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Cyprus

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*European Commission
B-1049 Brussels*

Country report

Non-discrimination

Transposition and implementation at national level of
Council Directives 2000/43 and 2000/78

Cyprus

Corina Demetriou

Reporting period 1 January 2025 – 1 January 2026

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EXECUTIVE SUMMARY

1. Introduction

Cyprus was granted independence in 1960 with a constitution that set out a power-sharing system, strictly communally divided between the 'Greeks' and the 'Turks'. The Constitution recognises two 'communities', the Greeks and the Turks, and three 'religious groups', the Maronites, the Armenians and the Latins. The religious groups were obliged to opt to belong to one of the 'communities', and opted to belong to the Greek community. The Roma community of Cyprus was not invited to choose which community to belong to, but was deemed to belong to the Turkish community, because of its assumed common language (Turkish) and religion (Muslim) with the Turkish Cypriots. The Roma population is estimated to range from 650 to 1 250 people, amounting to a maximum of 0.11 % of the population.¹ Because the Government does not recognise the Roma as a distinct community, official statistics do not provide figures for the Roma community but for the broader category of 'Turkish speakers'. The Government does not adopt or apply policies targeting the Roma, who are expected to benefit from horizontal policies intended for the entire population. The Roma are allocated housing in specifically designated areas, which are renowned for their poverty. Their housing segregation inevitably leads to schooling segregation, as all children must attend schools close to their place of residence. The Constitution functioned until 1963, when the Greek Cypriot President proposed 13 amendments to it, effectively taking away the most basic rights of the Turkish Cypriots. In 1964, the Supreme Court ruled that the functioning of the Government must continue on the basis of the 'doctrine of necessity', which was subsequently extended to other areas affecting Turkish Cypriots, including their rights to welfare and to access their properties.

Few NGOs are active in the non-discrimination field. No NGOs advocate for the rights of Turkish Cypriots and a handful advocate for the rights of migrants, asylum seekers and refugees. In 2017, a new NGO was set up to address the rights of the Roma. However, in 2020, this group, alongside many other NGOs, was deleted from the Government registry for technical reasons, as a result of a legislative amendment adopted during the summer holidays.² Organisations that are not registered³ lack legal personality, cannot open bank accounts and cannot claim Government or EU funding.⁴ Most NGOs that advocate for persons with disabilities are organised in a national confederation, which in 2006 was afforded the status of social partner. In practice, the confederation is afforded little say in key processes.

2. Main legislation

The Cypriot Constitution contains a general anti-discrimination provision (Article 28), which corresponds to Article 14 of the European Convention on Human Rights (ECHR), but includes, in addition, the ground of belonging to the 'Greek' or the 'Turkish' community. Age, disability and sexual orientation are not explicitly covered by the Constitution, although they can be seen as included in the term 'any other ground whatsoever' in Article 8.⁵ Judicial interpretation of this provision with regard to all grounds has been problematic and non-compliant with the equality *acquis* as it validates differential

¹ Pelekani C. and Symeou L. (2018), 'Εκθεση παρακολούθησης της κοινωνίας των πολιτών σχετικά με την εφαρμογή των εθνικών στρατηγικών ένταξης των Ρομά' (Civil society monitoring report regarding the implementation of the national Roma inclusion strategies), *Roma Civil Monitor*, available at: <https://cps.ceu.edu/sites/cps.ceu.edu/files/attachment/basicpage/3034/rcm-civil-society-monitoring-report-1-cyprus-2017-eprint-fin-cy.pdf>.

² Law on organisations and foundations and other related matters of 2017 (*Ο περί Σωματείων και Ιδρυμάτων και για Άλλα Συναφή Θέματα Νόμος του 2017*) N. 104(I)/2017, Article 56.

³ For details on the registry and the registration procedure, see the Ministry of the Interior's website [here](#).

⁴ There is a procedure for registering an organisation as a non-profit company; however, the registration process, and maintaining the company, is costly and bureaucratic.

⁵ See for instance, the Appeal Court decision in *Republic of Cyprus through the Finance Ministry v. xxxxx Lakatamites*, Appeal No. 190/2012, 4 October 2018, in which the Court examined potential discrimination in respect of an age limit for a disability scheme in light of Article 28 of the Constitution.

treatment which is deemed to be 'reasonable', including because the victim has a protected characteristic.⁶

Cyprus has ratified the following international conventions on discrimination: the ECHR, including its Protocol No. 12; the Revised European Social Charter, including its Collective Complaints Protocol; the International Covenant on Civil and Political Rights; the Framework Convention for the Protection of National Minorities; the International Covenant on Economic Social and Cultural Rights; the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD); the Convention on the Elimination of Discrimination Against Women; ILO Convention No. 111 on Discrimination; the Convention on the Rights of the Child; and the Convention for the Rights of Persons with Disabilities (CRPD). In 2004, the two anti-discrimination directives were transposed into four separate national laws: a law amending the existing disability law in order to bring it in line with the disability component of the Employment Equality Directive;⁷ a law prohibiting discrimination in employment on the grounds of religion or belief, age, sexual orientation and racial or ethnic origin, transposing parts of the Employment Equality Directive and the Racial Equality Directive;⁸ a law prohibiting discrimination on the ground of racial/ethnic origin in the fields provided by Directive 2000/43 (except employment);⁹ and a law appointing the Ombudswoman as the Equality Body that is empowered to investigate complaints of discrimination, with a mandate that covers the grounds of both directives and all rights guaranteed by the Constitution and by major international conventions, extending well beyond the minimum required by Article 3 of Directive 2000/43.¹⁰

3. Main principles and definitions

All definitions of 'discrimination' contained in the directives are virtually replicated in the national laws.

The laws transposing Directives 2000/78 and 2000/43 allow for differential treatment based on the grounds of racial or ethnic origin, religion or belief, age, disability and sexual orientation when the nature of the occupational activities or the context within which these are carried out is such that a specific characteristic constitutes a substantial and determining employment precondition, provided that the aim is legitimate and the requirement proportionate. The provisions on age do not apply to the armed forces, to the extent that the fixing of an age limit is justified by the nature and duties of the occupation. By contrast, an equality body decision in 2022 claimed that a provision in the statutes of the journalists' union excluding members who were no longer working as journalists from participating in the board amounted to age discrimination; the decision argued that differences of treatment on the ground of age can be justified only if they relate to employment policy, labour market and vocational training objectives.¹¹

⁶ In the cases of *Antonis Aresti v. Cyprus Athletics Organisation* (Ref. 1406/2008, 10 February 2010) and *Cyprus Athletics Organisation v. Andreas Potamitis* (Ref. 111/2007, 18 June 2010), the court rejected the allegations of discrimination by athletes with disabilities in the state grants paid to athletes participating in the Paralympics, compared with the grants paid to athletes without disabilities participating in the Olympics, on the basis that the schemes complained of dealt with different things (athletes with and without disability) which could only be treated differently. In essence, the court adopted the view that the disability constituted a 'difference' which could justify discrimination.

⁷ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

⁸ Law on Equal Treatment in Employment and Occupation (*Ο Περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*) N. 58(I)/2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

⁹ Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ίσης μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html.

¹⁰ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (*Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος*) No. 42(1)/2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

¹¹ Commissioner for Administration and Human Rights (2022), *Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων αναφορικά με διακριτική μεταχείριση των συνταξιούχων τακτικών μελών της Ένωσης Συντακτών Κύπρου, ένεκα της στέρησης του δικαιώματος του εκλέγεσθαι* (Report of the

In the case of the occupational activities of churches or other public or private organisations, the ethos of which is based on religion or belief, a difference of treatment based on a person's religion or belief does not constitute discrimination when, due to the nature or the context of these activities, religion or belief is a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos.

The scope of the Law on Persons with Disabilities (hereafter 'the disability law') excludes activities for which, by virtue of their nature or context, a characteristic or ability which a person with a disability does not have constitutes a substantial and determining precondition, provided that the aim is legitimate and the precondition is proportionate, taking into consideration the possibility of adopting 'reasonable measures', within the meaning which these take in this Law. The disability law excludes from its scope employment in the armed forces, to the extent that the nature of the work requires special abilities that cannot be performed by persons with disabilities. The law nevertheless proceeds to provide a more qualified and limited exclusion for other professional activities where, by reason of their nature or context, a characteristic or ability which a person with a disability lacks constitutes an essential and determining occupational requirement, provided that the objective is legitimate and the requirement is proportionate, taking into account also the possibility of adopting reasonable measures.¹² In essence, the law creates a different regime for employment of persons with disabilities in the army, where the aim of the exclusion does not need to be justified as objective and proportionate and there is no duty to provide reasonable accommodation.

The disability law was amended in 2007 to impose an obligation on employers to provide reasonable accommodation so long as the burden on the employer is not disproportionate. The Law was further amended in 2014 to extend the reasonable accommodation duty to fields beyond employment, provided that the burden is not disproportionate or unjustified. In 2021, the disability law was amended to revise the definition so as to provide that the interaction with obstacles may prevent equal participation, reflecting the social definition of the CRPD.

There is no provision in the Cypriot legal order for multiple, structural or intersectional discrimination. While the law does not explicitly cover discrimination by assumption, direct discrimination is widely defined in a manner that can be interpreted as covering it. Discrimination by association is not explicitly covered by legislation, although it can be seen as partly covered under Article 1(1) of Protocol 12 to the ECHR as regards national minorities. The national Constitution, Article 21, safeguards the freedom of association with others which, like all rights, must be enjoyed without discrimination, under Article 28 of the Constitution. Although not tested in practice, this provision may be invoked to bring legal action over less favourable treatment based on a person's association with groups that carry a protected identity, such as racial or ethnic communities.

4. Material scope

The anti-discrimination laws cover both the private and the public sector and include all fields provided for in the directives. Subject to conditions, the disability law safeguards the right to equal treatment in the provision of goods, facilities and services.

5. Enforcing the law

Current practice suggests that the duty to ensure that discriminatory laws, provisions and rules of organisations have been explicitly repealed is not fully complied with. The process to formally repeal laws or regulations was sometimes triggered when a complaint was

Commissioner for Administration and Protection of Human Rights regarding discriminatory treatment of retired regular members of the Cyprus Union of Journalists, due to the deprivation of the right to vote), 18 November 2022.

¹² Law on Persons with Disabilities ([Ο Περί Ατόμων με Αναπηρίες Νόμος](#)) No. 127(I)/2000).

submitted to the Equality Body under the previous Ombudswoman. Even when a discriminatory legislative provision is reviewed within the framework of a judicial process, this does not trigger the procedure of revision. If the Equality Body finds that a provision is contrary to the directives, the procedure for repealing it rarely bears fruit, as the process needs to be triggered by the Attorney General. A Supreme Court ruling in 2014, which established that the Attorney General is not at liberty to ignore the Equality Body's recommendation to amend a discriminatory law,¹³ prompted hopes for change, but this did not happen in the years that followed, as the courts have been unwilling to disapply discriminatory provisions in the law, perceiving this to be a violation of the doctrine of the separation of powers. Between 2017 and 2024, there were no Equality Body findings of non-conforming national laws, and therefore no referrals for amendments in order to bring the legislation in line with the equality directives. In 2023, not only was a referral by the Equality Body to the Attorney General to amend the law on the granting of citizenship to remove disability discrimination ignored,¹⁴ but the citizenship law was amended a few weeks later to exclude larger categories of applicants.¹⁵

Victims of discrimination have the option of submitting a complaint to the courts or to the Equality Body. Although the statistical record is poor, it is likely that the number of complaints dropped in recent years, as vulnerable groups and NGOs appear to have lost confidence in the institution of the Equality Body. Discrimination complaints concerning children may also be examined by the Commissioner for the Rights of the Child (hereafter 'the Child Commissioner'), who investigates and issues recommendations but lacks the power to impose sanctions. Labour inspectorate committees can examine employment-related complaints but lack expertise to handle discrimination complaints, except in specific gender-related fields.

Problems in the Cypriot courts' interpretation of the equality laws often result in the rejection of discrimination claims. The judicial review process requires applicants to have a 'legitimate interest', which essentially precludes applications from organisations that are acting on behalf of victims. Litigation is hardly ever used by vulnerable groups, for various reasons, including the high cost of litigation and limited access to legal aid; and significant court delays, which render access to justice prohibitive for victims in need of a quick and effective remedy. In order to avoid the long delays involved in civil cases, lawyers often choose the somewhat faster procedure of judicial review as a means for addressing discrimination. There are no small-claims procedures in place to cut through the large volume of cases awaiting trial. From the body of case law that has emerged in recent years, it appears that the more vulnerable a group is, the less access it has to judicial or Equality Body proceedings. Thus, most anti-discrimination claims brought before the courts are filed by civil servants and relate to promotions, pensions or retirement age. There are a few court decisions concerning the claims of Turkish Cypriots to their properties in the south or to state grants, but no cases involving migrants or Roma claiming violation of the equality *acquis*. No case has ever been decided before the Cypriot courts on the basis of the Racial Equality Directive, although this Directive has previously

¹³ Supreme Court, *Nicoletta Charalambidou v. Republic of Cyprus, the Minister of Finance and the Attorney General* (Νικολέτα Χαραλαμπίδου v. Κυπριακής Δημοκρατίας, Υπουργού Οικονομικών και Γενικού Εισαγγελέα), No. 1695/2009, 17 December 2014. Available at [www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2014/4-201412-1695-09.htm&qstring=%E4%E9%E1%EA%F1%E9%F3*%20and%2058\(%E9\)#](http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2014/4-201412-1695-09.htm&qstring=%E4%E9%E1%EA%F1%E9%F3*%20and%2058(%E9)#).

¹⁴ Commissioner for Administration and Human Rights (2023), *Έκθεση της Επιτροπής Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων υπό την ιδιότητά της ως Ανεξάρτητος Μηχανισμός Προώθησης, Προστασίας και Παρακολούθησης της Σύμβασης του ΟΗΕ για τα Δικαιώματα των Ατόμων με Αναπηρία και ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων αναφορικά με την απόρριψη αίτησης για απόκτηση κυπριακής ιθαγένειας λόγω Αναπηρίας* (Report of the Commissioner for Administration and Human Rights Protection in her capacity as the Independent Mechanism for the Promotion, Protection and monitoring of the UN Convention on the Rights of Persons with Disabilities and as a body for equality and anti-discrimination concerning the rejection of an application for Cypriot nationality on the grounds of disability), File no. A/P 1990/2021, 13 October 2023.

¹⁵ Population Archives (Amendment) (No. 4) Law of 2022 [*Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) (Αρ. 4) Νόμος του 2022*], 30 November 2023.

been invoked by Turkish Cypriots without success. Attempts to convince national courts to refer cases to the CJEU to rule on the applicability of the Racial Equality Directive have been unsuccessful.¹⁶

The national laws transpose verbatim the directives' provisions regarding the right of organisations to engage in procedures on behalf of victims. However, long-standing judicial precedent holds that applications for judicial review may be filed only by persons with a 'legitimate interest', and organisations acting on behalf of victims are unlikely to be deemed by the court as having a legitimate interest. There is no provision in the legal framework for *actio popularis*; organisations may file a case in court only on behalf of victims, as foreseen in the equality directives. Victims may address complaints directly to the Equality Body, where the procedure is cost-free. In 2018, the Equality Body resolved that it would examine complaints only from persons with a 'legitimate interest', which means only victims themselves.¹⁷

LGBTIQ persons are becoming more visible in the public sphere and have gained allies among most political parties, although church representatives and others continue to engage in homophobic public statements, with no legal repercussions.¹⁸ The institutionalisation of same-sex partnerships¹⁹ has contributed to increasing public acceptance and awareness of homosexuality, but same-sex couples are still denied the right to adopt children. A bill on gender identity,²⁰ which had been debated between 2016 and 2022, remains pending and without progress as of 1 January 2026.

The use of situation testing and statistical data is not mentioned in the legislation, case law or equality body decisions. The admissibility of situation testing as a method of proving discrimination in court will presumably be subjected to the general test of 'relevance' and 'the best evidence rule'. Although courts are likely to accept the submission of statistical data, this is no guarantee that such data will play any role in the court's decision.

The burden of proof may be reversed in judicial proceedings where the laws transposing the directives are involved; claimants who invoke the Constitution or use other laws as the basis of their claim cannot benefit from this tool. The burden of proof is not reversed in procedures before the Equality Body, as the body's mandate includes the right to carry out investigations to establish facts. The burden of proof is also not reversed in judicial review proceedings, which is the legal route prescribed by the national legal framework for discrimination claims against the state. This does not fall under the directives' exception for those cases in which the court can investigate the facts of the case; the court examining judicial review applications does not carry out any kind of investigation but merely examines the facts placed before it by the litigants, with the exception of the administrative court for international protection, which carries out its own research to examine the validity of the administrative decision that is challenged.

Discrimination carries criminal sanctions, consisting of prison sentences up to six months and fines ranging between EUR 3 417.63 and EUR 11 695.33 for natural persons and legal

¹⁶ Appeal Court, Civil Jurisdiction, [*Raziye Djemil Cufi et al as administrators of the estate of the deceased Djemil Cufi Suleyman v. Attorney General of the Republic*](#), Civil Appeal 85/21, 28 March 2024.

¹⁷ During a public exchange between a MP and the Ombudswoman, the Ombudswoman stated that according to the Ombudswoman's mandate, the Ombudswoman examines complaints only from persons personally affected or on her own initiative, and the latter depends entirely on the Ombudswoman's own judgment. When the MP clarified that she had lodged a complaint with the Equality Body, the Ombudswoman responded that there is no separate Equality Body, but rather an extension of the Ombudswoman's mandate: Charalambous P., [*Καβάς για τις αρμοδιότητες της Επιτρόπου Διοικήσεως*](#), *Phileltheros*, 26 April 2018.

¹⁸ Euronews (2019), [*Εισαγγελική έρευνα κατά του Μητροπολίτη Μόρφου για πιθανή διάπραξη ποινικού αδικήματος*](#), 01 August 2019.

¹⁹ Law on Civil Partnership of 2015 ([*Ο περί Πολιτικής Συμβίωσης Νόμος του 2015*](#)) No. 184(I)/2015.

²⁰ Law on the Legal Recognition of Gender Identity ([*Ο περί της Νομικής Αναγνώρισης της Ταυτότητας Φύλου Νόμος του 2018*](#)).

persons respectively,²¹ but these have never been imposed. The upper limit on the fine and the absence of a minimum sanction, both common in the Cypriot legal system, are found in all three laws transposing the equality directives, covering all five grounds of discrimination. No ceiling exists on the amount of compensation that can be awarded by the court to a victim. The Equality Body can only impose small fines, which cannot exceed EUR 598 – a power which has never been exercised – and it lacks the power to award compensation to victims of discrimination.²²

6. Equality bodies

In 2004, the Ombudswoman was appointed as the national Equality Body, with a mandate to combat discrimination on several grounds, including disability, race, community, language, colour, religion, political or other beliefs and national or ethnic origin. The scope covers the fields of Directive 2000/78, and in addition the areas of social insurance, medical care, education and access to goods and services, including housing. Although it is a quasi-judicial body with powers to issue binding decisions, the Equality Body resorts to mediation and/or to non-binding recommendations. This tradition was reversed in a single case in 2022, when the Equality Body issued a binding order against the union of journalists, forcing the union to change its statute to permit non-working journalists to stand for election to the union's board. Since 2017, many reports issued by the Ombudswoman have merely reiterated the positions of the parties involved without conclusion or apportionment of liability,²³ or they invite the police to investigate.

In April 2017, a new Ombudswoman was appointed by the President, which led to changes in the body's practice. Even though the institution's mandate was not officially changed, its activities as an Equality Body, applying the anti-discrimination legal framework per se, were minimised. The set-up of the office also changed, to the effect that there is no longer a distinct internal authority to examine complaints under the two anti-discrimination directives; instead, all complaints submitted are examined in the institution's capacity as Ombudswoman. The annual reports with statistics from the body's inception until 2017 were removed from the institution's website. Codes of conduct issued until 2017 were also deleted. No equality data or equality annual report was published until 2020, whereupon a single report was published for the years 2017-2019, with fragmented statistical data.²⁴ In January 2022, the Ombudswoman published her annual reports for 2020; in December 2023, her annual reports for 2021 and 2022; and in January 2025, her report for 2023. The statistical record mentioned in these reports is unclear, and the decisions mentioned in that record are not reflected in the annual report, in which the majority of cases that are described are the result of self-initiated investigations and not responses to complaints; many of the interventions are merely celebratory statements of an international day. The annual reports for 2024 and 2025 have not been published yet. Few of the decisions listed cite the anti-discrimination legislation. The statistical record that has been published is not confined to the equality mandate, but instead includes decisions arising from the other mandates of the Ombudswoman, which does not enable conclusions to be reached on the extent of discrimination and the implementation of the equality *acquis*.²⁵ Regarding the reports published by the Ombudswoman's office during 2025, only one of them concerned equality issues – specifically, age discrimination in access to

²¹ Law on Persons with Disabilities No. 127(I)/2000) Article 5(4); Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 15; Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 13.

²² Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) No. 42(I)/2004, Articles 18 and 26(1).

²³ KISA, 'Επίτροπος Διοίκησης και Ανθρώπινων Δικαιωμάτων χωρίς φωνή και όραμα', press release, 28 April 2018.

²⁴ Commissioner for Administration and for the Protection of Human Rights (Ombudswoman) acting as Equality Body (2020), 'Annual Reports for the years 2017-2018', 24 July 2020.

²⁵ Commissioner for Administration and for the Protection of Human Rights (Ombudswoman) acting as Equality Body (2022), *Annual Report 2020*. At the time of writing, the annual report for the Equality Body mandate for the year 2021 had not yet been published.

insurance and banking services.²⁶ The Ombudswoman declined the Auditor General's request to reveal the number of cases handled.²⁷ The process for appointment of the Ombudswoman was criticised by the Global Alliance of Human Rights Institutes (GANHRI) as non-transparent, lacking clear and uniform criteria and not promoting broad consultation on the appointment or a merit-based selection of candidates.²⁸ In 2023, the Ombudswoman's term was renewed for a further period of six years.

7. Key issues

- For years, no awareness activities, action plan, training or equality data were made available in the public domain. A national action plan on combating discrimination on the grounds of sexual orientation, age, disability, ethnicity and religion, which began to be discussed at the beginning of 2020, was abandoned at the outbreak of the pandemic, and work on it did not resume. In June 2021, the Council of Ministers approved the country's first ever human rights strategy²⁹ and authorised the Minister of Justice to compile the first national action plan pursuant to the strategy. As at the end of 2025, no progress had been made in compiling the action plan.
- An LGBTIQ strategy and action plan is in the process of being drafted and is expected to be finalised in 2026.
- A series of violent racist pogroms against migrants, asylum seekers and refugees that took place in the summer of 2023 did not lead to any court convictions for hate crimes; charges mostly related to rioting or possession of offensive devices. No measures were adopted to address racism. Cyprus did not compile an action plan or strategy to combat racism.
- In the author's view, the Equality Body ceased to apply the national anti-discrimination legislation within the scope of the directives in 2017. In combination with the non-transparent and non-merit based appointment of the Ombudswoman, this gives rise to an issue with regard to the compliance of Cyprus with Article 13 of the Racial Equality Directive.³⁰
- Very rarely do discrimination cases make it to the courts. The most vulnerable among the groups that are discriminated against lack both rights awareness and the means to pursue a case in court. When they do pursue a case, the anti-discrimination legal framework is not invoked. Instead, recourse is made to the 66-year-old constitutional provisions, which do not offer the far-reaching protection of the directives; the burden of proof is not reversed and the procedure excludes persons without a 'legitimate interest', such as NGOs. The decision is often based on problematic legal doctrines developed by the courts, which do not comply with the directives.
- Litigation is not sufficiently used, owing to the cost and time involved; the fact that legal aid is available only subject to insufficient means; and the lack of awareness of the anti-discrimination laws among the legal profession. In recent years, the Government has completely abandoned efforts to raise awareness about the directives, to promote anti-discrimination initiatives or to consult with civil society.

²⁶ Commissioner for Administration and for the Protection of Human Rights (Ombudswoman) acting as the Equality Body (2025), ['Εκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων αναφορικά με την παροχή πιστωτικών διευκολύνσεων σε συνταξιούχους, καθώς και για την άρνηση των ασφαλιστικών εταιριών να παρέχουν ασφαλιστική κάλυψη σε άτομα άνω των 70 ετών](#) (Report by the Commissioner for Administration and for the Protection of Human Rights regarding the provision of credit facilities to pensioners, as well as the refusal of insurance companies to provide insurance coverage to individuals over the age of 70), 16 April 2025.

²⁷ ['Ο Ελεγκτής "καρφώνει" την Επίτροπο Διοικήσεως στον Εισαγγελέα](#), Alpha News, 10 May 2018; ['Ενώπιον της Βουλής η κόντρα Οδυσσέα-Λοττίδου](#), Politis, 31 October 2019; ["Κουνά το δάχτυλο" η Κομισιόν στον Οδυσσέα για την κόντρα με τη Λοττίδου](#), Alpha News, 10 October 2020.

²⁸ Global Alliance on National Human Rights Institutions (2021), [Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation \(SCA\)](#), 14-2402021.

²⁹ [National Strategy for Protection and Promotion of Human Rights](#). The text is not available online.

³⁰ Global Alliance on National Human Rights Institutions (2021), [Report and Recommendations of the Virtual Session of the Sub-Committee on Accreditation \(SCA\)](#), 14-24 June 2021.

- There is no procedure in place to regularly review or revise discriminatory laws/regulations. In the past, a review could potentially be triggered if a complaint was submitted to the Equality Body. Since 2017, this procedure was no longer used, until October 2023, when the Ombudswoman asked the Attorney General to compile a draft revision of the law on the granting of citizenship to comply with the prohibition on disability discrimination in the CRPD. The courts will not refrain from applying discriminatory laws, as they are reluctant to interfere with what they see as the domain of the legislature.
- Issues deriving from the unresolved 'Cyprus problem' have been the source of ongoing ethnic discrimination against Turkish Cypriots.³¹
- A constitutional provision preventing MPs from promoting bills that may result in an increase in the state budget is increasingly invoked by the Government to block efforts to legislate for the rights of discriminated groups.
- Immigration is increasing becoming a hotly debated issue, with rampant hate speech on the grounds of race and/or ethnicity from politicians and church figures, which is not prosecuted or otherwise addressed.

³¹ Following years of inter-ethnic violence between the country's two main communities, the Greek Cypriots and the Turkish Cypriots, and following military intervention from Greece and Turkey, the country is divided by barbed wire, separating Turkish Cypriots (in the north) and Greek Cypriots (in the south). In 2003, the barbed wire was partly unsealed, allowing movement between north and south. This regime was governed by a European Council Regulation when Cyprus acceded to the EU in 2004 (the Green Line Regulation). Since then, Turkish Cypriots can visit and even settle in the south, enabling them to (try to) access services, vote and claim their properties.

INTRODUCTION

The national legal system

The Cypriot Constitution contains a far-reaching equality provision which prohibits discrimination on, *inter alia*, any ground whatsoever.³² This provision has been interpreted restrictively by the courts as prohibiting differential treatment only where this was deemed 'unreasonable'³³ or only where two 'equal' things were being compared.³⁴

The most popular legal channel for challenging discrimination is judicial review under Article 146 of the Constitution. This process rarely leads to satisfaction for the victim of discrimination, however, because it entitles the court not to look into the merits of the contested decision, but merely to assess the legality of the decision-making process; it also has the disadvantage that it cannot be used to challenge discrimination in the private sector. This process can only be used by persons with a 'legitimate interest', a prerequisite that essentially excludes organisations acting on behalf of victims. The burden of proof is not reversed in judicial review proceedings. According to the laws transposing the directives, the competent courts to try disputes arising thereunder are the labour courts (for labour-related disputes) and the district courts (for non-labour-related disputes), 'without prejudice to the exclusive jurisdiction of the Supreme Court under Article 146 of the Constitution'. Therefore, although the option of applying to the district court to claim compensation is available, the judicial review procedure must be used in order to annul an administrative decision or omission that has adversely affected an individual, and this can be used only by the individual affected. In this context, the directives' requirement that national law must grant organisations the legitimate interest necessary in order to represent victims in proceedings or to act in their support (Article 9(2) of Directive 2000/78 and Article 9(2) of Directive 2000/43) has not been correctly transposed.

In 1963, the country's President proposed 13 amendments to the national Constitution, which removed the consociational element by limiting the communal rights of the Turkish Cypriots, following which the Turkish Cypriots withdrew from the administration in protest. In *Ibrahim*,³⁵ the Supreme Court ruled that the functioning of the Government must continue on the basis of the 'doctrine of necessity', which effectively suspended the constitutional rights of the Turkish Cypriots. A decade later, this doctrine was extended by the courts to legitimise measures, of questionable legality, affecting Turkish Cypriots. In the years that followed, the courts extended this doctrine into new areas, denying Turkish Cypriots access to their properties³⁶ and to welfare. Until 2006, Turkish Cypriots were also

³² Constitution of the Republic of Cyprus (*Το Σύνταγμα της Κυπριακής Δημοκρατίας*), Article 28, 11 February 1959. Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/full.html.

³³ Supreme Court, *George Mattheou v. Republic of Cyprus through the Chief of Police and the Minister of Justice and Public Order* (Γιώργος Ματθαίου v. Κυπριακής Δημοκρατίας μέσω του Αρχηγού της Αστυνομίας και του Υπουργού Δικαιοσύνης και Δημόσιας Τάξης), No. 1497/2008, 30 April 2012. Available at www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2012/4-201204-1497-08.htm&qstring=%EC%F4%F4%F8%F1%F9%20and%201497%20w/1%202008.

³⁴ Supreme Court, *Cyprus Athletics Organisation v. Andreas Potamitis* (Κυπριακός Οργανισμός Αθλητισμού v. Ανδρέα Ποταμίτη), No. 111/2007, 18 June 2010. Available at http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_3/2010/rep/2010_3_0315.htm&qstring=%F0%EF%F4%F1%EC%E9%F4%20and%2018%20and%20%F9%EF%F5%ED%20and%202010. The claimant in this case was a Paralympics athlete who had been awarded a sum of one-fifth of the amount payable to the Olympics athletes. Although his discrimination claim was deemed valid by the trial court, the Appeal Court found that the trial court had erroneously tried to compare two unequal things whilst Article 28 only requires equal treatment of equal situations.

³⁵ Supreme Court, *Attorney General of the Republic v. Mustafa Ibrahim and Others* (1964). Available at www.cylaw.org/clr/1964/1964_1_195.pdf.

³⁶ Trimikliniotis, N. and Demetriou, C. (2012), *Displacement in Cyprus – Consequences of Civil and Military Strife, Report 3, Legal framework in the Republic of Cyprus*, PRIO Cyprus Centre, <http://www.prio-cyprus-displacement.net/images/users/1/Report%203%20-%20TRIM.DEM%20ENG.WEB.pdf>.

denied the right to vote; however, Cyprus was forced to change this law³⁷ following the European Court of Human Rights (ECtHR) ruling in the case of *Aziz v. Cyprus*.³⁸ Repeated efforts by Turkish Cypriots to challenge the law depriving them of their properties located in the south as an infringement of the equality principle on the ground of ethnicity have been met with refusals by national courts.³⁹ Several applications were filed with the ECtHR by Turkish Cypriots challenging their deprivation of their properties; these were settled amicably in an effort to avoid a ECtHR ruling against Cyprus.⁴⁰

List of main legislation transposing and implementing the directives

Official title of the law: Law on Persons with Disabilities⁴¹

Name used in this report: the disability law

Abbreviation: Law N. 127(I)/2000 as amended

Date of adoption: 2000

Entry into force: 2000

Latest amendment: 2021

Web link: www.cylaw.org/nomoi/enop/ind/2000_1_127/section-scc1148a6c-678a-be1c-6221-8e5de08dd1ee-ai53fb4c7f-4842-8a84-0b8f-e96dccc80d1d.html

Grounds covered: disability

Civil law

Material scope: public and private employment

Principal content: prohibition of direct and indirect discrimination, harassment, instruction to discriminate, duty to provide reasonable accommodation in employment and beyond

Official title of the law: Constitution of the Republic of Cyprus⁴²

Name used in this report: the Constitution

Abbreviation: the Constitution

Date of adoption: 16 June 1960

Entry into force: 16 August 1960

Latest amendments: 2025

Web link: www.cylaw.org/nomoi/enop/non-ind/syntagma/index.html

Grounds covered: community; race; religion; language; sex; political or other conviction; national or social descent; birth; colour; wealth; social class; or any ground whatsoever

Civil and administrative law

Material scope: mostly the public sector, although there is legal authority establishing that constitutional rights can be actionable per se against individuals.⁴³

Principal content: general prohibition of discrimination on several grounds and in unspecified fields; declaration of rights along the lines of the ECHR

³⁷ Law on the Exercise of the Right to Elect and be Elected by the Members of the Turkish Community who have their Normal Residence in the Government-controlled Area (*Ο περί Άσκησης του Δικαιώματος του Εκλέγειν και Εκλέγεσθαι από Μέλη της Τουρκικής Κοινότητας που Έχουν Συνήθη Διαμονή σε Ελεύθερο Έδαφος της Δημοκρατίας (Προσωρινές Διατάξεις) Νόμος του 2006*) N. 2(I)/2006, 21 January 2006. Available at www.cylaw.org/nomoi/indexes/2006_1_2.html.

