

# Combating discrimination in a united Cyprus

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# I. Legal framework regarding principles of equality and non-discrimination

- *Constitution of the Republic of Cyprus*

## Article 2

Two communities (Greek, Turkish) three religious groups (Armenians, Maronites, Latins)

## Article 6

Subject to the express provisions of this Constitution no law or decision of the House of Representatives or of any of the Communal Chambers, and no act or decision of any organ, authority or person in the Republic exercising executive power or administrative functions, shall discriminate against any of the two Communities or any person as a person or by virtue of being a member of a Community.

## Article 28

1. All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby.
2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution.

# I. Legal framework regarding principles of equality and non-discrimination

- ***European Convention of Human Rights and Fundamental Freedoms***

- Article 14- Prohibition of discrimination**

- The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status

- ***EU Charter of Fundamental Rights***

- Article 21- Non discrimination**

- 1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.
    2. Within the scope of application of the Treaties and without prejudice to any of their specific provisions, any discrimination on grounds of nationality shall be prohibited.

# I. Legal framework regarding principles of equality and non-discrimination

- ***EU Directive 2000/43/EC***

Prohibition of discrimination (direct, indirect, harassment) on the grounds of race or ethnic origin regarding access to employment, working conditions, vocational training, social protection and health care, education, social advantages, goods and services.

Article 13- A body in every MS should be designated to promote equal treatment

***Law 42(I)/2004*** - The Ombudsman is appointed as Equality Body

## I. Legal framework regarding principles of equality and non-discrimination

- *Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law*

Incorporated by L. 134 (I) 2011

### **Criminal offences:**

- Public incitement to violence or hatred
- Publicly condoning, denying or grossly trivializing genocide, crimes against humanity, war crimes, when the conduct is carried out in a manner likely to incite violence or hatred against such a group or members of a group
- Racist and xenophobic motivation-aggravating factor

## I. Legal framework regarding principles of equality and non-discrimination

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Non discrimination principle is also incorporated in a number of international human rights treaties and instruments, such as:

- UN Declaration of Human Rights (UNDHR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention against the Elimination of All Forms of Discrimination Against Women (CEDAW)
- UN Convention on the Rights of Persons with Disabilities (UNCRPD)

## II. Defining attitudes and actions

- ***Discrimination***

Every discriminatory action, rejection, exclusion, restriction, based on a particular characteristic of a person or a group that aims or has a result to prevent the victim from exercising or enjoying their human rights and fundamental freedoms.

Direct/Indirect/Harassment

## II. Defining attitudes and actions

- *Racism*

- The belief that human races have distinctive characteristics which determine their respective cultures, usually involving the idea that one's own race is superior and has the right to rule or dominate others
- Offensive or aggressive behavior to members of another race stemming from such a belief
- A policy or system of government and society based on it

## II. Defining attitudes and actions

- ***Ethnic prejudice***

“an antipathy based upon a faulty and inflexible generalisation. It may be felt or expressed. It may be directed toward a group as a whole, or toward an individual because he is a member of that group”.

- **Xenophobia**

An attitude that expresses itself through hostile reaction to foreigners in general. It is linked to specific preconditions that foster its development.

## II. Defining attitudes and actions

### *Encompassing diversity*

- ***Integration***

A social, economic and political process involving the insertion of immigrants into a specific country. Integration requires effort by migrants to adapt to their new reality and effort by the host population to adapt to the presence and participation of migrants in the society.

- ***Interculturalism***

Focuses on the interplay of cultures; it is a process based on dialogue and actual engagement between individuals from different cultures. The intercultural perspective acknowledges that a multitude of cultures may co-exist within a society

### III. Good Practices: EDUCATION

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- Combating racism and racial discrimination **IN & THROUGH** school education  
(ECRI General Policy Recommendation No. 10, 2006)
  - ❖ Intercultural Education
  - ❖ Anti-racist Education

## III. Good Practices: EDUCATION

### *Intercultural education*

Aims to go beyond passive coexistence, to achieve a developing and sustainable way of living together in multicultural societies through the creation of *understanding of, respect for and dialogue* between the different cultural groups

#### ***Principles:***

1. Respects learner's cultural identity through the provision of culturally appropriate and responsive quality education for all
2. Provides every learner with the cultural knowledge, attitudes and skills necessary to achieve active and full participation in society
3. Provides all learners with cultural knowledge, attitudes and skills that enable them to contribute to respect, understanding and solidarity among individuals, ethnic, social, cultural and religious groups and nations.

