

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF CYPRUS SUBJECT TO INTERIM FOLLOW-UP**

Adopted on 19 March 2014¹

¹ Any developments which occurred after 11 October 2013, date on which the response of the Cypriot authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Cyprus (fourth monitoring cycle), ECRI strongly recommended that the authorities take urgent steps to implement fully the programme Zones of Educational Priority, in particular in respect of the 18th Primary School, to ensure that the right to education as enshrined in Article 2 of the Protocol to the ECHR is respected in practice.*

ECRI recalls that the policy Zones of Educational Priority (ZEP) covers schools in neglected areas with a pupil population coming from families of a low socio-economic and educational level. Among the criteria for defining the ZEP are a high record of school failure and functional illiteracy, a large number of migrant or foreign language speaking pupils and a high number of drop-outs. The Ministry of Education and Culture provides additional resources to ZEP schools to combat the educational and social exclusion of vulnerable pupils.

In its fourth report, ECRI suggested the following concrete actions in respect of the 18th Primary School in Limassol, which are in line with the specific objectives and stated actions of the ZEP policy: assign Turkish-speaking teachers to each class, or Turkish-speaking classroom assistants to work alongside and assist the Greek-speaking teachers; employ specialist Greek language teachers; and open the school in the afternoons as an “all day school” to permit children who need special support to benefit from extra classes.

The authorities informed ECRI that important efforts have been made to provide additional support to pupils attending the 18th Primary School. The number of pupils per class is small (between eight and 19) while the average class size of schools outside the ZEP is 25. This allows teachers to cater for the individual needs of pupils more effectively. Optional all-day school offers an afternoon programme including additional tutoring in language, mathematics and computers and a wide range of recreational activities such as physical education, cooking and housekeeping, music, art, theatre, foreign languages and journalism. Teachers receive mandatory in-service training, including teaching Greek as a second language and crisis management. ECRI also notes that breakfast, lunch and a snack are provided free of charge to pupils whose families qualify under the new income-related criteria. According to other information received by ECRI, a physical education teacher was employed by the school to offer classes to Roma pupils four times a week and books for teaching Turkish language have been bought. In addition, ECRI understands that the school continues to employ an interpreter to help staff communicate better with the parents of Turkish Cypriot pupils.

In addition to the above, ECRI notes that at the beginning of 2013 the Centre for Information and Psychological and Social Support (the Centre) was established to offer services to pupils, teachers and parents of schools in the ZEP, including the 18th Primary School. Pupils referred to the Centre have individualised programmes drawn up for them, including psychological and learning support as well as career counselling, and their progress is recorded in a personal file. Teachers working in ZEP schools can attend tailor-made theoretical and practical seminars at the Centre based on the needs and requirements of the particular school in which they work. The Centre also provides information and guidance for parents on how to support their children.

Moreover, ECRI takes note that a new curriculum for elementary schools was introduced in September 2011. It aims, inter alia, to counter the negative effects of coming from a disadvantaged socio-economic environment, such as low achievement and drop-out. Key factors comprise taking account of the personality of every child, along with the possibility for teachers to adapt the curriculum to meet their pupils' individual needs, and commitment to the respect of human rights.

ECRI welcomes the above-mentioned positive steps taken by the authorities and their efforts to implement the ZEP policy in respect of the 18th Primary School. At the same time, ECRI notes continued inadequacies in the teaching staff employed at the school, as highlighted in its fourth report. In particular, the authorities gave no indication as to the appointment of additional Turkish-speaking teachers or assistants, as proposed by ECRI, nor of specialist Greek language teachers. Despite a decline in the percentage of Turkish Cypriot pupils in the 18th Primary School from 50% to around 30%, ECRI considers that it is essential for these children to receive adequate linguistic support in order for their educational needs to be met. It encourages the authorities to continue their efforts and employ additional Turkish-speaking teachers and/or classroom assistants as well as specialist Greek language teachers. Therefore, ECRI concludes that its recommendation has been partially implemented.

2. *In its report on Cyprus (fourth monitoring cycle), ECRI strongly recommended that the authorities revise their legislative plans to adopt a policy requiring third-country nationals wishing to marry Cypriot or EU citizens to pass a premarital interview with the migration authorities before being given permission to marry.*

ECRI was informed by the authorities that particular attention has been given to ECRI's recommendation and the possibility that the proposed legislation concerning premarital interviews may constitute discrimination based on citizenship as well as an impediment to the enjoyment of the right to marry under Article 12 of the ECHR. Consequently, following a recent revision of the Government's legislative priorities, the proposal was removed from the list. However, ECRI was informed that it may be reconsidered in the future.

ECRI welcomes the decision of the authorities not to move forward with the policy. It also notes that the proposed legislation was widely discussed in the national media and broadly criticised as being unconstitutional. ECRI concludes that its recommendation that the authorities "revise their legislative plans" concerning the policy has been implemented, although it takes note that these have been put aside rather than entirely abandoned. ECRI will, therefore, revisit this issue in its fifth cycle of monitoring.

3. *In its report on Cyprus (fourth monitoring cycle), ECRI encouraged the authorities to develop further the Crime Report System to ensure that accurate data and statistics are collected and published on the number of racist and xenophobic incidents and offences that are reported to the police, on the number of cases that are prosecuted, on the reasons for not prosecuting and on the outcome of cases prosecuted, in accordance with its General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance. It encouraged the authorities to improve the court archiving system so that cases are classified also by subject matter and clearly indicate racist elements.*

With regard to police data, ECRI has been informed by the authorities that the Police Registry of Cases maintained by the Office for Combating Discrimination of the Police, which *inter alia* records incidents of a "racist" nature or with a "racist" motive, has been further developed and updated. The data covers the period 2005 to 2012 and includes information on the number of incidents reported to the police, the number of criminal investigations initiated, the number of cases which were filed in court, and the outcome (pending, suspension, acquittal or conviction). Additional information indicates the nature of the offence (assault against a person, assault against property, verbal assault and hate speech/ threats/acts), the numbers of victims and accused, the ethnicity of the victims and the accused, and the motive (including language, citizenship, ethnic origin, religion, race and colour). The relevant data is available on the police website in English and Greek.

As concerns the court archiving system, ECRI was informed that steps are being taken to restructure and computerise it, with the aim of improving both the archiving system itself as well as the information contained in it. Moreover, the Court Registrar is considering adding a new column to the existing data classifying cases by the subject matter and by indicating “racist” elements.

ECRI is pleased to note significant progress in the collection and recording of data by the police and its presentation in a clear, comprehensive and easily accessible manner. With regard to the courts, while ECRI welcomes the plans to improve the archiving system in accordance with its recommendation, it notes that little has been done yet in concrete terms. Therefore, ECRI concludes that its recommendation has been partially implemented.

