European Union Agency for Fundamental Rights, selection of relevant and recent passages from published reports related to Cyprus

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CYPRUS

(Tables, even though comparative in nature, have been included where they are unpublished or very central)

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Annual Report 2012, unpublished draft (2013)

Since the draft will be published in late June, no page numbers are available at this stage. Chapter headings have been included in the table of contents; relevant sub-headings within the draft have been put in Bold.

1 Asylum, Immigration and Integration

"EU Member States took further steps to implement the Employers Sanctions Directive (Directive 2009/52/EC). The European Commission addressed reasoned opinions to **Belgium**, **Cyprus**, **Lithuania**, **Luxembourg**, **Finland**, **Poland**, **Portugal**, **Slovenia** and **Sweden** in 2012 for failing to transpose the directive on time. New legislation transposing the directive entered into force in several Member States, including **Cyprus**,[1] **Italy**, **Poland, Portugal** and **Slovenia**."

Forced return monitoring

"In late 2011 and 2012, two EU Member States, **Belgium** and **Cyprus**, introduced an independent monitoring system by law.[2] **Belgium** designated the General Police Inspection service, albeit without structural funding, whereas **Cyprus** named no specific entity, instead appointing the Ombudsman for this function who demanded that additional staff be appointed to her Office as a prerequisite."

1.4 Integration of migrants

1.4.1 Key developments

National action plans on integration

Cyprus, Ministry of Interior, Special Experts Committee on Integration (2010), *National Action Plan 2010–2012 for the Integration of Third-country Nationals Legally Residing in Cyprus*, 1 January 2010, available at: http://ec.europa.eu/ewsi/en/resources/detail.cfm?ID_ITEMS=26590.

Cyprus, Amendments to the Aliens and Immigration Law (N 100(I)/2012), 6 July 2012, available at: http://cylaw.org/nomoi/arith/2012_1_100.pdf.

2 Border control and visa policy

2.1 Border control

2.1.2 Persons held in airport transit zones – access to food, water and a place to rest

"At airports in at least eight Member States (**Bulgaria**, **Cyprus**, **Denmark**, **France**, **Italy**, **Lithuania**, **Poland** and **Romania**) alternative systems do not appear to exist if carriers fail to comply with their obligation to take care of passengers' basic needs."

3 Information society and data protection

3.4 Passenger Name Record (PNR) data

"On 26 January 2012, the EU and 22 EU Member States (excluding Cyprus, Estonia, Germany, the Netherlands and Slovakia which were 'expected to do so upon the completion of their respective domestic procedures') signed ACTA.[3]"

4 The rights of the child and protection of children

4.2 Child trafficking

[1] Cyprus, Amendments to the Aliens and Immigration Law (N 100(I)/2012), 6 July 2012.
[2] Belgium, Royal decree of 19 June 2012 on forced return, 19 June 2012; Cyprus, Aliens and Immigration Law, 2011, Art. 18ΟΓ–8ΠΘ.
[3] European Parliament (2012b).

Comment [JGH1]: Highlighting in particular: 1. Trade unions in Cyprus vehemently oppose admitting migrants in an irregular situation or providing them with any support. It is one of the few EU Member States where trade unions consider irregular migrants as workers who need representation. This makes it more difficult for irregular migrants who are victims of labour exploitation to find support.
2. The Ministry of Education and Culture issued a circular in 2004 requiring headmasters of educational institutions to communicate the contact information of migrant children (including those in an irregular situation) to the Civil Registration and Migration Department. We understand that the reporting duty with regard to immigration law purposes is hardly exercised in practice. But has the Circular officially been withdrawn and all relevant services duly informed?

"A number of EU Member States either amended or were in the process of amending their legislation in 2012 to comply with the Directive on trafficking, which will have to be transposed into national law by 6 April 2013. More specifically Cyprus submitted an action plan aimed at preventing human trafficking and ensuring its prosecution, which sets out the measures taken to execute the Judgement on the *Rantsev v. Cyprus and the Russian Federation* case.[4]"

4.4 Asylum-seeking and migrant children

"In **Cyprus,** the Ombudsman's Office published a report on legal representation of unaccompanied asylum seeking children in May 2012.[5] The report recommended changes in legislation to ensure the legal representation of unaccompanied asylum- seeking children."

5 Equality and non-discrimination

5.2 Key developments: national aspects
5.2.5 Discrimination on the ground of sexual orientation and gender identity

"In addition, the legislatures in **Cyprus**, **France, Malta** and **Croatia**[6] drafted or introduced bills in 2012 to afford rights to cohabiting couples, set up registered partnership schemes and/or eliminate any differential treatment remaining between registered partnerships and marriage."

Table 7.1: The right to political participation of persons with mental health problems and persons with intellectual disabilities, by EU Member State and Croatia

EU Member State	Exclusion	Limited Participation	Full Participation
AT			X
BE	X		
BG	X		
CY		X	
CZ	X	X	
DE	X		
DK	X	X	
EE	X	X	
EL	X		
ES		X	X

4 Council of Europe, Committee of Ministers (2012c), Decision on Case No. 8: *Rantsev against Cyprus and the Russian Federation*, CM/Del/Dec(2012)1144/8/5, 6 June 2012, available at: https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Del/Dec(2011)1144/8&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864.

5 Cyprus, Ombudsman (2012), 'Έκθεση της Αρχής κατά των διακρίσεων αναφορικά με καταγγελία της Ύπατης Αρμοστείας του ΟΗΕ για τους Πρόσφυγες (UNHCR) για το θέμα της νομικής εκπροσώπησης των ασυνόδευτων ανηλίκων αιτητών ασύλου', Press release, 9 May 2012.

6 See respectively: France, Bill opening marriage to couples of the same sex, 7 November 2012; Cyprus, Ministry of Interior, Draft law introducing a civil partnership for both different and same sex couples; Croatia, Ombudsperson for Gender Equality (2012); Malta, Bill 120 of 2012 – Civil partnerships and rights and obligations of cohabitants act.

FI		X	X
FR		X	X
HU		X	
IE	X		X
IT			X
LT	X		
LU	X		
LV	X		
MT	X	X	
NL			X
PL	X		
PT	X		
RO	X		
SE			X
SI		X	
SK	X		
UK			X
HR	X		

6 Racism and ethnic discrimination

6.1 Developments and trends in officially recorded crimes motivated by racism, xenophobia and related intolerance

"Changes in the approach to racist, xenophobic and related crimes included: enhancing penalties for crimes motivated by such biases (**Belgium**, **United Kingdom**); moves to begin legally recognising bias motivations as aggravating factors (**Cyprus**,[7] **Estonia**); or, ensuring the criminal code better recognises crimes motivated by racism, xenophobia and related intolerances (**Bulgaria**, **Malta**, **Croatia**; see also Chapter 9 of this Annual Report)."p.4

Table 6.2: Trends in officially recorded data on racist crime in the EU and Croatia, 2006–2011; published data

CY	Cyprus Police – Archived statistical data	Serious offences – racial incidents and/or court cases	18	3 ↘	6 ↗	8 ↗	32 ↗	n/a

[7] Cyprus, Law N. 134(I)/2011 transposing the Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law, 21 October 2011.

Table 6.7: Status of official data collection on racist, anti-Roma, antisemitic, Islamophobic/anti-Muslim and (right-wing) extremist crime in EU Member States, December 2012

Limited data available	Good data available	Comprehensive data available
Bulgaria	Austria	Finland
Cyprus	Belgium	Netherlands
Estonia	Czech Republic	Sweden
Greece	Denmark	United Kingdom
Hungary	Germany	
Italy	France	
Latvia	Ireland	
Luxembourg	Lithuania	
Malta	Poland	
Portugal	Slovakia	
Romania	Spain	
Slovenia	Croatia	

Source: FRA, 2012

7 Participation of EU citizens in the Union's democratic functioning

7.1 Voting rights in the EU

7.1.1 EU citizens' right to vote

"In **Belgium**, **Cyprus**, the **Czech Republic**, **France**, **Italy** and **Lithuania**, non-national EU citizens may become members of the executive committee but they may not hold the post of deputy head of the local administration. (…) Similarly, in **Cyprus**, during the December 2011 municipal and local elections, 12,333 non-national EU citizens were registered, 61 stood for office and nine were elected, of which two were Greek nationals and seven British nationals. No data are, however, available on the number of non-national EU citizens who actually voted."

