



## NEWS REPORT

**Date:** 4 January 2010  
**Expert :** Corina Demetriou  
**Title:** Annual Report of the Anti-discrimination Authority  
**Country:** Cyprus

### Context

**Issue at stake:** The Anti-discrimination Authority<sup>1</sup> publishes its annual report for the year 2009.

**Ground of discrimination:** All grounds

**Source:** Annual Report of the Anti-discrimination Authority 2009

**Field:** All fields beyond employment

**Legislative provisions:** N/a

### Content

**Brief summary of the Annual Report:** The introductory section of the report singles out the Anti-discrimination Authority (ADA)'s intervention in the field of sexual orientation discrimination as its most significant achievement, stating that this had the result of bringing the problem to the surface despite the taboos and prejudice it is engulfed in. It also adds that the ADA's intervention did not bring about a 'revolution', as some had predicted, but merely debating and reflection. During 2009 there was only one case related to sexual orientation decided by ADA and this concerned the right of the homosexual partners of EU nationals to enjoy the benefits of Council Directive 2004/38/EC on free movement of EU citizens and their families. The expert is of the view that this reference in the report is indirectly pointing out to ADA's report of 2010 recommending that a legislative framework be introduced in order

---

<sup>1</sup> The Anti-discrimination Authority is one of the two bodies comprising the national Equality Body. Its competencies cover all grounds (including gender and nationality) beyond the field of employment.



to recognise same sex couples<sup>2</sup> which has indeed provoked lively debates amongst supporters and critics of gay marriages, with the latter being significantly more vocal than the former. The introductory note to the report finally criticised the (initial) refusal of the state radio and TV channel CyBC, also in 2010, to broadcast a spot on sexual orientation discrimination, which was part of an awareness campaign of the ADA against discrimination.

In describing the mandate of the Authority, the report place special emphasis on the mediation functions and on the role to educate and prevent discrimination through codes of practice, research and statistical surveys, coordination of the activities of governmental bodies and awareness-raising.

Most importantly, the report raises questions as to whether the scope of the equality directives, is broad enough to address the entire spectrum of racism and discrimination prevalent in Cypriot society, occasionally with considerable intensity. The report recommends an upgrading of the framework for the protection of victims, which is deemed to be inadequate, mainly with measures to empower victims to seek redress in Court. In describing the Authority's activities, the report referred to the investigation of complaints, the cases where mediation was successfully used, the submission of an opinion to the Ministry of Interior for the consultation that preceded the adoption of the first National Action Plan on Integration of Legally Residing Third Country Nationals,<sup>3</sup> a press release against a statement made by the Health Minister, participation of the officers of the ADA in national and international seminars, supply of information upon request to the public and to national, EU and international bodies, the securing of funding under the Community Program PROGRESS in order to carry out media campaigns and issue codes of conduct, participation in the national working team for combating discrimination, which was set up for the purposes of coordinating activities for the 2009 European Year against discrimination and participation in the European Network

---

<sup>2</sup> Flash report dated 16.06.2010 entitled "Equality body decision on the legal recognition of same sex couples".

<sup>3</sup> Some of the Equality Body's recommendations were taken on board by the Interior Ministry but some were, in essence, ignored.



EQUINET. In terms of staffing, the ADA has seven members of legal background and one secretarial member of staff.<sup>4</sup>

For the year under review (2009) the report records the following statistical data:

- A total of 151 complaints were received in 2009. This marks a significant reduction from the complaints received in 2008 (251) which is attributed to the fact that the problem of delays in the issue of residence documents for EU citizens, which had been the cause of many complaints received in previous years, has been now resolved.
- In terms of the profile of the complainants, 36% (54 complainants) were Greek Cypriots, 48% (32 complainants) were EU nationals, 19% (29 complainants) were third country nationals and 23% (18 complainants) were Turkish Cypriots. No complaints were received from the Roma or other communities. By far the largest number of complaints came from the capital Nicosia (83 complaints or 55%) which indicates that awareness of this procedure has failed to reach decentralised areas.

---

<sup>4</sup> As opposed to the Equality Authority, the Equality Body's other department dealing with employment, which has only two officers and one secretary.



- In terms of ground, 115 complaints (76%) concerned race/ethnic or national origin. Given the data on the profile of the complainants and the high number of complaints from EU nationals, presumably this figure contains mostly complaints on the ground of nationality. Eighteen complaints (12%) concerned religion, belief or family status.<sup>5</sup> Seven complaints (11%) concerned age; three (2%) concerned disability; three (2%) concerned sexual orientation; and one (1%) concerned gender.
- In terms of fields of application, 90 complaints (60%) concerned social insurance, social protection and health care; 30 complaints (20%) concerned social provision, 29 (19%) concerned access to goods and services including housing; and two complaints (1%) concerned education.
- During the year under review (2009) a total of 117 were investigated by the ADA with the following results: in 41 cases (26%) the complaints were found groundless and investigation was interrupted; in 23 cases (20%) investigation was uninterrupted for various reasons and the complainants were informed; in 21 cases (18%) the complainant was satisfied following mediation from the ADA; in 19 cases (16%) investigation was interrupted because the complainant's claim was satisfied; in 18 cases (16%) the ADA issued a report with criticisms and recommendations; and five cases (4%) were found to be outside the ADA's jurisdiction.

No data was made available as to the distribution of complaints between the private and the public sector or as to the age/gender of the complainants. The report does not offer its own analysis on the data or on trends that can be observed from analysing the data.

Finally the report offers lengthy summaries of important cases investigated during the year under review.

**Internet link source:**

The report is available at the Equality Body's newly launched website at <http://www.no->

<sup>5</sup> It is not clear why the ADA chose to merge these grounds under one heading. Family status is a protected ground under the Cypriot Constitution but not under the equality directives.



European network of legal experts in the non-discrimination field

[discrimination.ombudsman.gov.cy/sites/default/files/etesia\\_ekthese\\_akr\\_2009.pdf](https://discrimination.ombudsman.gov.cy/sites/default/files/etesia_ekthese_akr_2009.pdf)