

Fighting discrimination against migrants and refugees in Cyprus - the role of the Ombudsman's Office



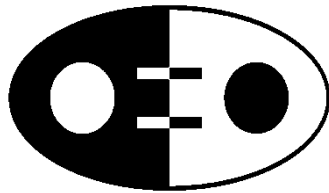
**Youth Information Center of Agios Dometios
December 13, 2016**

Thekla Demetriadou
Officer
Office of the Commissioner for Administration (Ombudsman)
Anti Discrimination Body

Office of the Commissioner of Administration and Human Rights (Ombudsman)



- **Office of the Commissioner of Administration (1991)**
 - to investigate complaints of people who have been affected by decisions of the administration
 - Investigations of the office on its own motion



- **National Equality Body (2004, upon Cyprus accession in the EU)**
 - Fight discrimination
 - Investigate complaints by people who feel that they are victims of racism or discrimination
 - Even without complaints, the office can investigate incidents of racism or discrimination

- Activities aiming at preventing discrimination and promoting equality in the enjoyment of human rights, regardless of differences in race, nationality, community, language, colour, religion or political beliefs; e.g. campaigns and activities at schools.

- **National Human Rights Institution (2012, 2015)**

Stereotypes-far from innocent



- stereotypes as cognitive structures
- however, they may lead to prejudice, xenophobia, discriminatory treatment and racism... or even:
 - To the denial or the limitation of access to basic human rights (such as medical care, schooling) to groups of people
 - To the exploitation of people
 - To racist violence; to crimes

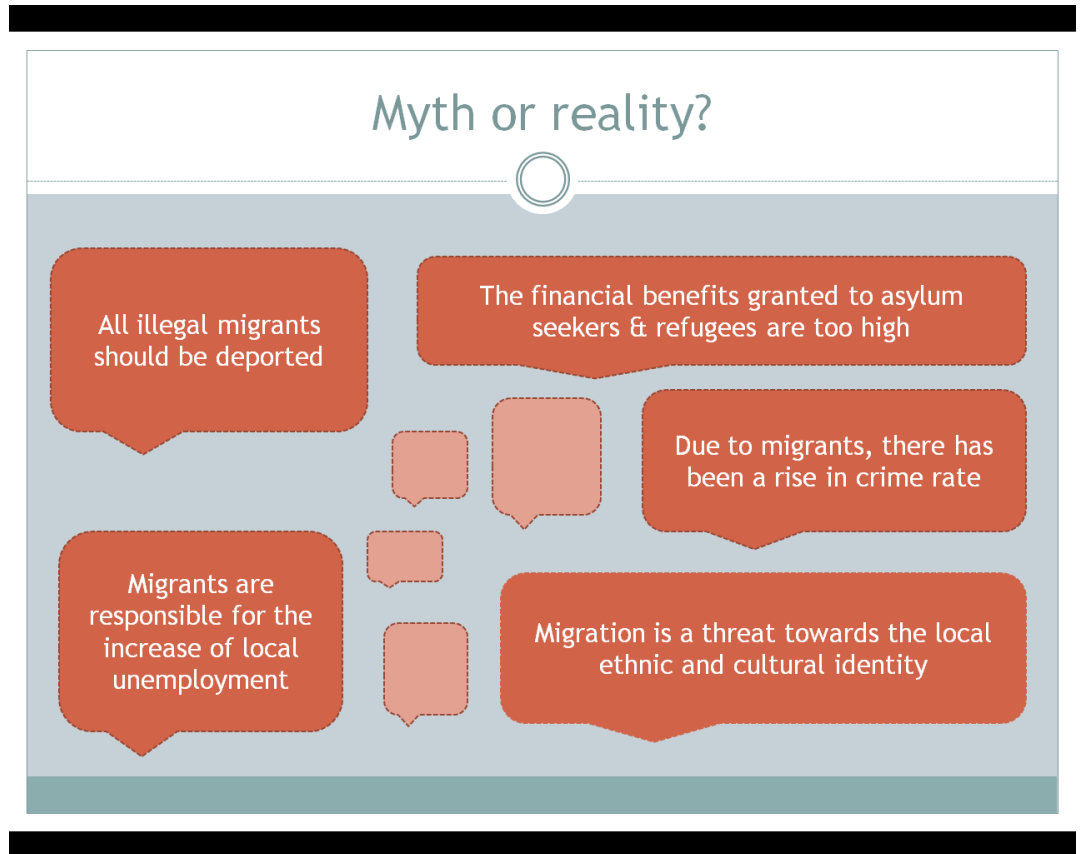
Stereotypes-prejudice-xenophobia-racism



Migrants and refugees are stereotypically associated with negative societal situations and developments



vulnerable to discrimination



Legal framework



Cyprus Constitution

- all persons are equal before the Law, the Administration and Justice.
- all persons shall enjoy the rights and liberties provided in the Constitution without discrimination on the ground of community, race, color, religion, language or on any ground whatsoever.



Cyprus has ratified a number of international and European conventions and protocols in the field of human rights and combating discrimination.