8 Access to Efficient and Independent Justice

No relevant passages for Cyprus

9 Rights of Crime Victims

9.2 Rights of victims of domestic violence and violence against women

"Insufficient specialised services for women victims of violence and the absence of mandatory gender-sensitive training for professional helpers of victims and perpetrators are

only a few of the reasons put forward in EIGE's 2012 report, ***Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support.*** It also highlights shortcomings in state funding of specialised services for women victims of violence. The report points out that while all 27 EU Member States have counselling centres/services for victims of violence, EIGE's research shows that only eight Member States (**Cyprus**, **Germany**, **Ireland**, **Luxembourg**, **Malta**, **Slovenia**, **Sweden** and the **United Kingdom**), as well as Croatia fulfil the Council of Europe's recommended ratio of one counselling centre/service per 50,000 women.[8]"

9.4 Rights of victims of hate crime

Table 9.1: Classification of official data collection mechanisms pertaining to hate crime, by EU Member State, as of January 2013

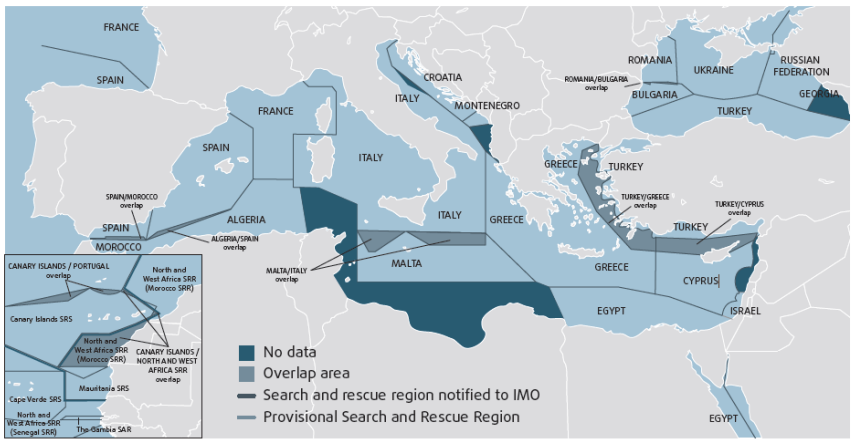
Limited data	**Good data**	**Comprehensive data**
Few incidents and a narrow range of bias motivations are recorded ***Data are usually not published***	*A range of bias motivations are recorded* *Data are generally published*	*A range of bias motivations, types of crimes and characteristics of incidents are recorded* *Data are always published*
Bulgaria **Cyprus** **Estonia** **Greece** **Hungary** **Ireland** **Italy** **Latvia** **Luxembourg** **Malta** **Portugal** **Romania** **Slovenia**	Austria Belgium Czech Republic Denmark France Germany Lithuania Poland Slovakia Spain	Finland Netherlands Sweden United Kingdom

Fundamental rights at Europe's southern sea borders (March 2013)
http://fra.europa.eu/en/publication/2013/fundamental-rights-europes-southern-sea-borders

"Boat arrivals to Cyprus are rare. Migrants normally cross from the northern part of Cyprus to the south by land, although some migrants have also sporadically been apprehended when trying to cross by sea. Only limited field research was therefore carried out in Cyprus; this EU Member State is only covered in those parts of the report which compare institutional approaches (mainly Chapters 1, 4 and 9 and sections of Chapters 6 and 10)." p.7

[8] European Institute for Gender Equality (EIGE) (2012b), 'Women victims of violence receive insufficient support in the EU', Press release, 23 November 2012, available at: www.eige.europa.eu/sites/default/files/documents/EIGE-Violence-against-women-Press-23-11-2012.pdf.

Figure 7: Search and rescue areas in the Mediterranean Sea



Source: International Maritime Organisation, 2011

p.33

"While Italy and Spain have signed agreements to cooperate with NGOs, in Cyprus, Greece and Malta it is normally up to the coast guards and the police to respond to the humanitarian needs of disembarked persons. Law enforcement officers, however, are not usually trained to act as humanitarian workers." p. 72

Table 9: Removal order requirements for keeping a person in detention beyond a short-term arrest, five EU Member States

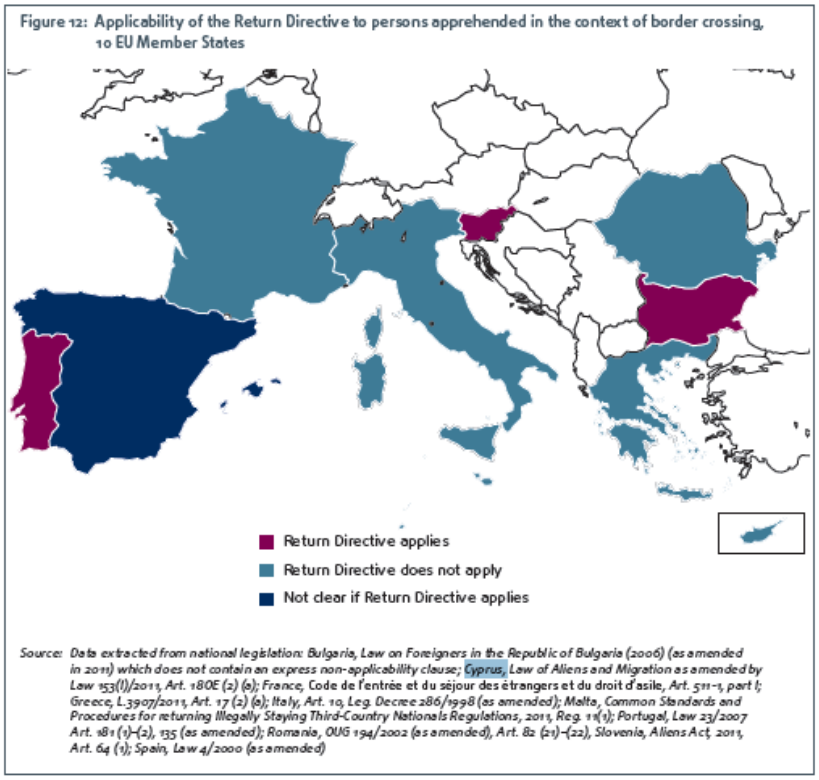
	Removal order required by law? (Yes/No)	After what timeframe?	Source
CY	Yes	8 days	The Aliens and Immigration Law, Article 13 (2)
EL	Yes	After 3 days	Law 3386/2005, Article 76 (3)
ES	Yes	72 hours	Law 4/2000, Articles 60 (1), 62 and 64
IT	No		Immigration Law, Article 10
MT	No	*In practice a removal order is typically issued upon arrival*	Immigration Act, Articles 5 and 14 (2)

Notes: In Malta, according to Articles 5 and 14 (2) of the Maltese Immigration Act, detention is an automatic consequence of a refusal to grant admission or of the issuing of a removal order for a person considered to be a prohibited immigrant as defined in Article 5 of the Act.
EU Member State country codes: CY, Cyprus; EL, Greece; ES, Spain; IT, Italy; and MT, Malta.

Source: Information extracted from domestic legislation, 2011

p.77

Figure 12: Applicability of the Return Directive to persons apprehended in the context of border crossing, 10 EU Member States



Source: Data extracted from national legislation: Bulgaria, Law on Foreigners in the Republic of Bulgaria (2006) (as amended in 2011) which does not contain an express non-applicability clause; Cyprus, Law of Aliens and Migration as amended by Law 153(I)/2011, Art. 18OE (2) (a); France, Code de l'entrée et du séjour des étrangers et du droit d'asile, Art. 511-1, part I; Greece, L.3907/2011, Art. 17 (2) (a); Italy, Art. 10, Leg. Decree 286/1998 (as amended); Malta, Common Standards and Procedures for returning Illegally Staying Third-Country Nationals Regulations, 2011, Reg. 11(1); Portugal, Law 23/2007 Art. 181 (1)-(2), 135 (as amended); Romania, OUG 194/2002 (as amended), Art. 82 (21)-(22), Slovenia, Aliens Act, 2011, Art. 64 (1); Spain, Law 4/2000 (as amended)

p. 79

"Similarly, Cyprus has not set up a special facility to detain migrants arriving at sea. It takes migrants to the police detention facility." p.81

"In 2002, the Council of the European Union decided that a Common Core Curriculum (CCC) should be developed for border guards in the EU (…)" p.106