## III. Good Practices: EDUCATION

### *Antiracist education - A step further*

#### *General Aims:*

- Elimination of all forms of discrimination - including direct and indirect racism, racial vilification and harassment - in its organisation, structures and culture, in its curriculum, and in the learning and working environment
  - Confrontation of race-based generalisations, stereotypes, bias, prejudice and discrimination that are the foundations of direct and indirect racism.
- *Addressing racist incidents at school*
    - *defining,*
    - *identifying,*
    - *recording*
    - *monitoring racist incidents*

## III. Good Practices: EMPLOYMENT

### *Promote racial equality in employment*

#### **The responsibilities of employers:**

Employers must not discriminate on racial grounds or subject a person to harassment in:

- a) the arrangements they make to decide who should be offered employment; or
- b) the terms on which they offer to employ a person; or
- c) by refusing or deliberately failing to offer employment.

It is also unlawful to discriminate against a worker, or to subject him or her to harassment:

- a) in the terms of employment provided; or
- b) in the way they make opportunities for training, promotion or transfer, or other benefits, facilities or services, available;
- c) or by refusing access to such opportunities or benefits, facilities or services; or
- d) by dismissing the worker or subjecting him or her to some other detriment.

## III. Good Practices: EMPLOYMENT

### *Promote racial equality in employment*

#### **Practical Steps – through Codes of Conduct:**

- Give employers practical guidance on how to prevent unlawful racial discrimination, and achieve equality of opportunity in the field of employment;
- Help employers and others who have duties under the employment provisions to understand their responsibilities and rights;
- Help lawyers and other advisers to advise their clients;
- Give employment tribunals and courts clear guidelines on good equal opportunities practice in employment; and
- Make sure anyone who is considering bringing legal proceedings or attempting to negotiate in the workplace, understands the legislation and is aware of good practice in the field of employment.

### III. Good Practices: POLITICAL DISCOURSE

#### *ECRI Declaration on the use of racist, antisemitic and xenophobic elements in political discourse (17/3/2005)*

Political parties can play an essential role in combating racism, by shaping and guiding public opinion in a positive fashion.

ECRI calls on political parties to:

- A clear political message in favour of diversity in European societies.
- Courageous and effective political leadership which respects and promotes human rights.

### III. Good Practices: POLITICAL DISCOURSE

#### *Practical measures suggested:*

- Self-regulatory measures which can be taken by political parties or national parliaments
- The signature and implementation by European political parties of the Charter of European Political Parties for a Non-Racist Society which encourages a responsible attitude towards problems of racism, whether it concerns the actual organisation of the parties, or their activities in the political arena
- Effective implementation of criminal law provisions against racist offences and racial discrimination, which are applicable to all individuals
- The adoption and implementation of provisions penalising the leadership of any group that promotes racism, as well as support for such groups and participation in their activities
- The establishment of an obligation to suppress public financing of organisations which promote racism, including public financing of political parties

## III. Good Practices: HATE CRIME

### *Police*

- Specialized units dealing with hate crime (including cyberhate) should be established.
- Police liaison/contact officers responsible for reaching out to minorities are needed.
- Models of community policing to build trust are necessary, including cooperation with civil society.
- Review practices of racial profiling.
- Develop and subsequently periodically review routines established specifically to respond to hate crime incidents, protect the rights of victims and investigate cases of hate crime.
- Victims and witnesses of hate crime must be given the opportunity of reporting the incident to the police and access to redress without fear of deportation.
- Police training is needed to increase understanding for and recognition of hate crime and to raise inter-cultural awareness on hate crime as part of entry-level training for police officers.
- Prevent or counteract institutional forms of discrimination in law enforcement agencies, by establishing effective and independent complaint mechanisms about police conduct or hate incidents perpetrated by law enforcement officials.

## III. Good Practices: HATE CRIME

### *Victims Support*

- Victims of hate crime need targeted and specialised support services and should include legal advice, legal aid, psycho-social assistance & interpretation.
- Victim support services need to be adequately funded and staffed.
- Victims of hate crimes must be sufficiently informed of their rights.
- It must be ensured that the victim does not need to see perpetrator again.
- Low threshold reporting (online reporting, reporting to a contact officer, third party reporting including civil society and National Human Rights Organisations etc.) should be established.