³⁸ ECtHR, *Aziz v. Cyprus*, No. 69949/01, 22 June 2004. Available at <http://echr.ketse.com/doc/69949.01-en-20040622/view/>. The decision of the ECtHR in the case of *Aziz*, that the 'doctrine of necessity' must be exercised in a manner that does not violate the nucleus of rights or the principle of equality, was not consistently followed either by the courts in Cyprus or by the Equality Body, as both have issued decisions upholding the 'doctrine of necessity' as legal justification for the suspension of the constitutional rights of the Turkish Cypriots.

³⁹ Nicosia District Court, *Djemil Cufi v Republic of Cyprus*, No. 4193/08, 27 January 2021, ECLI:CY:EDLEF:2021:A48. The Court concluded that the refusal of the state to permit Turkish Cypriots to use their properties did not infringe the Racial Equality Directive because the deprivation was reasonable and objectively justified, without explaining why that was case and ignoring the fact that no such exception is permitted for direct discrimination.

⁴⁰ Trimikliniotis, N. and Demetriou, C (2021), '[Displacement in Cyprus](#)', PRIO Cyprus Centre, ISBN 978-82-7288-420-7.

⁴¹ Law on Persons with Disabilities (*Ο περί ατόμων με αναπηρίες νόμος*) N. 127(I)/2000 as amended by: Law N. 57(I)/2004; 72(I)/2007; 102(I)/2007; 63(I)/2014; 22(I)/2015.

⁴² Constitution of the Republic of Cyprus (*Το Σύνταγμα της Κυπριακής Δημοκρατίας*).

⁴³ Supreme Court, *Yiallourou v. Evgenios Nicolaou*, Appeal No. 9331, 8 May 2001.

Official title of the law: Equal Treatment (Racial or Ethnic Origin) Law⁴⁴

Name used in this report: the racial equality law

Abbreviation: Law 59(I)/2004

Date of adoption: 31 March 2004

Entry into force: 1 May 2004

Latest amendments: 2006

Weblink: www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html

Grounds covered: race/ethnic origin

Civil law

Material scope: social protection; medical and medicinal care; social provisions; education; access to goods and services, including housing

Principal content: prohibition of direct and indirect discrimination, harassment, instruction to discriminate

Official title of the law: Equal Treatment in Employment and Occupation Law⁴⁵

Name used in this report: the employment equality law

Abbreviation: Law 58(I)/2004

Date of adoption: 31 March 2004

Entry into force: 1 May 2004

Latest amendments: 2009

Weblink: http://www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html

Grounds covered: race and ethnic origin, religion or belief, age, sexual orientation

Civil law

Material scope: conditions of access to employment; access to vocational orientation and training; working conditions and terms of employment; membership of trade unions

Principal content: prohibition of direct and indirect discrimination, harassment, instruction to discriminate

Official title of the law: Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law⁴⁶

Name used in this report: the law on the Equality Body

Abbreviation: Law 42(I)/2004

Date of adoption: 31 March 2004

Entry into force: 1 May 2004

Latest amendments: N/A

Weblink: http://www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html

Grounds covered: race, community, language, colour, religion, political or other beliefs, national or ethnic origin, special needs, age and sexual orientation

Civil law

Material scope: combating of racist discrimination and discrimination forbidden by law; promotion of equality of the enjoyment of rights and freedoms safeguarded by the Constitution or by the conventions ratified by Cyprus; promotion of equality of opportunity in the areas of employment; access to vocational training; working conditions, including pay; membership of trade unions or other associations; social insurance and medical care; education; access to goods and services, including housing

Principal content: creation of specialised body on discrimination

⁴⁴ Equal Treatment (Racial or Ethnic Origin) Law [[Ο περί Ίσης Μεταχείρισης \(Φυλετική ή Εθνοτική Καταγωγή\) Νόμος του 2004](#)] No. 59 (1)/2004.

⁴⁵ Equal Treatment in Employment and Occupation Law ([Ο περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος του 2004](#)) No. 58 (1)/2004, as amended.

⁴⁶ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law [[Ο περί Καταπολέμησης των Φυλετικών και Ορισμένων Άλλων Διακρίσεων \(Επίτροπος\) Νόμος του 2004](#)] No. 42(1)/2004.

1 GENERAL LEGAL FRAMEWORK

Constitutional provisions on protection against discrimination and the promotion of equality

The Constitution of Cyprus includes the following articles dealing with non-discrimination:

Article 28(1) provides that all persons are equal before the law, the administration and justice and are entitled to equal protection and treatment. Article 28(2) guarantees the enjoyment of economic, social and cultural rights by all persons without discrimination and provides that every person shall enjoy all the rights and liberties set out in the Constitution without direct or indirect discrimination on the grounds of: community; race; religion; language; sex; political or other conviction; national or social descent; birth; colour; wealth; social class; or any ground whatsoever, unless the Constitution itself otherwise provides. The open-ended constitutional provision has been used to address discrimination on the grounds of age and disability but not for sexual orientation, in respect of which social prejudices did not provide fertile ground for cases to be taken to court.

Article 6 provides that no law or decision of the House of Representatives or of any of the Communal Chambers (no longer active), and no act or decision of any organ, authority or person exercising executive power or administrative functions, shall discriminate against any of the two 'Communities' or any person by virtue of being a member of a 'Community'.⁴⁷

Given that the Equality Body's mandate extends to the exercise of rights guaranteed by the Constitution, the aforementioned constitutional provisions must be seen as directly applicable to all areas covered by the directives, at least as far as the Equality Body is concerned. The material scope of these provisions is in fact broader than those of the directives, and it applies to both the private and the public sector, against private individuals and against the state;⁴⁸ however, judicial interpretation of constitutional provisions is restrictive and applies norms which do not conform to the equality *acquis*.

The Constitution, however, also contains provisions that undermine the effective implementation of rights covered by the equality *acquis*. Article 80 provides that no bill involving an increase in the state budget may be tabled by a Member of Parliament.⁴⁹ This provision is commonly cited by the President of the Republic as a reason for referring laws back to Parliament claiming they are unconstitutional and asking for their revision, including laws which seek to achieve equality on grounds and in fields within the scope of the equality *acquis*. If the Parliament refuses to revise the law, the President will take the law to the Supreme Court to rule on its constitutionality.⁵⁰ The Supreme Court will assess the compliance of the law with the Constitution and will ignore the fact that the law was seeking to implement rights provided for in the *acquis*.⁵¹

⁴⁷ The term 'Community' is used in the Constitution as meaning either the Greek or the Turkish Community in Cyprus.

⁴⁸ Supreme Court, *Yiallourou v. Evgenios Nicolaou* (Τάκη Γιάλλουρου v. Ευγένιου Νικολάου), No. 9331, 8 May 2001. Available at http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2001/1-200105-9931.htm&qstring=%E3%99%A1%EB%EB%EF%F5%F1%EF%20and%20%E5%F5%E3%E5%ED%20and%20%ED%E9%EA%EF%EB%E1%EF%20.

⁴⁹ Constitution of the Republic of Cyprus, Article 80.

⁵⁰ Constitution of the Republic of Cyprus, Article 52.

⁵¹ Supreme Court, *President of the Republic v. House of Representatives*, 20 July 2022, Ref. 6/2021 and 7/2021.

2 THE DEFINITION OF DISCRIMINATION

2.1 Definition of the grounds of unlawful discrimination within the directives

a) Racial or ethnic origin

Racial/ethnic origin is defined only in the law ratifying the ICERD,⁵² which incorporates the Convention's definition. The Convention defines neither race nor ethnic origin, but offers a broad definition of racial discrimination as 'any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.'⁵³

There are no officially recognised ethnic minorities in Cyprus. The Constitution recognises three 'religious groups' (the Armenians, the Maronites and the Latins) and two 'communities' (the Greek Cypriots and the Turkish Cypriots). The Roma are deemed to be part of the Turkish Cypriot community. Modern perceptions of evolving identities conceptualise these groups as having multiple identities: the religious groups are also ethnic groups and national minorities, whilst the Turkish Cypriots are, at the same time, a community and a minority in the southern part of Cyprus. Ethnicity is inherent in the identity of the five groups, which may therefore claim protection under the Racial Equality Directive. The Equality Body has invariably extended protection under the Racial Equality Directive to all of these groups, irrespective of their official denomination.

The fact that the government does not recognise a distinct Roma community means that it does not have any special measures addressing the Roma housing situation either. The Roma predominantly occupy Turkish-Cypriot properties administered by the Ministry of Interior and allocation is generally dispersed within mixed neighbourhoods. There are no ethnicity-related official classifications in housing allocation, as was the case in the 2025 CJEU ruling in the 'Danish ghetto case',⁵⁴ although certain policies do point to indirect housing discrimination. These include the low and uneven levels of maintenance carried out on Roma-allocated housing, acute overcrowding, degraded infrastructure, intermittent water supply and unsafe or missing electrical installations. In addition, a small number of families continue to live in prefabricated container units. In the absence of official recognition of the Roma community, the authorities argue that the Roma can benefit on the same terms as the general population from housing measures; and in the absence of robust data collection, this is an argument that is hard to evaluate.⁵⁵

In November 2015, the Ministry of Education published a Code of Conduct for handling racial incidents in schools, which provides non-legal definitions for the following terms: identity, diversity, race, prejudice, stereotype, discrimination, racism, xenophobia, nationalism, intolerance, homophobia, transphobia, bullying, hate speech, underreporting and racial incident.⁵⁶ According to the Code, race is a social construct used to categorise persons on the basis of assumed physical and cultural similarities originating from their common descent; scientifically speaking, the term has no biological or literal status and

⁵² Law Ratifying the International Convention on the Elimination of All Forms of Racial Discrimination 12/1967, 30 March 1967.

⁵³ International Convention on the Elimination of All Forms of Racial Discrimination, Article 1. Available at www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx.

⁵⁴ Judgment of 18 December 2025, *Slagelse Almennyttige Boligselskab, Afdeling Schackenborgvænge and Others v MV and Others*, Case C-417/23, ECLI:EU:C:2025:1017.

⁵⁵ Roma Civil Monitor (2025), *Civil society monitoring report on the implementation of the national strategic framework for Roma equality, inclusion, and participation in Cyprus*, Luxembourg, Publications Office of the European Union.

⁵⁶ Ministry of Education (2016), 'Κώδικας Συμπεριφοράς κατά του Ρατσισμού και Οδηγός Διαχείρισης και Καταγραφής ρατσιστικών περιστατικών' (Code of Conduct against Racism and Guide for the Management and Recording of Racist Incidents).

has no application to humankind, despite the fact that it is widely used for social action and policy development, and as justification for differential treatment of groups in relation to other groups. The Code defines racism as the process of marginalisation, exclusion and discrimination against those considered to be 'different' or 'diverse'. Racism does not have to be intentional and is not static. It can take many different forms. Some are obvious and direct, such as national denomination, forms of religious or other type of superiority or violent attacks against individuals or groups deemed to be 'other'. Some forms of racism are indirect and less obvious, such as institutional racism, the various forms of discrimination perpetrated by Governments, companies or other large essential organisations against non-privileged population groups like minorities and immigrants.

b) Religion or belief

Although there is no definition of what 'religion' is for the purposes of the anti-discrimination legislation, Equality Body decisions have established that the term includes atheism. In 2010, the Equality Body criticised a set of school regulations that exempts students from religion class only if they are 'not of Christian Orthodox faith', establishing that not declaring a religion also forms part of freedom of thought, conscience and religion.⁵⁷ In 2012, the Ombudswoman found that complaints from prison inmates regarding their right to access a church within the prison grounds, and the rights of visitation by representatives of a religion or dogma other than the one declared by the prisoner upon admission, were well founded.⁵⁸ The Ombudswoman ruled that 'religion' could not be interpreted narrowly to mean only the religion declared upon admission and had to be construed more widely to cover spiritual needs.

The term 'belief' is not defined in the law transposing the Employment Equality Directive. The law adopted in 2015 on the political participation of employees in the public sector purports to safeguard the right of such employees to 'freely express their political beliefs, political views and convictions'.⁵⁹ This, however, should not be viewed as an exhaustive definition of 'belief' as found in the law transposing the Employment Equality Directive, particularly in light of the fact that legislation transposing the EU *acquis* ranks higher than other national laws. An Equality Body decision in 2021 found that 'belief' includes the decision not to get vaccinated against COVID-19; in evaluating the lawfulness of measures adopted by a public university which were intended to contain the pandemic, the Equality Body found that the university's decision to exclude unvaccinated students from the classroom and offer them online teaching instead amounted to discrimination on the ground of belief in access to education.⁶⁰ It is questionable whether the decision not to be vaccinated meets the threshold of 'belief'; although there is no agreement amongst scholars as to the content of 'belief', there is consensus that the belief has to be genuine, serious and resemble a philosophical system, and 'must be worthy of respect in a democratic society, not be incompatible with human dignity and not conflict with the fundamental rights of others'.⁶¹

⁵⁷ Anti-discrimination Authority, Report no. A.K.R. 135/2009, 7 November 2010.

⁵⁸ Ombudswoman's Report, Ref. A/P 2430/10, 2445/10, 2446/10, 2447/10, 2467/10, 1728/11, 9 April 2012.

⁵⁹ Law Providing for the Political Rights of Public Servants, Local Authority Employees and Employees of Public Organisations (*Ο περί των Πολιτικών Δικαιωμάτων Δημόσιων Υπαλλήλων, Εκπαιδευτικών Λειτουργών, Δημοσίων Υπαλλήλων, Κοινοτικών Υπαλλήλων και Υπαλλήλων Νομικών Προσώπων Δημόσιου Δικαίου Νόμος του 2015*) N.102(I)/2015, Article 3, 10 July 2015. Available at www.cylaw.org/nomoi/enop/non-ind/2015_1_102/full.html.

⁶⁰ Commissioner for Administration and Human Rights as Equality and Non-discrimination Body (2021), *Εκθεση αναφορικά με το πρωτόκολλο ΤΕΠΑΚ για τον τρόπο διεξαγωγής μαθημάτων κατά το φθινοπωρινό εξάμηνο του έτους 2021* (Report regarding the protocol of the Cyprus University of Technology on the manner of conducting lessons during the autumn semester of 2021), Ref A/P 183/21 et al. A court decision in January 2022 evaluated this particular measure as reasonable and rejected an application to set it aside: Administrative Court, *Union of Academic Personnel at the Cyprus University of Technology SAP-TEPAK v. Cyprus University of Technology (Συντεχνία ακαδημαϊκού προσωπικού Τεχνολογικού Πανεπιστημίου Κύπρου (ΣΑΠ-ΤΕΠΑΚ) v. Τεχνολογικό Πανεπιστήμιο Κύπρου)*, Case No. 1108/2021, ECLI:CY:DD:2022:24, 26 January 2022.

⁶¹ Edge, P. and Vickers, L. (2015), *Review of equality and human rights law relating to religion or belief*, Equality and Human Rights Commission Research Report 97, Research Report 94, p. 17.

A landmark court decision in 2019 defined 'belief' as including both the existence of beliefs as well as the public manifestation of beliefs, following the CJEU rulings in *Markus Achatzi*⁶² and in *Egenberger*,⁶³ in which the CJEU instructed the German court to guarantee the full effectiveness of the Employment Equality Directive by disapplying, if necessary, any contrary provision of national law.⁶⁴

c) Disability

Disability is defined in the Law on Persons with Disabilities 127(I)2000 as any form of long-term physical, mental, intellectual, or sensory impairment, which, in interaction with various barriers, may hinder a person's full and effective participation in society on an equal basis with others. The definition juxtaposes the impairment with the barriers, in line with *Ring and Skouboe Werge*,⁶⁵ and no longer contains any requirement regarding the duration of the disability, other than a requirement regarding 'long-term limitation', in line with the CJEU ruling.

The definition of 'disability' in the Cypriot anti-discrimination law does not specify what condition, event or illness has caused the disability in order for it to meet the law's definition. However, persons with disabilities that are caused by a curable illness may be denied access to welfare. The justification for such a denial is that their symptoms of limitation can be alleviated if they have an operation. Such was the case of a 90-year-old man with limited vision resulting from a cataract, whose application for a disability grant was rejected on the grounds that his vision would improve if he had an operation.⁶⁶

The Law on Social Insurance defines disability as the 'loss of health, strength or the ability to enjoy life'.⁶⁷ However, this should be seen not as an exhaustive definition of disability but rather a means to determine eligibility to disability benefit under the particular law.

The Law on Public Service, which contains a positive action provision for hiring persons with disabilities in the public sector, defines a 'person with disabilities' as 'a person who congenitally or by a subsequent incident suffers full or limited impairment, and the disability originates from a serious deformation or mutilation of the upper part of the lower limbs, or muscle disease, paraplegia, tetraplegia, or loss of sight in both eyes or loss of hearing in both ears or any other serious condition that substantially reduces a person's physical condition confining the person to a limited circle of jobs'.⁶⁸ This definition is arguably more restrictive than the definition of disability in the Law on Persons with Disabilities referred to above, as well as the liberal approach taken by the CJEU in *Ring and Skouboe Werge*.

A law which came into force in late 2009 introducing quotas in favour of persons with disabilities in the public sector defines 'person with a disability' as a person who, following an assessment by a multidisciplinary committee, is found to be suffering from a permanent or indefinite insufficiency or disadvantage causing physical, intellectual or mental restrictions in finding and keeping suitable employment.⁶⁹ In 2015, the Supreme Court

⁶² Judgment of 22 January 2019, *Cresco Investigation GmbH v. Markus Achatzi*, C-193/17, ECLI:EU:C:2019:43.

⁶³ Judgment of 17 April 2018, *Egenberger v. Evangelisches Werk für Diakonie und Entwicklung eV*, C-414/16, ECLI:EU:C:2018:257.

⁶⁴ District Court of Larnaca (Επαρχιακό Δικαστήριο Λάρνακας), *Voroklini Community Council v. XXXX Zarifis et al.*, No. 1243/2018, 25 January 2019.

⁶⁵ Judgment of 11 April 2013, *Jette Ring and Lone Skouboe Werge*, joined cases, C-335/11 and C-337/11, ECLI:EU:C:2013:222.

⁶⁶ Consultation with KYSOA, the Confederation of Disability Organisations, 8 May 2017.

⁶⁷ Law on Social Insurance (Ο περί Κοινωνικών Ασφαλίσεων Νόμος) 2010 N. 59(I)/2010-2014, Article 2(1). Available at www.cylaw.org/nomoi/enop/non-ind/2010_1_59/full.html.

⁶⁸ Law on Public Service (Περί Δημόσιας Υπηρεσίας Νόμος) N. 1/1990, 1990-2014, Article 44(3). Available at www.cylaw.org/nomoi/enop/non-ind/1990_1_1/full.html.

⁶⁹ Law Introducing Special Provisions for the Hiring of Persons with Disabilities in the Wider Public Sector (Special Provisions) (Ο περί Πρόσληψης Ατόμων με Αναπηρίες στον Ευρύτερο Δημόσιο Τομέα (Ειδικές

ruled that a body appointing candidates for employment under the quota scheme is not permitted to disregard a medical opinion from the specially designated multidisciplinary committee classifying a job applicant as a person with a disability.⁷⁰

Older court and Equality Body decisions added some clarity to the definition of disability. In 2007, the Equality Body found that tetraplegia is a disability irrespective of whether it was caused by an injury or illness;⁷¹ and in 2010, it found that a speech impediment was a disability.⁷² In 2016, the Supreme Court found that a child's health condition that had slightly improved following an operation was still a disability if the child continued to have a disadvantage in comparison with other children.⁷³

In 2014, a law was adopted replacing the welfare grant, known as 'public benefit', with a 'minimum guaranteed income'. To be eligible, applicants must meet the law's definition which, on the one hand, endorses the concept introduced by the CRPD on impairments that hinder equal participation in society when interacting with barriers, but, on the other hand, makes eligibility conditional upon passing a 'classification of disability' test under the System of Classification of Disability.⁷⁴ This is a test that assesses disability on the basis of functionality using an international standard known as the International Classification of Functioning, Disability and Health (ICF). The system is operated by the Ministry of Labour, Welfare and Social Insurance⁷⁵ and has attracted criticism from the disability movement for adopting the medical rather than the social model of addressing disability. The ICF system continues to function as the mechanism for determining eligibility to welfare for persons with disabilities. As the monitoring body for the CRPD, the Ombudswoman, in 2021, called on the Ministry of Labour to take stock of both the medical and the social factors creating a disability and to be more transparent throughout the process.⁷⁶ The national confederation of disability organisations, KYSOA, has advocated for the adoption of the social model only, calling for the abolition of the repeated functionality tests in order to access welfare benefits, which the confederation has described as humiliating and as discouraging persons with disabilities from claiming welfare benefits.⁷⁷ A legislative amendment introduced in 2022 adopted KYSOA's claim only partially, requiring a repeat 'functionality' test for applicants already certified as persons with disabilities only if those applicants seek additional benefits citing a deterioration of their condition, or whenever the competent authority becomes aware of sufficiently credible information through a signed complaint which necessitates another

Διατάξεις) Νόμος) No. 146(I)/2009, Article 2. Available at www.cylaw.org/nomoi/enop/non-ind/2009_1_146/full.html.

⁷⁰ Supreme Court, *Eleni Paroutsi v. Educational Service Committee*, Case No. 5700/2013, 30 October 2015. Available at www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2015/4-201510-5700-2013.htm&qstring=%EB%EF%E3%F9%20and%20%E1%ED%E1%F0%E7%F1%E9%2A%20and%202015.

⁷¹ Anti-discrimination Authority, Nos. A.K.I. 58/2007, A.K.I. 59/2007, A.K.I. 60/2007, A.K.I. 61/2007 and A.K.I. 64/2007, 19 June 2007.

⁷² Ombudswoman (2010), *Report of the Equality Authority regarding the dismissal of a person with a natural disadvantage from the position of hourly governmental worker*, File No. A/P 2898/2007/ A.K.I. 10/2010, 23 February 2010.

⁷³ Supreme Court, review jurisdiction, *Christos Theodosiou through his guardian Theodosios Theodosiou v. Republic of Cyprus through the Director of Social Welfare Services et al*, Case No. 1517/2013, 30 June 2016. Available at http://cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2016/4-201606-1517-2013.htm&qstring=%E1%ED%E1%F0%E7%F1%2A.

⁷⁴ Law on the Minimum Guaranteed Income and Generally on Social Provisions of 2014 (*Ο Περί Ελάχιστου Εγγυημένου Εισοδήματος και Γενικότερα περί Κοινωνικών Παροχών Νόμος του 2014*) N. 109(I)/2014. Available at http://www.cylaw.org/nomoi/enop/non-ind/2014_1_109/full.html.

⁷⁵ Implementation of new system of assessing disability and functionality (*Εφαρμογή στην Κύπρο ενός Νέου Συστήματος Αξιολόγησης της Αναπηρίας και Λειτουργικότητας*). Available at www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsid06_gr?OpenDocument.

⁷⁶ Commissioner for Administration and Human Rights as monitoring body for the CRPD (2021), *Εκθεση αναφορικά με τον ορισμό του 'ατόμου με αναπηρία' για σκοπούς εφαρμογής του περί Ελάχιστου Εγγυημένου Εισοδήματος Νόμου* (Report regarding the definition of 'person with a disability' for the purpose of implementing the law on minimum guaranteed income), File No. SAA 55/2017 et al.

⁷⁷ *'Μονόδρομος ο σεβασμός των ανθρωπίνων δικαιωμάτων των ΑμεΑ'* (Respect for the human rights of people with disabilities), *Dialogos*, 14 September 2022.

‘functionality’ procedure.⁷⁸ This aforementioned exemption for the repeated ‘functionality’ tests does not apply in the case of children with disabilities who are not deemed to have permanent disability because of evolving nature of their condition inherent in their age.

d) Age

Although no definition is provided anywhere, equality body and court decisions appear to endorse the view that the victim need not be either young or old and that any discriminatory treatment based on age is prohibited.⁷⁹ In 2014, the Court found that the reduced entitlement to pension benefits for civil servants resigning from the civil service before they turned 48 (or 45 for medical staff) amounted to age discrimination.⁸⁰ In 2022, the Equality Body ruled that the situation of union members who were not working as journalists, irrespective of age, is protected as age, and therefore differential treatment on account of this situation amounted to age discrimination.⁸¹

e) Sexual orientation

No definition is provided either in the legislation or in any other official or unofficial document. This term does not appear in any piece of legislation other than the law transposing Directive 2000/78/EC. The Equality Body found that employment advantages granted only to married employees amounted to indirect discrimination by virtue of the law transposing Directive 2000/78/EC on the ground of, *inter alia*, sexual orientation, thus extending the definition of this ground to cover potential situations of LGB persons, whose sexual orientation may be presumed by their decision not to get married and who are more negatively affected by this provision as a result.⁸²

The law on civil unions does not provide any definitions whatsoever, since it applies equally to all persons who choose to register their relationship in this manner, irrespective of sexual orientation.⁸³ No court case on discrimination on the ground of sexual orientation has ever shed light on the definition of the term. The Greek term translates literally as ‘genetic orientation’, and as such it may be presumed to cover all cases of persons declaring a certain sexual orientation or gender identity. When the gender identity bill was first presented in 2018, the term ‘gender identity’ was more accurately translated into Greek (as ‘*ταυτότητα φύλου*’) but it was not explicitly defined. The national legal framework does not contain an explicit prohibition of discrimination on the grounds of gender expression or gender identity, although the penal code prohibits incitement to violence or hatred on the basis of gender identity.⁸⁴

⁷⁸ Minimum Guaranteed Income and Social Benefits Act of 2014 (*Ο περί Ελάχιστου Εγγυημένου Εισοδήματος και Γενικότερα περί Κοινωνικών Παροχών Νόμος του 2014*), Article 34(4).

⁷⁹ Anti-discrimination Authority, ‘State subsidy provided to single persons in the frame of a housing scheme for the revitalisation of communities with up to 200 residents’ (*Κρατική χορηγία που παρέχεται σε μονήρη άτομα στα πλαίσια στεγαστικού σχεδίου για αναζωογόνηση κοινοτήτων με κατοίκους μέχρι 200 άτομα*), Ref. 127/2005, in the Equality Body’s annual report of 2006 (no longer available online).

⁸⁰ Supreme Court, *Nicoletta Charalambidou v. Republic of Cyprus, the Minister of Finance and the Attorney General* (*Νικολέτα Χαραλαμπίδου v. Κυπριακής Δημοκρατίας, Υπουργού Οικονομικών και Γενικού Εισαγγελέα*), No. 1695/2009, 17 December 2014. Available at [www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2014/4-201412-1695-09.htm&qstring=%E4%E9%E1%EA%F1%E9%F3*%20and%2058\(%E9\)#](http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2014/4-201412-1695-09.htm&qstring=%E4%E9%E1%EA%F1%E9%F3*%20and%2058(%E9)#).

⁸¹ Commissioner for Administration and Human Rights (2022), *Έκθεση Επιτροπής Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων αναφορικά με διακριτική μεταχείριση των συνταξιούχων τακτικών μελών της Ένωσης Συντακτών Κύπρου, ένεκα της στέρησης του δικαιώματος του εκλέγεσθαι* (Report of the Commissioner for Administration and Protection of Human Rights regarding discriminatory treatment of retired regular members of the Cyprus Union of Journalists, due to the deprivation of the right to vote), 18 November 2022.

⁸² Equality Authority (2005), *Report regarding the application forms for appointment in the Central Forum for the Equal Distribution of Burdens*, Ref. A.K.I. 26/2005. Not available online.

⁸³ Law on Civil Marriages of 2015 (*Ο περί Πολιτικής Συμβίωσης Νόμος του 2015*), 184(I)/2015, 9 December 2015. Available at http://cylaw.org/nomoi/arith/2015_1_184.pdf.

⁸⁴ Penal Code, Chapter 154 (*Ο περί ποινικού κώδικα νόμος Κεφ. 154*), Article 99A.

2.2 Multiple and intersectional discrimination

In Cyprus, multiple discrimination is not explicitly prohibited by law. There are no plans to adopt legislation on multiple discrimination.

In Cyprus, multiple discrimination is not taken into account when deciding on discrimination cases.

In Cyprus, intersectional discrimination is not explicitly prohibited by law.

In Cyprus, intersectional discrimination is not taken into account when deciding on discrimination cases.

In Cyprus, there is no case law dealing with multiple or intersectional discrimination; in some cases, the court deals with claims involving more than one ground but does not address the multiplicity or intersectionality of grounds as a special circumstance that must be addressed specifically or approached differently. The procedure selected by all multiple or intersectional discrimination victims so far has been that of judicial review of an administrative action, which does not in itself lead to an award of compensation; if the claim is deemed to be well-founded, the court will annul the administrative decisions that adversely affected the victims. If the claimants want to pursue a claim for compensation, they will have to initiate a different procedure before a civil court, which has not happened yet. There is therefore no picture of whether the amount of compensation awarded is higher in cases of multiple discrimination.

The treatment of multiple discrimination cases by the courts and by the Equality Body has been uneven, demonstrating the weaknesses of not having a specific legal framework to regulate it. In 2008, the Equality Body found that age restrictions contained in a disability benefit scheme were discriminatory,⁸⁵ but did not look into the specificities created by the combination of the two grounds. The decision was confirmed by the Supreme Court, which ruled that the age restriction in the disability scheme amounted to unlawful discrimination but also failed to address the intersectionality of the grounds at play.⁸⁶ In 2016, the Ombudswoman criticised the policy framework regulating access to the labour market for women asylum seekers on the basis that it had failed to take into account the multiplicity of grounds of discrimination at play (origin, age, gender, religion, maternity, health, etc.), nor did it address the multiplicity of grounds as an aggravated instance of discrimination.⁸⁷ In 2017, the Ombudswoman, in her capacity as monitoring body for the implementation of the CRPD, ruled that a legislative provision excluding persons with intellectual disabilities from acquiring citizenship amounted to multiple discrimination, rendering the illegality even more serious.⁸⁸ In 2018, however, the appeal court ruled that an age limit in a disability scheme was reasonable, and therefore lawful, because of the bad state of public finances, refusing to consider the multiplicity of grounds.⁸⁹

⁸⁵ Equality Body, Decision Ref. 114/2007, 10 November 2008.

⁸⁶ Supreme Court, review jurisdiction, *Petros Michaelides v. Republic of Cyprus through the Minister of Labour and Social Insurance*, Case No. 2005/2012, 27 January 2016. Available at http://cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2016/4-201601-2005-2012.htm&qstring=%F4%F9%F1%EA%F1%F9%F3%2A%20and%202016.

⁸⁷ Commissioner for Administration and Human Rights (2016), *Έκθεση της Επιτροπής Διοικήσεως και Ανθρωπίνων Δικαιωμάτων αναφορικά με την πρόσβαση γυναικών αιτητριών ασύλου στην εργασία και την κοινωνική πρόνοια* ([Report on access by women asylum seekers to labour and social welfare](#)), File No. A/P 1799/2016, 11 November 2016.

⁸⁸ Independent Authority for the Promotion of the Rights of Persons with Disabilities (2017), *Έκθεση αναφορικά με την απόρριψη αίτησης ατόμου με νοητική αναπηρία για απόκτηση κυπριακής υπηκοότητας και την παραβίαση της Σύμβασης του ΟΗΕ για τα Δικαιώματα των Ατόμων με Αναπηρία* (Report on the rejection of an application by a person with an intellectual disability for Cypriot citizenship and infringement of the CRPD), File No. S.A.A. 40/2016, 26 January 2017.

⁸⁹ Supreme Court, Appeal Jurisdiction, *Republic of Cyprus through the Finance Ministry v. xxxxx Lakatamites*, Review Appeal No. 190/2012, 4 October 2018. Available at www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_3/2018/3-201810-190-12-3anony.htm&qstring=%F4%F9%F1%EA%F1%F9%F3%2A.

2.3 Assumed and associated discrimination

a) Discrimination by assumption

In Cyprus, discrimination based on a perception or assumption of a person's characteristics is not explicitly prohibited in national law, except in the case of disability. The Law on Persons with Disabilities defines discrimination based on disability as treatment based on characteristics which generally belong to a person with such a disability; or based on an assumed characteristic which generally belongs to a person with such a disability; or based on an assumed characteristic generally attributed to a person with such a disability.⁹⁰ The other two laws transposing the directives do not contain an equivalent provision; they merely reproduce the wording of the directives.⁹¹ However, the definition of discrimination itself, which virtually replicates the directives, describes 'direct discrimination' as follows: 'where one person is, due to this ethnic or racial origin, treated less favourably than another is, has been or would be treated in a comparable situation'. Assumed or mistaken characteristics may thus be presumed to satisfy the test of discrimination, which is fairly broad.

This matter has never been considered by a Cypriot court or by the Equality Body.

b) Discrimination by association

In Cyprus, discrimination based on association with persons with particular characteristics is prohibited under Article 1 of Protocol 12 to the ECHR which prohibits discrimination on the ground of association with national minorities. Such association may take various forms, including living with a particular community and/or otherwise sharing in its misfortunes or being assumed by the perpetrator to be of a particular ethnic minority origin. Such association is in line with the CJEU's ruling in *Chez Razpredelenie*, which established that the Racial Equality Directive covers 'those who, without possessing that [ethnic] origin, suffer, together with the former, the less favourable treatment or particular disadvantage resulting from that measure'.⁹²

The scope of the law setting out the mandate of the Equality Body includes, among other human rights instruments, Protocol 12 to the ECHR,⁹³ essentially integrating discrimination by association into the Equality Body's mandate, but only on the ground of race and those that may be a proxy for race, such as religion and national origin.