"Frontex organised two teacher workshops in 2012 to present the revised CCC to translators and trainers in EU Member States and Schengen-associated countries. Of the five Mediterranean countries, Cyprus and Spain participated in these workshops, according to Frontex. (…)Police academies in Cyprus, Greece, Italy, Malta and Spain are using the CCC to define the content of their national training, but this is not always the case for other institutions involved in maritime surveillance. (…)In Cyprus, Greece and Malta there is a national police academy which provides education and further training to the police, including border guards." p.108

Table 15: Implementation of the CCC at national level, five EU Member States

EU Member States	Institution	Undertook to implement the CCC
CY	National Police	Yes
EL	Hellenic Police	Yes
	Hellenic Coast Guards	Yes
ES	National Police	Yes
	Guardia Civil	Yes
	Spanish Navy	No
IT	National Police	Yes
	Guardia di Finanza	Yes
	Italian Navy	No
	Italian Coast Guards	No
MT	National Police	Yes
	Armed Forces of Malta	No

Note: *EU Member State country codes: CY: Cyprus; EL: Greece; ES: Spain; IT: Italy; MT: Malta.*

Source: *Frontex National Training Coordinators, 2012*

p.108

"In Cyprus, Greece and Malta, front-line border guards can, in principle, be deployed to border control duties immediately after completing general police training, without first having to undergo specialised border management training. Participation in specialised courses, such as the one-month course the police academy in Cyprus offers annually on air borders and illegal migration, is encouraged but not compulsory. The Cyprus Police Academy is currently preparing a pilot training programme for policemen and women working on sea borders. The programme is based on the CCC Sea Border Module and its General Part, and is to be offered in the second half of 2013. (…) The Cyprus Police Academy includes fundamental rights training in the majority of the programmes it offers." p. 109

Making hate crime visible in the European Union: acknowledging victims' rights (November 2012)
http://fra.europa.eu/sites/default/files/fra-2012_hate-crime.pdf

"Table 1: Classification of official data collection mechanisms pertaining to hate crime, by EU Member State" p.8

"Table 3: Summary overview of officially recorded data pertaining to hate crime, by EU Member State" p.32

"Table 4: Official data pertaining to hate crime published in 2010 by bias motivation, by EU Member State" p.35

"Table 5: Classification of official data collection mechanisms pertaining to hate crime, information current as of September 2012, by EU Member State" p.36

"The Cyprus police collect data on 'Serious Offences – Racial Incidents' which it publishes on its website. The police publish data on racist crimes against persons, against property and verbal assaults, hate speech/acts/ threats as well as court rulings on their website, with data current up to the year 2010." p.37

FRA Annual Report 2011 - Fundamental rights: challenges and achievements in 2011 (June 2012)
http://fra.europa.eu/sites/default/files/fra_uploads/2211-FRA-2012_Annual-Report-2011_EN.pdf

Chapters which did not tackle Cyprus were omitted.

1 Asylum, immigration and integration

1.2 Immigration

1.2.4 Forced return monitoring

"At least 13 Member States bound by the [Return] directive had not established an effective monitoring system by the end of 2011. This includes countries: with no monitoring system yet in place (**Cyprus**, **France, Italy, Malta, Poland** and **Slovenia**) (…)" p.51

1.3 Integration

1.3.1 Health

"Some EU Member States have adopted national integration strategies for migrant populations that include a healthcare component. This includes **Cyprus**, which adopted its first action plan for the integration of immigrants who reside there legally. In the area of health, the action plan aims to provide easier access to information and health treatment and to improve the way health service providers handle immigrants. All legal immigrants are covered by healthcare insurance. Although healthcare is free of charge in **Cyprus** for asylum seekers whose salaries fall below a certain threshold, the European Commission against Racism and Intolerance (ECRI) reports that the standard policy appears to be to refuse this benefit to those who are entitled to it. Governmental and non-governmental organisations, ECRI adds, express concerns that refugees are consistently refused special treatment abroad when the medical treatment or procedure required cannot be provided in Cyprus, although they are entitled to free healthcare on the same footing as Cypriots and other EU nationals." p.55

Political participation

"In **Cyprus** on 13!October, the House of Representatives rejected two bills regarding the extension of the right to vote in municipal and community elections to long-term immigrants who are non EU-citizens." p. 61

2 Border control and visa policy

2.2.4 The right to appeal negative visa decisions

"In **Cyprus** there is a right to appeal to the Supreme Court." p.80

Notes: Bulgaria, Cyprus and Romania do not issue Schengen Visas; Ireland and the United Kingdom have opted out of the Schengen cooperation. Information collected from the responsible authorities by the Franet network in 2011 and from the websites of the relevant ministries.

Source: FRA, 2011

p.81

3 Information society and data protection

3.2 Data retention

"In **Cyprus**, the Supreme Court also declared certain national provisions implementing the Data Retention Directive unconstitutional.[9] The case concerned the access of police officers to telecommunications data on the basis of court orders. The court held that the data retention directive does not oblige Member States to enact legislation enabling police access to such data, as this falls outside the scope of the directive. The court also noted that the relevant court orders were issued prior to a constitutional amendment which provides for exceptions to the right to confidentiality of communications." p.90

4.1 Violence against children

"(…)as of October 2011 only 16 EU Member States had prohibited all forms of corporal punishment including against children at home and in alternative care settings: **Austria, Bulgaria, Cyprus, Denmark, Finland, Germany, Greece, Hungary, Poland, Latvia, Luxembourg,** the **Netherlands, Portugal, Romania, Spain** and **Sweden.[10]" p.105**

Table 4.1: Prohibitions against corporal punishment, by country, p.104

5 Equality and non-discrimination

5.3.3 Protection against discrimination for pregnant workers and those on maternity leave

"The Protection of Maternity Law (100(I), 2007) in **Cyprus** was amended in 2011 to enhance the protection against dismissal on grounds of pregnancy and maternity.[11] One amendment stipulates that should an employer dismiss an employee while she is unaware of being pregnant, she would still be entitled to inform the employer of her pregnancy at a later stage via a valid medical certificate. This would force the employer to repeal the dismissal or the notice for dismissal."p.131

5.4.1 Discrimination and violence against LGBT persons

"Studies carried out in some EU Member States show that the position of LGBT people continues to be problematic. Research carried out by the **Cyprus** Family Planning Association and accept-LGBT Cyprus illustrates that LGBT people in the country experience violence, psychological harassment, lack of acceptance or discrimination in the context of access to employment, housing, health, education and other services, as well as within faith communities, family, relationships and social attitudes." p.133

6 Racism and ethnic discrimination

6.2 Developments and trends in officially recorded racist crime

Table 6.2: Officially recorded racist crime, by country, as of 1 January 2012, p.158

Table 6.3: Trends in officially recorded racist crime, 2000-2010 number of recorded incidents and year-on-year variation in recorded crime, by country, p.161

7 Participation of EU citizens in the Union's democratic functioning

7.1 Voting rights in the EU

7.1.2 The right to vote: national-level

[9] Cyprus, Supreme Court, *Christos Matsias and Others*, Apps. 65/2009, 78/2009, 82/2009, 15-22/2010, Decision of 1 February 2011.
[10] Global Initiative to end all corporal punishment of children (2011).
[11] Cyprus, Protection of Maternity Law (2011).

