic workers are not always aware of their rights and of the remedies available. Although ECRI is aware of governmental initiatives in this respect, it urges the authorities to strengthen their efforts to raise the awareness of domestic workers (and immigrants generally) of their rights and of the procedures by which they can ensure enjoyment of these rights. In addition, domestic workers are reluctant to complain as this may result in deportation by the Immigration authorities, since their right to reside in the country is strictly connected with employment with a specific employer. ECRI urges the authorities to ensure that deportation is not carried out before thorough and fair proceedings in each case have taken place. It also urges the authorities to ensure that means of subsistence including new employment are available for domestic workers whose contractual or other rights may have been violated by their employer.
- 40. ECRI is aware that the government is committed to supporting an initiative of non-governmental organisations to set up a centre for immigrants. It encourages the authorities to ensure that the role of such a centre includes, inter alia, providing adequate information about all the rights of immigrants and offering legal support as necessary. This centre could also constitute an opportunity to improve the contacts between trade unions and the immigrant community.

According to a Council of Minister's decision, one of the criteria which must be met before the Immigration Department can issue a work and residence permit for a foreign worker to come to Cyprus, is that the Ministry of Labour and Social Insurance certify that there is a shortage of labour in the specific area where the worker will be employed. In consideration of the shortage of domestic workers, however, the Immigration Department is allowed to issue the relevant permits for these workers without obtaining a prior report from the Ministry of Labour and Social Insurance. As a result of this, the Immigration Department and the Police have been engaged in examining complaints made by domestic workers, although the Ministry of Labour

engaged in examining complaints made by domestic workers, although the Ministry of Labour and Social Insurance retains the overall responsibility for issues relating to terms and conditions of employment.

- 41. ECRI also expresses serious concern at reports of use of excessive force by the police against aliens who enter or stay in Cyprus illegally. ECRI notes that independent investigations into such incidents can be, and are in fact, carried out by criminal investigators appointed by the Attorney General independent officer of the Republic -- upon submission to him of written complaints, and that such investigations have resulted in the institution of criminal proceedings, on the Attorney General's instructions, against members of the police. Nevertheless, ECRI stresses the interest in all such incidents being thoroughly investigated by an independent body and for persons found responsible following such investigations to be punished. ECRI furthermore considers that any such incidents should be publicly and unequivocally condemned. Although human rights training is at present provided to the police, ECRI feels that further efforts in this area are needed. It also encourages the authorities to keep the effectiveness of all training courses and seminars in this field under review.
- 42. Apart from the question of ill-treatment, ECRI stresses that immigrants and asylum seekers, even if they are considered to be illegally entering Cyprus, should not be treated as criminals, and that any measures taken with regard to such persons should reflect this approach.
- 43. In this respect, ECRI notes that the people detained under immigration powers awaiting deportation do not even enjoy the legal safeguards applicable to detention generally. In accordance with the 1952 Aliens and Immigration Law, an alien detained pending deportation can be held by the Immigration Department for 8 days, after which the detention must be confirmed by a court order. Subsequent to this, however, there is no review mechanism of the legality of the detention by a court. Release from unlawful detention can be obtained through the issue of an order of habeas corpus by the Supreme Court, a procedure which is in fact used. At the same time, ECRI is concerned that this procedure should be made fully known and more readily accessible. The detention provisions of the Aliens and Immigration Law have been criticised for being contrary to the Constitution, which stipulates that any person arrested must, not later than twenty-four hours after his arrest, be presented before a competent court which is to order his detention or release. In this respect, the National Institution for Human Rights has recommended that the detention of aliens awaiting deportation be placed under judicial control. The Attorney General's Office has also issued instructions to this effect. At present, there are reports that many aliens detained pending deportation are being held in detention for long periods of time. As mentioned above<sup>8</sup>, ECRI is aware that a new Aliens and Immigration law, which would, inter alia, address this question has now been under consideration for some time. It considers, however, that the question of the detention of aliens under immigration powers should be addressed as a matter of priority.
- 44. Concern is also expressed at reports of discriminatory checks on the part of immigration officers of non-whites coming to Cyprus. Again, ECRI feels that further training aimed at preventing the occurrence of discrimination and discriminatory attitudes should be provided to immigration officers.