There is no judicial or Equality Body interpretation of any related terms or concepts.

The three laws transposing the equality directives (58(I)/2004, 59(I)/2004 and 127(I)/2000 as amended) do not include an explicit prohibition of discrimination by association but do contain protection against victimisation in line with the said directives. The spirit of the prohibition of victimisation may be extended to cover discrimination by association.

⁹⁰ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000), Article 3(2)(b). Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

⁹¹ Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισής μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*) 2004 N. 58(I)/2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html; Law on Persons with Disabilities No. 127(I)/2000).

⁹² Judgment of 16 July 2015, *CHEZ Razpredelenie Bulgaria AD v. Komisia za zashtita ot diskriminatsia*, C-83/14, Paragraph 129.1, ECLI:EU:C:2015:480.

⁹³ Combating of Racial and Certain Other Forms of Discrimination (Commissioner) Law of 2004 (*Ο περί Καταπολέμησης των Φυλετικών και Ορισμένων Άλλων Διακρίσεων (Επίτροπος) Νόμος του 2004*), 42(I)/2004, Article 5.

Freedom of association is protected by the Cypriot Constitution (Article 21). All constitutional rights are to be enjoyed without discrimination, according to Article 28 of the Constitution. The law setting up the Equality Body defines the Equality Body's mandate as including the enjoyment, without racial discrimination, of the rights and freedoms provided for in Part II of the Constitution and in the conventions ratified by Cyprus and referred to explicitly in law. These include Protocol No. 12, irrespective of race, community, language, colour, religion, political or other beliefs, national or ethnic origin.⁹⁴

Citing the principle established by *S. Coleman v. Attridge Law and Steve Law*,⁹⁵ in 2010,⁹⁶ the Equality Body ruled that discrimination against the primary carer of a person with a disability infringes the law transposing the Employment Equality Directive.⁹⁷ The Equality Body reiterated the principle in its Code of Conduct on Disability Discrimination in Employment and Occupation, issued in September 2010 and again in 2015 in the case of an employee who was to be transferred to a post in another city, far from her brother for whom she acted as primary carer.⁹⁸ In 2022, the Equality Body ruled against the refusal of an employer to facilitate the employees' working hours and workplace to enable them to care for their children with disabilities. The Equality Body cited *Coleman*⁹⁹ to conclude that the equal treatment of unequal situations that underestimates proven needs deriving from disability amounts to disability discrimination.¹⁰⁰ Although the CJEU ruling in *C-38/24 Bervidi*¹⁰¹ had not yet been issued at the time of the Equality Body decision, a few interesting observations can be made. The case under examination by the Equality Body concerned health professionals who were parents of children with disabilities and whose requests for particular work shifts or post transfers were rejected in favour of other employees with health issues. In other words, their characteristic as parents of children with disabilities was not considered when deciding work shifts and transfers. The Equality Body framed the employers' refusals as direct discrimination. On the basis of the facts, however, they could be indirect or both direct and indirect: the employer was implementing a policy that may, at first sight, appear to be neutral but it resulted in disadvantageous treatment of employees/parents who were responsible for children with disabilities. The Equality Body report concluded that treating two unequal situations as equal results in discrimination, which reinforces the assumption of applying the *Coleman* principle to indirect discrimination and the duty to provide reasonable accommodation, in line with *C-38/24 Bervidi*.

To date, neither the courts nor the equality body have examined any cases in which the primary carer of a person with a disability was not a close relative. That would indeed be an interesting area to investigate, especially given the fact that the vast

⁹⁴ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος) No. 42(I)/ 2004, Article 3(1)(b), Part I. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

⁹⁵ Judgment of 17 July 2008, *S. Coleman v. Attridge Law and Steve Law*, Case C-303/06, ECLI:EU:C:2008:415. <http://curia.europa.eu/juris/document/document.jsf?text=&docid=67793&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=150145>.

⁹⁶ Anti-discrimination Authority (2010), *Report of the Equality Authority regarding the appointment of a contracted teacher with a child with disabilities at a school outside her area of residence*, Report No. A.K.I. 82/2009, 25 June 2010.

⁹⁷ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 5(1).

⁹⁸ Equality Authority (2015) *Report on the proposed transfer of an Administrative Officer from the district of her permanent residence while she is the primary caretaker of a person with a psychosocial disability*, 16 October 2015, Ref. A.K.I. 38/2015. No longer available online.

⁹⁹ Judgment of 17 July 2008, *S. Coleman v. Attridge Law and Steve Law*, C-303/06s.

¹⁰⁰ Commissioner for Administration (2022), [Τοποθέτηση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων υπό την ιδιότητα του Ανεξάρτητου Μηχανισμού Προώθησης, Προστασίας και Παρακολούθησης της Σύμβασης του ΟΗΕ για τα Δικαιώματα των Ατόμων με Αναπηρίες και του Φορέα Ισότητας και Καταπολέμησης των Διακρίσεων αναφορικά με την υποχρέωση παροχής διευκολύνσεων στην εργασία σε υπέρτερες παιδιών με αναπηρίες](#) (Position of the Commissioner for Administration and Human Rights under the capacity of Independent Mechanism Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities and the Equality and Anti-Discrimination Body concerning the obligation to provide accommodation at work to mothers of children with disabilities).

¹⁰¹ Judgment of 10 November 2025, *Bervidi*, Case C-38/24.

majority of professional carers in Cyprus are migrant women, which would open up the possibility of multiple discrimination.

2.4 Direct discrimination (Article 2(2)(a))

a) Prohibition and definition of direct discrimination

In Cyprus, direct discrimination is prohibited in national law. It is defined using the same wording as in the directives.¹⁰²

The Law on Persons with Disabilities defines direct discrimination as 'unfavourable treatment' when compared to 'a person without disability in the same or similar situation', or on the basis of 'characteristics which generally belong to persons with such disability', or 'alleged characteristics', or in contravention of a code of practice.¹⁰³

b) Justification for direct discrimination

In Cyprus, the law does not permit justification of direct discrimination, save for in specific situations, which are explained in Section 4 below.

The judicial tradition of interpreting Article 28 of the Constitution established a norm that essentially deviates from the two anti-discrimination directives and their CJEU interpretations. The judicial norm is that equality must be applied only to equal situations and that 'different things can only be dealt with differently', with references to 'reasonable discrimination which must be done because of the special nature of things'.¹⁰⁴ Court decisions have introduced the test of 'reasonableness', which essentially provides that 'reasonable' discrimination is lawful.¹⁰⁵ This theory is applied by national courts across the board, without taking into consideration the provisions of the directives, and therefore often results in legitimising discriminatory treatment that is clearly prohibited by the directives. In line with this judicial tradition, in 2015, the Supreme Court reiterated the doctrine that the equality principle primarily safeguards against arbitrary differentiations, but, for the first time, added that such differential treatment must be narrowly construed so as to implement individual rights recognised by EU law, citing the CJEU's ruling in *Johnston v. Chief Constable of the Royal Ulster Constabulary*.¹⁰⁶ This judgment marked a departure from previous court rulings on discrimination, which had essentially ignored the entire corpus of EU anti-discrimination law and jurisprudence.

The prevalent logic of these judgments is that discrimination is permitted where the individuals concerned are dissimilar and therefore not comparable. This judicial tradition marks a departure from the principle established in the directives, which essentially

¹⁰² Law on Equal Treatment (Racial or Ethnic Origin) ([Ο περί Ισής μεταχείρισης \(Φυλετική Εθνική Καταγωγή\) Νόμος](#)) N. 59(I)/2004, Article 5(1); Law on Equal Treatment in Employment and Occupation ([Ο Περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος](#)) 2004 N. 58(I)/2004, Article 6(1)(a).

¹⁰³ Law on Persons with Disabilities ([Ο Περί Ατόμων με Αναπηρίες Νόμος](#)) No. 127(I)/2000, Articles 3(1) and 3(2)(a)-(d).

¹⁰⁴ Supreme Court, *Cyprus Athletics Organisation v. Andreas Potamitis* (Κυπριακός Οργανισμός Αθλητισμού v. Ανδρέα Ποταμίτη), No. 111/2007, 18 June 2010; Supreme Court, *Antonis Aresti v. Cyprus Athletics Organisation* (Αντώνης Αρέστη v. Κυπριακού Οργανισμού Αθλητισμού), No. 1406/2008, 10 February 2010; Supreme Court, *Tassos Tratonikola v. Republic of Cyprus through the Director of the Prisons Department and the Ministry of Justice* (Τάσος Τρατονικόλα v. Κυπριακής Δημοκρατίας μέσω Διευθυντή Τμήματος Φυλακών και του Υπουργείου Δικαιοσύνης), No. 135/07, 13 April 2011; *Costakis Charalambous v. Republic of Cyprus through the Chief of Police* (Κωστάκης Χαραλάμπους v. Κυπριακής Δημοκρατίας μέσω του Αρχηγού Αστυνομίας), No. 1334/2008, 19 September 2011.

¹⁰⁵ Supreme Court, *George Mattheou v. Republic of Cyprus through the Chief of Police and the Minister of Justice and Public Order* (Γιώργος Ματθαίου v. Κυπριακής Δημοκρατίας μέσω του Αρχηγού της Αστυνομίας και του Υπουργού Δικαιοσύνης και Δημόσιας Τάξης), No. 1497/2008, 30 April 2012. In this case, the Court rejected a claim for discrimination because it was not proven that the differential treatment was not premised upon 'reasonable discrimination'.

¹⁰⁶ Judgment of 15 May 1986, *Johnston v. Chief Constable of the Royal Ulster Constabulary*, C-222/84, ECLI:EU:C:1986:206.

prohibit discrimination where ‘dissimilar’ subjects are treated differently in similar circumstances, provided that the dissimilarity is due to a protected characteristic. The interpretation of equality given by the Cypriot courts defeats the rationale of the directives, which view such ‘dissimilarity’ as a potentially protected characteristic that could justify less favourable treatment only under specific and narrowly defined circumstances. In yet another problematic development, four police officers applied to the court arguing that they should be entitled to work for longer as a result of a change in the law that took place while they were serving their pre-retirement leave. The court did not endorse their age discrimination claim and rejected their application because, although the discrimination argument was expounded in the final address of counsel for the applicants, it was not listed in the application as a reason for annulling the decision.¹⁰⁷

In 2021, the court further widened the scope of exceptions to the anti-discrimination principle by ruling that it is legitimate to deprive Turkish Cypriots of their properties¹⁰⁸ because of the irregular situation resulting from the Turkish invasion of Cyprus in 1974. The court found that the claimant had not been prevented from exercising her right to equal treatment, because her right to the property was temporarily and objectively subject to legitimate and lawful restrictions derived from a law, through a reasonable and well-founded objective justification, using proportionate and necessary means. No details were presented as to the legitimate aim served by the restrictions or how these were proportionate to the aim.¹⁰⁹ In examining complaints from Turkish Cypriots regarding the practice of announcing scholarships only in Greek, the Ombudswoman did not make use of the Racial Equality Directive, concluding that under the doctrine of necessity, the scholarships authority was not under a duty to publish the scholarship announcements in Turkish and recommending the use of English when publishing information about available scholarships, adding that the authority should ‘reconsider the possibility’ of issuing announcements also in Turkish by way of exception from the doctrine of necessity.¹¹⁰

2.5 Indirect discrimination (Article 2(2)(b))

a) Prohibition and definition of indirect discrimination

In Cyprus, indirect discrimination is prohibited in national law.¹¹¹ For all five grounds except disability, indirect discrimination is defined by replicating the wording of the directives.¹¹²

¹⁰⁷ Administrative Court (2020), *Kyriakou et al v. Republic of Cyprus through the Ministry of Justice and Public Order and the Chief of Police*, Case No. 650/2018, 25 November 2020.

¹⁰⁸ Laws on Turkish-Cypriot Properties (Administration and Other Matters) (Temporary Provisions) 1991-1997 (*Οι περί Τουρκοκυπριακών Περιουσιών (Διαχείριση και Άλλα Θέματα) (Προσωρινές Διατάξεις) Νόμοι του 1991 έως 1997*) N.139/1991.

¹⁰⁹ Nicosia District Court, *Djemil Cufi v. Republic of Cyprus*, No. 4193/08, 27 January 2021, ECLI:CY:EDLEF:2021:A48.

¹¹⁰ Commissioner for Administration and Human Rights (2023), ‘*Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων, ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων, αναφορικά με την δημοσίευση από το Ίδρυμα Κρατικών Υποτροφιών Κύπρου, ανακοινώσεων και αιτήσεων για υποτροφίες, μόνο στην Ελληνική γλώσσα*’ (Report of the Commissioner for Administration and Human Rights, as an equality and anti-discrimination body, concerning the publication by the Cyprus State Scholarship Foundation of announcements and applications for scholarships only in the Greek language), File nos. A/P 852/2021, 2400/2021, 418/2022, 2362/2022, 28 December 2023.

¹¹¹ Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισής μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 5. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ισής Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*) 2004 N. 58(I)/2004, Article 6(1)(b). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html; Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000, Article 3. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹¹² Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισής μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 2. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ισής Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*) 2004 N. 58(I)/2004, Article 2. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

The disability law incorporates the directives' definition but also contains an additional provision, which, although not specified as a definition, offers elements of what would constitute discrimination, without clarifying whether these elements are to form an exhaustive description. The wording reads: 'a person discriminates against another if he treats that person: (a) in a more unfavourable way than the way he treats or would treat other persons without disability in the same or in a similar situation; (b) on the basis of characteristics generally belonging to a person with such a disability or based on a presumed characteristic which generally belongs to a person with such a disability or based on a presumed characteristic which is generally attributed to a person with a disability; or (c) based on the fact that this person does not satisfy or is not in a position to satisfy a condition, the nature of which is such that a high percentage of persons who do not have such a disability satisfy, or are in a position to satisfy, when compared to persons who do have such a disability and the existence of such a condition is not justified by the circumstances of the case.'¹¹³ This provision appears to be narrower than the directives' requirement, which extends to any 'apparently neutral provision, criterion or practice [that] would put persons having a particular [disability]' at a disadvantage, but since the directive's definition is also incorporated, no issue of compliance with the directive arises. Despite the fact that there is high level of school segregation in Cyprus affecting Roma children as a result of housing segregation, structural discrimination was never addressed, through either the prohibition of indirect discrimination or through another legal avenue.

b) Justification test for indirect discrimination

Although this issue has not been dealt with directly by the courts so far, it may nevertheless be assumed, on the basis of Cypriot case law on gender discrimination, European court decisions and the persuasive authority of UK court decisions, that the 'but for' test is likely to apply. This test involves asking how the victim would have been treated had they not had the special characteristic, such as the particular ethnic origin or disability or religion or age or sexual orientation, that they had.

There is no judicial precedent for the test to be used in order for employers to justify a requirement, criterion or practice that results in discrimination. The case law on the subject is not particularly enlightening. In other cases, the courts have allowed wider exceptions to the non-discrimination principle than those provided for in the directives, such as 'unequal' situations that must be treated 'unequally', without offering any definitions of the terms found in the laws transposing the two anti-discrimination directives.

2.5.1. Statistical Evidence

a) Legal framework

In Cyprus, there is legislation regulating the collection of personal data.

In 2018, the existing data protection legislation was replaced with a new law purporting to provide for the effective implementation of the General Data Protection Regulation (GDPR).¹¹⁴ The previous law, which had relied on Directive 95/46/EC, and which contained a special provision on sensitive data, was annulled. The new law defines personal data as 'any information relating to an identified or identifiable natural person'. An 'identifiable natural person' is one whose identity can be ascertained, directly or indirectly, in particular by reference to an identifier such as name, identity number, location data, online identity card, or one or more factors specific to the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person. The new law makes no specific

¹¹³ Law on Persons with Disabilities ([Ο Περί Ατόμων με Αναπηρίες Νόμος](#)) No. 127(I)/2000), Article 3.

¹¹⁴ Law on the Protection of Natural Persons against Processing of Personal Data and Free Movement of Such Data ([Ο περί της Προστασίας των Φυσικών Προσώπων Έναντι της Επεξεργασίας των Δεδομένων Προσωπικού Χαρακτήρα και της Ελεύθερης Κυκλοφορίας των Δεδομένων αυτών Νόμος](#)), 2018 (125(I)/2018).

provision for the processing of 'sensitive data', but Article 9 of the GDPR applies directly, which is almost identical to the provisions of the previous law. In 2010, the Ombudswoman¹¹⁵ condemned the action of the guards at a detention centre in revealing to all inmates sensitive health data on one particular migrant woman detainee, which stated that she was HIV-positive.¹¹⁶ The guards' argument that they had a duty to protect the health of other inmates was rejected, since the medical certificate that had been submitted to the management of the detention centre had expressly stated that the complainant's health condition was neither contagious nor a public health hazard. Similarly, in 2011, a report by the Ombudswoman¹¹⁷ condemned the practice of the Labour Office to require job applicants to declare if they are HIV-positive.¹¹⁸

In Cyprus, statistical evidence may or may not be admitted in order to establish indirect discrimination. In the absence of an explicit legal provision to regulate its use, the court may admit it and then choose to disregard it in its findings. In a 2022 court decision in which the court was asked to consider statistical evidence in order to substantiate a claim for compensation for deaths and illnesses purportedly caused by factory emissions, the court resorted to English precedents in order to conclude that statistical evidence does not by itself give a cause of action, and that the court should not proceed to find a causal relationship without further non-statistical evidence. The Cypriot court concurred with the English court that statistical evidence used with caution can be admissible and relevant only in conjunction with specific evidence relating to the individual case at hand.¹¹⁹

b) Practice

In Cyprus, statistical evidence is sometimes used in practice in order to establish indirect discrimination. Court practice does not generally involve argumentation on ethical or methodological issues, although litigants may use statistical evidence to support their line of argument. Statistical evidence is likely to be considered by the court when used in combination with individual evidence in order to substantiate a discrimination claim, based on the Court's finding in another, non-equality related case.¹²⁰

The Equality Body occasionally uses statistical data to demonstrate the depth or intensity of a problem. One such case concerned discrimination against female migrant domestic workers, whose right to join a trade union was restricted by the standard employment contract they were forced to sign.¹²¹ In the reasoning for this decision, the Equality Body also made reference to the low salaries paid to migrant domestic helpers¹²² in comparison with Cypriot workers, pointing out that the number of migrant female domestic workers at the time in Cyprus was about 18 000.¹²³ In this report, the data was used to highlight the acuteness of the problem, based on the large size of this group and on the disparity between the salaries of migrants and locals, rather than to determine whether an act was

¹¹⁵ Although the Ombudswoman is also the Equality Body, this particular report was issued in the capacity of the Ombudswoman.

¹¹⁶ Ombudswoman, Report No. AP 1188/2010, 8 July 2010.

¹¹⁷ Although the Ombudswoman is also the Equality Body, this particular report was issued in the capacity of the Ombudswoman.

¹¹⁸ Ombudswoman, Report No. A/P 587/2010, A/P 1616/2010, A/P 2309/2010, 17 October 2011.

¹¹⁹ Cyprus Supreme Court, appeal jurisdiction, [*Attorney General of the Republic v. L.I.K in his personal capacity and as guardian and father of the child ILK, et al*](#), Civil Appeal 142/2019, ECLI:CY:AD:2022:A353, 21 September 2022.

¹²⁰ Cyprus Supreme Court, appeal jurisdiction, [*Attorney General of the Republic v. L.I.K in his personal capacity and as guardian and father of the child ILK, et al*](#), Civil Appeal 142/2019, ECLI:CY:AD:2022:A353, 21 September 2022.

¹²¹ Ombudswoman, Report File No. A.K.I 2/2005, 4 November 2005. The Minister of the Interior at the time had declared that he had issued the relevant order for the pay increase but was waiting for the relevant Government department to estimate the costs involved for pensioners who employ domestic helpers so that their benefit would be increased accordingly. The decision of the Equality Body was never complied with.

¹²² Calculated at CYP 0.82 per hour, compared to CYP 4–CYP 5 per hour (approximately EUR 8.50) for Cypriots carrying out the same work: Ombudswoman, Report File No. A.K.I 2/2005, 4 November 2005, page 4.

¹²³ This figure is based on Ministry of the Interior data, according to which the number of migrant female domestic workers in Cyprus in 2003 was 17 955.

or was not discriminatory. Practice suggests that surveys conducted by the Equality Body are intended more for awareness raising and less for informing the court in the course of a litigation.

In 2008, the Equality Body found that the policy of insurance companies in refusing to insure persons over 70 to drive, or to charge them higher premiums, was unsupported by reliable statistical evidence to prove that such persons were more accident prone, and it therefore amounted to discrimination.¹²⁴ Statistics were also used in an Ombudswoman's report to describe the situation of domestic workers in Cyprus; the report highlighted the systemic gaps leading to discrimination, but fell short of invoking the Racial Equality Directive or its transposing legislation, avoiding the connection between the policy weaknesses identified and any infringement of the Directive.¹²⁵

In the field of disability, where positive measures often take the form of grants, there is little evidence of the use of statistical data in order to design positive measures. A measure introduced in 2010, which involved the covering of costs for escorts for persons with disability, was designed after the Ministry of Labour requested that disability organisations submit details on the numbers of their members who would make use of such a service. The funding granted was commensurate with the numbers of persons with disabilities that would benefit from the services of escorts, even if inadequate. Other measures in the disability field that do not involve the granting of monetary benefits, such as the preferential parking provided under the disability law,¹²⁶ appear to be the result of pressure from the disability movement, rather than resulting from the use of statistical data.

2.6 Harassment (Article 2(3))

a) Prohibition and definition of harassment

In Cyprus, harassment explicitly constitutes a form of discrimination.¹²⁷ It is prohibited in national law, covering all fields of application set out in the two equality directives in both the private and the public sector.¹²⁸

As a concept, harassment was first introduced into Cypriot law in 2002 in Law 205(I)/2002 on the Equal Treatment of Men and Women in Employment and Vocational Training, which came into force on 1 January 2003. This Law introduced 'harassment based on sex' as part of the definition of 'sexual harassment'. Later, in amending Law 40(I)/2006, the two terms were defined separately. The Law refers to 'persons' rather than men or women and does not exclude harassment between individuals of the same sex.

In the legislation transposing the equality directives, harassment is defined as 'unwanted conduct related to any of the [recognised] ... grounds ... with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading,

¹²⁴ Equality Body, Report No. 125/2007, 21 October 2008.

¹²⁵ Hadjigeorgiou, N. and Ombudswoman (2020), *Report on the status of foreign domestic workers in Cyprus*.

¹²⁶ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000, Article 7A. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹²⁷ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000, Article 2. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf; Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισής μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 2. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ισής Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*), 2004 N. 58(I)/2004, Article 2. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

¹²⁸ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000, Article 3(2)(e). Available at www.cylaw.org/nomoi/enop/ind/2000_1_127/section-sc9bdee5c7-e5ee-6b41-b244-0cb1668ed558.html; Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισής μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 5(2)(c). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ισής Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*), 2004 N. 58(I)/2004, Article 6(1)(c). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

humiliating or offensive environment'.¹²⁹ Although the laws refer to 'a person', there is no reason to interpret this as excluding harassment of more than one person or indeed of a group or a community, so long as unwanted conduct violating the dignity of one or more persons can be proven. The question whether this provision may be used to prosecute hate speech against ethnic or sexual minorities or other groups has never been tested in court, but such a use cannot be ruled out. The statistical record of the Equality Body's annual reports often uses the term 'harassment' to describe a category of complaints dealt with during the year. Although there is no explicit link as to which complaints were classified as harassment, judging from the cases described in the report, the term harassment is used to categorise hate speech and hate crime and the law cited is the transposing legislation of the Framework Decision on Racism and Xenophobia.¹³⁰

The Criminal Code¹³¹ contains a number of offences that relate to harassment and may potentially be used to prosecute discrimination that falls under the scope of the directives:

- Article 138 prohibits damage to a place of worship or to an object held sacred by any class of persons with the intention of insulting the religion of any class of persons;
- Article 139 prohibits the disturbing of religious assemblies;
- Article 140 prohibits trespassing on burial places with the intention of insulting the religion of any person;
- Article 141 prohibits the uttering of words, the making of any sound or any gesture with the intent of wounding the religious feelings of any person;
- Article 142 prohibits publications insulting any religion;
- Article 51A prohibits public incitement to violence amongst residents and the cultivation of a spirit of intolerance;
- Article 47(1)(b) prohibits action taken publicly with the intention of promoting feelings of hostility amongst communities or religious groups due to race, religion, colour or gender;
- Article 35A provides that the court may consider as an aggravating factor the motive of prejudice against groups of persons on the basis of race, colour, national or ethnic origin, religious or other belief, sexual orientation or gender identity;

Up until 2024, the Criminal Code prohibited the incitement of violence or hatred against persons on the basis of their sexual orientation or gender identity, providing for a penalty of three years of imprisonment and/or a fine of EUR 5 000. By contrast, the same offence committed on other grounds, i.e. race, ethnicity or religion, carried a penalty of five years and/or a fine of up to EUR 10 000, under the law transposing the EU Framework Decision on Racism and Xenophobia.¹³² In 2024, following lobbying from the organisations representing LGBTIQ communities, the penalties for anti-LGBTIQ offences were raised to bring them up to par with the penalties for hate crimes based on race, ethnicity or religion i.e. up to five years' imprisonment and/or EUR 10 000.¹³³ As at present, the law prohibits the incitement of violence or hatred only on the grounds of race, ethnicity, religion, sexual

¹²⁹ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000), Article 2. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf; Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισης μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 2. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*), 2004 N. 58(I)/2004, Article 2. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

¹³⁰ Cyprus, Commissioner for Administration and Protection of Human Rights (2025), '*Έτήσια Έκθεση Γραφείου Επιτρόπου Διοικήσεως και Προστασίας Ανθρώπων Δικαιωμάτων, υπό την ιδιότητα της Επιτρόπου ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων 2023*' (*Annual Report of the Office of the Commissioner for Administration and Protection of Human Rights, in her capacity as Commissioner for Equality and Anti-Discrimination 2023*), 15 January 2025.

¹³¹ Criminal Code (*Ο Ποινικός Κώδικας*), Cap 154. Available at www.cylaw.org/nomoi/enop/non-ind/0_154/index.html.

¹³² Law on the Combating of Certain Forms and Expressions of Racism and Xenophobia through the Criminal Law of 2011 (*Ο περί της Καταπολέμησης Ορισμένων Μορφών και Εκδηλώσεων Ρατσισμού και Ξενοφοβίας μέσω του Ποινικού Δικαίου Νόμου του 2011*), N.134(I)/2011.

¹³³ Criminal Code (*Ο Ποινικός Κώδικας*), Cap 154, Article 99A, available at www.cylaw.org/nomoi/enop/non-ind/0_154/index.html.

orientation and gender identity; the other protected grounds are not covered. In February 2025, two opposition MPs tabled a draft law in Parliament seeking to extend the law transposing the Framework Decision on Racism and Xenophobia to include incitement to violence or hate speech against persons because of their age or disability. The proposal was adopted on 19 March 2026 – after the cut-off date for this report.¹³⁴

Prosecutions under all criminal law provisions, including the law transposing the Framework Decision on Racism and Xenophobia, are conditional upon permission from the Attorney General, who has discretion to sanction or withdraw a prosecution. Prosecutorial discretion largely accounts for the fact that there are hardly ever any prosecutions for hate crimes.

In terms of international and EU law, a number of legislative instruments transposed or ratified by Cyprus contain provisions that may be used to prosecute harassment. In 1992, a law was introduced to amend the Law Ratifying the Convention on the Elimination of all Forms of Racial Discrimination of 1967, rendering certain public statements a criminal offence. This bears similarities to the above definition of harassment. The Law provides that any person who publicly, either orally or in writing through written text, imaging or in any other way, intentionally incites acts that may cause discrimination, hatred or violence against persons or groups of persons for the sole reason of their racial or ethnic origin or their religion, is guilty of a criminal offence.¹³⁵

In 2016, the Equality Body, defined harassment as ‘conduct which may include psychological violence consisting of either isolated incidents or systematic patterns of behaviour manifested by persons in a hierarchically higher position than the victim in the workplace’,¹³⁶ drawing on the relevant Eurofound report.¹³⁷

The following laws contain provisions that may be used to prosecute acts that may be termed as harassment:

- Law on the Combating of Certain Forms and Expressions of Racism and Xenophobia through Criminal Law 134(I)/2011,¹³⁸ which purports to transpose the corresponding Framework Decision;¹³⁹
- Law Ratifying the Additional Protocol to the Convention on Cybercrime concerning the Criminalisation of Acts of Racist or Xenophobic Nature committed through Computer Systems 26(III)/2004; and
- Law Ratifying the Convention on the Prevention and Punishment of the Crime of Genocide 59/1980.

In 2020, in an effort to curb rising school violence, a law was adopted purporting to address school violence within the school premises, including delinquent or other illegal criminal acts or attempts; victimisation experiences; use of illegal substances; and gang activity

¹³⁴ See Nomoplatform (2025), ‘[Ο περί της Καταπολέμησης Ορισμένων Μορφών και Εκδηλώσεων Ρατσισμού και Ξενοφοβίας μέσω του Ποινικού Δικαίου \(Τροποποιητικός\) Νόμος του 2025](#)’ (*Combating of Certain Forms and Expressions of Racism and Xenophobia through Criminal Law (Amendment) Law of 2025*).

¹³⁵ Law Ratifying the Convention on the Elimination of all Forms of Racial Discrimination (Ratification) 1967, Article 2A(1).

¹³⁶ Equality Authority (2016), *Report regarding a complaint for harassment at work and for discrimination on the grounds of gender and national origin of an employee at the Cyprus Broadcasting Corporation*, File No. A.K.I. 45/2015, 12 October 2016.

¹³⁷ Eurofound (2015), *Violence and Harassment in European Workplaces: Extent, impacts and policies*. Available at <http://www.eurofound.europa.eu/observatories/eurwork/comparative-information/violence-and-harassment-in-european-workplaces-extent-impacts-and-policies>.

¹³⁸ Law on the Combating of Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law of 2011 (*Ο Περί της Καταπολέμησης Ορισμένων Μορφών και Εκδηλώσεων Ρατσισμού και Ξενοφοβίας μέσω του Ποινικού Δικαίου Νόμος του 2011*) N. 134(I)/2011. Available at www.cylaw.org/nomoi/enop/non-ind/2011_1_134/index.html.

¹³⁹ Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of criminal law.

and aggression, as well as violence generated outside the school but brought into the school, which may have a negative impact on the learning process and the school climate. Discrimination on unspecified grounds, as well as the 'lack of respect for persons with disabilities' are recognised as forms of violence within the scope of this Law. The Law provides for the compiling of specifications, codes of conduct, school committees and action plans.¹⁴⁰ Recognising that prevention measures alone are not sufficient, in 2022, a new bill was tabled in Parliament, seeking to adopt more drastic measures on school violence, criminalising bullying and providing for sentences of up to 12 months' imprisonment and/or a fine of up to EUR 2 000.¹⁴¹ The bill was pending at the end of 2025, amid issues raised by teachers that the system should invest in prevention rather than punishment.¹⁴²

No case has so far been adjudicated in court under any of the above provisions. A major obstacle is the fact that all the above instruments create criminal offences, and under the Constitution, the consent of the Attorney General must be obtained in order for such prosecutions to be initiated. As a rule, the Attorney General, who is, by virtue of the Constitution, appointed by the President and has the dual role of an independent officer, while at the same time being an advisor to the Government, tends to refuse to prosecute public persons openly engaging in hate speech. As a standard practice, the procedure followed by the Attorney General's office is to instruct the police to conduct an investigation to establish whether the law transposing the Framework Decision has been violated, which is a rather odd procedure, given that there is no need to establish a motive in order to prosecute the offender.

b) Scope of liability for harassment

Where harassment is perpetrated by an employee, in Cyprus, both the perpetrator and the employer (if it is a different person) are liable, unless the employee was acting under instructions from the employer. This applies to both the public and the private sector and to all types of workplace settings, although issues of documenting the claim with evidence may arise in large public- or private-sector organisations where, in the absence of actual or constructive knowledge of an employee's conduct, it may be hard to pin liability on the employer. An employer or provider of education, social protection (including healthcare), social advantages, goods or services can be held liable for third-party harassment, i.e. for failing to address harassment between staff/persons under their charge and third parties. The liability of employees who harass upon instructions from their employers is not explicitly covered by the laws transposing the directives and will inevitably be regulated under general principles of law.

Under Article 13 of the Law on Civil Offences (Cap. 148),¹⁴³ a 'master' is responsible for the actions or omissions of his 'servant' for acts authorised or approved by the former or for acts carried out by the servant in the course of his work. The terms 'master' and 'servant' used in the text of the Law mean employer and employee, respectively. The master is not responsible for the actions of persons to whom the servant has assigned work without the authorisation of the employer. An act is deemed to have been conducted in the course of one's work if it was committed by a servant in their capacity as such and while they were carrying out the normal tasks of their work, irrespective of whether the act was the result of negligent performance of a task assigned by the employer. An act is not deemed to have been committed in the course of one's work when it is perpetrated by

¹⁴⁰ Prevention and Treatment of Domestic Violence Act of 2020 ([Ο περί της Πρόληψης και Αντιμετώπισης της Ενδοσχολικής Βίας Νόμος του 2020](#)) N. 185(I)/2020.