"In those very few EU Member States which continue to have compulsory voting, including **Cyprus**, **Luxembourg** and **Greece**, penalties for non-voters in the form of fines have grown ever rarer.[12]" p.185

7.2 The limitation of voting rights in the case of disability

7.2.1 The right to vote of persons with disabilities

"The Organization for Security and Co-operation reported in 2011 that the right to vote of persons with disabilities was an issue of concern, resulting in dedicated recommendations in several instances (**Bulgaria**, **Cyprus**,[13] **Estonia**, **Finland**, and **Latvia**)." p. 186

8 Access to efficient and independent justice

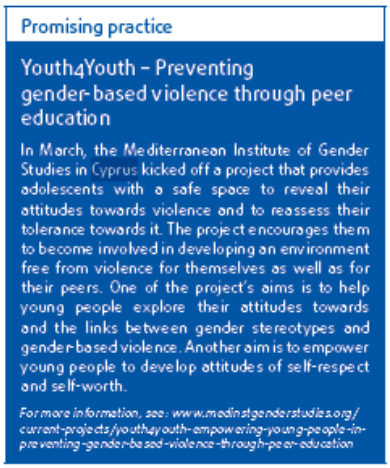
8.3.6 National Human Rights

Institutions "**Cyprus**,[14] **Finland** and **Lithuania** have all taken steps to strengthen existing non-accredited institutions, also with an aim to apply for ICC accreditation. The **Cypriot** change consists of amendments making the Ombudsman Commissioner for the Protection of Human Rights, including a mandate to fulfil monitoring commitments under the Optional Protocol to the UN Torture Convention (OP-CAT)." p.208

9 Rights of crime victims

9.2 Rights of victims of domestic violence and stalking

9.2.2 Violence against women: a high priority at Member State level


Promising practice

Youth4Youth – Preventing gender-based violence through peer education

In March, the Mediterranean Institute of Gender Studies in Cyprus kicked off a project that provides adolescents with a safe space to reveal their attitudes towards violence and to reassess their tolerance towards it. The project encourages them to become involved in developing an environment free from violence for themselves as well as for their peers. One of the project's aims is to help young people explore their attitudes towards and the links between gender stereotypes and gender-based violence. Another aim is to empower young people to develop attitudes of self-respect and self-worth.

For more information, see: www.medinstgenderstudies.org/current-projects/youth4youth-empowering-young-people-in-preventing-gender-based-violence-through-peer-education

p.223

9.3 Rights of victims of trafficking and other severe forms of labour exploitation

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[12] Malkopoulou, A. (2009), pp. 8 and 9.

[13] Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights (OSCE/ODIHR) (2011a), *Republic of Cyprus, Parliamentary Elections 22 May 2011, Election Assessment Mission Final Report*, p.6

[14] Cyprus, Law 158(I)/2011 strengthening the functioning of the Ombudsman in respect to Human Rights protection amending the Commissioner of Administration (Ombudsman) Law (Law!36(I)!2004) so as to provide a!mandate also for the protection of human rights.

"The evaluation covered a number of EU Member States: **Austria, Bulgaria, Cyprus, Denmark, Romania, Slovak Republic,** as well as **Croatia**. In its September report on **Cyprus**,[15] for example, Greta welcomed authorities' assurances that trafficking is considered a human rights violation in Cyprus, but noted that, four years after the entry into force of the relevant legislation, there had not yet been a single conviction for this offence." p.226

Involuntary placement and involuntary treatment of persons with mental health problems (June 2012)
http://fra.europa.eu/sites/default/files/involuntary-placement-and-involuntary-treatment-of-persons-with-mental-health-problems_en.pdf

"In 12 Member States, the existence of a significant risk of serious harm to oneself or others and a confirmed mental health problem are the two main conditions justifying involuntary placement. The need for a therapeutic purpose is not explicitly stipulated. This is the case, in **Austria, Belgium, Bulgaria, Cyprus,** the **Czech Republic, Germany, Estonia, Hungary, Lithuania, Luxembourg, Malta** and the **Netherlands"** p. 31

"In Bulgaria, **Cyprus**, the Czech Republic, Greece, Ireland, Latvia, Slovakia and Spain national legislation does not explicitly include a prerequisite of exhausting all less restrictive facilities. The law leaves the decision about whether to place someone involuntarily to the persons involved in the assessment of a person's condition." p.33

"If the free legal aid provision is not automatic, it is linked to the persons' ability to pay. For example, in Cyprus, the Law of Psychiatric Treatment of 1997 states that the court may, if it deems it necessary and bearing in mind the financial circumstances of the patient, order that the expenses of both the patient's lawyer and the patient's psychiatrist be paid out of public funds.[16]" p.39

Fundamental rights of migrants in an irregular situation in the European Union (November 2011)
http://fra.europa.eu/sites/default/files/fra_uploads/1827-FRA_2011_Migrants_in_an_irregular_situation_EN.pdf

"Table 2: Policy options for persons not removed due to practical or technical obstacles – certification given to persons concerned" p.33

"Legislation in Cyprus, Finland and Poland are mentioned here as an illustration of policies to grant temporary residence permits. In Cyprus, for example, migrants who are not removed can obtain a temporary residence permit ('pink card').[17]" p.37

"Indeed, the assessment of civil society experts' responses show that the apprehension of migrants in an irregular situation at or near service providers seem to take place in a regular

[15] Council of Europe, Committee of the Parties to the Convention on Action against Trafficking in Human Beings
[16] Cyprus, Law No. 77(1) of 1997, Providing for the Establishment and Operation of Psychiatric Centres for the Care of Mentally- Ill Persons, the Safeguarding of such Persons' Rights and the Determination of Duties and Responsibilities of Relatives, Art. 10 (1) (h).
[17] Cyprus, 1972 Aliens and Migration Regulations, Article 15 (1)(B).

manner only in five EU Member States (Cyprus, Denmark, Greece, Ireland and Sweden).[18]" p.42

"Undoubtedly, reporting requirements have an impact on access to basic social rights, including the right to education and healthcare. In Cyprus, for example, a circular of the Ministry of Education explicitly requires state schools to report enrolment of migrant children, hence also of children without a right to stay.[19]" p.44

"In some countries, individual members of the public are encouraged to report migrants in an irregular situation to the authorities or to special telephone hotlines. NGOs reported that special denunciation hotlines exist, for instance in Cyprus, Romania and the United Kingdom.[20]" p.45

"Promising practice; Compensating irregular migrants for work-related injuries; (…) Examples of successful claims for compensation from industrial accidents also exist in the EU. NGOs and/or trade unions in Italy, Belgium, Ireland, Cyprus and Spain mentioned such cases. (…) Similarly, in Cyprus, a South Asian worker who suffered a work accident received treatment and a permit to stay as a result of the publicity surrounding the case.[21]" p.53

"According to civil society survey responses, although rare, migrants in an irregular situation may receive permission to stay for the duration of a court proceeding for labour dispute cases in Belgium, Cyprus, Czech Republic, Hungary, Ireland, Italy, Portugal, Spain and the UK." p.54

"In Cyprus, Latvia and Lithuania,[22] by contrast, a prohibition for migrants in an irregular situation to join trade unions was reported. (…) For example, trade unions in Cyprus vehemently oppose admitting migrants in an irregular situation or providing them with any support. Instead, they support reporting mechanisms for the employment of migrants in an irregular situation." p.55

"Some respondents pointed to the lack of emergency shelters in some countries, such as in Cyprus, the Czech Republic and Spain." p.65

"In Cyprus and Poland, migrants who are not removed for technical or humanitarian reasons can be provided with temporary residence but not with accommodation.[23]" pp.67-68

"Seven countries (Belgium, Cyprus,[24] France, Italy, Lithuania, Luxembourg and the UK) provide free healthcare or a health insurance specifically for unaccompanied minors, albeit certain conditions might need to be fulfilled." p.79

"Table 8: Free healthcare entitlements for irregular migrant children" p.80

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[18] It should be noted that only one NGO response each was received from Cyprus, Denmark, Greece and Sweden. Nevertheless, such responses were given by well-regarded NGOs in the respective countries and are considered to have a good grasp of the issues at stake.
[19] Such duty derives from an unpublished circular by the Ministry of Education and Culture of February 2004.
[20] FRA civil society questionnaire, responses from Cyprus, Romania and the United Kingdom.
[21] FRA civil society questionnaire, response from Cyprus
[22] In Cyprus, in order to register with a trade union an individual needs a Social Security Number and papers from an employer which migrants in an irregular situation do not have (information provided by Pancyprian Labour Federation, Trade Union to the FRA in June 2011). (…)
[23] Cypriot Alien's and Migration Regulation, Regulation 15 (4). FRA civil society questionnaire, response from Cyprus.
[24] In Cyprus, all unaccompanied children are registered as asylum seekers and are under the care of the Social Welfare Office, which, under the 2000 Refugee Law, ensures their access to free healthcare.