Legal framework




Since 2004 (accession to EU) we have the National Equality Body and a more comprehensive legislation:

- Generally it provides a protective framework from discrimination based on the following grounds: racial or ethnic origin, religion or other belief, age, sexual orientation, disability and gender.
- The scope of the anti-discrimination laws extends to both the public and private sectors.
- Furthermore, the term “discrimination”, is defined to include: a discriminatory treatment or behaviour, a regulation, a criterion or a practice.
- Specifically, with regard to discrimination based on racial or ethnic origin, the Law prohibits discrimination in the following fields: Employment, Social welfare and protection, Healthcare, Education, and Access to goods and services, including housing.

Legal framework



 Since 2004 (accession to EU) we have the Antidiscrimination Body and a more comprehensive legislation:

- The framework introduced new important legal tools like: a precise definition of the concepts of direct and indirect discrimination prohibited under the law, and, the possibility of taking “positive action” - aimed at compensating for disadvantages that are related to racial or ethnic origin
- In addition, it offers protection against racially motivated harassment, and also protection from victimisation (of people who complain about discrimination)
- Finally, the EU antidiscrimination Legislation, and this is something that is often criticized, does not cover different treatment based on nationality (citizenship) and does not affect provisions relating to the entry or residence to the territory of the member states, of third country nationals.

Legal framework



2004 - racist motive in any criminal offence consists an aggravating factor in the determination of the penalty



2011 - Law on combating, by means of criminal law, certain forms and expressions of racism and xenophobia. This Law criminalizes, and punishes with dissuasive penalties, hate speech and actions like public incitement to violence or hatred directed against people of a certain race, religion or origin.

National Equality Body - What do we do?



✓ Discrimination in the public and private sector.

✓ **Investigation of complaints** on issues of discrimination

After the examination of a complaint, the Ombudsman, submits a **Report** with her comments and recommendations to the implicated person or organisation, and forwards a copy of this Report to the Attorney General and the Parliament.

The Ombudsman may also investigate cases of discrimination of a more systemic nature, on her own initiative.

If an investigation concludes that, in a case, the antidiscrimination legislation was violated, the Ombudsman, in her capacity as an Equality Body, has the power to impose a fine to the implicated person or organisation.

National Equality Body - What do we do?



Other actions:

- promote the principles of equal treatment and equal opportunities for all individuals
- take measures aimed at implementation of the legislation that prohibits discrimination
- conduct investigations and statistical surveys on issues of discrimination
- We very often participate in **events** (conferences, seminars, fairs, workshops, as well as public discussions) which are organised by other stakeholders, and aim to raise awareness on specific human rights issues.

National Equality Body - What do we do?



Other actions:

- We are frequently invited to express our views on human rights issues, in discussions held in **Parliamentary Committees**. Such issues may relate to proposed or ongoing legislative processes, or to the findings of specific Reports of our Office.
- We publish **Codes of Practices and information leaflets**
- We organize **conferences, seminars, lectures** (e.g. to police officers and prison guards in the Police Academy), other awareness raising events (e.g. school competitions for combating racism and xenophobia) as well as **awareness raising campaigns** to the general public

Is the situation better today?



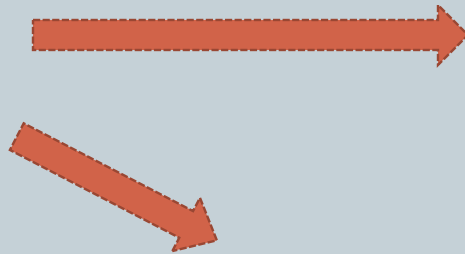
Regardless of the actions taken by our Office, other stakeholders and NGOs

- ❖ Migrants **still face many difficulties** in their everyday lives in Cyprus.
- ❖ **Their beneficial effect** in the country's economy and society **is undermined**
- ❖ The relationship between the host/receiving and immigrant population continues to be rather ambiguous and hesitant, with manifestations of **mostly negative rather than positive attitudes**.

Is the situation better today?



economic
crisis



fertile ground for ever growing xenophobic and racist attitudes - far rightwing groups and hate speech on the rise

adoption of policies and institutional arrangements that have gradually undermined, and in some cases even cancelled, basic social rights of vulnerable groups, particularly of immigrant origin, such as access to healthcare and welfare

What is needed for improvement?

A new approach to migration is needed

integration

to raise our levels of alertness and to intensify our joint efforts to promote the enjoyment of all basic human rights, without discrimination.



Racism: Definitely silence/ tolerance is not a solution

Incidents should be **identified, reported and handled** appropriately

It's the only way:

- 1) To support and *empower* the person victimized by this behavior
- 2) To gradually change stereotypes and prejudice

I am available for any clarification
or other information

By phone:

22 405543

22 405500

By email:

tdemetriadou@ombudsman.gov.cy

ombudsman@ombudsman.gov.cy

 Επίτροπος Διοικήσεως και Ανθρωπίνων Δικαιωμάτων - Cyprus Ombudsman

 @ CYOmbudsman

<http://www.ombudsman.gov.cy/>