¹⁴¹ Bullying and Bullying Behaviour in Schools and Other Related Places (Criminalisation, Suppression and Reform) Act 2022 [[Ο περί του Σχολικού Εκφοβισμού και της Εκφοβιστικής Συμπεριφοράς σε Σχολικούς και Άλλους Συναφείς Χώρους \(Ποινικοποίηση, Καταστολή και Αναμόρφωση\) Νόμος του 2022](#)].

¹⁴² 'Ποινικοποιείται ο σχολικός εκφοβισμός - Τι προνοεί η πρόταση νόμου' (School bullying is criminalised- What the proposed law envisages), *Philenews*, 9 November 2023.

¹⁴³ Civil Offences Law (*Περί Αστικών Αδικημάτων Νόμος*), Cap 148. Available at http://www.cylaw.org/nomoi/enop/non-ind/0_148/full.html.

employees acting for their own purposes and not on behalf of their employers. None of these provisions exempt employees from liability for acts of harassment committed by them. Harassment that is committed by a person who is a relative of the employer, or by any other person who is licensed by the employer to be on the premises, is not covered by the Law. This is a common problem faced by foreign domestic workers whose employer is only one of two spouses. In such cases, if the other spouse harasses the employee, the employer is not liable. Employers who fail to take measures to stop harassing behaviour are, in law, as equally liable as the perpetrators themselves.

2.7 Instructions to discriminate (Article 2(4))

a) Prohibition of instructions to discriminate

In Cyprus, instructions to discriminate constitute a form of discrimination and are prohibited by law.¹⁴⁴ 'Instructions' are not defined and there is no legislative provision or case law specifying whether instructions must be explicit or implied. Instructions are likely to include explicit workplace policies of routine discrimination against certain groups applied in all circumstances, without the need for specific instructions from the employer – for example, a workplace policy of not providing goods or services to members of a protected group. There is no express provision in the law and no case law providing explicitly that the term 'instructions to discriminate' includes explicit instructions and/or preferences or suggestions with a discriminatory impact and/or encouragement or pressure.

In Cyprus, instructions to discriminate do not require a hierarchical relationship between the instructor and the instructed person, but a certain form of dependence in the relationship must be in place if the instructed person is to avoid liability.

b) Scope of liability for instructions to discriminate

In Cyprus, the instructor is liable. The law is silent on the liability of the person carrying out the instructions, and it is presumed that liability will be pinned on perpetrators acting on instructions if there is evidence that they had the choice of not carrying them out and instead chose to do so, in which case liability can be shared between instructor and perpetrator. Although the laws transposing the directives are silent on the employers' liability as regards the actions of their employees, the general principles of labour law hold that employers are vicariously liable for the actions of their employees. An employee who has discriminated because they have received an instruction to discriminate is not explicitly covered by the laws transposing the directives. However, it is likely that such an employee will be held liable for direct or indirect discrimination, irrespective of whether the motive was to follow the employer's instructions, depending on the circumstances and on what choices the employee had. The dismissal of an employee because they refuse to carry out an unlawful instruction, such as an instruction to discriminate, is likely to be held unlawful and give rise to compensation.

¹⁴⁴ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000), Article 2. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf; Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισής μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 5(2)(d). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ισής Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*), 2004 N. 58(I)/2004, Article 6(1)(d). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

2.8 Reasonable accommodation duties (Article 2(2)(b)(ii) and Article 5 Directive 2000/78)

- a) Implementation of the duty to provide reasonable accommodation for persons with disabilities in the area of employment

In Cyprus, the duty on employers to provide reasonable accommodation for persons with disabilities is included in the law and is defined.

Even prior to the transposition of the Employment Framework Directive, the disability law provided for the duty to adopt 'reasonable measures' where, and to the extent that, the local economic and other circumstances allow.¹⁴⁵ These measures, which are still in place now, are not restricted to the workplace, but cover: (a) basic rights (right to independent living; diagnosis and prevention of disability; personal support with assistive equipment, services, etc.; accessibility to housing, buildings, streets, the environment, public means of transport, etc.; education, information and communication through special means; services for social and economic integration; vocational training; employment in the open market, etc.);¹⁴⁶ (b) employment including access to employment, working conditions, training etc.;¹⁴⁷ (c) supply of goods and services, including the facilitation of accessibility for safe and comfortable use of such services, etc.;¹⁴⁸ transport;¹⁴⁹ and telecommunications.¹⁵⁰ An amendment to the law adopted in 2014 extended the reasonable accommodation duty by providing that the rights set out in the foregoing provisions (Articles 4, 5, 6 and 8) must be implemented through suitable measures ensuring reasonable accommodation to the maximum of available resources. 'Reasonable accommodation', for the purposes of these provisions, means necessary and suitable amendments and adjustments that do not require disproportionate or unjustified burden, where necessary in order to ensure the exercise and enjoyment of human rights and fundamental freedoms.¹⁵¹ The burden is not considered disproportionate when it is sufficiently counterbalanced by measures adopted in the context of state policy in favour of persons with disabilities.¹⁵² There is no differentiation between the parameters of this duty in the public and the private sector, except that small or medium-sized enterprises in the private sector are likely to have a lower threshold to meet regarding what constitutes 'reasonable' accommodation.

With regard to reasonable accommodation at the workplace, the law provides that 'equal treatment' means, *inter alia*, 'the obligation to provide reasonable access and facilities in the working environment, including: (i) the necessary modifications or adjustments of accessibility to existing facilities so as to make them accessible to persons with disabilities; (ii) the reshaping of work by creating schedules for part-time occupation or modified working hours, with the acquisition of new or the modification of existing equipment, machinery, tools, means and any facilities or services'.¹⁵³

¹⁴⁵ Law on Persons with Disabilities (Ο Περί Ατόμων με Αναπηρίες Νόμος) No. 127(I)/2000), Article 9(1). Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁴⁶ Law on Persons with Disabilities (Ο Περί Ατόμων με Αναπηρίες Νόμος) No. 127(I)/2000), Article 4. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁴⁷ Law on Persons with Disabilities (Ο Περί Ατόμων με Αναπηρίες Νόμος) No. 127(I)/2000), Article 5. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁴⁸ Law on Persons with Disabilities (Ο Περί Ατόμων με Αναπηρίες Νόμος) No. 127(I)/2000), Article 6. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁴⁹ Law on Persons with Disabilities (Ο Περί Ατόμων με Αναπηρίες Νόμος) No. 127(I)/2000), Article 7. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁵⁰ Law on Persons with Disabilities (Ο Περί Ατόμων με Αναπηρίες Νόμος) No. 127(I)/2000), Article 8. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁵¹ Law Amending the Law on Persons with Disabilities (Νόμος που τροποποιεί τον Περί Ατόμων με Αναπηρίες Νόμος. 63(I)/2014, 23 May 2014.

¹⁵² Law on Persons with Disabilities (Ο Περί Ατόμων με Αναπηρίες Νόμος) No. 127(I)/2000), Article 9(2). Available at http://www.cylaw.org/nomoi/enop/ind/2000_1_127/section-sce0615cb8-d50c-5b6d-88ad-218c5a8db790.html.

¹⁵³ Law on Persons with Disabilities (Ο Περί Ατόμων με Αναπηρίες Νόμος) No. 127(I)/2000), Article 5(2)(d). Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

Over the years, the Equality Body has interpreted the duty to provide reasonable accommodation in employment as follows:

- The Ministry of Education's policy to transfer public education teachers based solely on the needs of the service, without reference to the existence or not of any disability and disregarding the complainant's need to work in a stable and safe environment, amounts to indirect discrimination on the ground of disability.¹⁵⁵
- The revocation by the employer of the right initially granted to an employee with multiple sclerosis to take two afternoons off in order to undergo physiotherapy was found to be discriminatory. Citing a landmark ECtHR ruling,¹⁵⁶ the decision stressed that the treatment of persons without a disability in relation to persons with disabilities cannot be the same, if equality is to be attained.¹⁵⁷
- An employer's refusal to hire a job applicant as an office assistant because she was very short due to chondroplasia was held to be discrimination because the employer could have placed the files on shelves that would be accessible to the complainant and/or provide a ladder to enable her to reach files on higher shelves.¹⁵⁸
- A reduction in teaching hours can constitute reasonable accommodation if the symptoms of the disability render teaching painful or exhausting.¹⁵⁹
- The failure of an employer to render the workplace accessible to an employee who became a wheelchair user after an accident, was held to be direct discrimination because of the failure to provide reasonable accommodation by rendering the building accessible.¹⁶⁰
- The failure of the hospital authority to adjust the working hours of an employee who is the mother and primary carer of a child with a disability, to enable her to care for her child.¹⁶¹
- A public-sector employer who used the standard staff regulations to examine a request from an employee with a chronic illness for a change of work duties was found to be in breach of the duty to provide reasonable accommodation to an employee with a disability.¹⁶² The employer had treated the request using the same

¹⁶² Cyprus, Commissioner for Administration and Protection of Human Rights (2025), *Έκθεση Επιτροπής Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Φορέας Ισότητας και Καταπολέμησης των*

procedure as they would for any employee seeking a better position in the workplace hierarchy, ignoring the applicant's health issues. Although the report does not frame this case as one of extending the duty of reasonable accommodation to indirect discrimination, the case may well be construed as a case of indirect discrimination to which the Equality Body applied the reasonable accommodation duty.

Under the Code of Conduct on Disability Discrimination in the Workplace issued by the Equality Body in September 2010, the duty to provide reasonable accommodation is premised upon the principle that the measure must ensure equality of opportunity and not equality of outcome. The measure must therefore be such that it offers the person with a disability the same opportunity as all other persons, e.g. persons with arthritis applying for the position of a typist must be given a special keyboard in order to be able to compete with the other applicants in terms of typing speed. In addition, persons with disabilities who take an exam for the purposes of a selection procedure for a job must be given such facilities that enable them to compete with the candidates without disabilities on equal terms. The employer's obligation to provide reasonable accommodation affects regulations or criteria set by the employer as well as the way in which the workplace is organised (e.g. offering a wheelchair user the chance to work on the ground floor of a building where this is available). The Code offers a non-exhaustive list of guidelines on reasonable accommodation measures: changes or adaptations to the building infrastructure (ramps and toilets for wheelchair users, Braille language on the buttons in the lifts, etc.); reallocation of duties amongst employees so as to allocate to employees with disabilities duties they can perform; transfer to another job position if available; sick leave for the purposes of therapy; vocational training including training related to a person's disability, e.g. use of new technologies or new equipment or logistics that can upgrade the skills of a person with disabilities; facilitating participation in trade unions; the upgrading of existing equipment; other forms of support or assistance.¹⁶³ The law setting out the Equality Body's mandate foresees the issuing of codes of conduct by the Equality Body, which can impose specific duties on persons in the public or private sector.¹⁶⁴ However, such codes must be appended to regulations issued with the approval of the Council of Ministers; this procedure was not followed in the case of the Code of Conduct on Disability Discrimination, and in essence this Code has the character of a clarification document rather than a binding set of rules. The courts may refer to the Code and derive guidance from the examples contained in it, but they are not legally bound to do so, and in fact the Code has never been referred to in court or in any official documents. The Equality Body does not make use of its power to issue codes of conduct on discrimination-related fields. Other than the code on disability at the workplace, which has now been removed from the Ombudswoman's website, no other code was issued on any of the five grounds.

c) Definition of disability and non-discrimination protection

The definition of 'disability' does not differ whether one is claiming reasonable accommodation or claiming general protection from discrimination. The definition is the same in the private and in the public sector.

d) Failure to meet the duty of reasonable accommodation for persons with disabilities

[Διακρίσεων αναφορικά με διάκριση λόγω αναπηρίας, λόγω άρνησης παροχής εύλογων προσαρμογών στην εργασία](#) (Report of the Commissioner for Administration and Protection of Human Rights as the Body for Equality and Combating Discrimination regarding discrimination on grounds of disability, due to refusal to provide reasonable accommodation at work), Ref. A/P 2503/25, 4 December 2025.

¹⁶³ Equality Authority (2010), 'Κώδικας καλής πρακτικής για τις διακρίσεις λόγω αναπηρίας στην εργασία και την απασχόληση' (Code of good practice on discrimination on the ground of disability in employment and occupation). Not available on line.

¹⁶⁴ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law of 2004 (Ο Περί Καταπολέμησης των Φυλετικών και Ορισμένων Άλλων Διακρίσεων (Επίτροπος) Νόμος του 2004) N. 42(I)/2004, Article 40. Available at www.cylaw.org/nomoi/enop/ind/2004_1_42/section-sce220abc3-c0c8-c38b-6534-cc2265a17e12.html.

In Cyprus, failure to meet the duty of reasonable accommodation in employment for persons with disabilities is recognised by the Equality Body as amounting to discrimination, in both the private and in the general public sectors. The law does not clarify which form of discrimination the denial to reasonable accommodation takes, and this may well depend on the circumstances under which reasonable accommodation was denied.

Although the law does not expressly provide that failure to meet the duty of reasonable accommodation counts as discrimination, this may be inferred from the wording of the law. It stipulates that, in order to comply with the principle of equal treatment, reasonable accommodation is envisaged, and for this purpose the employer must take all necessary measures so as the person with a disability may have access to a job, may exercise their profession or may attend training, provided that the burden is not unreasonable.¹⁶⁵ No case has ever been adjudicated in court on this point. However, Equality Body decisions in previous years established that failure to provide reasonable accommodation could amount to direct¹⁶⁶ as well as indirect discrimination.¹⁶⁷ The absence of any legislation specifically recognising the denial of reasonable accommodation as a form of disability discrimination in all areas of life was one of the issues flagged by the UN Committee on the Rights of Persons with Disabilities in its first observations regarding the implementation of the CRPD in Cyprus.¹⁶⁸

If one adopts the interpretation that breach of the duty to provide reasonable accommodation amounts to discrimination, it follows that a breach of such duty leads to the sanctions set out in the law on discrimination.¹⁶⁹ In the case of both discrimination and breach of the duty to provide reasonable accommodation, the sanctions are imposed where the perpetrator has acted without reasonable cause.¹⁷⁰ The Code of Conduct on Disability Discrimination in the Workplace issued by the Equality Body in 2010 explicitly states that the employer's failure to adopt reasonable accommodation measures amounts to unlawful discrimination and, as with all other forms of discrimination, is punishable with a fine of up to EUR 6 834 (CYP 4 000) or imprisonment for up to six months.¹⁷¹

There is no explicit provision in the law for the reversal of the burden of proof in cases where there is a breach of the duty to provide reasonable accommodation. However, if one adopts the view that breach of this duty amounts to discrimination, the reversal of the burden of proof set out in the law for discrimination cases¹⁷² applies. It should be noted that the burden of proof is reversed only in employment-related cases and not in fields beyond employment.

No case on reasonable accommodation has been ever tried by the courts. However, the Equality Body's decisions on this issue have considered the failure to meet this duty as

¹⁶⁵ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000), Article 5(1A). Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁶⁶ Equality Authority (2015), *Report on discriminatory treatment of employee at CyBC on the ground of his disability*, File No. A.K.I. 31/2014.

¹⁶⁷ Equality Authority, File No. 9/2007, 12 September 2007.

¹⁶⁸ UN Committee on the Rights of Persons with Disabilities (2017), *Concluding observations on the initial report of Cyprus*. Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fCYP%2fCO%2f1&Lang=en.

¹⁶⁹ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000), Article 9(3). Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁷⁰ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000), Article 9(3). Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

¹⁷¹ Equality Authority (2010), 'Κώδικας καλής πρακτικής για τις διακρίσεις λόγω αναπηρίας στην εργασία και την απασχόληση' (Code of good practice on discrimination on the ground of disability in employment and occupation). Available at [www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/All/669E5CF7773B0F07C2257E7E003EB897/\\$file/Codepracticedisabilityemployment.pdf](http://www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/All/669E5CF7773B0F07C2257E7E003EB897/$file/Codepracticedisabilityemployment.pdf).

¹⁷² Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000), Article 9A. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

discrimination prohibited by law, even before the 2007 change in the law, which rendered the duty to provide reasonable accommodation as a binding obligation on the employer.

- e) Duties to provide reasonable accommodation in areas other than employment for persons with disabilities
 - In Cyprus, there is a conditional duty to provide reasonable accommodation for persons with disabilities outside the employment field.¹⁷³ The 2014 amendment to the disability law, which extended the duty to provide reasonable accommodation to a number of areas beyond employment, falls short of creating a mandatory regime as is the case with the duty in employment. The different treatment afforded by the law to the different fields of application may be explained by the fact that under the EU *acquis*, reasonable accommodation is only mandatory in employment, while the extension of this duty to fields beyond employment was the result of lobbying from the disability movement. In light of the economic crisis, the defence of the disproportionate burden is likely to be successfully invoked by service providers or merchants in court in order to avoid any kind of expenditure. The definition of 'disproportionate burden' in fields beyond employment does not differ from that used in the context of employment. Recent Equality Body responses to accessibility gaps and to reasonable accommodation beyond employment include:
 - The failure of health-care providers to render their buildings accessible to persons with disabilities was deemed to be discrimination on the ground of disability in the field of health care, which falls under the Ombudswoman's mandate.¹⁷⁴
 - The failure of a school to replace the support person of a student with a disability for three months after the support person resigned was held to be discrimination in access to education. The fact that the student was escorted to school by his mother and his home nurse was not deemed to discharge the obligation of the state to provide an escort for the child.¹⁷⁵
 - The failure of the municipal authority to designate public toilets in a private building as accessible for visitors or residents with disabilities.¹⁷⁶
- f) Duties to provide reasonable accommodation in respect of other grounds

In Cyprus, there is no legal duty to provide reasonable accommodation in respect of other grounds in either the public or the private sector.

Exemption of students from religious classes at schools has been part of educational policy for several years, initially in order to accommodate students of non-Christian orthodox religion but increasingly in order to accommodate students who request exemption without specifying the reason. In previous years, the Equality Body issued a number of decisions

¹⁷³ Law Amending the Law on Persons with Disabilities. N. 63(I)/2014, 23 May 2014. Available at http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=100626.

¹⁷⁴ Cyprus, Commissioner for Administration and Protection of Human Rights (2025), 'Ετήσια Έκθεση Γραφείου Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων, υπό την ιδιότητα της Επιτρόπου ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων 2023' (Annual Report of the Office of the Commissioner for Administration and Protection of Human Rights, in her capacity as Commissioner for Equality and Anti-Discrimination 2023), 15 January 2025, p. 80.

¹⁷⁵ Cyprus, Commissioner for Administration and Protection of Human Rights (2025), 'Ετήσια Έκθεση Γραφείου Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων, υπό την ιδιότητα της Επιτρόπου ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων 2023' (Annual Report of the Office of the Commissioner for Administration and Protection of Human Rights, in her capacity as Commissioner for Equality and Anti-Discrimination 2023), 15 January 2025, p. 96.

¹⁷⁶ Cyprus, Commissioner for Administration and Protection of Human Rights (2025), 'Ετήσια Έκθεση Γραφείου Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων, υπό την ιδιότητα της Επιτρόπου ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων 2023' (Annual Report of the Office of the Commissioner for Administration and Protection of Human Rights, in her capacity as Commissioner for Equality and Anti-Discrimination 2023), 15 January 2025, p. 108.

recognised the right to be exempted from the religious class and criticised official policies victimising students who requested it. This approach taken by the Equality Body was premised more on the conviction that religion is a sensitive issue, rather than on an interpretation of the law as granting such a right. In its reports, the Equality Body does not cite the anti-discrimination laws, which do not impose a duty to provide reasonable accommodation on the ground of religion. Instead, it cites Article 18 of the Cypriot Constitution, which provides that all religions are equal before the law;¹⁷⁷ Article 14 of the International Convention on the Rights of the Child; and Article 9 of the ECHR.¹⁷⁸ The most important interventions by the Equality Body are as follows:

- In December 2005, it criticised the practice of restricting pupils exempted from religion class to the library and recommended that a more creative occupation be sought for the exempted pupils.¹⁷⁹ To date, the recommendation on creative occupation has not been implemented.
- In 2010, it criticised a procedure used for exemption that had led to the stigmatisation of the student who had requested it.¹⁸⁰
- In 2012, it issued a decision against a school that repeatedly sanctioned and expelled an exempted pupil for leaving the classroom during the religious lesson. The Equality Body threatened the school with fines for every day of non-compliance with its recommendations.¹⁸¹

In 2016, the Ministry of Education introduced a policy providing for automatic exemption from religion class for non-Christian Orthodox students and for applications for exemption for other reasons 'to be examined individually'.¹⁸² There are no published rules, guidelines or criteria on how applications for exemptions are to be assessed.

Official policy on exemptions had also been flagged as an 'issue of concern' by the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) in its Fourth Opinion on Cyprus, criticising both the procedure for securing exemptions as well as the failure of schools to provide creative activities for exempted students, which has made parents reluctant to pursue exemptions for fear that their children will be marginalised.¹⁸³

¹⁷⁷ Constitution of the Republic of Cyprus, Article 18. Available at <http://cylaw.org/nomoi/enop/non-ind/syntagma/full.html>.

¹⁷⁸ Anti-discrimination Authority, Report No. 31/2005, 2 November 2005.

¹⁷⁹ Anti-discrimination Authority, Report No. 31/2005, 2 November 2005.

¹⁸⁰ Anti-discrimination Authority, Report No. 135/2009, 7 November 2010.

¹⁸¹ Anti-discrimination Authority, Report No. AKR 93/2012, 3 December 2012.

¹⁸² Ministry of Education, *Procedure for securing exemptions from classes*, 15 September 2016. Available at <http://enimerosi.moec.gov.cy/archeia/1/ypp4633a>.

¹⁸³ Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2015), *Fourth Opinion on Cyprus*. Available at <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680483b48>.

3 PERSONAL AND MATERIAL SCOPE

3.1 Personal scope

No discrimination-related issues arose during the reporting period stemming from the use of artificial intelligence or other automated systems.

3.1.1 EU and non-EU nationals (Recital 13 and Article 3(2), Directive 2000/43 and Recital 12 and Article 3(2), Directive 2000/78)

In Cyprus, there are no residence or citizenship/nationality requirements for protection under the relevant national laws transposing the directives. National legislation, however, has incorporated the directives' residence/citizenship/nationality preconditions for protection under the relevant national laws transposing the directives. Each of the three laws transposing the two directives provides that its scope does not cover differential treatment due to nationality; nor does it affect provisions or conditions regarding the entry and stay of third country nationals and stateless persons, or the treatment derived from the legal status of such third country nationals or stateless persons.¹⁸⁴

In spite of the above, Protocol No. 12 to the ECHR, which Cyprus has ratified, guarantees 'the enjoyment of all rights set forth by law' without discrimination, *inter alia*, against 'national or ethnic origin'. Under Law 42 (1)/2004, which establishes the Equality Body, there are no residence or citizenship/nationality prerequisites in the Equality Body's mandate in order to extend protection under the national laws transposing the directives. The Equality Body is empowered to promote equality in the enjoyment of rights and freedoms safeguarded by the Cypriot Constitution (Part II) or by the conventions ratified by Cyprus and referred to in the law,¹⁸⁵ irrespective of race, community, language, colour, religion, political or other beliefs, national or ethnic origin.¹⁸⁶ In previous years, the Equality Body opined that 'racial or ethnic origin' must be seen as including EU citizens¹⁸⁷ and cited the transposing legislation of this Directive when it handled complaints from EU citizens.¹⁸⁸

Article 32 of the Constitution stipulates that 'nothing in this Part¹⁸⁹ contained shall preclude the Republic from governing by law any matter relating to aliens in accordance with international law.' This provision, combined with the far-reaching provisions of Cypriot immigration law, is often implemented with a tendency to considerably enlarge the scope of state discretion and state sovereignty.

Although the law transposing the Racial Equality Directive has transposed verbatim the Directive's Article 3(2), differential treatment that is not solely related to a victim's legal status must be seen as protected. In 2017, the Child Commissioner issued a report on the conditions of eligibility for child welfare benefit, ruling that the requirement of prior

¹⁸⁴ Law on Equal Treatment in Employment and Occupation (*Ο Περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*), 2004 N. 58(I)/2004, Article 5(1). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html; Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000, Article 3A(3). Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf; Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ίσης μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 4(2). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html.

¹⁸⁵ These conventions are: Protocol No. 12 to the European Convention for Human Rights and Fundamental Freedoms; the International Convention on the Elimination of All Forms of Racial Discrimination; the Framework Convention for the Protection of National Minorities; the Covenant for Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

¹⁸⁶ The Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/ 2004, Article 3(1)(b), Part I, 19 March 2004.

¹⁸⁷ Letter from Equality Authority to the author, 12 November 2015, Ref. A.I.M.5.7.02.01.

¹⁸⁸ Position of the Commissioner for Administration and Human Rights regarding complaints to the Equality Authority Nos. A.K.I. 49/2013 and A.K.I. 52/2013 regarding unlawful discrimination on the ground of national origin in the field of access to employment, 10 December 2015. No longer available online.

¹⁸⁹ Part II of the Constitution contains the human rights and fundamental freedoms.

residence amounts to discrimination as prohibited by various instruments, including the Racial Equality Directive.¹⁹⁰

In 2022, the Child Commissioner issued a report in response to complaints submitted to her office regarding the refusal to grant nationality to children born to parents where one is a Cypriot. In most cases, one parent was a Greek-Cypriot and the other from a third country. The authorities' justification for rejecting citizenship applications was that the third country parent had entered Cyprus from an illegal airport in the areas not controlled by the Republic of Cyprus. In addition, citizenship applications for children were rejected or refused submission even where the third country parent had entered Cyprus lawfully, provided that the third country of origin was Turkey. Applications for citizenship take several years to be examined; meanwhile, the children are left without Cypriot nationality or, in some cases, stateless.¹⁹¹ When seen through the lens of the Racial Equality Directive, this is not merely a case of nationality discrimination falling under the exception of the Directive: it is a case of the state denying a service, in this case nationality, to a specific group of children when all prerequisites are met, for no apparent reason other than their race and/or ethnicity. A careful reading of the cases listed by the Child Commissioner suggests that nationality may be a proxy for ethnicity or race. A number of Equality Body decisions in the past have ruled that the practice of the authorities in following a different procedure for issuing birth certificates for children born to Turkish Cypriot and Turkish parents and for the marriage of Turkish Cypriots and Turkish nationals amounts to direct discrimination as prohibited by law.¹⁹² A number of ECtHR decisions have also established that the situation resulting from an armed conflict is not valid justification for less favourable treatment of members of a certain ethnic group.¹⁹³ Although the granting of nationality is discretionary, it is a public service falling within the scope of the Racial Equality Directive,¹⁹⁴ which essentially limits such discretion, rendering it imperative that it be exercised without discrimination on any of the protected grounds.

In March 2025, the Child Commissioner issued another report on the granting of nationality to children from mixed marriages, in response to complaints from 62 families concerning 63 children. The reason for the complaints was, again, denial of nationality on the basis that the third-country parent had entered or resided in Cyprus illegally.¹⁹⁵ The Commissioner's report states that, despite the granting of citizenship being discretionary in national law, one of the most common criteria for doing so has always been the Cypriot nationality of one parent.¹⁹⁶ Nevertheless, the policy followed by the Interior Ministry was to deny automatic citizenship to children of mixed marriages where the non-Cypriot parent entered or resided in the country unlawfully, in which case the Council of Ministers must decide on whether citizenship will be granted. The report noted the following:

- Every child has the right to a nationality, which derives from the UN Convention on the Rights of the Child, the ECHR and the International Covenant on Civil and Political

¹⁹⁰ Commissioner for the Rights of the Child (2017), *Report of the Commissioner for the Rights of the Child regarding the precondition of residence for a specific time in the areas controlled by the Republic of Cyprus for the provision of social welfare grants*. Available at www.childcom.org.cy/ccr/ccr.nsf/All/12C85642ECC6B291C22582D3003A7EC6?OpenDocument.

¹⁹¹ Commissioner for the Protection of the Rights of the Child, letter to the Minister of the Interior dated 12 October 2022, provided to the FRANET contractor upon request. Not available on line.

¹⁹² Equality Body (2014), Decision of the Anti-racism Authority Ref. AKP 71/2013, 6 October 2014; Decision of the Anti-racism Authority No. Doc. AKP 71/2013, 6 October 2014.

¹⁹³ European Court of Human Rights, *Dokic v Bosnia and Herzegovina*, No. 6518/04, 27 May 2010; European Court of Human Rights, *Vassiliou and Others v Cyprus*, No. 58699/15, 31 August 2021.

¹⁹⁴ Court of Justice of the European Union, *CHEZ Razpredelenie Bulgaria AD v. Komisia za zashtita ot diskriminatsia*, Case C-83/14, 16 July 2015. Available at http://curia.europa.eu/juris/document/document_print.jsf?doclang=EN&text=&pageIndex=0&part=1&mod=e=lst&docid=165912&occ=first&dir=&cid=400263.

¹⁹⁵ Commissioner for the Rights of the Child (2025), *Πόρισμα Επιτρόπου, αναφορικά με τη μη παροχή υπηκοότητας σε παιδιά με έναν γονέα Κύπριο και τον/τη δεύτερο/η γονέα με παράνομη είσοδο/διαμονή στην Κυπριακή Δημοκρατία* (Commissioner's conclusion regarding the non-granting of citizenship to children with one Cypriot parent and the second parent illegally entering/residing in the Republic of Cyprus, 5/3/2025).

¹⁹⁶ Population Registry Law of 2002 (*Ο Περί Αρχείου Πληθυσμού Νόμος του 2002*) No. 141(I)/2002, Article 109.

- Rights. Policies and practices with an arbitrary or disproportionate impact on the rights of children born or growing up in Cyprus infringe these instruments.
- The long and unjustified delays in examining citizenship applications submitted by children not only impacts the children's sense of security and access to rights but places the children at risk of being unable to obtain citizenship upon maturity, because their residence permit will have expired by then.
 - In 2025, there were more than 700 applications pending that met the criteria for the granting of citizenship. In 2024, only 96 citizenship applications falling within the approved criteria were examined. This means that for some children who are by law entitled to citizenship, the process will take seven years to complete.
 - There are categories of applicants that are, in practice, excluded from citizenship, because one parent holds an international protection status and is deemed to have entered the country illegally.
 - In some cases, the authorities refused to even receive citizenship applications, particularly from children with one Turkish Cypriot parent and one who is a Turkish national, in violation of constitutional provisions casting a duty on the authorities to respond to applications or requests within a reasonable time. The Commissioner asked the Interior Ministry to clarify the reason for the differential treatment of the applicant children with one parent who is a Turkish national. The Commissioner reported that she would await the Ministry's response before issuing her position on this practice.¹⁹⁷

3.1.2 Natural and legal persons (Recital 16, Directive 2000/43)

a) Protection against discrimination

In Cyprus, the personal scope of anti-discrimination law covers persons for the purpose of protection against discrimination, provided they meet the definitions in the relevant laws. In the case of disability, the definition is clearly met only by natural persons.¹⁹⁸

Similarly, only natural persons are protected from religious, age or sexual orientation discrimination in the workplace,¹⁹⁹ since only natural persons meet the definition of an employee. With regard to race/ethnic origin: although no explicit provision is made in the law as to whether victims of racial or ethnic discrimination can be legal or only natural persons, there is no reason why protection may not be extended to organisations of persons who are victims of racial or ethnic discrimination. The law offers explicit protection to individuals who are treated disadvantageously due to their ethnic or racial origin²⁰⁰ and, in line with Article 7(2) of the Racial Equality Directive, organisations may apply to court on behalf of such individuals.²⁰¹

b) Liability for discrimination

In Cyprus, the personal scope of anti-discrimination law covers natural and legal persons for the purpose of liability for discrimination in all fields and on all five grounds. The disability law defines 'employer' as any legal or natural person in the public or private sector.²⁰² An identical definition of the term can also be found in the law prohibiting employment discrimination.²⁰³ The scope of the law prohibiting racial and ethnic discrimination in fields beyond employment includes 'all persons in the public and private

¹⁹⁷ Commissioner for the Rights of the Child (2025), [*Πρόγραμμα Επιτρόπου, αναφορικά με τη μη παροχή υπηκοότητας σε παιδιά με έναν γονέα Κύπριο και τον/τη δεύτερο/η γονέα με παράνομη είσοδο/διαμονή στην Κυπριακή Δημοκρατία*](#) (Commissioner's conclusion regarding the non-granting of citizenship to children with one Cypriot parent and the second parent illegally entering/residing in the Republic of Cyprus, 5/3/2025).

¹⁹⁸ [Law on Persons with Disabilities](#) No. 127(I)/2000, Article 2.

¹⁹⁹ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 2.

²⁰⁰ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Articles 2 and 5(1).

²⁰¹ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 12.

²⁰² Law on Persons with Disabilities No. 127(I)/2000, Article 2.