"Similarly, in Cyprus, the Ministry of Education and Culture reminds headmasters of public education institutions at the beginning of each school year that it is their obligation to enrol all students irrespective of their parents' status. The ministry also requires them to report the contact details of all migrant children.[25]" p.88

"Table 10: The right to education for undocumented children, EU27; CYPRUS: implicit right, guaranteed by Constitution, Art. 20" p. 89

"Inability to comply with resource requirements (income and accommodation) are seen as a main reason for irregularity in four countries (Cyprus, Denmark, Netherlands and Portugal), (…)" p.97

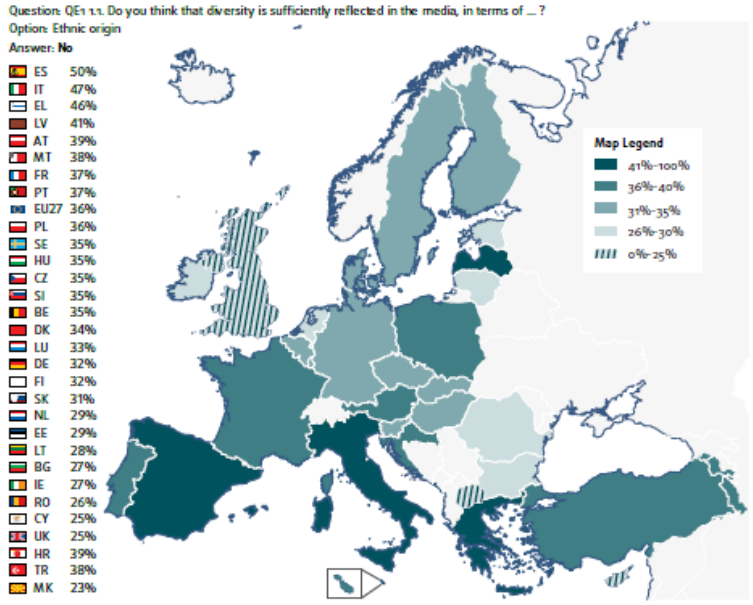
The legal protection of persons with mental health problems under non-discrimination law (October 2011)
http://fra.europa.eu/sites/default/files/fra_uploads/1797-FRA-2011-Legal-protection-persons-mental-health-problems-report_EN.pdf

"Another important aspect is that interpretations of a legal definition by judicial and quasi-judicial bodies have the potential to ensure that the phrasing used in the transposing legislation does not risk excluding persons with mental health problems from the scope of protection provided by the directive. For instance, the Cypriot Law on Persons with Disability includes in its definition of disability "mental or psychological limitation permanently or for an indefinite duration which, considering the background and other personal data of the particular person, substantially reduces or excludes the ability of the person to perform one or more activities or functions that are considered normal or substantial for the quality of life".[26] The requirement that the limitation is permanent or of an indefinite duration and that it reduces or excludes the ability of the person to perform one or more activities or functions that are considered normal or substantial for the quality of life may be interpreted in a way that excludes mental health problems. At the same time, it leaves some leeway for courts to assess the situation in a given case, although to our knowledge such a case has not yet been brought in Cyprus." p.23

Respect for and protection of persons belonging to minorities 2008-2010 (September 2011)
http://fra.europa.eu/sites/default/files/fra_uploads/1769-FRA-Report-Respect-protection-minorities-2011_EN.pdf

[25] Information provided to the FRA by the Ministry of Education and Culture in May 2011.
[26] Cyprus, Law on Persons with Disability N. 127(I)/2000.

Figure 2.7: Reflection of diversity in terms of ethnic origin in the media in the EU27 and candidate countries, by country (%)



Source: European Commission, Special Eurobarometer 317, 2009, p. 17.

p.65

"In Cyprus there were several complaints about unnecessary demands for knowledge of the Greek language which restricted access to employment as an estate agent, in a tourist office, or in the nursing profession.[27]" p. 69

Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity in the EU Member States (June 2011)

http://fra.europa.eu/sites/default/files/fra_uploads/1659-FRA-homophobia-synthesis-report-2011_EN.pdf

"In several Member States (Bulgaria, Czech Republic, Cyprus, Hungary, Italy and Malta), calls for improving the rights of LGBT persons have invariably been met with negative responses from some politicians and representatives of religious institutions or groups." p.17

"Twenty Member States (Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Germany, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Romania, Slovakia, Slovenia, Sweden and the UK) have set up single equality bodies dealing with all grounds for discrimination in the 2000 directives, including discrimination based on sexual orientation." p.23

"In the remaining 19 Member States, the same-sex spouse would not be treated as a spouse (Austria, Bulgaria, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Romania, Slovak Republic, Slovenia)." p.28

[27] Information provided by an officer of the Cypriot Equality body ON.

"In contrast, in 11 other Member States, no registered partnership exists in domestic legislation (Bulgaria, Cyprus, Estonia, Greece, Italy, Latvia, Lithuania, Malta, Poland, Romania, and Slovak Republic)." p.29

Access to justice in Europe: an overview of challenges and opportunities (March 2011)
http://fra.europa.eu/sites/default/files/fra_uploads/1520-report-access-to-justice_EN.pdf

"A growing number of States have a separate constitutional court, dealing with, among other issues, complaints based on alleged violations of fundamental rights. Currently, a third of the Member States do not have such an institution.[28]" p.37

"In more than half of the Member States victims are entitled to be represented by trade unions in at least some dispute settlement fora: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Estonia, Germany, Ireland, Italy, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Slovenia, Spain and the UK. (…) In Cyprus, Hungary and Italy trade unions are entitled to bring claims of a 'collective' nature (that is, where a large group of individuals are affected, or there is no identifiable victim).[29]" p.39

"Apart from environmental cases, the majority of EU Member States have refused to accept a general right to file a public interest complaint (*actio popularis*), which would enable an individual or other entity to obtain redress in the name of the general public, without being the victim or directly authorised to represent the victim.[30]" p. 40

"In Cyprus, for instance, court users in civil cases will, due to the length of proceedings in the vast majority of cases, rather reach an out-of court settlement. As a result, only very few civil cases are decided by the Cypriot courts." p.41

"In Cyprus, if a client is not satisfied with the bill rendered by his or her lawyer, she or he may apply to the Courts Registrar to have the bill reduced. The Registrar will exercise his/her discretion on whether to reduce the bill or not by taking into consideration all relevant circumstances and especially the complexity, difficulty or novelty of the case, the specialised knowledge and responsibility required as well as time consumed by the lawyer, the volume of documents drafted, the urgency and importance of the matter to the client and the value of the money or property at stake." pp.42-43

"[Eligibility for legal aid] As Figure 9 shows, some jurisdictions only apply income tests, excluding merits, namely the following 18 countries: Belgium, Cyprus, the Czech Republic, Estonia, Finland, France, Greece, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Spain and Slovakia." p.51

"In the United Kingdom, courts and tribunals may award punitive damages if the compensation that would otherwise be awarded would be inadequate to punish the guilty

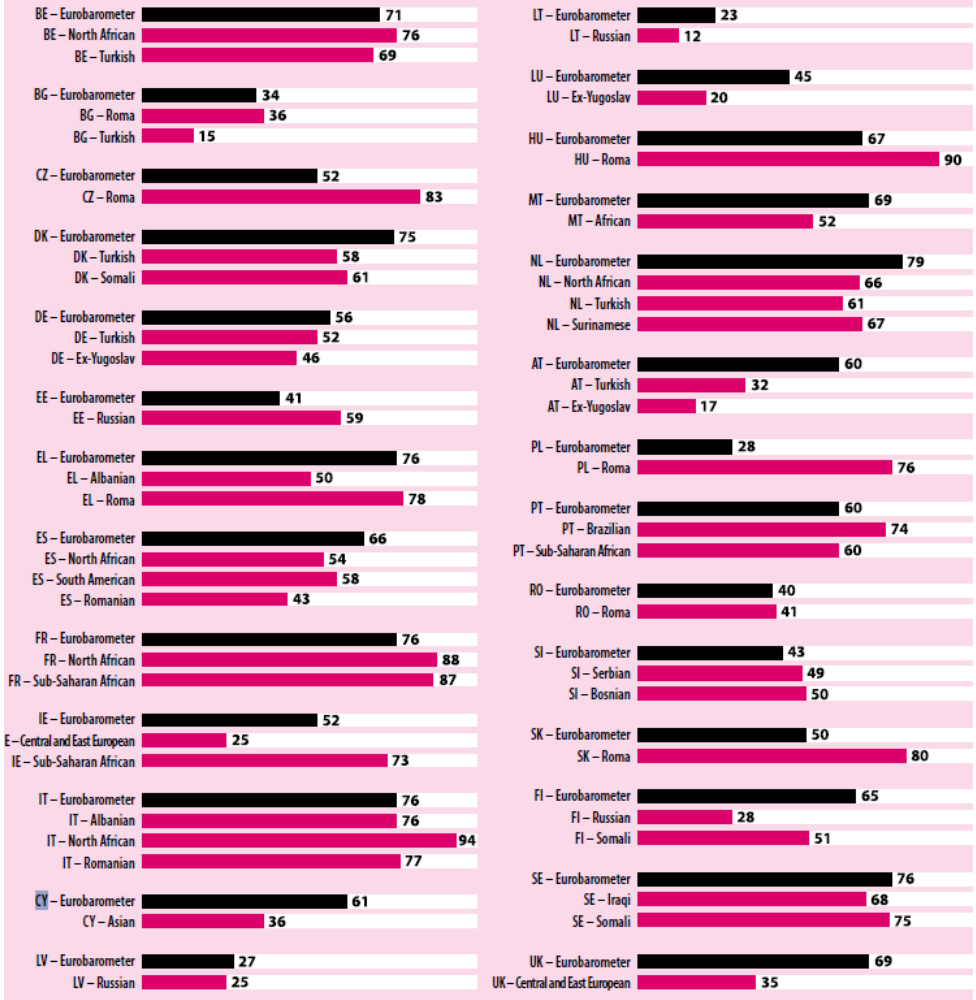
[28] Namely Cyprus, Denmark, Estonia, Finland, Greece, Ireland, the Netherlands, Sweden, and the United Kingdom.
[29] See FRA (2010) *The Racial Equality Directive: application and challenges*, Luxembourg: Publications Office.
[30] Very specific restrictions regarding *locus standi* rules can additionally be identified in Cyprus. Cases involving claimants who are purported to belong to certain categories or are ascribed certain characteristics seem to be particularly vulnerable to having their access blocked; such a category are Turkish-Cypriots claiming their properties located in the Republic-controlled areas against the institution of the Custodian of Turkish Cypriot Properties, which is the Interior Minister.