<sup>8</sup> Paragraph 35

45. More generally, while sentiments of rejection and hostility vis-à-vis immigrants and foreigners cannot be said to be generalised in Cypriot society as a whole, there appears to be a growing tendency towards the perception of the immigrant and the foreigner as a potential threat to the Cypriot standard of living. In this respect, ECRI deplores instances of racially-inflammatory speeches by public figures targeting these groups. ECRI strongly encourages the Cypriot authorities to take all possible measures to prevent such a trend from evolving into more overt and generalised manifestations of hostility vis-à-vis members of minority groups.

#### **BIBLIOGRAPHY**

This bibliography lists the main published sources used during the examination of the situation in Cyprus: it should not be considered as an exhaustive list of all sources of information available to ECRI during the preparation of the report.

- 1. CRI (99) 50: Report on Cyprus, European Commission against Racism and Intolerance, Council of Europe, November 1999
- 2. CRI (96) 43: ECRI general policy recommendation n°1: Combating racism, xenophobia, antisemitism and intolerance, European Commission against Racism and Intolerance, Council of Europe, October 1996
- 3. CRI (97) 36: ECRI general policy recommendation n°2: Specialised bodies to combat racism, xenophobia, antisemitism and intolerance at national level, European Commission against Racism and Intolerance, Council of Europe, June 1997
- 4. CRI (98) 29: ECRI general policy recommendation n° 3: Combating racism and intolerance against Roma/Gypsies, European Commission against Racism and Intolerance, Council of Europe, March 1998
- 5. CRI (98) 30: ECRI general policy recommendation n°4: National surveys on the experience and perception of discrimination and racism from the point of view of potential victims, European Commission against Racism and Intolerance, Council of Europe, March 1998
- 6. CRI (2000) 21: ECRI general policy recommendation n° 5: Combating intolerance and discrimination against Muslims, European Commission against Racism and Intolerance, Council of Europe, April 2000
- 7. CRI (98) 80 : Legal measures to combat racism and intolerance in the member States of the Council of Europe, ECRI, Strasbourg, 1998
- 8. European Social Charter, Committee of Independent Experts, Conclusions XV-1
- 9. CPT/Inf (97) 5: Reports to the Cypriot government on the visits carried out by the Committee for the Prevention of Torture to Cyprus in 1992 and 1996, Council of Europe document, May 1997
- 10. Parliamentary Assembly of the Council of Europe, Doc. 7717, Report on the situation in Cyprus, December 1996
- 11. Parliamentary Assembly of the Council of Europe, Resolution 1113 (1997) on the situation in Cyprus
- 12. European Court of Human Rights: Judgment in the Case of Loizidou v. Turkey (40/1993/435/514), 23.3.1995
- 13. European Commission of Human Rights, Report of the Commission on Application No. 25781/94 (Cyprus against Turkey), June 1999
- 14. Updated reply supplied to ECRI's questionnaire by the Cypriot authorities
- 15. Report of Cyprus in pursuance to Article 25 paragraph 1 of the Framework Convention for the Protection of National Minorities
- 16. MMG 6 (96) 6 Addendum 7 : « Written statement Cyprus », European Committee on Migration, June 1996
- 17. CDMG (97) 17 rev. : « Recent developments in policies relating to migration and migrants », European Committee on Migration, Council of Europe, January 1998

18. CDMG (99) 7 final : « Recent developments in policies relating to migration and migrants », European Committee on Migration, Council of Europe, 1999

- 19. Refugee Law No 6(1)/2000
- 20. Annual Report 1999 of the Office of the Commissioner for Administration (Ombudsman) of the Republic of Cyprus
- 21. CERD/C/299/Add.19: « Fourteenth periodic report of States parties due in 1996: Cyprus», CERD, United Nations, October 1997
- 22. CERD/C/304/Add.56: « Concluding observations of the Committee on the Elimination of Racial Discrimination: Cyprus », CERD, United Nations, February1999
- 23. HRI/CORE/1/Add.28/Rev.1: Core document forming part of the reports of states parties: Cyprus, International Human Rights Instruments, United Nations, July 1998
- 24. US Department of State « 1999 Country Reports on Human Rights Practices: Cyprus », February 2000
- 25. Amnesty International, Annual Report 1999