²⁰³ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 2.

sector'.²⁰⁴ The provisions on criminal sanctions, which are identical in all three laws, explicitly state that legal persons as well as natural persons can be liable for discrimination.²⁰⁵ The fines which the court may impose vary depending on whether the perpetrators are natural or legal persons. Natural persons may be fined up to EUR 6 835 (CYP 4 000) and/or sentenced to six months' imprisonment, or both.²⁰⁶ If a legal person is found guilty of discrimination, the managing director, chairperson, director, secretary or other privileged officer of the legal personality or organisation are liable for the actions of the legal person and fined up to EUR 6 835 (CYP 4 000) and/or sentenced to six months' imprisonment, or both, provided that it can be established that the offence was committed with their consent or collaboration or mere tolerance. In addition, the legal person can be fined by up to EUR 11 962 (CYP 7 000).²⁰⁷ There is also a provision for 'gross negligence' with fines of up to EUR 3 417 (CYP 2 000) for individuals and EUR 6 835 (CYP 4 000) for legal persons.²⁰⁸

3.1.3 Private and public sector including public bodies (Article 3(1))

a) Protection against discrimination

In Cyprus, the personal scope of national anti-discrimination law does not explicitly cover the private or public sector or public bodies for the purpose of protection against discrimination. No explicit provision is made in legislation as to who is protected from discrimination, but the definition of discrimination in all laws transposing the two equality directives refers to 'persons', which precludes public bodies. The scope of the law covers persons in the public and private sector including public bodies, local governance bodies and organisations of public and private law.²⁰⁹

b) Liability for discrimination

In Cyprus, the personal scope of national law covers both the private and public sector, including public bodies, for the purpose of liability for discrimination. Law 58(I)/2004 (employment field, all grounds except for disability) defines (in Article 2) an employer as meaning 'the Government of the Republic, the local self-governance authorities and any natural or legal person or organisation of public or practice law in any public or private sector or industry which employed or employs workers.' An identical provision is found in Article 2 of the Law on Persons with Disabilities 127(I)/2000. Law 59(I)/2004 (race/ethnic origin, fields beyond employment) defines in Article 4(1) the scope of the law as covering all persons in the public and private sector, including public bodies, local self-governance authorities and public and private law organisations in the fields of social protection, healthcare, social provision, education and access to goods and services.

3.2 Material scope

No discrimination-related issues arose during the reporting period stemming from the use of artificial intelligence or other automated systems.

²⁰⁴ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 4(1).

²⁰⁵ Law on Persons with Disabilities No. 127(I)/2000 Article 5(5); Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 15(2); Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 13(2).

²⁰⁶ Law on Persons with Disabilities No. 127(I)/2000 Article 5(4); Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 15; Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 13.

²⁰⁷ Law on Persons with Disabilities No. 127(I)/2000; Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Articles 15(1) and 15(2); Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Articles 13(1) and 13(2).

²⁰⁸ Law on Persons with Disabilities No. 127(I)/2000 Articles 5(4) and 5(5); Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 13(3).

²⁰⁹ Law on Equal Treatment in Employment and Occupation 58(I)/2004, Article 2; Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)2004, Article 2; Law on Persons with Disabilities N. 127(I)/2000, Article 2.

3.2.1 Conditions for access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, whatever the branch of activity and at all levels of the professional hierarchy (Article 3(1)(a))

In Cyprus, national legislation prohibits discrimination in relation to access to employment, to self-employment or to occupation, including selection criteria, recruitment conditions and promotion, access to vocational guidance and training, including practical work experience, employment and working conditions, including dismissals and pay, membership of an organisation of workers or employers, or any organisation whose members engage in a particular profession, including the benefits provided for by such organisations, whatever the branch of activity and at all levels of the professional hierarchy, for the five grounds in both the private and public sectors, as described in the directives.²¹⁰ Gender identity, gender expression and/or sex characteristics are not protected grounds under the non-discrimination laws. Age limits in job advertisements have been repeatedly found to amount to discrimination, both by the courts and by the Equality Body,²¹¹ albeit the compensation awarded by the courts was nominal, as the courts have interpreted the margin of the loss sustained by the victim very narrowly.²¹² The law offers protection to self-employed persons only as regards access to their profession or trade. For all other types of protection, the term 'working person' is interpreted to exclude self-employed persons. The prohibition of discrimination in access to a profession was interpreted in the past to include permits and requirements to practice a profession where there were no procedures in the countries of origin for acquiring the required certifications.²¹³

Despite the formal adoption of the four main laws on anti-discrimination, there are no provisions for the facilitation or improvement of conditions for access as required by Article 3(1)(a) of the Employment Equality Directive.

3.2.2 Employment and working conditions, including pay and dismissals (Article 3(1)(c))

In Cyprus, national legislation prohibits discrimination in working conditions, including pay and dismissals, for all five grounds and for both private and public employment.²¹⁴ Gender identity, gender expression and/or sex characteristics are not explicitly covered by legislation.

3.2.3 Access to all types and all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience (Article 3(1)(b))

In Cyprus, national legislation prohibits discrimination in vocational training outside the employment relationship, such as adult lifelong learning courses or vocational training provided by technical schools or universities. There is no legislation prohibiting discrimination on the ground of gender identity/expression or sex characteristics in any field.

²¹⁰ Law on Persons with Disabilities No. 127(I)/2000), Article 5(1)(a); Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 4(a).

²¹¹ Equality Authority, Report No. AKI 30/2011, 23 May 2012.

²¹² Appeal Court, *Avgoustina Hajiavraam v. The Cooperative Credit Company of Morphou (Αυγουστίνα Χατζηαβραάμ v. Συνεργατική Πιστωτική Εταιρεία Μόρφου)*, Appeal No. 287/2008, 11 July 2011.

²¹³ Equality Authority (2016), *Report on discrimination prohibited by law on the ground of national origin in the field of access to occupation and specifically in the profession of assistant estate agent*, [http://www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/All/0A43E06B44C84602C225846C0039D657/\\$file/%CE%91%CE%9A%CE%9922%2016%2015042016.doc?OpenElement](http://www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/All/0A43E06B44C84602C225846C0039D657/$file/%CE%91%CE%9A%CE%9922%2016%2015042016.doc?OpenElement), File number A.K.I.22/2016.

²¹⁴ Law on Persons with Disabilities No. 127(I)/2000), Article 5(1)(c); Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 4(c).

The Law on Persons with Disabilities prohibits discrimination in access to all kinds and levels of vocational guidance, vocational training, educational training, reorientation and professional apprenticeship.²¹⁵ The Law on Equal Treatment in Employment and Occupation contains an identical provision as regards the remaining four grounds.²¹⁶

Neither of the aforementioned provisions specifies whether or not such training must be part of an employment relationship. In the absence of a provision restricting the scope to training within employment, it may safely be assumed that the law extends to vocational training outside the employment relationship, such as that provided by technical schools or universities or other educational establishments, including lifelong learning courses. The Equality Body has interpreted this provision as including training outside and independently of an employment relationship: in a legal opinion supplied by the Equality Body in 2006 upon the request of a Government department, it was established that the anti-discrimination laws apply to access to training even if this does not take place within an employment relationship.²¹⁷ Other Equality Body decisions have found unlawful discrimination in the fixing of an age limit for applying for state scholarships and in the exclusion of persons with disabilities from admission to the state nursing school. The Equality Body has also clarified that access to a lifelong learning course amounts to access to vocational training.²¹⁸

3.2.4 Membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations (Article 3(1)(d))

In Cyprus, national legislation prohibits discrimination in relation to membership of, and involvement in, workers' or employers' organisations as formulated in the directives for all five grounds and for both private and public employment.²¹⁹ Gender identity/expression or sex characteristics are not protected grounds. In 2022, the Equality Body found that 'membership of an organisation of workers' includes eligibility to stand for election at the board of the organisation; and issued a binding decision against the union of journalists for excluding from its board those members who were not exercising the profession.²²⁰

3.2.5 Social protection, including social security and healthcare (Article 3(1)(e) Directive 2000/43)

In Cyprus, national legislation prohibits discrimination in social protection, social security and healthcare as formulated in the Racial Equality Directive.

National law explicitly prohibits discrimination in the field of social protection, social security and healthcare only on the grounds of race/ethnic origin.²²¹ An exception to the general prohibition is made in two laws transposing the Employment Equality Directive (Law on Persons with Disabilities and Law on Equal Treatment in Employment and Occupation) for payments made by state schemes or similar, as in Article 3(3) of the Employment Equality Directive. The Equality Body's mandate extends to discrimination in the field of social protection on the grounds of religion/belief, age, disability and sexual

²¹⁵ Law on Persons with Disabilities No. 127(I)/2000, Article 5(1)(b).

²¹⁶ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 4(b).

²¹⁷ Equality Authority, Report No. AKI 28/2006, 20 September 2006.

²¹⁸ Equality Authority, Report No. A.K.I. 74/2009, 22 November 2010.

²¹⁹ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 4(d); Law on Persons with Disabilities No. 127(I)/2000, Article 5(1)(d).

²²⁰ Commissioner for Administration and Human Rights (2022), *Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρώπινων Δικαιωμάτων αναφορικά με διακριτική μεταχείριση των συνταξιούχων τακτικών μελών της Ένωσης Συντακτών Κύπρου, ένεκα της στέρησης του δικαιώματος του εκλέγεσθαι* (Report of the Commissioner for Administration and Protection of Human Rights regarding discriminatory treatment of retired regular members of the Cyprus Union of Journalists, due to the deprivation of the right to vote), 18 November 2022.

²²¹ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 4(1).

orientation, as well as to all rights protected by the Constitution, including Article 28, with its far-reaching, open-ended grounds. In the past, the Equality Body has repeatedly used this mandate to intervene and to examine complaints. Protocol No. 12 to the ECHR, which assumes additional momentum through the powers granted to the Equality Body,²²² prohibits discrimination on all grounds protected under the protocol on social protection, social security and medical care, without any of the exceptions permitted by the directives. Despite the broad ambit of the mandate, there is little in the law imposing binding obligations on the Equality Body, forcing it to take action in particular circumstances or imposing timelines for responding to complaints. This can result in situations in which the Equality Body can remain inactive and refrain from examining complaints for years, without any effective mechanism to trigger an investigation or protect victims, rendering the institution entirely reliant on the discretion and independence of the person in charge. Although Article 28 of the Constitution is also broad in scope, its applicability has been severely limited over the years as a result of judicial interpretation restricting its scope to discrimination that is 'unreasonable', and often failing to prohibit differential treatment on protected grounds, such as disability.

Between 2010 and 2016, several decisions were issued by the Equality Body and by the courts on access to social protection, highlighting a tendency to impose age limits in schemes as part of an effort to restrict public expenditure. Two landmark Equality Body decisions in 2010 established that setting the age limit at 65 for funding radical prostatectomy procedures and setting the age limit at 40 as a condition of eligibility for financial support for artificial insemination were both discriminatory.²²³ This principle was confirmed in a 2012 Supreme Court decision, which ruled that an age limit for eligibility in a public assistance scheme amounted to unlawful discrimination.²²⁴ In 2015, the Court found that an age criterion in a disability scheme amounted to discrimination and that the justification of 'poor state of public finances' was insufficient to fall within the exceptions set out by the directives.²²⁵

The change of Government in 2013 brought several policy changes that led to a deterioration in reception conditions for asylum seekers, including access to welfare. In 2016, the Ombudswoman ruled that the discontinuation of benefits for vulnerable female asylum seekers as a result of their refusal to take up harsh and unsuitable jobs amounted to indirect discrimination on the grounds of gender, race, culture, health and religion;²²⁶ the Government ignored the decision and continued to apply the policy. In 2017, the Child Commissioner issued a groundbreaking decision, ruling that the precondition of the prior residence requirement in order to access welfare was discriminatory and unlawful. The decision examined three different welfare schemes: the minimum guaranteed income, which requires five years of residence in the Republic-controlled part of Cyprus prior to submission of the application;²²⁷ the single parent benefit, which also requires five years of residence; and the child benefit law,²²⁸ which required three years of prior residence at the time,²²⁹ with the requirement extended to five years from 2018 onwards. The Child Commissioner had previously raised concerns about the compatibility of the prior residence requirement with the Racial Equality Directive and other human rights instruments in the

²²² Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (*Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος*) No. 42(I)/2004, Article 6(2)(e).

²²³ Equality Body, Decision dated 24 November 2010, Ref. AKR 164/2008; Decision dated 27 April 2010 Ref. AKR 63/2010 and Ref. A.K.R. 126/2009, respectively.

²²⁴ Supreme Court, *Mikis Lakatamitis v. Republic of Cyprus through the Minister of Finance* (*Μίκης Λακαταμίτης v. Υπουργείου Οικονομικών*), Case No. 1477/2010, 4 September 2012.

²²⁵ Supreme Court, review jurisdiction, *Petros Michaelides v. Republic of Cyprus through the Minister of Labour and Social Insurance*, Case No. 2005/2012, 27 January 2016.

²²⁶ Ombudswoman, Commissioner for Administration and Human Rights (2016), *Report on access by women asylum seekers to labour and social welfare*, File No. A/P 1799/2016. No longer available online.

²²⁷ *Law on Minimum Guaranteed Income*.

²²⁸ Law on the Provision of Child Benefit of 1987 (*Ο περί Παροχής Επιδόματος Τέκνου Νόμος του 1987*) N. 314/1987.

²²⁹ Ministry of Labour, Welfare and Social Insurance, Department of Social Welfare Benefits, information on completing an application for a child benefit. No longer available online.

context of a parliamentary discussion for the bill purporting to amend the child benefit law, pointing out that the prior residence requirement amounts to an apparently neutral criterion that effectively excludes vulnerable children from welfare.²³⁰ However, her concerns were ignored by Parliament, which proceeded with the adoption of the law. The Child Commissioner's report referred to the ECtHR ruling of 2005 in *Niedzwiecki v. Germany*, in which the Court found that eligibility requirements involving extended prior residence for the granting of child benefits to EU citizens amounted to discrimination prohibited by ECHR Articles 8 and 14. The report further found that the EU Charter (Articles 21 and 34.3) must be seen as applicable in this case since it concerns social assistance to EU citizens and third country nationals whose legal status is governed by the EU *acquis*.

Gender identity/expression or sex characteristics are not protected grounds.

Introduction of a EUR 100 fee for persons in an irregular situation accessing emergency medical care

In April 2025, Parliament unanimously adopted a bill enabling the board of the State Health Service Organisation to determine its charges for health services outside the national health system.²³¹ During the parliamentary discussions that preceded the adoption of this bill, the State Health Service Organisation told parliamentarians that it sought to be able to charge persons who are not eligible for free health care, such as tourists. It quickly transpired that the new policy was affecting not tourists, most of whom had medical travel insurance or were able to pay the hospital fee, but rather persons residing in Cyprus in an irregular situation – a status that often serves as a proxy for race or ethnicity.²³² According to the media, as soon as the new policy came into effect, emergency wards of hospitals started turning away high numbers of undocumented people from third countries who could not pay the hospital registration fee of EUR 100, including severely ill persons and children with broken limbs.²³³

a) Article 3(3) exception (Directive 2000/78)

National law relies on the exception in Article 3(3) of the Employment Equality Directive for disability, age, sexual orientation and religion or belief.

The scope of the transposing legislation excludes differential treatment based on all types of provisions paid by state schemes or schemes similar to these, including state social insurance or social protection schemes. The exception does not extend to professional social protection schemes or to differential treatment on the ground of racial or ethnic origin, which are protected by the non-discrimination legislation.²³⁴

3.2.6 Social advantages (Article 3(1)(f) Directive 2000/43)

In Cyprus, national legislation prohibits discrimination in social advantages only for racial or ethnic origin, as formulated in the Racial Equality Directive; other grounds are not protected in this field.²³⁵ The term 'social advantage' was translated by the official translation unit of the European Commission as 'social provisions' and finds its way into

²³⁰ Commissioner for the Rights of the Child, [Memorandum of the Commissioner for the Rights of the Child to the Parliamentary Committee on Labour, Welfare and Social Insurance](#), 20 June 2017.

²³¹ [Establishment of the State Health Services Organization \(Amendment\) \(No. 2\) Law of 2024](#) (Ο περί Ίδρυσης Οργανισμού Κρατικών Υπηρεσιών Υγείας (Τροποποιητικός) (Αρ. 2) Νόμος του 2024), 10 April 2025.

²³² de Schutter, O. (2009), [Links between migration and discrimination](#), European Network of Legal Experts in the Non-Discrimination Field, Luxembourg, Publications Office of the European Union. doi:10.2767/77495.

²³³ Mantzipa, I. (2025), 'Προκαταβολή €100 στα ΤΑΕΠ για μη δικαιούχους του ΓεΣΥ – Ποιους αφορά και πώς τοποθετείται ο ΟΚΥνηΥ' (€100 advance payment to Emergency Wards for non-GESY beneficiaries – Who is affected and what is the position of OKYPY?), *Phileleftheros*, 16 May 2025.

²³⁴ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 5(3).

²³⁵ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 4(c).

the national legislation in this form. Gender identity, gender expression and/or sex characteristics are not explicitly covered by legislation.

'Social provision' or 'social advantage' is not explicitly included in the scope of the Equality Body's mandate, which explicitly covers all areas (save for 'social advantage') covered by Article 3 of the Racial Equality Directive. Social advantage may, however, be implied in the mandate of the Equality Body as this covers 'any field whatsoever'.²³⁶ To the extent that 'social advantage' is state-provided, the Office of the Ombudswoman (which is also the national Equality Body) is empowered to deal with it, as part of its mandate to investigate allegations for maladministration in the public sector.

Despite the Supreme Court decision in *Tetyana Tomko v. Republic of Cyprus*,²³⁷ which established that differential treatment based on place of residence (i.e. in the north or south of Cyprus) is unlawful, the approach followed by the courts²³⁸ and the Equality Body is that persons residing in the north of Cyprus, in other words Turkish Cypriots, are not entitled to state benefits, even if they work in the south and pay their social insurance contributions to the state.²³⁹ In *Gonul Ertalu & Imge Ertalu v. Ministry of Finance*, the claimant's application for a student grant was rejected because eligibility depends on residence in the south of the country and the claimant was a Turkish Cypriot residing in the north.²⁴⁰ The court followed the same approach in *Nebil Yilmaz Aziz Guvenler & Ahmet Guvenler v. Ministry of Finance*. The claimant's argument that the law was unconstitutional for violating the equality principle was rejected because, in the absence of a positive legislative provision entitling the claimant to a student grant, the claimant will derive no benefit if the law is declared unconstitutional.²⁴¹

3.2.7 Education (Article 3(1)(g) Directive 2000/43)

In Cyprus, national legislation prohibits discrimination in education as formulated in the Racial Equality Directive. The national laws transposing the directives explicitly prohibit discrimination in education only in the case of race/ethnic origin.²⁴² Gender identity/expression or sex characteristics are not covered. However, the Equality Body's broad mandate extends to discrimination in, *inter alia*, education on the grounds of race or ethnic origin, religion, belief, community, language, colour, special needs (which covers disability), age and sexual orientation.²⁴³ In the past, the Equality Body had repeatedly applied this provision by finding in favour of complainants who alleged discrimination in education on the grounds of not only racial or ethnic origin but also sexual orientation, disability and religion. Disability-related decisions related mostly to accommodation measures for students with disabilities during exams,²⁴⁴ while religion-related decisions

²³⁶ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004, Article 6(2).

²³⁷ Supreme Court, *Tetyana Tomko v. The Republic of Cyprus*, Case No. 709/2006, 20 June 2007.

²³⁸ Supreme Court, *Mehmed and Meral Birinci v. Republic of Cyprus (Mehmed kai Meral Birinci v. Κυπριακή Δημοκρατία)* No. 911/2004, 14 February 2006.

²³⁹ Anti-discrimination Authority, Report No. A.K.R. 27/2005, 19 April 2006, in which the Equality Body found that the Finance Ministry's rejection of the complainant's application for child benefit was justified and that no discrimination existed, because it was not possible for the authorities to carry out the checks necessary to verify whether the information supplied by the applicant was true or not. The report also stated that those Turkish Cypriots residing in the areas under the control of the Government were not subjected to discriminatory treatment in the field of state benefits.

²⁴⁰ Supreme Court, *Gonul Ertalu & Imge Ertalu v. Ministry of Finance (Gonul Ertalu & Imge Ertalu v. Υπουργείου Οικονομικών)* Appeal No. 104/2008, 17 November 2011.

²⁴¹ Supreme Court, *Nebil Yilmaz Aziz Guvenler & Ahmet Guvenler v. Ministry of Finance*, Case No. 2411/2006, Appeal No. 73/2009, 2 February 2012.

²⁴² Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004. Article 4(1)(d).

²⁴³ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/ 2004, Article 6(2)(f).

²⁴⁴ Equality Authority, File No. AKI 24/2006, AKI 27/2006, 31 October 2006; Anti-discrimination Authority (2008), Report Ref. A.K.I. 37/2008, 8 October 2008.

concerned exemptions from religion class.²⁴⁵ The Equality Body has devoted special attention to homophobia in schools, offering a series of recommendations on systemic approaches for addressing the problem.²⁴⁶ In 2017, the Child Commissioner found that schools had a duty to provide accommodation for pupils with disabilities, criticising the school's decision to reduce the grades of a pupil who had received accommodation measures.²⁴⁷

The general approach to education for pupils with disabilities gives rise to problems. The courts do not take the view that special education infringes the right to education as safeguarded under the CRPD, admitting that they lack expertise to determine the best way to implement the right to education.²⁴⁸ Access to integrated education is stipulated as a basic right for all persons with disabilities, but failure to provide such a right is not deemed to be discrimination.²⁴⁹ The fragmentation in support services for both children with disabilities and their parents has led to a trend towards special education, where the provision of support services is free and more adequate. A 2025 Ombudswoman report, issued in the Ombudswoman's capacity as monitoring body under the CRPD, found that Article 24 of the CRPD safeguards the right of children with a disability to education without being excluded from the general system, and that the state is under a duty to provide reasonable accommodation to support children with disabilities in the general system of education and ensure their full inclusion. The report added that the CRPD does not specify which is the most suitable avenue for realising the right to inclusive education; however, the right to reasonable and individualised accommodation in line with the child's best interests must be respected. According to the report, there is no strict and uncompromising rule that children with disabilities must attend the general schooling system; however, the decisions of the Education Ministry must be in line with the principles of non-discrimination, equal opportunities and non-exclusion from the general educational system and the provision of reasonable accommodation.²⁵⁰

In February 2019, the Government proposed a bill purporting to amend the schooling system for children with disabilities, which up until then was based on the segregated model of special education.²⁵¹ The bill was met with a negative response from the Confederation of Disability Organisations (KYSOA) for promoting the entrenched separation and exclusion of children with disabilities from the education system.²⁵² It was nevertheless subjected to open consultation, and its final draft was published in May 2021 for a final consultation with stakeholders.

²⁴⁵ Anti-discrimination Authority (2014), *Έκθεση της Αρχής κατά των Διακρίσεων αναφορικά με τον σεβασμό της θρησκευτικής ελευθερίας στα σχολεία Δημοτικής και Μέσης Εκπαίδευσης* (Report on the respect for religious freedom in schools of primary and secondary education), File No. AKP 1/2014, AKP 6/2014, AKP 19/2014, AKP 73/2014, 18 June 2015. No longer available online.

²⁴⁶ Anti-discrimination Authority, Report No. AKR 63/2011, AKR 131/2011, 20 November 2012.

²⁴⁷ Commissioner for the Rights of the Child (2017), [Report of the Commissioner for the Rights of the Child Leda Koursoumba on the complaint regarding the reduction of the grades of a pupil who is granted accommodation due to disability](#), File No. G.E.P. 11.17.07.05.217. The report is discussed extensively in Section 2.6 above.

²⁴⁸ Administrative Court, *E.A. through her parents and guardians v. Republic of Cyprus through the Minister of Education and Culture*, Case No. 1594/2018, 2 September 2019.

²⁴⁹ Law on Persons with Disabilities No. 127(I)/2000), Article 4(d).

²⁵⁰ Commissioner for Administration and Protection of Human Rights (2025), *Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων, ως Ανεξάρτητος Μηχανισμός για την προώθηση, προστασία και παρακολούθηση της εφαρμογής της Σύμβασης για τα Δικαιώματα των Ατόμων με Αναπηρίες, αναφορικά με το δικαίωμα δύο παιδιών με αναπηρία στην εκπαίδευση* (Report of the Commissioner for Administration and Protection of Human Rights, as Independent Mechanism for the promotion, protection, and monitoring of the implementation of the Convention on the Rights of Persons with Disabilities, regarding the right of two children with disabilities to education), 28 November 2025.

²⁵¹ Bill on the Unified Education (Support Structures) Act 2019 (*Ο Περί Ενιαίας Εκπαίδευσης (Δομές Υποστήριξης) Νόμος του 2019*). Not available online.

²⁵² KYSOA (2019), 'Statement from KYSOA and the Pancyprian Alliance on Disability: The position of the disability movement on the bill entitled "Law on special education (Support structures)" of 2019'.

In June 2021, the Child Commissioner published her comments regarding the compatibility of this bill with the CRPD, flagging a number of problems.²⁵³ The Child Commissioner cited the principle of best interests of the child and the right to non-discrimination under the UN Convention on the Rights of the Child. She also cited the duty under the CRPD not to exclude children from the general schooling system due to their disability, providing reasonable accommodation of the child's needs and the necessary support within the general education system to facilitate education under conditions of inclusion. Her report stressed that inclusive education is achieved not by changing the system only for children with specific characteristics, but by creating a system for all children at all levels of education. Instead, the proposed law focuses on 'support' rather than education; it does not define support, however, nor does it establish how this is connected to education. It does not reflect inclusive education as promoted in the General Comments of the UN Committees and the CRPD, but instead promotes an improvement of the current system of integrating children on the basis of their classification rather than creating a new system of inclusive education for all. Rather, the problematic features of the existing law and the segregated school structures in schools are maintained; the only change proposed is to replace the term 'integrated education' with the term 'inclusion' without the necessary institutional and infrastructural reform.

The proposed law maintains the nucleus of segregated education, proposing a 'better integration' rather than inclusive education; the bill cannot be viewed as educational reform, because it does not introduce substantial changes but merely a change in the terminology, indicating the absence of political will on the part of the competent authority to abolish segregation. The vague reference to innovative ideas without measurable criteria for implementation and without compliance duties does not provide added value for the legal tool. The Child Commissioner proposed specific changes in order to remove provisions which medicalise disability, place a disproportionate burden on teachers and create uncertainties and complicated models and structures. She called on the Government to present a fresh proposal in line with the CRPD and the specifications set by the competent UN Committees, and sent a copy of her position to the Ministry of Education, to Parliament and to the complainant organisations.

The organisations of parents of children with disabilities issued a joint statement calling on the Government to redraft the proposed law on the basis of the rights and philosophy of the CRPD and open dialogue with experts, academics, lawyers and civil society organisations. The press statement noted that as of 2017, the UN Committee on the Rights of Persons with Disabilities had requested that Cypriot Government prepare a targeted legal framework for inclusive education; the preamble to the proposed law goes in the right direction, but the content and the regulations do exactly the opposite: they propose an upgrade of the existing segregated system, essentially legitimising the practices of the past.²⁵⁴ The revised bill had not been submitted to Parliament by the end of 2025, raising concerns among parliamentarians and disability organisations.²⁵⁵

Racial/ethnic discrimination in education

Other than the law transposing the Racial Equality Directive and the laws ratifying relevant international conventions, there is no national legislation dealing with racial or ethnic discrimination in education. Since the Directive was transposed 22 years ago, no cases have been filed in court invoking the provisions of this Directive or of the law transposing it because of several obstacles facing migrants in accessing justice, which relate to

²⁵³ Commissioner for the Protection of the Rights of the Child (2021), '[Θέση της Επιτρόπου προστασίας των δικαιωμάτων του παιδιού αναφορικά με το προτεινόμενο νομοσχέδιο και τους κανονισμούς ενιαίας εκπαίδευσης](#)' (Commissioner's position on the proposed bill and the Inclusive Education Regulations, 5/7/2021) File No.7.16.02, 11.11.29, 5 July 2021.

²⁵⁴ See: '[Ανασύνταξη του νομοσχεδίου για Ενιαία Εκπαίδευση ζητούν ενδιαφερόμενες οργανώσεις](#)' (*Stakeholder organisations call for draft bill on unified education to be rewritten*), RIK News, 17 June 2021.

²⁵⁵ Nomoplatform, '[Μεγάλη καθυστέρηση στο ν/σ για ειδική εκπαίδευση, δηλώνουν Βουλευτές](#)' (*Significant delay in the bill on special education, say MPs*), 28 January 2026.

awareness, the cost of litigation and the length of time needed for a decision to be issued, which far exceeds the duration of school years.

In 2023, the Equality Body responded to a complaint from a Turkish Cypriot about the fact that the announcements for scholarships are published only in Greek; and to his subsequent complaint about his application being rejected for not enclosing a copy of his Republic of Cyprus ID, not having served in the Greek Cypriot army and not holding a degree from an academic institution recognised by the Republic of Cyprus. The applicant informed the Equality Body that he had in fact submitted his Cypriot identity card, and that even if he had not, the scholarships office could have asked him for it; that he did not serve in the army because Turkish Cypriots are not allowed to serve in the Greek Cypriot army; and that he had obtained his first degree from a university in Turkey that was recognised in Cyprus. After citing the law transposing the Racial Equality Directive, the Equality Body went on to conclude that the scholarship institute was under no duty to publish announcements or forms in Turkish as a result of the doctrine of necessity. The only concern raised by the Equality Body was whether or not the practice of publishing announcements only in Greek was contributing towards the strengthening of sciences and arts as set out in the law regulating the grant of scholarships. Given that Turkish Cypriots are eligible for scholarships on an equal basis with Greek Cypriots, the competent authority has to safeguard their right to be informed of opportunities in a language known to them. The Equality Body concluded that the scholarships authority should publish its announcements and forms in English at least.²⁵⁶ The Equality Body did not clearly state that, language being a proxy for ethnicity, the practice of using only Greek amounted to ethnic discrimination prohibited by the Racial Equality Directive. The report further recommended that the scholarships authority re-examine the application and grant him the scholarship. It is noted that the complaint was filed in 2021 and the delay of two years in issuing this recommendation meant that it may be of little relevance to the applicant, who in the meantime had to self-finance his postgraduate studies.

a) Trends and patterns regarding Roma pupils

In Cyprus, there are specific trends and patterns in education regarding Roma pupils, such as segregation.

A high Roma concentration in specific schools in Cyprus appears to be a consequence of the state housing policy and in part reflects discriminatory attitude as well as the 'cultural capital' and socioeconomic and family conditions of the Roma in Cyprus. Roma children continue to be treated as pupils with special language requirements, in spite of the fact that Cyprus has ratified a number of international conventions on human rights²⁵⁷ as well as conventions on specific rights in the field of education.²⁵⁸ The Cypriot Ministry of Education does not have an official policy against school segregation. The policy of enrolling children on the basis of their residential address is applied rigorously, even if this results in a concentration of large numbers of Roma pupils in the same school. Given the shortage of resources and personnel, such as interpreters and additional teachers, as a result of austerity, the concentration of Roma in specific schools emerges as the only practical solution to the scarcity of resources; had the Roma pupils been dispersed to

²⁵⁶ Commissioner for Administration and Protection of Human Rights (2023), [https://www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/All/4263D5E84B7AFE2BC2258AB300270C8B/\\$file/%CE%91%CE%A0%20852.21,%20%20%CE%91%CE%A0%202400.21,%20%20%CE%91%CE%A0%20418.22,%20%20%CE%91%CE%A0%202362.22.pdf?OpenElement](https://www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/All/4263D5E84B7AFE2BC2258AB300270C8B/$file/%CE%91%CE%A0%20852.21,%20%20%CE%91%CE%A0%202400.21,%20%20%CE%91%CE%A0%20418.22,%20%20%CE%91%CE%A0%202362.22.pdf?OpenElement) (Report of the Commissioner for Administration and Protection of Human Rights, as an equality and anti-discrimination body, regarding the publication by the Cyprus State Scholarships Foundation of announcements and applications for scholarships, in Greek only), File numbers A/P 852/2021, A/P 2400/2021, A/P 418/2022, A/P 2362/2022, 28 December 2023.

²⁵⁷ Convention of the United Nations against Torture and Other Cruel, Inhuman or Degrading Treatment (ratified by Law 235/90 and Law 35(111)/93). Cyprus also ratified the European Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, together with Protocol Nos. 1 and 2. (Rat. Law No. 24/89 and 8(III)/97).

²⁵⁸ Convention against Discrimination in Education (ratified by Law 18/1970).

several schools, the number of interpreters and support teachers would not suffice to service all the different schools.

As a result of housing segregation, Roma children are concentrated in specific schools; however, no figures are available regarding their number in education, because the Roma are seen by the authorities as inseparable from the Turkish Cypriots and no separate data is maintained.²⁵⁹ Most of the Roma pupils attending public schools today are concentrated in one school, the 18th Primary School in Limassol. In the pre-pandemic period, school segregation gave rise to a number of school-based projects based on initiatives undertaken by the school, utilising mainly EU funding²⁶⁰ and aiming to promote literacy and inclusion. However, the projects ceased during the pandemic and were not resumed in the post-COVID-19 period, with only horizontal measures in force that applied to all schools in underprivileged areas. Although the enrolment of Roma children in pre-primary and primary education is increasing and drop-out rates at both levels are decreasing, the rate of early school leaving among the Roma remains high at higher levels of education. Roma pupils continue to face racial prejudice in schools, and in some cases segregation, despite the various horizontal measures applied to schools in disadvantaged areas, including the schools with high Roma populations.²⁶¹

In 2014, a mechanism was introduced for recording racial and other discriminatory incidents in schools²⁶² but has never recorded any incidents affecting Roma children.²⁶³ The scope of the mechanism is open-ended and over-arching in terms of grounds, providing for the recording of incidents involving gender, colour/appearance, nationality, ethnicity, community or religious group, residence status, origin, religious or other beliefs, disability, age, sexual orientation, language, accent, habits, occupation, socio-economic status, culture, etc. During a visit to Cyprus in September 2017 by the Council of Europe delegation on minority languages, the Cypriot Government informed the delegation that the only minority languages that it recognises are the Maronite and Armenian languages.²⁶⁴ In July 2021, the Council of Europe's Committee of Experts visited Cyprus again and compiled an updated report, adopted on 1 October 2021. The report states that during the visit of the delegation to Cyprus, it had not received sufficient information on the traditional presence and use of Kurbetcha Romani in Cyprus, asking the Cypriot authorities to examine this with the help of experts or through a scientific study and to return to the issue in the next periodical report.²⁶⁵

In December 2020, the Ombudswoman's office, in its capacity as NHRI, published a report following a self-initiated investigation into the situation of the Roma, relying on consultations with the NGO CypRom, the competent authorities and an on-site visit to a

²⁵⁹ Statistical Service of the Republic, 'Πληθυσμός που Καταγράφηκε κατά Εθνική/Θρησκευτική Ομάδα, Ομάδα Υπηκοότητας και Φύλο, 1 October 2021' (Population Registered by National/Religious Group, Nationality Group and Gender).