party. The same is the case for Cyprus, although the national courts tend to award punitive damages only occasionally." p.51

EU-MIDIS Data in Focus Report 5: Multiple Discrimination (February 2011)
http://fra.europa.eu/sites/default/files/fra_uploads/1454-EU_MIDIS_DiF5-multiple-discrimination_EN.pdf

Figure 2

Comparison of perception of discrimination based on ethnic or immigrant origin as being 'very' or 'fairly' widespread, EU-MIDIS and Special Eurobarometer 296, all survey respondents (%)

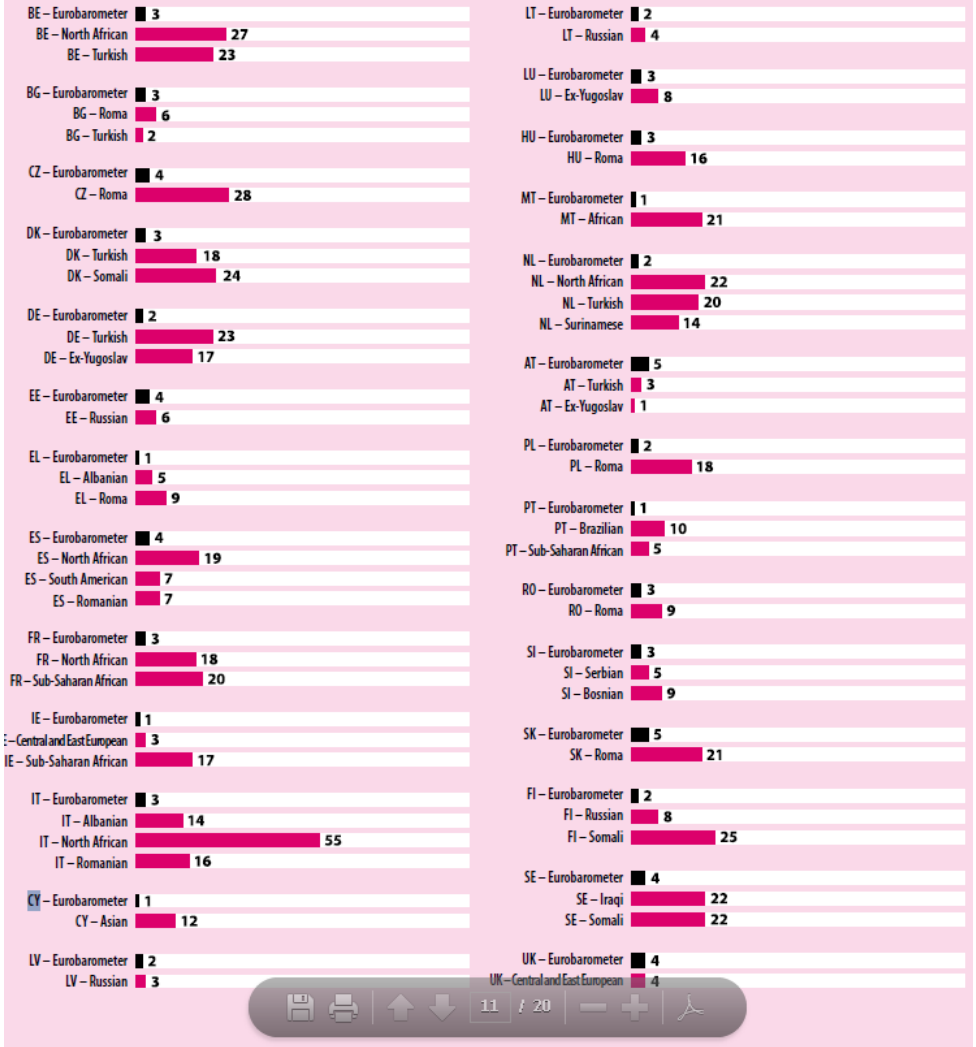


EU-MIDIS and Special Eurobarometer 296, both question A1 (see Box 4)

p.9

Figure 4

Comparing results from EU-MIDIS and Special Eurobarometer 296: discrimination experiences on more than one ground, last 12 months – all survey respondents (%)



EU-MIDIS question A2, and Special Eurobarometer 296 question QA3 (see Box 5)

p.11

Separated, asylum-seeking children in European Union Member States (December 2010)

http://fra.europa.eu/sites/default/files/fra_uploads/1692-SEPAC-comparative-report_EN.pdf

(Sub-headings added)

Accommodation

"In Cyprus, according to the Social Welfare Services[31] unaccompanied children are placed following evaluation either in relevant institutions or in foster care. However, according to NGO respondents, separated asylum-seeking children are accommodated in shelters or youth guesthouses only in exceptional circumstances and are never placed with foster families, as they are considered "too old". Instead, most live with either relatives or other separated, asylum-seeking children in private, often substandard, accommodation that they find themselves. *'They live in a very dirty area somewhere down town Nicosia, where the houses are in bad condition and you can smell the sewer, but they still have to pay very high rents. The sanitary conditions are not good. They live with adults, it's like a hostel. They share a kitchen, one bathroom and toilet for the whole floor. They take turns to clean, that's why it's so dirty because no one cares or cleans.'* (Social worker, Cyprus)" p.27

*"*The inflexible timing of lunches and dinners was highlighted by some children, while others complained about not being able to eat as much as they wanted. (…) '*Yes, they bring us meals […]. I eat that but I still feel hungry. I asked them to give me more food, but they don't accept that. But afterwards, they throw the extra meals in the garbage. They bring the food two times a day, at 12 noon, and at 5:30 in the evening. It's good, it's all with meat, the problem is just that when someone feels hungry they don't give him another meal.'* (Boy, 17, Cyprus)" p.30

Healthcare

"Adult respondents in Belgium, Cyprus, Sweden and the UK also underlined the need for education on sexuality, and in Belgium they referred to very informative important initiatives of education on sexuality." p.34

Education and training

"However, most children complained that they received limited information about educational possibilities and many did not know at what stage in their asylum application procedure they could actually start attending school. (…) *'The first time I went to the welfare they said that I can go to school, but when I asked how and what I should do? They told me that I should wait until they will come and visit me to explain that, but they never did.'*(Boy, 17, Cyprus)" p.36

"Reception centres usually offer language courses, but there were conflicting views regarding their quality and adequacy." (…) Cyprus piloted an intensive language course programme for non-native speakers." p.37

"In Italy, Spain and Cyprus, adults noted that schools in general will only enrol children at the start of the school year, but even then schools are not always prepared to enrol these children who may require special support." p.38