²⁶⁰ See, for example: *SEAs4All: Successful education action for all*, project brochure. Available at <https://seas4all.eu/wp-content/uploads/2017/11/SEAs4All-Brochure.pdf>; 18th Elementary School Ayios Antonios, *Participation in the English Teaching Assistant programme -1st Meeting of Partners at the Ministry of Education and Culture*, 15 September 2017. Available at <http://dim-lemesos18-lem.schools.ac.cy/data/uploads/anakoinoiseis/2017-09-15-EnglishTeachingAssistant-ETA-MOEC.pdf>.

²⁶¹ Pelekani, C., Roma Women Association of Dendropotamos (2022), *Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Cyprus*, European Commission, Directorate-General for Justice and Consumers, Directorate D — Equality and Union Citizenship, Unit D1 Non-Discrimination and Roma Coordination.

²⁶² For more details, see the Ministry of Education website at http://www.moec.gov.cy/dme/programmata/scholiki_paravatikotita/protokolla/kodikas_symperiforas_kata_tou_ratsismou_pi.pdf.

²⁶³ Letter to the author from Social Welfare Services, 28 September 2017.

²⁶⁴ Ministry of Education and Culture (Υπουργείο Παιδείας και Πολιτισμού), Visit from Council of Europe Experts to Cyprus for minority languages ('Επίσκεψη εμπειρογνομώνων του Συμβουλίου της Ευρώπης για τις μειονοτικές γλώσσες'), 23 September 2017. Available at <http://enimerosi.moec.gov.cy/archeia/1/ypp6347a>.

²⁶⁵ Council of Europe, Committee of Experts on the European Charter for Regional or Minority languages (2021), *Sixth Evaluation Report on Cyprus*, adopted on 1 October 2021.

Roma settlement at the centre of the old city of Limassol. The report identified education as an area in which the Roma community encounters most problems. The report recorded the absence of adjustment and assistive measures to facilitate school integration, leading to pupils leaving school early. Measures to encourage school attendance that have been in place for years now, such as extra Greek language classes, financial support for books, transport, uniforms, stationery, free breakfast and lunch etc., have not yielded results, as school enrolment remains low and the numbers of those leaving school remain quite high. The report noted that the Roma face problems in communicating with the authorities, which do not make any special effort to facilitate communication or to provide services to them, and noted the marked absence of a comprehensive Roma inclusion strategy in all areas of life.²⁶⁶

Given that the Cypriot Government does not recognise the Roma as a separate entity as distinct from the Turkish Cypriot community, the only measures from which the Roma can benefit are the horizontal measures that are applicable to all vulnerable groups. During the pandemic, no measures were adopted targeting the Roma and their specific characteristics or wishes, and no official mapping was carried out as to how the Roma communities were affected by the pandemic.

In 2022, Cyprus submitted to the European Commission its national Roma strategy under the EU Roma Strategic Framework,²⁶⁷ but it has not compiled any action plan subsequent to that. The Strategic Framework sets horizontal goals for equality, inclusion and participation of Roma in five areas: education, employment, housing, health and social support. The horizontal measures are designed to target broader vulnerable populations that are, to a large extent, already in place, and they are not designed bearing in mind the special characteristics and needs of the Roma, who are not identified as a distinct community nor as a minority. The philosophy of the Strategic Framework rests on the long-term Roma policy of successive Governments, whereby the Roma are seen as part of the Turkish Cypriot community rather than as a distinct minority with unique characteristics.

No discrimination-related issues arose during the reporting period stemming from the use of artificial intelligence or other automated systems.

3.2.8 Access to and supply of goods and services that are available to the public (Article 3(1)(h) Directive 2000/43)

In Cyprus, national legislation prohibits discrimination in access to and the supply of goods and services as formulated in the Racial Equality Directive.²⁶⁸ Failure to provide access to goods and services available to the public is recognised as a form of discrimination.²⁶⁹ The prohibition covers only racial and ethnic origin; other grounds including gender identity/expression or sex characteristics are not covered. In the case of disability, failure to adapt a product or a service or a facility, rendering its use by persons with disabilities impossible or unreasonably difficult, amounts to unlawful discrimination. The law also provides a non-exhaustive list of examples of adaptations that are necessary for compliance with the law: the creation of suitable means of access and facilitation for safe and comfortable use of services and facilities; the use of special means, equipment and personal services for communicating with certain categories of persons with disabilities; and the use of specialised means, organs and facilities in special spaces where services

²⁶⁶ NHRI (2020), 'Τοποθέτηση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων (NHRI) σχετικά με τις συνθήκες διαβίωσης της Ρομά κοινότητας στην Κύπρο' ([Position of the Commissioner of Administration and Human Rights as National Independent Human Rights Authority \(NHRI\) regarding the living conditions of the Roma community in Cyprus](#)), Ref. AYT 3/2020.

²⁶⁷ European Commission (2021), [Cyprus National Roma Strategic Framework 2021–2030](#), November 2021 (PDF).

²⁶⁸ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 4(1)(e).

²⁶⁹ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 5(1).

are provided, such as schools, hospitals, etc.²⁷⁰ There is no obligation on manufacturers to manufacture products that are easy for persons with disabilities to use, although there is an obligation on service providers to make adaptations and to offer facilities in order to make premises or services accessible to persons with disabilities.²⁷¹ The disability law provides that public transport must be suitably modified for the entry and safe transportation of persons with disabilities, including persons using wheelchairs.²⁷² However, the application of this provision should be governed by regulations issued by the Council of Ministers; no such regulations have as yet been issued. Public transport remains largely inaccessible.

The disability law also requires that the competent Government departments must, within a short period of time, proceed with the installation of a suitable system of telephone services that assist persons with a hearing disadvantage or with any other disability of the senses or other speech disability to communicate through the telephone system in a manner proportionate to those persons without such disadvantages. Under the same provision, there must be public means of telecommunication accessible to persons with disabilities, including persons using wheelchairs; and television stations must make arrangements so that sign language is available for news broadcasts at certain times.²⁷³

The Equality Body law prohibits direct and indirect discrimination on all five grounds set out by the directives, plus community, language and colour, in all fields covered by the directives, including the supply of goods and services.²⁷⁴ Gender identity/expression or sex characteristics are not covered under this law either.

The Law Ratifying the Convention on the Elimination of All Forms of Racial Discrimination of 1967, Law No. 11 of 1992, provides that any person who supplies goods and services by way of profession and refuses such goods or services to any persons solely due to their racial or ethnic origin or religion is guilty of a criminal offence.²⁷⁵

At the same time, however, there are a number of laws, regulations and policies in place that provide differential treatment for Turkish Cypriots seeking to access state services, such as the procedure for registering their newborn children²⁷⁶ and the restrictions imposed on their acquisition and disposition of their immovable property.²⁷⁷ In 2025, the Greek Orthodox Church set up a support scheme for families with more than three children, with eligibility conditions that precluded persons of non-Christian faith, purportedly in an effort to alleviate 'the demographic problem'.²⁷⁸ No concerns were raised as to whether or not the scheme complies with the EU equality *acquis*.

²⁷⁰ Law on Persons with Disabilities No. 127(I)/2000), Article 6(2)(d).

²⁷¹ Law on Persons with Disabilities No. 127(I)/2000), Article 6(1), Article 6(2)(d).

²⁷² Law on Persons with Disabilities No. 127(I)/2000), Article 7(1).

²⁷³ Law on Persons with Disabilities No. 127(I)/2000), Article 8(1).

²⁷⁴ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/ 2004, Article 6(2)(g).

²⁷⁵ Law Ratifying the Convention on the Elimination of All Forms of Racial Discrimination of 1967, No. 11 of 1992, Law No. 11/1992, Article 2A(4).

²⁷⁶ Commissioner for Administration in its capacity as Anti-discrimination Authority (2017), *Έκθεση της Επιτροπής Διοικήσεως ως Αρχή κατά των Διακρίσεων αναφορικά με καταγγελίες που υποβλήθηκαν από Τουρκοκύπριους σε σχέση με το χειρισμό αιτημάτων τους για εγγραφή των παιδιών τους στην Επαρχιακή Διοίκηση Αμμοχώστου* (Report on the complaints submitted by Turkish Cypriots in relation to the handling of their application for the registration of their children by the Famagusta District Office), File No. AKR 35/2014, A/P 1902/2016. Not available online.

²⁷⁷ Law on Turkish Cypriot Properties (Administration and Other Matters) (Temporary Provisions) of 1991 (*Ο περί Τουρκοκυπριακών Περιουσιών (Διαχείριση και Άλλα Θέματα) (Προσωρινές Διατάξεις) Νόμος του 1991*) N. 139/1991.

²⁷⁸ See: www.epidomateknou.iak.org.cy/.

a) Distinction between goods and services available publicly or privately

In Cyprus, national laws do not explicitly distinguish between goods and services available publicly or privately, but the prohibition regarding goods and services refers only to those available to the public, without mentioning explicitly those that are offered privately.

In general, the transposing legislation describes the scope of the law to include the public and private sector, including public bodies, local governance and organisations of public and private law.²⁷⁹

3.2.9 Housing (Article 3(1)(h) Directive 2000/43)

In Cyprus, national legislation prohibits discrimination in the area of housing as formulated in the Racial Equality Directive. Discrimination on the ground of race and ethnic origin in housing is prohibited by Article 4(1)(e) of Law 59(I)/2004 (transposing the Racial Equality Directive). The relevant provision refers to 'access to goods and services available to the public and the supply thereof, including housing' as one of the fields of application. The scope of the prohibition includes providers in both the public and the private sector. Housing discrimination forms part of the mandate of the Equality Body on all five grounds set out by the directives, plus community, language and colour.²⁸⁰ In addition, the wide ambit of the general prohibition of discrimination found in Article 28 of the Constitution may be used to pursue a housing discrimination claim on 'any ground whatsoever', although judicial interpretation of this provision is likely to endorse wide exceptions to the equality rule premised upon the criterion of 'reasonableness'. The Law grants to persons with disabilities the right to accessibility in housing, buildings, streets and the environment in general, but without creating any specific duties for any building owner to ensure accessibility.²⁸¹ The same Law stipulates that this right is implemented through the adoption of measures to ensure reasonable adaptation to the maximum of available resources, which essentially falls short of creating a mandatory regime for property owners to render their properties for rent/sale accessible for persons with disabilities.²⁸² Gender identity, gender expression and/or sex characteristics are not explicitly covered by legislation.

Judicial interpretation of Article 28 permits less favourable treatment where this is deemed 'reasonable', without clearly defining objective criteria of the circumstances under which discrimination is permitted.

Apart from the case of the Cypriot Roma, who are granted housing in specific Roma settlements, no social housing is available in Cyprus. The Roma housing is allocated by the Ministry of the Interior upon request, provided that the applicants meet the eligibility conditions. The housing offered to Roma applicants is either prefabricated, container-like units in remote Roma segregated settlements of extraordinary squalor and poverty, or abandoned houses belonging to Turkish Cypriots who fled hostilities in 1964-1974, which are badly in need of major repair. Other than the Roma, no other category of applicants is offered housing. Non-Roma applicants (subject to eligibility) are granted a small housing benefit that is hardly sufficient to rent accommodation, but the responsibility for finding rented accommodation rests on them. This has led to problems of homelessness for Cypriots, EU nationals, refugees and asylum seekers, who find it hard to locate urban accommodation to rent for a number of reasons, including landlords' prejudice. However, other than repeated public statements from UNHCR and NGOs, there is no proper monitoring of the problem nor any measures to alleviate it. Most of the financial assistance schemes introduced by the government in 2024-2025 in an effort to address the housing

²⁷⁹ Law on Equal Treatment (Racial or Ethnic Origin) N. 59(I)/2004, Article 4(1)(e).

²⁸⁰ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/ 2004, Article 6(2)(g).

²⁸¹ Law on Persons with Disabilities N. 127/2000, Article 4(2)(c).

²⁸² Law on Persons with Disabilities N. 127/2000.

crisis stipulate an age limit of 41 years, even though there is no documentation to show that only younger persons are affected by the housing crisis.²⁸³

Although it is generally known that the quality of accommodation units rented to migrants is low and the rents charged are disproportionately high, there are no policies or legislation in place to address this or any other housing problem, and no data available to document the extent of the housing issues facing migrants. In 2024, a series of fire explosions and smoke emissions from makeshift heating devices led to the deaths of people, mostly migrants, residing in poor quality and unsuitably equipped units, but no measures were announced to secure the availability of safe and affordable housing for the low-income tenants. Access to justice is another major issue for migrants, and there is no case law regarding housing discrimination. This may be attributed again to the lack of legal aid, a low level of awareness and the length of time needed for a case to be tried compared with the short-term visas granted to migrants. The sharp rise in arrivals of asylum seekers in recent years has led to the manifestation of the phenomenon of adverts for rented accommodation excluding asylum seekers. There was no intervention by any competent institution to address this trend.²⁸⁴

Access to one's own property is not deemed by national courts to fall within the meaning of the term 'housing'. In a 2007 Supreme Court decision, an application for referral to the CJEU regarding the question whether Article 2 of the Racial Equality Directive could be interpreted in a manner permitting an EU member state to deny the lawful owner of a property the right to sell it was rejected, with the judge stating that the issue at stake (access to property) was deemed to be outside the scope of the Directive.²⁸⁵

Some restrictions apply in the field of acquisition of immovable property by non-Cypriots, under the Acquisition of Immovable Property (Aliens) Law, which requires non-Cypriots to apply for a permit before they can register immovable property in their name.

a) Trends and patterns regarding housing segregation for Roma

In Cyprus, there are trends and patterns of housing segregation and discrimination against the Roma dating back to the late 1990s, when a large number of Roma migrated from the Turkish Cypriot-controlled north of Cyprus to the south. Most of them settled in abandoned and derelict properties within the old Turkish quarter of Limassol, which the Turkish Cypriots were forced to vacate several decades ago. Many of these houses were in a bad state of repair, without doors or windows, sanitary system, electricity or water supply. By 2003, approximately 360 Roma people had settled in these properties, without any preceding repair work. The arrival of the Roma families was greeted with fear and suspicion by the local communities as well as by the authorities.²⁸⁶ The then Minister of Justice alleged in a public statement that the Roma families may well be 'Turkish spies'²⁸⁷ while the then Minister of the Interior assured Greek Cypriots that the authorities would 'ensure

²⁸³ Ministry of the Interior (2024), '[Νέα Ενιαία Στεγαστική Πολιτική](#)' (New Unified Housing Policy).

²⁸⁴ A complaint to the Equality Body about a particular advertisement was responded with a letter to the complainant two and a half years later, stating that the complaint had been referred to the police for handling; the police replied that they had not received the complaint directly and the advertisement was no longer available. In its letter, the Equality Body framed the advertisement as 'hate speech': Office of the Commissioner for Administration and Human Rights (2023), letter to the complainant Ref. A.P. 327/2020, 9 January 2023.

²⁸⁵ Supreme Court, *Perihan Mustafa Korkut or Eyiam Perihan v. Apostolos Georgiou through his attorney Charalambos Zoppos* (*Perihan Mustafa Korkut ή Eyiam Perihan v. Απόστολου Γεωργίου δια του πληρεξουσίου αντιπροσώπου του Χαράλαμπου Ζόππου*) No. 303/2006, 17 December 2007. The applicant was a Turkish Cypriot property owner who was denied the right to dispose of his property in the Republic of Cyprus. He unsuccessfully tried to convince the court to seek interpretation from the CJEU as to whether the scope of Article 2 of the Racial Equality Directive applies to access to property.

²⁸⁶ '[Fears over gypsy influx](#)', *The Cyprus Weekly*, 13-19 April 2001.

²⁸⁷ Remarks by former Minister of Justice Koshis: 'More gypsies crossing from north as Koshis warns about spies', *Cyprus Mail*, 3 April 2001. Available at <http://www.domresearchcenter.com/news/cyprus/index.html>.

that they will be moved to an area that is far away from any place where there are people living.²⁸⁸

Over the past decade, there were efforts to regenerate the old Turkish Cypriot quarter of Limassol, and some of the old houses were repaired. However, the pace of repairs is slow, and the condition of the houses remains substandard, so they are often unfit for human habitation. Two studies published in 2016 relying on fieldwork data revealed severe problems in the quality of housing in the Roma settlements, both as regards their remote locations as well as their appalling state of repair, posing serious health hazards for the members of the overcrowded households.²⁸⁹ An NHRI report published in 2020 identified access to housing as one of the most important problems facing the Roma, who are afforded accommodation only in houses in a bad state of repair in special Roma settlements. Their requests to the authorities for maintenance go unanswered, even where the houses are effectively uninhabitable. The small size of residences was further identified as a problem, as large families are often forced to live in a single room; some houses do not have electricity or water; and the location of the settlement is isolated from the rest of the community, which leads to social exclusion, affecting Roma women in particular. The mapping of the Roma population remains difficult, since the answer to the question of ethnicity in a population census is optional and some Roma choose to be identified as Turkish Cypriots instead. The report notes that the Roma are facing problems of communication with the authorities, who do not make any special effort to facilitate communication and provide services to them, and it further notes the marked absence of a comprehensive Roma inclusion strategy in all areas of life.²⁹⁰

In 2023, the Roma Civil Monitor published reports on Government measures to create two housing projects for the Cypriot Roma, one in Limassol and the other in Paphos, consisting of 16 and 24 prefabricated housing units respectively, equipped with all basic amenities. The report criticised this plan as inappropriate, as it would separate Roma families from each other and relocate them to remote areas, with a negative impact on women and children in particular. Additional gaps identified by the report included:

- The poor state of repair of the current Roma settlement in the old Turkish quarter of Limassol, which generates various health problems for its Roma residents, who are exposed to environmental health threats;
- The constant forced evictions frequently carried out by Government officials who allegedly threaten the Roma and warn them to leave to avoid forceful eviction.

Roma housing, segregation and forced evictions are not addressed in the latest national Roma strategy, which refers only to the possibility of housing benefit being paid to those, including the Roma, who receive the minimum guaranteed income.²⁹¹ The 2025 Roma Civil Monitor reported housing as the most critical deficit of the National Roma Strategic Framework, with the Roma population continuing to occupy dilapidated Turkish Cypriot

²⁸⁸ 'Our reaction to Gypsies raises some awkward questions', editorial, *The Cyprus Mail*, 10 April 2001. Available at <http://www.domresearchcenter.com/news/cyprus/index.html>.

²⁸⁹ Hope for Children CRC Policy Centre (2016), *Policy Paper Cyprus, PART I: Existing Policies & Practices on Roma Children and Youth Participation*, produced within the framework of the EU-funded project PEER: Participation, Experiences and Empowerment for Roma Youth. Available at www.peeryouth.eu/ctrl/Home/Cyprus/Policy_Paper_Cyprus_final_letter.pdf; Panagiotopoulos C. and Zachariades, A. (2016), 'Exploring the unknown aspects of Roma community in Cyprus and the role of social work practice', *European Journal of Social Work*, DOI: 10.1080/13691457.2016.1188773, 19 June 2016. The abstract is available at www.tandfonline.com/doi/full/10.1080/13691457.2016.1188773.

²⁹⁰ NHRI (2020), 'Τοποθέτηση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων (NHRI) σχετικά με τις συνθήκες διαβίωσης της Ρομά κοινότητας στην Κύπρο' ([Position of the Commissioner of Administration and Human Rights as National Independent Human Rights Authority \(NHRI\) regarding the living conditions of the Roma community in Cyprus](#)), Ref. AYΤ 3/2020.

²⁹¹ Roma Civil Monitor (2023) [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Cyprus](#). Publications Office of the European Union, Luxembourg.

properties in overcrowded conditions and intermittent utilities. The Framework in place did not set any funded time-bound housing or desegregation targets and out-migration from Roma neighbourhoods is low and underexplored. The report states that the absence of a Roma-specific housing strategy leads to managed segregation and risks breaching EU anti-discrimination law. Participation of the Roma people concerned in housing decisions is minimal, and relocation efforts have failed, owing to a lack of co-design. The absence of Roma-specific measures restricts access to social protection, as there is no adequate mediation to help the Roma overcome administrative barriers and address unwarranted benefit cancellations. Despite measures in education, the most developed pillar of the Framework, the number of Roma children leaving the school system early remains high, while the number transitioning to secondary education remains low and there are no Roma-specific dropout targets.²⁹²

²⁹² Tsiakalos, G. and Pelekani, C. (2025), [*Civil society monitoring report on the implementation of the national strategic framework for Roma equality and inclusion, and participation in Cyprus*](#), August 2025, European Commission.

4 EXCEPTIONS

4.1 Genuine and determining occupational requirements (Article 4 Directive 2000/43, Article 4(1) Directive 2000/78)

In Cyprus, national legislation provides for an exception for genuine and determining occupational requirements, duplicating the wording of Article 4(1) of Directive 78/2000.²⁹³ The disability law excludes from its scope activities where, by virtue of their nature or context, a characteristic or ability which a person with a disability lacks constitutes a substantial and determining precondition, provided that the aim is legitimate and the precondition is proportionate, taking into consideration the possibility of adopting 'reasonable measures'.²⁹⁴ The law is compliant with the directives, although its implementation has been uneven – for example, in 2022, an Equality Body decision found the national journalists' union guilty of age discrimination for prohibiting non-working journalists from standing for election to the union's board, without having determined a sound occupational reason behind the union's policy.²⁹⁵

4.2 Employers with an ethos based on religion or belief (Article 4(2) Directive 2000/78)

In Cyprus, national law provides for an exception for employers with an ethos based on religion or belief,²⁹⁶ which complies with Article 4(2) of Directive 2000/78. However, the constitutional provisions described below may potentially lead to situations that are not compliant with Article 4(2) of Directive 2000/78.

Article 7 of Law 58(I)/2004 has transposed the Directive's exception, duplicating more or less the provisions of Article 4(2) of the Directive, providing that in the case of occupational activities within churches and other public or private organisations, the ethos of which is based on religion or belief, a difference of treatment based on a person's religion or belief shall not constitute discrimination where, by reason of the nature of these activities or of the context in which they are carried out, a person's religion or belief constitutes a genuine, legitimate and justified occupational requirement, having regard to the organisation's ethos. This exception does not cover sexual orientation, and the scope of this Law does not cover gender. The Directive's precondition for the organisation to act in good faith and with loyalty to its ethos was not transposed in the national law. Therefore, any difference in treatment in the workplace on the ground of gender or sexual orientation is unlawful. In the case of religion, difference in treatment is lawful if the test laid down in Article 7 of Law 58(I)/2004 is satisfied. The clash between religion and sexual orientation has not been the subject of any court cases, nor has it been examined by the Equality Body. The Orthodox Church repeatedly expressed its opposition to the civil partnership law; however, this opposition was not taken on board by the legislators.

Article 110 of the Cypriot Constitution provides for complete autonomy of the established religious organisations/churches of the two Cypriot communities: the Christian Orthodox Church for the Greeks and the Vakf for the Muslim Turks. Under Article 110.1, the 'Autocephalous Greek-Orthodox Church of Cyprus' has 'the exclusive right of regulating

²⁹³ Law on Equal Treatment in Employment and Occupation (*Ο Περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*) 2004 N. 58(I)/2004, Article 5(2). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

²⁹⁴ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000, Article 3A(1)(b). Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf.

²⁹⁵ Commissioner for Administration and Human Rights (2022), *Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων αναφορικά με διακριτική μεταχείριση των συνταξιούχων τακτικών μελών της Ένωσης Συντακτών Κύπρου, ένεκα της στέρησης του δικαιώματος του εκλέγεσθαι* (Report of the Commissioner for Administration and Protection of Human Rights regarding discriminatory treatment of retired regular members of the Cyprus Union of Journalists, due to the deprivation of the right to vote), 18 November 2022.

²⁹⁶ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 7.

and administering its own internal affairs and property in accordance with the Holy Canons and its charter in force for the time being and the Greek Communal Chamber shall not act inconsistently with such right'. Similarly, under Article 110.2 'the institution of Vakf and the Principles and Laws of, and relating to, Vakfs are recognised by this Constitution'. It is apparent from the above article that the extent of the autonomy and right to self-regulation granted to the Church under the Constitution is wider than that allowed by Article 7 of Law 58(I)/2004. Pursuant to a law which came into force in July 2006 amending the Constitution to the effect that EU directives and regulations prevail over national legislation (including the Constitution), it can safely be assumed that the provisions of Law 58(I)/2004 will prevail over the Constitution, as the former transposes an EU directive. However, in spite of the constitutional amendment, the courts in Cyprus are not always willing to prioritise laws transposing the *acquis* over national legislation; there are several examples in which, in the case of conflict, the courts have chosen to apply the national law rather than the law transposing the *acquis*.²⁹⁷

4.3 Armed forces and other specific occupations (Article 3(4) and Recitals 18 and 19, Directive 2000/78)

In Cyprus, national legislation provides for an exception for the armed forces in relation to age and disability discrimination (Article 3(4), Directive 2000/78). The disability law does not apply to the armed forces, to the extent that the nature of the occupation is such that it requires special skills that cannot be exercised by persons with disabilities.²⁹⁸ The same exception appears as a reservation by the Republic of Cyprus in the ratification of the UN Convention on the Rights of Persons with Disabilities.

In Cyprus, national legislation does not provide for a definition of 'armed forces'.

In Cyprus, the scope of the exception is not explicitly limited to safeguarding the combat effectiveness of the armed forces; the relevant provision states that exceptions for the armed forces are permitted to the extent that the nature of the job requires special tasks that cannot be performed by persons with disabilities.²⁹⁹

In Cyprus, the scope of the exception extends to other non-combat staff, such as civilians employed in administrative positions in the army, to the extent that the reservation noted above applies.³⁰⁰

Law 58(I)/2004, transposing the Employment Equality Directive (minus the disability component), provides that the prohibition of discrimination on the ground of age shall not apply to the armed forces, to the extent that the setting of an age limit is justified by the nature and duties of the occupation.³⁰¹

A law that came into force in late 2009 introducing a quota system in favour of persons with disabilities in the wider public sector excludes from its scope those sections of the public service where 'all physical, mental or intellectual restrictions must necessarily be absent', i.e. the army, the police, the fire department and the prisons.³⁰²

²⁹⁷ Appeal Court, *Avgoustina Hajiavraam v. The Cooperative Credit Company of Morphou* (Αυγουστίνα Χατζηαβραάμ v. Συνεργατική Πιστωτική Εταιρεία Μόρφου), Appeal No. 287/2008, 11 July 2011. Available at http://www.cylaw.org/cqi-bin/open.pl?file=apofaseis/aad/meros_1/2011/1-201107-287-08.htm&qstring=%E1%F5%E3%EF%F5%F3%F4%E9%ED*.

²⁹⁸ Law on Persons with Disabilities No. 127(I)/2000, Article 3A(1)(a).

²⁹⁹ Law on Persons with Disabilities, Article 3A(1)(a).

³⁰⁰ Law on Persons with Disabilities, Article 3A(1)(a).

³⁰¹ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 8(4).

³⁰² Law on the Hiring of Persons with Disabilities in the Wider Public Sector (*Special Provisions*) (Ο περί Πρόσληψης Ατόμων με Αναπηρίες στον Ευρύτερο Δημόσιο Τομέα (Ειδικές Διατάξεις) Νόμος) No. 146(I)/2009, Article 2.

4.4 Nationality discrimination (Article 3(2))

a) Discrimination on the ground of nationality

In Cyprus, national law includes exceptions relating to difference of treatment based on nationality.³⁰³

In Cyprus, nationality (as in citizenship) is not explicitly mentioned as a protected ground in national anti-discrimination law. Nationality may be deemed to fall under the scope of the Law Ratifying Protocol No. 12 to the ECHR, Article 1 of which provides for freedom from discrimination on the grounds of, *inter alia*, national or social origin, association with a national minority, birth or other status.³⁰⁴ A relevant provision is also found in the law setting up the Equality Body. This tasks the Equality Body with the promotion of equality in the enjoyment of rights and freedoms arising under international instruments ratified by Cyprus, irrespective of, *inter alia*, national or ethnic origin, and the protection of individuals from discrimination by public and private bodies on the grounds provided in the law, which include nationality.³⁰⁵

The law governing the granting of nationality precludes the automatic grant of citizenship to applicants at least one of whose parents entered Cyprus unlawfully or resides in Cyprus unlawfully, even if the applicant resides lawfully in Cyprus and the other parent is a Cypriot; in such a case, the granting of citizenship is at the discretion of the Council of Ministers.³⁰⁶ Although the provision appears neutral, it is clearly aimed at excluding from citizenship those persons born to a parent from Turkey who migrated to and settled in Cyprus in the post-war era. In December 2023, Parliament adopted a law purporting to modernise the existing legislative framework regarding the qualifications and criteria for the naturalisation of third country nationals, revising the criteria and introducing new criteria.³⁰⁷ The new criteria require applicants to be 'of good character', which is defined as including not having shown with words or deeds lack of loyalty or contempt for the Republic; not having behaved in a manner amounting to acceptance of the illegal administration in the areas not controlled by the Republic; there is no criminal case pending against them in Cyprus or abroad for a crime punished with imprisonment of three years or more; have not entered the Republic via an illegal point of entry; have knowledge of Greek at level B1; have sufficient knowledge of contemporary politics and social realities of the Republic; and have sufficient income to maintain themselves and their families. The seven-year period which must precede the application for citizenship does not take into account the period during which the applicants resided as asylum applicants or as beneficiaries of subsidiary or temporary protection or as students. According to the national NGO KISA, the new law infringes EU and international non-discrimination laws and 'pulls the plug' on prospects of integration of refugees, most of whom enter the territory of the Republic via unauthorised points along the Green Line.³⁰⁸ The recent convictions against persons for assisting third country nationals to enter the country 'unlawfully' may suggest that the Government considers all types of entry into the country without a visa as 'illegal', which may be a potential violation of the UN Convention relating to the Status of Refugees. UNHCR reported that it was not invited to consultation in relation

³⁰³ Law on Persons with Disabilities, Article 3A(3); Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 5(1); Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισής μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 4(2). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html.

³⁰⁴ Law Ratifying Protocol No. 12 to the European Convention on Human Rights N. 13(III)/2002, 19 April 2002.

³⁰⁵ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (*Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος*) No. 42(I)/2004, Article 3(1)(b), Part I. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

³⁰⁶ Population Archives Law (*Ο περί Αρχείου Πληθυσμού Νόμος*) N. 141(I)/2002. This clause was first introduced by Law 65(I)/1999, which came into force on 11 June 1999.

³⁰⁷ Population Archives (Amendment) (No. 4) Law of 2022 [*Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) (Αρ. 4) Νόμος του 2022*], 30 November 2023.

³⁰⁸ KISA (2023), '[Backstabbing by the Parliament on the integration / access to citizenship](#)'.

to the said amendment.³⁰⁹ The new law failed to remove completely a provision that restricted eligibility for citizenship only to those of ‘full capacity’, a term defined in the law to mean ‘persons who do not suffer from a mental disorder of such kind and degree as to render them incapable of managing their own affairs’. Instead, a provision was added granting the Interior Minister discretion to approve, on humanitarian grounds, a citizenship application from persons who do not meet the ‘full capacity’ prerequisite.³¹⁰ In 2024, the law regulating the granting of citizenship was amended once again to provide that the Interior Minister will have discretion to grant citizenship to applicants without ‘full capacity’, even if they do not meet the requirement of good knowledge of Greek and of the socio-political context of the country and irrespective of whether or not they meet the requirement of having suitable residence and sufficient means to sustain themselves and their families.³¹¹

ECRI’s Third Report on Cyprus³¹² notes that ‘decisions to grant nationality have resulted in intolerant and xenophobic attitudes in public debate’, noting that the relevant provisions of the nationality law are contrary to Article 5 of the 1997 European Convention on Nationality, which Cyprus is yet to sign, and contrary to the general prohibition on discrimination in Article 1 of Protocol No. 12 to the ECHR.