"Adult respondents also highlighted the difficulties in placing the children in classes together with much younger children, when this level is too low in relation to their age." *'They told me I would have to learn with small kids, because I don't know. We don't have people your age, she said. But this is ok because I will be learning.'* (Girl, 17, Cyprus) (…) In some cases, for example in Cyprus, children are enrolled as 'observers'. Although the children liked the school, adults commented negatively on this practice, as children are not challenged and may

[31] Ministry of Labour and Social Insurance, *Annual Report 2009*, p. 55, available at: www.mlsi.gov.cy/mlsi/mlsi.nsf/dmlannualrpt_gr/0EA21A83D055773DC225770C004C00B2/$file/ANNUAL%20REPORT%202009%20low.pdf.

become easily bored or distracted. Adults also noted some efforts to pilot additional language tuition and stressed the importance of intensifying them. *'The school is important to my future […]. I'm there as a listener now, as still I don't know the language […] everybody is nice with me there, I like it a lot.'* (Boy, 14, Cyprus)" p.38

"In other cases, as one child said the children may be placed in adult education. *'The bad thing is that it's evening school, so there are no activities like dancing or music classes […] we have people 17, 20, 30 and even 40 years old, most of the students have white hair […]. The good thing is that I'm learning the language there, it's very important to communicate with the people here.'* (Boy, 16, Cyprus)" p.38

"However, in Nicosia, Cyprus, some of the children alleged that the Welfare Office encouraged those over 16 to find work or register as unemployed to collect benefits. An official interviewed on the other hand said that children aged 15-18 can only work under very strict conditions. (…) Adult respondents, for example in Cyprus, France, Sweden and the UK expressed concerns about separated, asylum-seeking children working irregularly given the high risk of exploitation or trafficking." p.40

Recreation and leisure

"In Cyprus children, as well as many adults, claimed that practically no activities were provided for the children. *'It will be very helpful, if there are some activities for youth here, like in sport, arts to make us use our time in positive way, that's all.'* (Boy, 16, Cyprus)" p.43

Social interaction and experiences of racism

"In some countries, for example in Cyprus, some of the officials interviewed argued that most children did not want to interact with Cypriots, while NGO workers had different experiences." p.45

"In general, the ability to speak the national language and overcome, or at least understand, cultural differences largely determines the children's ability to interact with local people. In Cyprus, for example, children who could speak better Greek felt much more integrated and had found local friends." p.46

"Practically all children and many adults recounted stories about incidents of discrimination and racist behaviour concerning the children, usually in public places, for example their being openly ignored, not served or being stared at. *'There is too much discrimination here, every time I talk to someone here, they ask me from where you are, and when they know that I'm from Syria, they don't want to talk to me. This is something very bad, and should change.'* (Boy, 17, Cyprus)" p.46

Legal guardianship and legal representation

"One of the striking findings was that most children interviewed did not know whether they actually had a guardian, or who it was, or what the responsibilities of a guardian are (...) *No, I don't have as I far as I know any one like that."* (Boy, 16, Cyprus)" p.52
"This was also reflected in the different perceptions of guardianship of the children. In Cyprus, for example, children sometimes named roommates as their guardians; (…) In Cyprus adults recommended a complete review of the guardianship system." p.52

Family tracing and reunification

"Many children did not know or were unsure about opportunities and resources for family tracing and reunification." "Other children, for example in Sweden or in Cyprus, who knew about family tracing, did not know how or where to request it." p.58

"[…] some adults highlighted that family tracing may not necessarily bring good news to children and may result in seriously traumatising them, if they learn, for instance, that a family member is dead. Therefore, they stressed, family tracing should always be carried out with appropriate counselling. '*I don't know where they are, my parents were sleeping, we just scattered, there is problem in my country. I don't know even about my brothers. I don't know if they are alive, or [...]'* (Girl, 16, Cyprus)" p.59

"Several adult respondents underlined the importance of adequate preparation for family reunification, highlighting that it can cause serious stress to the child. '*When I get my papers, then I'll be able to invite them [...] I'm here safe, I can go wherever I want without fear. I just need my family with me […]. I look at people who live here and I see how my family lives in fear and displacement. My young brothers, they cannot go to school, that makes me feel frustrated. I want to take them away from all that.'* (Boy, 17, Cyprus)" p.60

The asylum procedure

"In the [asylum determination] interviews children said little about their informal information sources, but very often said, for example, in Austria, Belgium, Cyprus, France, Hungary, Malta, the Netherlands, Spain and the UK, that they could not understand the information provided. *'No, it wasn't clear for me, I thought when I applied that they will give me a place to live and money and work, but they didn't give anything, I got assistance from Welfare after five to six months." (Boy, 16, Cyprus) They gave me and my sister subsidiary protection, I don't know what that means and if it is good or bad. Can we ask to bring our family or not? No one explain anything to us.'* (Boy, 17, Cyprus)" p.63

"The [asylum determination] interview process itself was invariably an unpleasant experience for children, who oftencomplained […]." *"The interview was very bad. My sister was with us, and the officer in immigration at the interview called her 'stupid'."(Boy, 17, Cyprus)"* p. 64

"[Asylum determination interviews] In Malta, Spain, Cyprus and Belgium adults said that the cultural background of children was not always taken into consideration either in selecting questions or in assessing responses." p.65

"'*In some countries, the detention of unaccompanied minors was found to be a particular cause for concern (e.g. Greece, Cyprus).* '[32]" p.68

"In other countries, children said that they had been detained for different reasons in the past. For example, in Cyprus, Hungary and Poland, this had been due to irregular entry and/or false documents." p.70

Maltreatment and abuse

"[…] some children spoke of violent incidents among children in accommodation centres and stressed that persons responsible for the children care must always be vigilant. *'The Turkish*

[32] Available at: www.libertysecurity.org/IMG/pdf_eu-ep-detentioncentres-report.pdf.

guy came with a knife and was drunk, and it happened that I was near there, the Turkish guy injured me in my hands.' (Boy, 17, Cyprus)" p.73

"In Cyprus, children expressly complained of actual maltreatment by the police. Concerns were also raised by some adults.

'They were very cruel with me, the last time in the detention the policeman told me 'if you won't give me your papers, I will put you in a room where there are no cameras, and I will beat you till you talk', he said that I'm liar and slapped me, I told him why you are slapping me I didn't do anything wrong, he slapped me again and said 'don't ask me why I slap you […]. I don't know how I went out from there alive, it was horrible, they told me that I have the right for a lawyer, I told them why, I didn't kill anyone why I will need a lawyer […] I'm afraid now from the police, afraid that they might stop me and ask me for papers, I still don't have any […]. I don't go out from the house now […].' (Boy, 17, Cyprus)

'The police, they assault. You are just Somali, they say. They took my things, I never see them. They make fun of headscarf, saying why you wear, why not take it off and be free. I was not safe, they were shouting at us […].Now, if we walk, I am afraid of the police […].' (Girl, Cyprus)

Notwithstanding the fact that most separated children felt 'accepted' in the receiving country, some children in Austria, Belgium, Cyprus, Hungary, Italy, the Netherlands, Spain and Sweden reported experiences of discrimination and racism in their daily life. According to adult respondents, the separated children were frequently fined in public transportation or stopped by the police, as a result of ethnic profiling, similarly to other migrants, for example in Cyprus, France and Spain." p.73

Detention of third-country nationals in return procedures (November 2010)
http://fra.europa.eu/sites/default/files/fra_uploads/1306-FRA-report-detention-december-2010_EN.pdf

"In a second group of countries, the grounds allowing for pre-removal detention are described in general terms.[33]" p.16

"Other countries use a broader language and entrust the authorities with the power to detain an individual if a decision of expulsion has been taken.[34]" p.17

"In Cyprus, the Ombudsman has reported cases of detention lasting for two years.[35] (…) Nine EU Member States have not laid down by law a maximum time limit for pre-removal detention[36] (…)" p.31

[33] (…)Article 13.2 of the 2001 Aliens and Immigration Act in Cyprus (Aliens Act) entrusts the authorities with the right to detain those persons deemed prohibited immigrants to whom an order to leave the territory has been issued.
[34] See Cyprus, Aliens Act at 13.2 which allows for the detention of any prohibited immigrant who has received an order to leave the country. (…)
[35] See, for instance, the Ombudsman report for 2006, p. 103-105, available at: http://www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/All/32C49D97734F1624C22575B20045BB24/$file/ΕΤΗΣΙΑ%20ΕΚΘΕΣΗ%202006.pdf?OpenElement.
[36] No upper time limit is set forth in law in Cyprus, Denmark, Estonia, Finland, Lithuania, Malta, Sweden and the UK.

"Time limits to obtain a court endorsement are normally very short, ranging from 48-72 hours (and in one case four days);in a few countries, however, deadlines are longer.[37]" p.40

"Although the official policy in Belgium, Cyprus[38] as well as Malta is that children under the age of 18 years should not be kept in detention, this policy is not specifically reflected in national legislation. (…) Similarly, cases of children detained to prepare their removal were documented also in Cyprus.[39]" p.56

Homophobia, transphobia and discrimination on grounds of sexual orientation and gender identity – 2010 Update (November 2010)

http://fra.europa.eu/sites/default/files/fra_uploads/1759-FRA-2011-Homophobia-Update-Report_EN.pdf

"As of 2010, only nine Member States have maintained the 'hierarchy' that affords racial and ethnic origin better protection than other grounds (Cyprus, Denmark, Estonia, France, Greece, Italy, Malta, Poland, Portugal)." p.19

"[in 2008] In 11 other EU Member States (Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Lithuania, Luxembourg, Malta, Portugal, Romania, Slovenia), discrimination on grounds of gender reassignment was not explicitly dealt with in legislation or in case law, resulting in a situation of legal uncertainty as to the precise protection of transsexuals and transgender persons from discrimination." p.21

"The Equality Body in Cyprus, after receiving two complaints regarding the absence of any legal framework enabling same-sex couples to marry or to register a partnership, adopted a report on 31 March 2010 recommending the legal recognition of same-sex cohabiting partners. The Minister of the Interior is currently holding consultations on this issue." p.25

"In 12 other Member States, by contrast, incitement to hatred, violence or discrimination against LGBT people was not explicitly defined as constituting a criminal offence (Austria, Bulgaria, Cyprus, Czech Republic, Finland, Greece, Hungary, Italy, Luxembourg, Latvia, Poland, and Slovak Republic)." p.38

"In the remaining 19 Member States, the same-sex spouse would not be treated as a spouse Austria, Bulgaria, Cyprus, Czech Republic, Estonia, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg,[40]" p.46

"In contrast, in 11 other Member States, there exists no registered partnership in domestic legislation (Bulgaria, Cyprus, Estonia, Greece, Italy, Latvia, Lithuania, Malta, Poland, Romania, and Slovak Republic). In these Member States, either registered partners do not qualify as family members for the purposes of entry and residence, or the situation is unclear." p.47

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[37] In Cyprus any detention beyond eight days has to be approved by the court (Aliens Act, Section 13.2).(…)
[38] Interview with the Cyprus immigration police on 24 June 2009.
[39] Ombudsman Annual Report 2006, p.63, available online at: http://www.ombudsman.gov.cy/Ombudsman/ombudsman.nsf/All/32C49D97734F1624C22575B20045BB24/$file/ETHΣIA%20EKΘEΣH%202006.pdf?OpenElement.
[40] While the law is silent as to whether a spouse can also be of the same-sex, it appears that in the past same-sex marriages have been recognised by courts. See Luxembourg/Tribunal administrative du Grand-Duché de Luxembourg/Docket No. 19509 (3 October 2005).

"Twelve other Member States do not grant registered partners of an EU citizen entry and residence rights; 11 of these appear not to be under such an obligation, whether this is because they have no such institution in their domestic law, or because the partnership scheme is not equivalent to marriage. In the group of States which do not grant registered partners of an EU citizen entry and residence rights, however, the prohibition of (indirect) discrimination on grounds of sexual orientation would seem to forbid attaching only to marriage the possibility of gaining entry and residence rights as family member, and then banning a class of people defined by sexual orientation from entering into marriage. This was also the view adopted on 23 April 2008 by the Cypriot Equality Body when it issued its report on the first complaint submitted to it concerning sexual orientation discrimination. The complaint was directed against the immigration authorities. It was submitted by a third country national who had entered a civil partnership in the UK with a UK national. The complainant had applied to the immigration authorities claiming entry and residence rights as a family member of an EU citizen. The application was rejected on the ground that national legislation did not recognise same-sex marriages. The equality body found, however, that the obligation to secure enjoyment of legally guaranteed rights without discrimination, in accordance with Article 14 of the ECHR and Article 28 of the Cypriot Constitution, should apply, and that the immigration authority's decision to exclude same-sex partners of EU citizens from the rights afforded to opposite-sex partners amounted to discrimination on the ground of sexual orientation.[41] The equality body referred the law transposing the Free Movement Directive to the Attorney General for revision. Although the immigration authorities have granted a permit on an *ad hoc* basis allowing the third country national to stay in Cyprus, legislation governing free movement has not yet been revised at the time of writing.[42]" p.48

"Fourteen Member States, forming a second group, have chosen not to provide for the extension of family reunification rights either to registered, nor to unmarried (same-sex or different-sex) partners (Bulgaria, Cyprus, Estonia, France, Greece, Italy, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovak Republic, Slovenia)." p.51

"In Cyprus, the Equality Body received a complaint on 5 June 2008 fi led by an Iranian national whose claim to asylum had been rejected despite the fact that he alleged a fear of prosecution in his country of origin because of his sexual orientation. In finding in his favour,[43] the Equality Body cited information supplied by the ILGA, Amnesty International and other NGOs according to which homosexuality in Iran is punishable either with hanging or with stoning and which revealed that since the 1980s executions of homosexuals take place secretly and using other charges as a pretext. Reference was also made to the human rights instruments ratified by Cyprus and to the case law of the ECtHR, which establishes the right of LGBT people to equal treatment and prohibits the deportation of persons to countries where they are likely to be subjected to torture. Special attention was drawn to article 10(1)(d) of the Qualification Directive. The Equality Body found that the Asylum Service's

[41] Cyprus/The Offi ce of the Commissioner for Administration (Ombudsman)/Case Ref. No. A.K.R. 68/2008 (23 April 2008).
[42] The Cypriot Equality Body adopted a similar conclusion when another complaint was submitted, this time by a Cypriot national, against the decision of the immigration authorities to deny his Canadian same-sex spouse the right to stay in Cyprus, on the ground that national legislation does not recognise same-sex marriages. (Cyprus/The Office of the Commissioner for Administration (Ombudsman)/Ref. No. A.K.R. 213/2008 (10 December 2008)). At the time of writing, the case is pending before the Supreme Court.
[43] Cyprus/The Offi ce of the Commissioner for Administration (Ombudsman)/Case Ref. No. A.K.R. 103/2008 (18 July 2008).

rejection of the application was not adequately justified and that the complainant's allegations deserved further examination." pp.60-61

The right to political participation of persons with mental health problems and persons with intellectual disabilities (October 2010)
http://fra.europa.eu/sites/default/files/fra_uploads/1216-Report-vote-disability_EN.pdf

"2.2. Limited political participation

Several EU Member States (Czech Republic, Denmark, Estonia, Finland, France, Slovakia, Slovenia and Spain; see Map 2) have adopted a variety of practices falling between the two ends of the spectrum, in which an assessment is made of the individual's actual ability to vote. This individualised decision triggers our classification since, in some cases, these countries have adopted either an exclusion policy coupled with an individualised assessment (such as **Estonia** and **Malta**) or a full participation policy complemented with a specific decision on voting capacity (**Spain** and **France**). Furthermore, among these countries a differentiation can be made between those in which the individual's situation is assessed by a medical practitioner and those in which the assessment is made by a judge.

In the case of **Cyprus**, it appears that disenfranchisement procedures foreseen by law are no longer being applied in practice. Therefore, persons with intellectual disabilities and persons with mental health problems who could, by law, be struck off the voters' lists are not being removed. However, in the case of a person placed in a psychiatric institution, it is up to the treating psychiatrist to decide whether a patient will be able to exercise his or her right to vote. A patient will regain his or her political rights after discharge from the institution. There is currently a debate as to whether even during involuntary placement patients could still retain some of those rights.[44]" pp. 16 – 17

[44] See the website of Supervisory Committee for the Protection of the Rights of Mental Patients (or 'Cyprus Mental Health Commission') at: http:// mentalhealthcommission.org.cy/en/law/ (03.06.2010).