Up until 2017, the Equality Body issued a number of decisions applying the two non-discrimination directives to EU citizens³¹³ and the interpretation given by the Equality Body to the directives was that their scope does not exclude EU citizens.³¹⁴ In 2016, the Equality Body found that the law governing the exercise of the profession of estate agents contained indirect discrimination against third country nationals in violation of the Racial Equality Directive, because it requires applicants to submit evidence of ‘certified educational attainment’, when there is no procedure for such certification of diplomas issued by schools in third countries.³¹⁵ The Equality Body interpreted the term ‘racial or ethnic origin’ as complemented by the terms ‘language’, ‘race’, ‘colour’ and ‘national origin’, and found there was indirect discrimination on the ground of national origin, in breach of the law transposing the equality *acquis*.³¹⁶ In 2023, the Equality Body asked for the revision of the citizenship law to remove the eligibility condition of ‘full capacity’ on the ground that it infringes the CRPD.³¹⁷ As stated above, the law was revised a month later, merely to provide for the discretion of the Interior Minister to approve a citizenship application from a person without ‘full capacity’.³¹⁸ In the author’s view, the 2024 amendment does not add anything to the law that was not there already, since the Interior

³⁰⁹ Cyprus Assizes Court (2023), *Republic v. Tarek Issa, Mahmoud Hilal, Mohamed Osman*, Case No. 3047/2022, 28 February 2023; Cyprus Assizes Court (2023), *Republic v. Ahmed Sulaiman Marai*, Case No. 4971/2022, 23 February 2023.

³¹⁰ Population Archives Law (*Ο περί Αρχείου Πληθυσμού Νόμος*) N. 141(I)/2002, Article 111(1).

³¹¹ Population Archives Law (Amendment) (No.2) of 2024 [*Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) (Αρ.2) Νόμος του 2024*], N. 76(I)/2024, 31 May 2024.

³¹² ECRI (2006), *Third Report on Cyprus*, adopted on 16 December 2005, Strasbourg 16 May 2006.

³¹³ Position of the Commissioner for Administration and Human Rights regarding complaints to the Equality Authority No. A.K.I. 49/2013 and A.K.I. 52/2013 regarding unlawful discrimination on the ground of national origin in the field of access to employment, 10 December 2015. No longer available online.

³¹⁴ Letter from Equality Authority to the author of this report, 12 November 2015, Ref. A.I.M.5.7.02.01.

³¹⁵ Equality Authority (2016), Report on discrimination prohibited by law on the ground of national origin in the field of access to occupation and specifically in the profession of assistant estate agent, File number A.K.I.22/2016, 15 April 2016. No longer available online.

³¹⁶ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 3.

³¹⁷ Commissioner for Administration and Human Rights (2023), *‘Έκθεση της Επιτροπής Διοικήσεως και Προστασίας Ανθρώπων Δικαιωμάτων υπό την ιδιότητά της ως Ανεξάρτητος Μηχανισμός Προώθησης, Προστασίας και Παρακολούθησης της Σύμβασης του ΟΗΕ για τα Δικαιώματα των Ατόμων με Αναπηρία και ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων αναφορικά με την απόρριψη αίτησης για απόκτηση κυπριακής ιθαγένειας λόγω αναπηρίας* (Report of the Commissioner for Administration and Protection of Human Rights in her capacity as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities Disability Rights Convention and as an Equality and Anti-Discrimination Body with regard to the rejection of an application for Cypriot citizenship on the grounds of disability), Ref. A/P 1990/2021.

³¹⁸ Population Archives Law (*Ο περί Αρχείου Πληθυσμού Νόμος*) No. 141(I)/2002, Article 111(1).

Minister's discretion to grant citizenship to persons with intellectual disabilities was not stated to be subject to the applicant meeting these prerequisites.

In 2017, a number of complaints from EU nationals and third country nationals were handled by the courts, the Child Commissioner and the Ombudswoman regarding access to welfare, but only the Commissioner for the Rights of the Child invoked the equality *acquis* in order to evaluate the merits of the complaint at hand.³¹⁹ No complaint was ever examined in relation to undocumented migrants.

The law transposing the Racial Equality Directive copies verbatim the Directive's exception in Article 3(2) about nationality and immigration status. The status of being an undocumented migrant is not a protected ground, although the racial or ethnic origin of the undocumented migrant is.

b) Relationship between nationality and 'racial or ethnic origin'

The interaction between nationality and racial or ethnic origin is nowhere more apparent than in the case of the Turkish Cypriots who, although Cypriot citizens under the Constitution, appear to have an 'inferior' form of citizenship due to their ethnicity, as illustrated by the restrictions that they face in exercising their voting rights; in the granting of nationality for their children; and in accessing their properties in Republic-controlled areas, etc. This is already illustrated in other parts of this report.

In its earlier decisions, the Equality Body made use of its extended mandate, treating nationality discrimination as prohibited by international laws and by the Racial Equality Directive; on some occasions, nationality and ethnic origin were used interchangeably in the sense that, while the case at hand was clearly one of nationality discrimination, the decision would also invoke the provisions of the laws transposing the anti-discrimination directives. The general treatment afforded to the issue by the Equality Body suggests that it endorsed the position that the distinction between race/ethnicity and nationality is an artificial one. Such was the case decided in 2016, where the Equality Body found that a law restricting access to the profession of assistant estate agent for persons who attended school in a third country amounted to indirect discrimination in violation of the Racial Equality Directive.³²⁰ An Equality Body decision established that the exclusion of non-Cypriot EU citizens from a scheme granting a heating allowance amounted to discrimination on the basis of race or ethnic origin as well as of national origin under Protocol No. 12 to the ECHR.³²¹ Similarly, the exclusion of a Greek national from the list of persons eligible to be awarded honorary artistic pensions was found by the Equality Body to be discriminatory.³²² The denial of access to EU citizens to the electoral register for the purpose of voting at local elections was also held to be discriminatory on the basis of race or ethnic origin.³²³ Subsequently, the Equality Body found that an employment scheme with a stringent Greek language requirement amounted to a breach of the Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law³²⁴ in

³¹⁹ European network of legal experts in gender equality and non-discrimination (2017), *Child Commissioner report regarding the 'prior residence' requirement in welfare legislation*, flash report. Available at www.equalitylaw.eu/downloads/4487-cyprus-child-commissioner-report-regarding-the-prior-residence-requirement-in-welfare-legislation-pdf-179-kb.

³²⁰ Equality Authority (2016), [Report on discrimination prohibited by law on the ground of national origin in the field of access to occupation and specifically in the profession of assistant estate agent](#), File number A.K.I.22/2016, 15 April 2016.

³²¹ Anti-discrimination Authority, Report Nos. AKP 22/2004, AKP 42/2004, AKP 43/2004, AKP 44/2004, AKP 49/2004, AKP 58/2004.

³²² Anti-discrimination Authority, Report No. A.K.P 73/2008, 30 December 2009.

³²³ Anti-discrimination Authority, Report Nos. AKP 75/2005 and AKP 78/2005.

³²⁴ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος) No. 42(I)/2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

combination with the Law on Equal Treatment in Employment and Occupation,³²⁵ as it resulted in discrimination against EU citizens and third country nationals.

In July 2017, the newly appointed Ombudswoman, instead of relying on the equality *acquis*, cited the national welfare eligibility legislation³²⁶ to rule against the exclusion of the third-country spouses of Cypriot nationals from the family's public benefit entitlement. The decision made no reference to the Racial Equality Directive or to contemporary scholarly interpretations of the Racial Equality Directive,³²⁷ in which nationality is viewed as a 'suspect' ground that is used as a pretext for indirect discrimination on the ground of racial/ethnic origin. The shift towards addressing maladministration rather than discrimination also appeared in another report by the Ombudswoman in November 2017, in which she used administrative law to examine a complaint that third-country prisoners were not eligible for parole.³²⁸ In 2023, the Equality Body refrained from locating unlawful ethnic discrimination in the practice of the scholarships authority to announce information about scholarships in any language other than Greek, suggesting that administrative law principles of sound administration could be relied upon instead in order to publish information in English at least.³²⁹ The scholarships authority had refused to publish information in Turkish, arguing that the doctrine of necessity had suspended the constitutional provision that set both Greek and Turkish as official languages of the Republic, a position endorsed by the Equality Body.

4.5 Health and safety at work (Article 7(2) Directive 2000/78)

In Cyprus, there are exceptions in relation to disability and health and safety at work as allowed under Article 7(2) of the Employment Equality Directive. The disability law excludes from its scope measures for the protection of 'health and the rights and freedoms of others'.³³⁰ The same law further provides that the principle of equal treatment does not preclude the maintaining or introduction of regulations for the protection of health and safety in the workplace, or measures aimed at creating or maintaining requirements or facilities intended to preserve or encourage the inclusion of persons with disabilities.³³¹

Law 58(I)/2004 transposing the Employment Equality Directive also excludes from its scope measures provided by national legislation which are necessary for, *inter alia*, the 'protection of health and the rights and freedoms of others', unless the differential treatment is due to a person's racial or ethnic origin, in which case it presumably constitutes unlawful discrimination.³³²

No exceptions are allowed relating to religion or other grounds where issues of dress or personal appearance are concerned. In recent years, as the number of asylum seekers and refugees from Middle Eastern countries is rising, it is more common to see religious symbols in the public sphere, but there is no data to connect the use of such symbols with employment prospects. In any case, the jobs that asylum seekers are permitted to do are

³²⁵ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004.

³²⁶ Law on Public Benefits and Services of 2006, as amended. Available at http://cylaw.org/nomoi/enop/non-ind/2006_1_95/index.html.

³²⁷ De Schutter, O. (2016), *Links between migration and discrimination*, report for the European network of legal experts in gender equality and non-discrimination. Available at: www.equalitylaw.eu/downloads/3917-links-between-migration-and-discrimination.

³²⁸ Commissioner for Administration and Human Rights, letter dated 24 November 2017, File No. AKR 2/2015.

³²⁹ Commissioner for Administration and Human Rights (2023), *Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων, ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων, αναφορικά με την δημοσίευση από το Ίδρυμα Κρατικών Υποτροφιών Κύπρου, ανακοινώσεων και αιτήσεων για υποτροφίες, μόνο στην Ελληνική γλώσσα* (Report of the Commissioner for Administration and Protection of Human Rights, as an equality and anti-discrimination body, regarding the publication by the Cyprus State Scholarships Foundation of announcements and applications for scholarships in Greek only), File numbers A/P 852/2021, A/P 2400/2021, A/P 418/2022, A/P 2362/2022, 28 December 2023.

³³⁰ Law on Persons with Disabilities No. 127(I)/2000, Article 3A(2).

³³¹ Law on Persons with Disabilities, No. 127(I)/2000, Article 3B(2).

³³² Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 5(3)(b).

restricted to specific low-status and low-paid jobs, whilst rising unemployment and the lack of Greek language skills are hampering the employment prospects of all non-Cypriots.

4.6 Exceptions related to discrimination on the ground of age (Article 6 Directive 2000/78)

4.6.1 Direct discrimination

a) Justification of direct discrimination on the ground of age

In Cyprus, national law allows for specific justifications for direct discrimination on the ground of age, subject to the criteria found in Article 6 of the Employment Equality Directive, which are explicitly listed in the national law.³³³ To date, no case has been presented before the Cypriot courts or the Equality Body raising the issues examined in *Mangold* or *Kucukdeveci*.

A reading of the relevant cases decided in previous years by the courts and by the Equality Body reveals significant differences in the treatment afforded to this issue by the two bodies. Court decisions have sought to justify differences in retirement ages for employees of different rank or different age, introducing a rather wide spectrum of exceptions premised upon a doctrine that 'unequal' situations must be treated differently and/or that discrimination must be unreasonable in order to be prohibited.³³⁴ Up until 2017, the Equality Body decisions were better informed about the relevant provision in the law transposing Directive 2000/78 and about legal developments in the CJEU, and used the test provided in the law (objectively and reasonably justified by a legitimate aim and means must be appropriate and necessary); at the time, the Equality Body was more likely than the courts to find that prohibited age discrimination had occurred, arising from differential treatment on the ground of age.³³⁵ A Supreme Court decision in 2014 regarding a claim against reduced benefits for a public sector employee who chose to retire before reaching the age of 45 could have marked a new departure for court decisions in this area, as the court found that the legal provision for reduced pension benefits for younger retiring employees was discriminatory and thus unlawful.³³⁶ The Pensions Law provision for the payment of reduced retirement benefits to public sector employees who chose to retire early³³⁷ was also the subject of a CJEU ruling against Cyprus, which found that it led to discrimination between different categories of employees.³³⁸ At the time of writing, however, the law sanctioning the discriminatory treatment had not been amended and there are no known plans for its revision.

In 2022, the Equality Body ruled that a provision in the statutes of the journalists' union excluding union members no longer working as journalists from joining the union's board, irrespective of age, was unlawful age discrimination. The complaint emanated from two retired journalists, who challenged a provision in the statutes of the journalists' union that prevented persons no longer active in the profession from being elected to the union's board. The Equality Body decided that differences of treatment on grounds of age could be justified only if they relate to employment policy, labour market and vocational training objectives. The decision concluded that no differences of treatment could be permitted in the context of participating in a trade union, even though this does not tally with the

³³³ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 8.

³³⁴ Supreme Court, *George Mattheou v. Republic of Cyprus through the Chief of Police and the Minister of Justice and Public Order* (*Γιώργος Ματθαίου v. Κυπριακής Δημοκρατίας μέσω του Υπουργού Δικαιοσύνης και Δημόσιας Τάξης*) No. 1497/2008, 30 April 2012.

³³⁵ Equality Authority, Report No. AKI 30/2011, 23 May 2012; Equality Authority, Report No. A.K.I. 32/2008, 6 April 2012.

³³⁶ Supreme Court, *Nicoletta Charalambidou v. Republic of Cyprus, the Minister of Finance and the Attorney General* (*Νικολέτα Χαραλαμπίδου v. Κυπριακής Δημοκρατίας, Υπουργού Οικονομικών και Γενικού Εισαγγελέα*), No. 1695/2009, 17 December 2014.

³³⁷ Law on Pensions (*Ο περί συντάξεως νόμος*) N. 97(I)/1997, Article 27(1).

³³⁸ CJEU, *European Commission v. Cyprus*, Judgment of 21 January 2016, C-515/14, ECLI:EU:C:2016:30.

provisions of either the Directive or its transposing legislation. The justification offered by the trade union for preventing members who are not working as journalists from participating in the board was that it was unreasonable for people who were not working as journalists to make decisions about working conditions of journalists; the union added that the restriction in board participation did not affect members on account of their age, but rather on account of their professional activity. Even though this explanation could arguably pass the test of objectivity and reasonableness, the Equality Body concluded that the restriction affected persons on account of their age and that no justification could be considered, but it did not clarify if it considered this case to be direct or indirect discrimination.³³⁹

In 2023, the Labour Disputes Court delivered a decision finding unlawful age discrimination in the practice followed by an employer to force some employees to retire at 60 because this retirement age was set in the collective agreement with their previous employer, which the current employer had committed to observe on the basis of an agreement for the transfer of employees. The Court rejected arguments from the respondent employer that they had no choice other than to follow the terms of the transfer agreement; that the working conditions of transferred employees were, overall, more favourable than those of the existing employees of the company; and that genuine efforts had been made to integrate the transferred employees into the company's current collective agreement.³⁴⁰

b) Permitted differences of treatment based on age

In Cyprus, national law permits differences of treatment based on age for any activities within the material scope of Directive 2000/78.

Although the exception in Article 6(2) of Directive 2000/78 is not specifically invoked in national legislation, there are provisions in the law governing the payment of benefits under pension schemes in the public service, which depend at least partly on age. In particular, the Law Amending the Pensions Laws of 1997-2001 69(I) 2005 provides that the lump sum payable to public servants upon retirement is paid upon the attainment of certain ages in combination with the completion of a certain term of service.

There is a long list of additional laws governing the payment of benefits under pension schemes to employees in various Government and semi-Government bodies, most of which follow the pattern of the aforesaid law, i.e. benefits become payable upon completion of a certain term of service and/or upon attainment of a certain age and/or upon attainment of pensionable age.

c) Fixing of ages for admission to occupational pension schemes

In Cyprus, national law allows occupational pension schemes to fix ages for admission to the scheme, taking up the possibility provided for by Article 6(2).³⁴¹ The use of age criteria in actuarial calculations is not prohibited, provided it does not result in gender discrimination.

In the public sector, benefits under pension schemes depend at least partly on age. In the private sector, pension schemes are governed either by collective agreements (where such exist in the particular sector) or by individual employment contracts, where the conditions

³³⁹ Commissioner for Administration and Human Rights (2022), [*Έκθεση Επιτροπής Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων αναφορικά με διακριτική μεταχείριση των συνταξιούχων τακτικών μελών της Ένωσης Συντακτών Κύπρου, ένεκα της στέρησης του δικαιώματος του εκλέγεσθαι*](#), (Report of the Commissioner for Administration and Protection of Human Rights regarding discriminatory treatment of retired regular members of the Cyprus Union of Journalists, due to the deprivation of the right to vote), 18 November 2022.

³⁴⁰ Labour Disputes Court (2023), [*A. C v. G.D.*](#), Swift adjudication following an order from the court dated 3 December 2021, Application No. 183/2019, 11 January 2023, ECLI:CY:DEDLEF:2023:2.

³⁴¹ Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 8(3).

of eligibility for benefits are impossible to monitor. It is possible that any collective or individual agreement that discriminates on other grounds will be deemed unlawful on the basis of Article 4(c) of Law 58(I)/2004, transposing Article 3(1) (c) of the Employment Equality Directive on conditions of employment, subject of course to the exception in Article 6(2) of the Directive (transposed by Article 8(3) of Law 58(I)/2004).

4.6.2 Special conditions for younger or older workers

In Cyprus, there are no special conditions set by law for older and/or younger workers, in order to promote their vocational integration. Law 58(I)/2004 transposing the Employment Equality Directive provides that differential treatment – in the form of special conditions for access to employment and vocational training, employment and occupation, including dismissal and remuneration conditions, for young and old persons, so as to promote their vocational integration or ensure their protection – shall not constitute discrimination.³⁴² However, no measures or special conditions are actually provided by this law or by any other law or regulation.

4.6.3 Minimum and maximum age requirements

In Cyprus, there are exceptions permitting minimum and/or maximum age requirements in relation to access to employment and training. The law allows the fixing of minimum age limits, professional experience or seniority. It also permits the setting of maximum limits for access to employment based on the training required for the particular position or the need for a reasonable period of employment prior to retirement, provided the measure is objectively justified by a legitimate aim and the means are necessary and legitimate.³⁴³ In addition, the law provides an exception relating to the armed forces, where the principle of non-discrimination on the ground of age is stated to be inapplicable to the extent that the fixing of an age limit is justified by the nature and duties of the work.³⁴⁴ The law does not specify the age limit applicable in this case, which is determined by the armed forces' service schemes.

4.6.4 Retirement

a) State pension age

In Cyprus, there is a state pension age, at which individuals must begin to collect their state pensions. The current state pension age is 65,³⁴⁵ although people who meet a list of criteria as regards their social insurance contributions may receive a statutory pension at 63.³⁴⁶ The conditions of eligibility for the statutory pension are as follows:

(a) The person has reached pensionable age and, at the same time, satisfies the relevant insurance conditions; or

(b) The person has attained the age of 63 years, satisfies the relevant insurance conditions and the number of units of basic insurance is not less than 70 % of the number of years falling within the reference period applicable in his/her case; or

(c) On reaching the age of 63 years, the person was entitled to an invalidity pension; or

(d) The person is aged between 63 and 65 and would have been entitled to an invalidity pension if s/he was under 63.

³⁴² Law on Equal Treatment in Employment and Occupation N. 58(I)/2004, Article 8(2)(a).

³⁴³ Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 8(2)(b) and (c).

³⁴⁴ Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 8(4).

³⁴⁵ Law on Social Insurance ([*Ο περί κοινωνικών ασφαλίσεων νόμος του 2010*](#)), N. 59(I)/2010, Article 2.

³⁴⁶ Law on Social Insurance, N. 59(I)/2010, Article 35.

The people who meet the criteria for receiving the statutory pension at the age of 63 have their pensions adjusted from 2018, in a manner to be determined by regulations, every five years based on the change in life expectancy at retirement age, with the first adjustment corresponding to the change in life expectancy for the five-year period 2018 to 2023. Persons eligible for the statutory pension may choose to defer payment of their pension until they reach the age of 68, in which case the amount of the pension is increased by 0.5 % for every month of deferral.³⁴⁷

In the private sector, an individual can collect a pension and still work, but other conditions apply in the public sector. However, upon reaching pensionable age, private sector employees lose their right to compensation for unlawful dismissal.³⁴⁸

Contributions to the state social insurance scheme can be paid only until the person reaches 'pensionable age'.³⁴⁹ Contrary to what applies in the public sector, an individual can collect a pension and still work in the private sector; this is a matter governed by the individual employment contract.

Public sector employees may not work past their retirement limit, so their pensionable age coincides with their retirement age.³⁵⁰ However, it is possible for public servants past their pensionable age to be appointed to another paid public post without losing their state pension. Although a law introduced in 2011 sought to reduce the state pension of public sector employees who take up another paid public position after retirement,³⁵¹ a Supreme Court decision in 2014 found this law to be unconstitutional and restored state pensions for this category of pensioners.³⁵² Legislators are reported to be in search of a solution to this issue since then, amid public discontent over a legal vacuum that allows a small group of privileged individuals to receive double pay from the public payroll at a time of economic crisis and austerity. To date, however, legislators have been unable to find a solution to address this problem.

b) Occupational pension schemes

In Cyprus, there is no standard age when private sector employees can begin to receive payments from occupational pension schemes or from other employer-funded pension arrangements. Up until now, the private sector has generally considered the age of 65 as pensionable age, although this is not mandatory and deviations are not prohibited. The content of private pension schemes is governed by private agreements and no generalisations can be made as to the terms customarily used. If an individual wishes to work for longer, payments from such occupational pension schemes can be deferred, if this is provided for in the terms of the employee's pension scheme. Different private pension schemes provide different terms as regards the deferral of payments where a person wishes to work beyond pensionable age. There is no law governing these schemes, and no generalisations can be made as regards common practice.

³⁴⁷ Law on Social Insurance, N. 59(I)/2010, Article 39.

³⁴⁸ [Law on Termination of Employment](#) N. 24/1967, Article 4.

³⁴⁹ Law on Social Insurance, N. 59(I)/2010, Articles 2 and 35.

³⁵⁰ Law on Pensions ([Ο περί συντάξεως νόμος](#)), N.97(I)/1997, Article 9.

³⁵¹ Law on Pensions of State Officials (General Principles) ([Ο περί συντάξεων κρατικών αξιωματούχων \(Γενικές Αρχές\) Νόμος](#)), N. 88(I)/2011.

³⁵² Supreme Court, [Maria Koutselini-Ioannidou et al v. Republic of Cyprus](#), Ref. 740/11, 891/11, 892/11, 893/11, 927/11, 928/11, 930/11, 931/11, 960/11, 963/11, 964/11, 966/11, 996/11, 997/11, 998/11, 999/11, 1028/11, 1029/11, 1031/11, 1032/11, 1033/11, 1034/11, 1035/11, 1036/11, 1040/11, 1048/11, 1051/11, 1087/11, 1150/11, 1163/11, 1186/11, 1187/11, 1191/11, 1205/11, 1206/11, 1276/11, 1287/11, 1310/11, 1364/11, 1540/11, 1612/11, 1681/11, 1710/11, 114/12, 556/12, 563/12, 564/12, 587/12, 7 October 2014.

c) State-imposed mandatory retirement ages

In Cyprus, there are mandatory retirement ages set by law only for public sector employees. Different mandatory retirement ages apply for different employees in the public sector, depending on their profession, rank and year of joining the service,³⁵³ with discretion to extend. The Council of Ministers may require a public employee to retire five years below the mandatory retirement age or at any later time, if this is deemed to be in the public interest or to permit an employee to remain in service after the date on which the employee reaches the mandatory retirement age for such a period as the Council of Ministers may determine.³⁵⁴

A number of Supreme Court decisions since 2007³⁵⁵ have found that the different retirement ages for employees of different ages do not amount to age discrimination.

In the public sector, retirement ages are mandatory, and employees may not work past their retirement limit.³⁵⁶ Late retirement is prohibited by law for public sector employees, semi-Government organisation employees and employees of public education institutions.

d) Retirement ages imposed by employers

In Cyprus, national law permits employers to set retirement ages (or ages at which the termination of an employment contract is possible) by contract and/or collective bargaining. There is no statutory retirement age in Cyprus for employees in the private sector; employer and employee are free to agree on a retirement age of their choice. Up until now, the majority of private sector workers retired during their 65th year, which is the pensionable age prescribed by the Law on Social Insurance.³⁵⁷

e) Employment rights applicable to all workers irrespective of age

The law on protection against dismissal and other laws protecting employment rights do not apply to workers past pensionable age. The Law on Termination of Employment provides that the right to protection from unfair dismissal is lost upon reaching pensionable age.³⁵⁸ This effectively means that the employer is free to dismiss employees or force them to retire at any time after they have reached pensionable age without having to pay any compensation. In 2007, the Equality Body found the said provision to be discriminatory and referred it to the Attorney General for revision. However, no measures were taken, and the said provision continues to remain in force. Under the current conditions of deep recession and rising youth unemployment, it is unlikely that this provision will be revised now.

f) Compliance of national law with CJEU case law

In Cyprus, national legislation is not in line with the CJEU case law on age regarding mandatory retirement.

³⁵³ Law on Pensions, N. 97(I)/1997 as amended, Article 12.

³⁵⁴ Law on Pensions ([Ο περί συντάξεως νόμος](#)), N.97(I)/1997, Article 12(7) and 12(8). The 'mandatory' nature of the work past retirement, although described as such in the law, is less mandatory in practice as such arrangements are usually the result of agreements between the civil service and the employee concerned and are not imposed on unwilling employees.

³⁵⁵ Supreme Court, *Vassos Constantinou v. Republic of Cyprus* and *Androulla Stavrou v. Republic of Cyprus* ([Βάσος Κωνσταντίνου v. Κυπριακής Δημοκρατίας και Ανδρούλα Σταύρου v. Κυπριακής Δημοκρατίας](#)) (joined cases) Case Nos. 1795/2006 and 1705/2006, 1 June 2007.

³⁵⁶ Law on Pensions, N. 97(I)/1997, Article 9.

³⁵⁷ Law on Social Insurance, N. 59(I)/2010, Article 2(1).

³⁵⁸ Law on Termination of Employment ([Ο περί τερματισμού της απασχόλησης νόμος](#)), N. 24/1967, Article 4.

4.6.5 Redundancy

a) Age and seniority taken into account for redundancy selection

In Cyprus, national law does not permit or prohibit seniority or age to be taken into account in selecting workers for redundancy. The Law on Termination of Employment, which governs redundancies, does not provide for seniority or age to be taken into account in selecting workers for redundancy. Instead, the principle of 'first in, last out' is accepted by the courts and is used as a criterion for determining whether the right worker or workers have been selected for redundancy. In a significant number of cases, there is a collective agreement in force explicitly providing for this principle, which, however, must be used in conjunction with the ability and efficiency of a particular worker. In other words, the provision in the collective agreement states that the person to be made redundant must be the last one hired, considering significant differences in the ability and efficiency of the work of the employees who are about to be dismissed.³⁵⁹ All other things being equal, the court will apply the principle of 'first in, last out'.³⁶⁰ In some instances, however, the court has ruled that seniority alone cannot prevent the selection of a worker for redundancy.³⁶¹

b) Age taken into account for redundancy compensation

In Cyprus, national law provides for compensation for redundancy. This, however, is not directly affected by the age of the worker. The general rule is that the following criteria are used to determine the amount of compensation payable in the case of redundancy: the number of years of service with the same employer;³⁶² whether the period of employment started before 1 January 1964, as no compensation is payable for work before that date;³⁶³ whether employment was continuous;³⁶⁴ and the amount of weekly salary earned.³⁶⁵ It may be argued that some of these criteria may, by inference, be indirectly related to age.

Article 19(1) of the Law on Termination of Employment provides that in the private sector, redundancy does not generate the right to compensation if the worker so dismissed was of pensionable age on the date of termination of their employment. Moreover, in accordance with Article 19(2) of the same law, when a worker's employment is terminated within 12 months prior to their pensionable age, the amount of compensation payable is reduced by one-twelfth for every completed month during this 12-month period.³⁶⁶

A number of cases have been decided by the courts where age was used as a criterion in order to assess the worker's application for compensation from the redundancy fund when there was an offer by the employer of an alternative position.³⁶⁷

³⁵⁹ Labour Court, *Andreas Hadjidemetriou v. 1. Publishing company 'To Vima' Ltd, 2. Redundancy Fund* (Ανδρέας Χατζηδημητρίου v. 1. Εκδοτικής Εταιρείας 'Το Βήμα', 2. Ταμείο Πλεονάζοντος Προσωπικού), Case No. 107/85.

³⁶⁰ Labour Court, *Chrysostomos Stavrou v. Redundancy Fund* (Χρυσόστομος Σταύρου v. Ταμείο Πλεονάζοντος Προσωπικού), Case No. 328/92.

³⁶¹ *Charalambous v. Famagusta General Agency Ltd* (Χαραλάμπους v. Famagusta General Agency Ltd), Case No. 490/95, 31 July 1998.

³⁶² Law on Termination of Employment ([Ο περί τερματισμού της απασχόλησης νόμος](#)), N. 24/1967, Table IV, Section 1.

³⁶³ Law on Termination of Employment ([Ο περί τερματισμού της απασχόλησης νόμος](#)), N. 24/1967, Table IV, Article 2.

³⁶⁴ Law on Termination of Employment ([Ο περί τερματισμού της απασχόλησης νόμος](#)), N. 24/1967, Table IV, Article 3.

³⁶⁵ Law on Termination of Employment ([Ο περί τερματισμού της απασχόλησης νόμος](#)), N. 24/1967, Table IV, Article 4.

³⁶⁶ Law on Termination of Employment, N. 24/1967, Article 19.

³⁶⁷ Labour Court, *Andreas Charalambous v. 1. Zako Ltd and 2. Redundancy Fund* (Ανδρέας Χαραλάμπους v. 1. ΖΑΚΟ Λτδ και 2. Ταμείου Πλεονάζοντος Προσωπικού), Case No. 295/96; Labour Court, *Kyriakoula Demetriou v. 1. Sotos Loizides and 2. Redundancy Fund* (Κυριακούλα Δημητρίου v. 1. Σώτου Λοιζίδη και 2. Ταμείου Πλεονάζοντος Προσωπικού), Case No. 634/96; Labour Court, *Frosia Hadjigeorgiou v. 1. Lizonic Fashion Center Ltd and 2. Redundancy Fund* (Φρόσια Χατζηγεωργίου v. 1. Lizonic Fashion Center, 2.

The same principle is applied when the employer introduces new or more advanced technology and requires the employee to accept training and/or adapt to the new methods: if the employee is young, their refusal to adapt to the new technology is held to be unreasonable and therefore redundancy compensation is not paid; if, however, the employee is old, the court will afford more understanding to their inability or refusal to adapt, and redundancy compensation is paid.³⁶⁸ It is presumed that the same rule would be applied by the courts in the case of employees with disabilities, although no such case has been brought before the courts so far, bearing in mind that, in the case of employees with disabilities, the employer is obliged to provide 'reasonable accommodation' to enable the employee to adapt to the new technology.

No cases have yet been presented before the courts seeking to reverse the above rules on the basis of the anti-discrimination laws transposing the EU *acquis*, and it is not clear whether or not these rules would withstand such scrutiny.

4.7 Further exceptions necessary in a democratic society: Public security, public order, criminal offences, protection of health, protection of the rights and freedoms of others (Article 2(5) Directive 2000/78)

In Cyprus, national law includes exceptions that seek to rely on Article 2(5) of the Employment Equality Directive. Law 58(I)/2004, which roughly transposes the Employment Equality Directive, transposed the provision in Article 2(5) of the Directive verbatim: The scope of national law excludes measures provided for by national legislation and those which, in a democratic society, are necessary for security, the maintenance of order and the prevention of criminal offences, the protection of health and the rights and freedoms of others.³⁶⁹ The same provision is also to be found in the disability law.³⁷⁰ There are no other provisions in Cypriot legislation relying on the exception in Article 2(5) of the Employment Equality Directive. The exception does not apply to differential treatment on grounds of racial or ethnic origin.

4.8 Any other exceptions

In Cyprus, other exceptions to the prohibition of discrimination (on any ground covered by this report) provided in national law concern the positive action provisions, which are discussed below. In addition, a number of laws and regulations provide for the less favourable treatment of Turkish Cypriots in various fields.

Ταμείου Πλεονάζοντος Προσωπικού), Case No. 1164/97; Labour Court, *Fotis Mikellides v. Redundancy Fund* (Φώτης Μικελλίδης v. Ταμείου Πλεονάζοντος Προσωπικού), Case No. 577/90.

³⁶⁸ Labour Court, *Fotis Mikellides v. Redundancy Fund* (Φώτης Μικελλίδης v. Ταμείου Πλεονάζοντος Προσωπικού), Case No. 577/90.

³⁶⁹ Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 5(3)(b).

³⁷⁰ Law on Persons with Disabilities, No. 127(I)/2000, Article 3A(2).

5 POSITIVE ACTION (Article 5 Directive 2000/43, Article 7 Directive 2000/78)**a) Scope for positive action measures**

In Cyprus, positive action is permitted in national law in respect of all five grounds.³⁷¹ The provisions render differential treatment lawful under conditions, but fall short of creating a mandatory duty to adopt positive action measures to address historical injustices. Law 59(I)/2004, which more or less transposes the Racial Equality Directive, renders non-discriminatory, and therefore lawful, any differential treatment or the introduction or maintaining of special measures which, although they may initially appear to be discriminatory, are aimed at preventing or compensating for disadvantages linked to ethnic or racial origin.³⁷² Along the same lines, Law 58(I)/2004, which more or less transposes the Employment Equality Directive, renders non-discriminatory, and therefore lawful, any preferential treatment in employment which, although *prima facie* discriminatory, are aimed at preventing or compensating for disadvantages linked to racial or ethnic origin, religion or belief, age or sexual orientation.³⁷³ No requirements must be met in order for the positive action to be lawful.

The disability law renders non-discriminatory, and therefore lawful, any preferential treatment for an occupation which, although *prima facie* discriminatory, is aimed at preventing or compensating for disadvantages linked to disability. The same law provides that the principle of non-discrimination does not prevent the maintaining or introduction of regulations for the protection of health and safety at work, or any measures aimed at promoting the labour market integration of persons with disabilities.³⁷⁴

When the Employment Equality Directive was transposed, the Government and the Parliament were initially reluctant to introduce quotas in employment for persons with disabilities for fear that these would be deemed to violate the non-discrimination principle set out in Article 28 of the Constitution, based on the CJEU decision in the *Kalanke* case.³⁷⁵ These concerns were appeased when the Constitution was amended in 2006 to give priority to EU regulations and directives over all domestic legislation (including the Constitution). However, several subsequent court decisions took little notice of this development, and continued to apply the Constitution as if it were the supreme law of the country. The culture of positive action to offer opportunities to historically disadvantaged groups had hardly begun to develop, however, when Cyprus sank into an economic crisis, and a freeze on recruitment in the public service was imposed as a measure to contain public expenditure.

In February 2011, a law came into force providing for an annual grant of EUR 3 675.48 to every family with a blind child.³⁷⁶ This measure has not as yet been contested as incompatible with the equality principle, partly because different grants apply to different types of disability, and partly, and more importantly, because grants, especially grants as small as these, are not seen as paramount as quotas in employment, a key issue for the disability movement. In July 2023, in the framework of harmonising national VAT legislation with Council Directive 2022/542, VAT was reduced to 3 % for certain goods and services, and a number of items for personal use by blind persons and by persons with

³⁷¹ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf; Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ισής μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ισής Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*) 2004 N. 58(I)/2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

³⁷² Law on Equal Treatment (Racial or Ethnic Origin), N. 59(I)/2004, Article 6.

³⁷³ Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 9.

³⁷⁴ Law on Persons with Disabilities, No. 127(I)/2000, Articles 3B(1) and 3B(2).

³⁷⁵ CJEU, *Kalanke v. Freie Hansestadt Bremen*, C-450/93, 17 October 1995, ECLI:EU:C:1995:322.

³⁷⁶ Law on Special Grant to Blind Persons of 2011 (*Ο περί παροχής ειδικής χορηγίας σε τυφλούς νόμος του 2011*), 25 February 2011.

disabilities were included in the category of zero-VAT items.³⁷⁷ The law purports to conform with Council Directive 2022/542 of 5 April 2022 as regards VAT rates, which permits, *inter alia*, reduced rates for goods and services essential to compensate and overcome disabilities.³⁷⁸

The eligibility conditions for the minimum guaranteed income include a requirement that neither the applicant nor any other member of the applicant's family may own real estate worth more than EUR 100 000. The applicant's privately owned residence is not taken into account, provided that it does not exceed 300 square metres. In practice, this impacted negatively on persons with disabilities, many of whom lived with their families in properties with a life interest. In November 2023, the law on the minimum guaranteed income was amended so that beneficiaries of the minimum guaranteed income who are persons with disabilities will not lose this benefit as a result of a residential property owned by them or by members of their family that is subject to a life interest. To be eligible for this exemption from the rule, the property in question must not exceed 300m² and must be subject to a life tenancy right in favour of another person registered on the books of the Land Registry Department, in which residence any person who is a relative of the beneficiary or of the applicant and who is not a member of his/her family unit resides. The law further provides that persons with disability who were receiving the minimum guaranteed income, which was cut off for the sole reason that they owned a residential property, may reapply for the minimum guaranteed income and, if approved, they will receive it retroactively from the date on which it was cut off. The same applies to persons with disability whose application for the minimum guaranteed income was rejected on the sole ground of ownership of the property by themselves or by members of their families; under this amendment, the beneficiaries may reapply for minimum guaranteed income and, if approved, they will receive the allowance retroactively from the date of rejection of the application.³⁷⁹ The amendment purports to address a gap in the law whereby persons with disabilities would lose eligibility to benefits once a property subject to a life interest was transferred to them or to a member of their family.

b) Quotas in employment for persons with disabilities

In Cyprus, national law provides for a quota for the employment of persons with disabilities, who are assessed and certified as having a disability by a special committee, which was set up under the quota law adopted in 2009. The law provides for the employment of persons with disabilities in the wider public sector: 10 % of the number of vacancies to be filled at any given time must be filled by persons with disabilities, provided that this does not exceed 7 % of the aggregate of employees per department. The quota applies to first appointment positions (i.e. excluding promotions) at the introductory scale (i.e. low in hierarchy) and is specifically drafted to exclude areas where special provisions in favour of persons with disabilities are already in place (more specifically, the quota in favour of blind telephonists – see below) and sections of the public service where 'all physical, mental or intellectual restrictions must necessarily be absent' (the army, the police, the fire department and the prisons). Non-compliance with this quota is a criminal offence, punishable by a fine of up to EUR 5 000 and/or imprisonment of up to two years.³⁸⁰

³⁷⁷ Law on Value Added Tax (Amendment) (No. 3) Law of 2023 [*Ο περί Φόρου Προστιθέμενης Αξίας (Τροποποιητικός) (Αρ. 3) Νόμος του 2023*], 21 July 2023.

³⁷⁸ House of Representatives (2023), '*Minutes of the House of Representatives' Seventh Parliamentary term session B, Sitting of 13 July 2023*'.

³⁷⁹ *The regulation of the minimum guaranteed income and the social benefits in general (Amendment) Law of 2023* [*Ο περί Ελάχιστου Εγγυημένου Εισοδήματος και Γενικότερα περί Κοινωνικών Παροχών (Τροποποιητικός) Νόμος του 2023*], N.163(I)/2023, 20 December 2023.

³⁸⁰ Law on the Hiring of Persons with Disabilities in the Wider Public Sector (Special Provisions) (*Ο περί Πρόσληψης Ατόμων με Αναπηρίες στον Ευρύτερο Δημόσιο Τομέα (Ειδικές Διατάξεις) Νόμος*) No. 146(I)/2009, Article 2. Available at www.cylaw.org/cgi-bin/open.pl?file=nomoi/enop/ind/2009_1_146/preamble-pr5e5a5a44-4dbb-cd45-1dc3-7d194767d5c2.html&qstring=146_%28I%29_%20w/1_%202009.

Before the quota law had a chance of being implemented, the austerity measures adopted in response to the economic crisis led to a freeze on all new recruitment in the public sector for several years.³⁸¹ The disability movement reported that job applicants with disabilities who applied for jobs invoking the provisions of this law were met with reluctance by public officials, who openly told them that the law was unconstitutional and would not remain in force for long.³⁸² In spite of these predictions, however, the quotas law was not declared unconstitutional, and in 2015, the courts rejected an application from two claimants without disabilities who had sought to challenge the decision to appoint two persons with disabilities as teachers under the quotas law. The Supreme Court rejected the claimants' argument that the quotas were unconstitutional or that they violated the equality principle, and disagreed with the claimants' submission that previous Supreme Court judgments had established that laws providing for quotas were unconstitutional. The Court clarified that the equality principle as established in Article 28 of the Constitution safeguards against arbitrary differentiations but does not exclude reasonable differentiations, which are allowed as a result of the essential nature of the circumstances. In such cases, the Court added, differential treatment of unequal or exceptional situations does not amount to a deviation from, but rather to a practical implementation of, the equality principle; in this case, the priority given to persons with disabilities was seen as falling within the boundaries of reasonable differentiation precisely for implementing equality.³⁸³ This decision may be seen as a landmark decision; following this precedent, the quotas in favour of persons with disabilities were not challenged again, and the quota law began to be implemented more smoothly.

Despite the removal of legal obstacles to the quotas, the Confederation of Disability Organisations (KYSOA) reports that the results on the ground are less than satisfactory, as dozens of candidates with disabilities who apply for public service jobs are forced to constantly file objections and appeals at the Supreme Court against administrative decisions rejecting their employment applications, especially in the field of education. Most of the appeals are found by the Court to be well-founded; however, the administrative court procedure foresees only the annulment of the wrongful recruitment and cannot order the appointment of persons with disabilities in accordance with the quota law. KYSOA states that since 2010, when the quota law was adopted, only a few hundred persons with disabilities were hired, even though thousands of vacancies have been announced. The new system of recruiting teachers from the waiting list excluded teachers with disabilities from the quota, because only limited accommodation measures could be made available.³⁸⁴ Data presented in Parliament demonstrated that the quota legislation regarding the employment of persons with disabilities in the public sector is largely failing, in practice: only 54 people with disabilities were recruited into the public and semi-public sectors between 2010 and 2024 and most of these recruits were employed on temporary or hourly contracts, rather than in permanent positions.³⁸⁵

An older measure preceding the above quota law continues to be in place and targets a specific category of workers with disabilities – blind telephone operators³⁸⁶ – despite concerns expressed by the Equality Body in 2009 that it led to discrimination against

³⁸¹ Law Providing for the Prohibition of Fulfilment of Vacant Posts in the Public and in the Wider Public Sector and in Public Law Legal Entities (*Ο Περί της Απαγόρευσης Πλήρωσης Κενών Θέσεων στο Δημόσιο και στον Ευρύτερο Δημόσιο Τομέα (Ειδικές Διατάξεις) Νόμος*) N. 21(I)/2013, 18 April 2013. Available at http://www.cylaw.org/nomoi/enop/non-ind/2013_1_21/full.html.

³⁸² Consultation with the President of KYSOA, the Cypriot Confederation of Disability Organisations.

³⁸³ Supreme Court, *Costas Tsikas et al v. Republic of Cyprus through the Committee of Educational Service*, Ref. Nos. 1519/2010 and 1520/10, 3 September 2015.

³⁸⁴ Nicolaou, A., 'Ατομα με αναπηρίες στην αγορά εργασίας', *Phileleftheros*, 30 August 2021.

³⁸⁵ Offsite News (2026), 'Στο "κενό" η νομοθεσία για την εργοδότηση ατόμων με αναπηρία στον δημόσιο τομέα' (*Legislation on the employment of persons with disabilities in the public sector remains ineffective*), 23 February 2026.

³⁸⁶ Appointment of Trained Blind Telephone Operators to the Post of Telephone Operator in the Public Sector (Special Provisions) Law of 1988 (*Ο περί Προσλήψεως Εκπαιδευμένων Τυφλών Τηλεφωνητών στη Θέση Τηλεφωνητή στη Δημόσια και Εκπαιδευτική Υπηρεσία και στα Νομικά Πρόσωπα Δημοσίου Δικαίου (Ειδικά Διατάξεις) Νόμος του 1988*).

persons with other types of disabilities. The law provides that blind candidates who have all the qualifications required by the scheme of service and who are trained telephone operators³⁸⁷ are given priority in appointments. The same law also provides that, in order to appoint a non-blind person to the post of telephone operator, the national organisation for the blind must give its prior written confirmation that none of the other candidates for the specific post are blind telephone operators. Article 3 of the same law provides that other candidates with disabilities will be preferred if none of the candidates for the said position are blind telephone operators. No sanction is provided in the law for non-compliance with its provisions. Recent technological developments in telephone services may present a risk to this institution, however, and could mean that training may have to be channelled in other directions.

³⁸⁷ Training in telephone operation is provided free of charge to all blind persons by the state School for the Blind. The Pancyprian Organisation for the Blind, an NGO, also offers further training, free of charge.

6 REMEDIES AND ENFORCEMENT

6.1 Judicial and/or administrative procedures (Article 7 Directive 2000/43, Article 9 Directive 2000/78)

a) Available procedures for enforcing the principle of equal treatment

In Cyprus, the following three procedures exist for enforcing the principle of equal treatment.

The Equality Body

Individuals and organisations may submit complaints via the 'extrajudicial' process before the Equality Body. The Equality Body has a duty to investigate these complaints and issue decisions or recommendations.³⁸⁸ Complaints may be submitted by natural or legal persons alleging discrimination on any of the prohibited grounds (EU directives, Protocol No. 12 to the ECHR, the Cypriot Constitution) in any of the fields within the scope of the laws. As of 2017, when the current Ombudswoman took over the Equality Body, it appears that this institution no longer examines complaints submitted by persons other than the victims themselves.³⁸⁹ The Equality Body is empowered to issue binding decisions and/or make recommendations and impose small fines. The Equality Body also has a duty to monitor the enforcement of the orders it issues,³⁹⁰ which are published in the *Official Gazette*.³⁹¹ The Equality Body is further empowered to impose fines for failure to comply with its recommendations,³⁹² which are, however, so low that they cannot be seen as a deterrent. It nearly always chooses to mediate or issue recommendations and to date has never imposed a fine, apart from one occasion: in a gender discrimination case concerning a temporary worker who was dismissed from the public service while pregnant.³⁹³ Given the Equality Body's record of not imposing sanctions during its more than 20 years of operation, one may presume that it has a policy of avoiding sanctions. The Equality Body issued a binding recommendation for the first time in 2022, forcing the journalists' union to postpone its elections for members of its board, and to change its statutes so as to permit union members who are no longer working as journalists to stand for election to the union's board. The journalists' union initially filed an application with the court to annul the Equality Body's decision, but then withdrew the application and complied, in light of the legal costs involved and the delays that the process would cause to the conducting of the board elections. The journalists' union amended its statutes permitting members not active in the labour market to stand for election to the board.

³⁸⁸ Law on Persons with Disabilities (*Ο Περί Ατόμων με Αναπηρίες Νόμος*) No. 127(I)/2000, Article 9G. Available at www.cylaw.org/nomoi/arith/2000_1_127.pdf; Law on Equal Treatment (Racial or Ethnic Origin) (*Ο περί Ίσης μεταχείρισης (Φυλετική Εθνοτική Καταγωγή) Νόμος*) N. 59(I)/2004, Article 9. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_59/full.html; Law on Equal Treatment in Employment and Occupation (*Ο Περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία Νόμος*) 2004 N. 58(I)/2004, Article 13. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

³⁸⁹ See, notably, a news article containing an exchange of letters between the Commissioner and a (then) Member of the Parliament, dated 26 April 2018, available at: <https://www.philenews.com/eidiseis/politiki/article/517554>.

³⁹⁰ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (*Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος*) No. 42(I)/ 2004, Article 24(1). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

³⁹¹ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/2004, Article 15.

³⁹² Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/2004, Article 26(1). The Equality Body may impose a fine up to EUR 600 (CYP 350) for failure to comply with recommendations and/or up to about EUR 85 (CYP 50) per day for continuing failure to comply after the expiry of the deadline set for compliance of the recommendation.

³⁹³ Equality Authority, 'Εκθεση της Αρχής Ισότητας αναφορικά με την καταγγελία για την απόλυση εγγύου έκτακτης υπαλλήλου από τη δημόσια υπηρεσία' (Report regarding a complaint for the dismissal of a pregnant temporary employee in the public sector), Ref.A.K.I.4/07, 17 August 2007. Reported in Equality Authority (2008), *Annual Report 2007*, p. 57.

The decisions of the Equality Body may only be challenged in court by way of judicial review of administrative action at the Administrative Court under Article 146 of the Cypriot Constitution; however, this procedure is open to those with a 'legitimate interest' and it is doubtful whether organisations representing victims meet this criterion.³⁹⁴ If, after investigation, the Equality Body finds that a certain law or regulation contravenes the anti-discrimination laws, the Equality Body will refer the discriminatory law or regulation to the Attorney General to draft an amendment. This procedure rarely bears fruit, however. The discriminatory law remains in force and continues to be applied unless and until the law is changed, following the preparation of a new draft law by the Attorney General, a procedure that raises issues of compliance with the Directives (Article 16 of the Employment Equality Directive and Article 14 of the Racial Equality Directive). Courts examining discrimination complaints resulting from the application of a legal provision will not take the initiative to disapply the discriminatory law as that would, in their view, amount to an infringement of the doctrine of separation of powers.³⁹⁵

While the Equality Body's powers and mandate are exactly the same for claims against the public and the private sector, it receives very few complaints against the private sector. This could, arguably, be attributed to the fact that the public appears to be largely unaware of the existence and the powers of the Equality Body, often confusing it with the institution of the Ombudswoman (whose competences are restricted to the public sector), which has so far overshadowed the Equality Body.

To file a complaint for discrimination, the complainant must use the online form available on the Ombudswoman's website.³⁹⁶ The Ombudswoman will then decide in which capacity the complaint will be examined, i.e. as the Ombudswoman, as the NHRI, as the Equality Body, etc. Since 2017, the Ombudswoman has not examined complaints from parties other than victims themselves. Equality Body annual reports and statistical data for the years 2015 and 2016, which were due to be published in 2017, were never published. The Equality Body's annual reports and statistical records for the years 2004 (when the body was established) to 2014 were removed from the institution's website. The equality data currently available in the public sphere concerns the years 2017–2022 and lack the analysis and disaggregation found in the annual reports of 2004–2014.

The judicial process

Labour law and issues relating to employment matters are dealt with by the Labour Tribunal.³⁹⁷ The Labour Tribunal consists of three persons: a judge, who chairs the hearing; and two lay members, who come from the side of the trade unions and the employers' organisations. The procedure in the tribunal is similar to a district court, but less formal. However, the Labour Tribunal decision of 2008 in the case of *Hadjiavraam*³⁹⁸ rejected a claim for discrimination in the hiring procedure and found that it has no jurisdiction to try cases where no employment relationship exists. The legal vacuum which resulted from this decision was remedied in 2009 by an amendment to the Law on Equal Treatment in Employment and Occupation (58(I)/2004), which transposes the Employment Equality Directive, minus the disability component of the Directive, to the effect that all disputes arising under this Law must be deemed labour disputes. The disability law was not amended in the same manner. As a result, the legal gap created by

³⁹⁴ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/2004, Article 23.

³⁹⁵ Supreme Court, Appeal Jurisdiction, *Michael Raftopoulos v. Republic of Cyprus*, Appeal No. 3/2012, 10 October 2017.

³⁹⁶ The form is available here: https://eforms.mof.gov.cy/eforms/eforms.nsf/complaintformOmbudswoman_en/complaintformOmbudswoman_en?OpenForm.

³⁹⁷ For any of the employment Directive grounds: Law on Equal Treatment in Employment and N. 58(I)/2004, Article 12(1). For disability discrimination: Law on Persons with Disabilities No. 127(I)/2000, Article 9B(1).

³⁹⁸ Labour Court, *Avgoustina Hadjiavraam v. The Cooperative Credit Company of Morphou* (Αυγουστίνα Χατζηαβραάμ v. Συνεργατική Πιστωτική Εταιρεία Μόρφου), Case No. 258/05, 30 July 2008.

the *Hadjiavraam* case remains in the case of disability: persons with disabilities have no competent court to apply to for employment-related claims where no employment relationship exists. On appeal, the Supreme Court reversed the finding of the trial court regarding jurisdiction but did not provide a specific finding as to the Labour Court's jurisdiction regarding the Law on Persons with Disabilities.³⁹⁹

- Criminal law procedures are available in relation to discrimination-related offences under the Penal Code. These procedures must be instigated by the police, although there is also the possibility of conducting a private criminal law case in some cases.
- Article 8(1) of Law 59(I)/2004 (which more or less transposes the Racial Equality Directive) provides for resort to the district court for violation of the law's provisions. This is a civil procedure for the adjudication of compensation claims.
- According to legal precedent,⁴⁰⁰ rights guaranteed by the Constitution, such as the anti-discrimination provision in Article 28, are actionable in court per se against, *inter alia*, individuals.
- All administrative acts can be challenged before the Administrative Court via Article 146 of the Constitution.⁴⁰¹ Persons alleging discriminatory behaviour by public authorities may, under Article 146 of the Cypriot Constitution,⁴⁰² apply to the Administrative Court to set aside the act complained of, provided that they have a 'legitimate interest'. In practice, this is the procedure most often used by complainants, presumably because it is the one that most lawyers are familiar with. The person in whose favour a decision has been made under Article 146 may institute legal proceedings in a civil court for the recovery of damages or for the granting of another remedy and to recover just and equitable damages to be assessed by the court.

The inspectorate process

The Minister of Labour is empowered to appoint inspectors for the purpose of better implementing the law to address employment discrimination issues. However, this process is yet to be implemented, as the regulations regarding the powers vested in the chief inspector and inspectors are yet to be issued. It would seem reasonable to assume that the Department of Labour Relations in the Ministry of Labour, Welfare and Social Insurance (hereafter 'Ministry of Labour') would be the department in charge of implementing this provision,⁴⁰³ given also that this department's mandate includes the setting up of enforcement mechanisms, which include inspectors, research and an evaluation committee.⁴⁰⁴ In recent years, the Labour Inspection Department has only been concerned with health and safety at work and does not apply any mandate to discrimination on any ground.⁴⁰⁵

³⁹⁹ Appeal Court, *Avgoustina Hajiavraam v. The Cooperative Credit Company of Morphou (Αυγουστίνα Χατζηαβραάμ v. Συνεργατική Πιστωτική Εταιρεία Μόρφου)*, Appeal No. 287/2008, 11 July 2011. Available at http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2011/1-201107-287-08.htm&qstring=%E1%F5%E3%EF%F5%F3%F4%E9%ED*.

⁴⁰⁰ Supreme Court, *Yiallourou v. Evgenios Nicolaou (Τάκη Γιαλλούρου v. Ευγένιου Νικολάου)*, No. 9331, 8 May 2001. Available at http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2001/1-200105-9931.htm&qstring=%E3%F9%E1%EB%EB%EF%F5%F1%EF*%20and%20%E5%F5%E3%E5%ED*%20and%20%ED%E9%EA%EF%EB%E1%EF*.

⁴⁰¹ Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 12(1); Law on Persons with Disabilities, No. 127(I)/2000, Article 9B; Law on Equal Treatment (Racial or Ethnic Origin), N. 59(I)/2004, Article 8(1).

⁴⁰² The right to recourse to Article 146 of the Cypriot Constitution is restricted to governmental administrative acts or omissions.

⁴⁰³ This derived from (a) the fact it is an employment matter, (b) a reading of the text of Law 58(I)/2004 provides that the minister in charge is the Minister of Labour and Social Insurance (see Article 2 of the law); moreover, the inspectorate 'aiming at better implementation of the provisions of the said law' is appointed by the same minister, who is also responsible for submitting a report on the implementation of the said law.

⁴⁰⁴ Letter from the Ministry of Labour to the national expert, dated 20 January 2006.

⁴⁰⁵ Ministry of Labour, Department of Labour Inspection (2025), [Annual Report 2024](#), March 2025.

The Labour Inspection Unit in the Ministry of Labour, which deals with issues relating to health and safety at work, has no mandate to investigate discrimination.⁴⁰⁶ A special department within the Ministry of Labour, the Department for the Promotion of Equality in the Workplace, has a mandate to address gender discrimination. This body is nevertheless mandated also with the implementation of Law 58(I)/2004, which roughly transposes the Employment Equality Directive,⁴⁰⁷ and can receive and investigate discrimination complaints on all six grounds minus disability. However, no procedure or rules have been set as regards such investigation. The department remains understaffed and under-resourced; the inspectors currently appointed and working in the field (albeit only for gender discrimination) are also tasked with other duties and do not have adequate time or resources to properly address the issue of gender discrimination, a problem that is likely to be accentuated when their mandate is extended to cover four additional grounds.

The judicial process and the inspectorate process lead to binding decisions.

b) Barriers and other deterrents faced by litigants seeking redress

Procedures before the court are highly technical, complex, costly and lengthy. The inadequate provision of legal aid;⁴⁰⁸ the low level of awareness of the anti-discrimination laws among legal and judicial circles; and the length of time required for litigation to be completed render the use of the judicial process very rare, and accessible only to a privileged group among the vulnerable, usually civil servants alleging age discrimination in promotion or retirement benefits.

The legal aid law does not go into much detail as regards the procedure to be followed in order to apply for legal aid or how the court's discretion to grant legal aid is to be exercised. In practice, litigants apply for legal aid to the Courts Registrar, following which the application is examined by the court. The court will invite the Social Welfare Services to submit a report on the applicant's socioeconomic situation and confirm that the applicant's financial situation or the financial situation of the applicant's family (if the applicant is a dependent of their family) does not allow for the payment of legal costs, taking into consideration the applicant's real and expected income from work or any other sources relative to the applicant's expenses for basic needs and other obligations and needs. The applicant to whom a legal aid certificate is issued by the court must select a lawyer from the list kept at the Court Registry, which is compiled following voluntary submissions made by lawyers and does not necessarily include specialised discrimination lawyers.

Although, in theory, it is possible for litigants to litigate the case themselves and not engage the services of a lawyer, in practice there are very few persons able and willing to represent themselves in court, given the complexity of the procedure. Even for those who can afford a lawyer, one major obstacle is that there is hardly any specialisation in discrimination law in the market; it is a new field that is not offered by any university and does not attract many clients. In those few cases examined by the courts, counsel for the claimants hardly ever invoke the anti-discrimination laws, preferring to use the more familiar procedure of judicial review provided for in the Constitution. A judicial review application may fail for a number of reasons unconnected with the substance of the claim: the application may be rejected because the act challenged is deemed to be merely

⁴⁰⁶ See: www.mlsi.gov.cy/mlsi/dli/dliup.nsf/index_en/index_en?OpenDocument.

⁴⁰⁷ Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004.

⁴⁰⁸ The Law on Provision of Legal Aid (2002) N. 165(I)/2002 provides for legal aid only for criminal and civil law cases: subject to a couple of exceptions, administrative recourse is excluded, except in cases concerning deportations or challenges to asylum decisions. However, an ECtHR decision found that 'a question arises as to the conformity of such legislation with the requirements of Article 6 of the Convention' and that 'there is *a priori* no reason why it should not be made available in spheres other than criminal law' (*Marangos*, Application No. 12846/05, 4 December 2008). The legal aid law extends to human rights violations covered by the Constitution and by a number of international conventions, including the Convention for the Elimination of All Forms of Discrimination, but not to the laws transposing the two anti-discrimination directives.

'executory' or because the applicant would not gain any benefit even if the act being challenged was to be annulled by the court.

Migrants and the Roma community have little or no information regarding legal aid and no access to justice, hence they have never pursued a non-discrimination case in court.

Court buildings are not accessible to persons with disabilities (visual, kinetic, hearing impairment, etc.), nor are any court documents made available in Braille.

Different time bars apply for different types of actions.⁴⁰⁹ For civil offences and contracts, the time bar is six years. The court has discretion not to apply the statute of limitations of two years where the claim is for bodily injury or death and the claimant was late in filing an action as a result of a delay in securing the necessary data or due to their incapacity to handle the case. However, the timeframe applicable to complainants who want to file a case in court is not suspended while their complaint is being examined by the Equality Body. This is to enable a complainant to apply first to the Equality Body and then, if necessary, to the court to claim compensation without being time-barred. The time limits for lodging an appeal are strictly adhered to: 42 days from the date of the judgment for an appeal from the final determination; 14 days for interlocutory injunctions; and 75 days for an application to set aside an administrative decision under Article 146 of the Constitution.

The Laws on the Commissioner for Administration, which set out the Ombudswoman's mandate, state that the complaint must be submitted to the Ombudswoman's office within 12 months of the date on which the complainant received notice of the activities or omissions for which he or she is applying to the Ombudswoman.⁴¹⁰ There is no express provision on limitations as regards complaints to the Equality Body.

Whether the employment relationship has ended or not at the time of submitting the complaint is immaterial, although the Equality Body, in the process of investigating a complaint, will take into account the surrounding circumstances of each case and whether the complainant has acted reasonably in respect of the timing of lodging his or her complaint.⁴¹¹ The court, on the other hand, is less likely to take the liberal approach which was used by the Equality Body at the time and more likely to adopt a conservative approach; this was the case in the decision of the Labour Tribunal in the case of *Hadjiavraam*, in which the Labour Tribunal rejected the claim because the Tribunal's mandate covers only employment relations and not access to employment, as was the case with *Hadjiavraam*.⁴¹² Upon appeal, the Supreme Court reversed the trial court's findings as regards jurisdiction by stating that the trial court had failed to attribute due weight to the fact that the court is mentioned in Law 58(I)/2004 as the competent court to try the case. No mention was made of the fact that Law 58(I)/2004 ranks higher than national laws for transposing the *acquis*.⁴¹³

⁴⁰⁹ Law on the Limitation Period for Actionable Rights (*Ο περί Παραγραφής Αγωγίμων Δικαιωμάτων Νόμος*) N. 66(I)/2012. Available at www.cylaw.org/nomoi/enop/non-ind/2012_1_66/full.html.

⁴¹⁰ Laws on the Commissioner for Administration (*Οι περί Επιτρόπου Διοικήσεως Νόμοι*) N. 3/1991, Article 5(1). Available at www.cylaw.org/nomoi/enop/non-ind/1991_1_3/full.html.

⁴¹¹ Interview with Elisa Savvides, former Head of Equality Commission at the Ombudswoman's office, dated 18 January 2006 and Ombudswoman and Head of the Equality Body.

⁴¹² Labour Court, *Avgoustina Hadjiavraam v. The Cooperative Credit Company of Morphou* (*Αυγουστίνα Χατζηαβραάμ v. Συνεργατικής Πιστωτικής Εταιρείας Μόρφου*), No. 258/05, 30 July 2008.

⁴¹³ Appeal Court, *Avgoustina Hadjiavraam v. The Cooperative Credit Company of Morphou* (*Αυγουστίνα Χατζηαβραάμ v. Συνεργατικής Πιστωτικής Εταιρεία Μόρφου*), Appeal No. 287/2008, 11 July 2011. Available at http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2011/1-201107-287-08.htm&qstring=%E1%F5%E3%EF%F5%F3%F4%E9%ED%*.

c) Number of discrimination cases brought to justice

In Cyprus, no statistics on the number of court cases relating to discrimination that are brought to justice are available. The Cyprus Bar Association runs a database where court decisions are uploaded; however, some decisions are not uploaded for unknown reasons and there is no statistical record. It is possible to extract some results manually using key words, but the results will not be accurate.

d) Registration of national court decisions on discrimination cases

In Cyprus, court decisions on discrimination are not registered as such. Courts maintain registers of cases tried, which are partly accessible to the public through a rather bureaucratic and discretionary procedure that involves writing letters to the Courts Registrar. The court's archive is organised not by subject but only by reference number or names of the parties, which makes a search impossible unless one already has the references for the judgment. In recent years, two electronic databases have been compiled containing most court decisions, which can be searched using keywords. One of these databases is subscription-based (www.leginet.com) and the other is completely open (www.cylaw.org). Some decisions are not recorded in either database, when the Court Registry does not make the text of the judgment available.

6.2 Legal standing and associations (Article 7(2) Directive 2000/43, Article 9(2) Directive 2000/78)

a) Engaging in proceedings on behalf of victims of discrimination (representing them)

In Cyprus, associations, organisations and trade unions are entitled to act on behalf of victims of discrimination under certain conditions. The provision made in the law is that organisations may exercise, on behalf of a victim and in the victim's name, the right of the victim to apply to the court or to the Equality Body.

Organisations with a legitimate interest in the implementation of the anti-discrimination laws may exercise the rights of a claimant in civil court proceedings.⁴¹⁴ Article 9D of Law 127(I)/2000 on disability, as amended by Law 57(I)/2004, provides that workers' organisations or other organisations with a legitimate interest can, with their members' permission, exercise on their behalf the right to recourse to the courts or to the Equality Body. No other 'legitimate interest' is required under this Law. For actions on the ground of race/ethnic origin, the law roughly transposing the Racial Equality Directive (59(I)/2004), Article 12, requires that organisations must have both the victim's permission and a provision in their memorandum and articles of association that the elimination of discrimination on the ground of racial or ethnic origin is part of their aims. There are no membership, permanency or other requirements in the law.

The above provisions contrast with the constitutional principle that only individuals who have been *personally* aggrieved have a legitimate interest in engaging in proceedings. This is of crucial significance, since the anti-discrimination laws themselves provide for the use of the judicial review procedure in order to pursue discrimination claims where the respondent is the state. Under Article 146(2) of the Constitution, judicial review applications 'may be made by a person whose existing legitimate interest, which he has either as a person, or by virtue of being a member of a community, is adversely and directly affected by such decision or omission'. Since 1999, the common law provisions have been codified into a single law that summarises the existing practice (Law 158(I)/99).

⁴¹⁴ Law on Persons with Disabilities, No. 127(I)/2000), Article 9D; Law on Equal Treatment (Racial or Ethnic Origin), N. 59(I)/2004, Article 12; Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 14. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html.

The interpretation of Article 146(2) of the Constitution by the court has restricted the right of recourse to natural and legal persons who have been adversely and directly affected and have a legitimate interest. Representatives were not considered to have a legitimate interest, and the term 'community' is defined as meaning the Greek and Turkish communities, as defined in Article 2 of the Constitution. The original test used to determine whether an association had an 'existing legitimate interest' was hard to satisfy, as it required that the specific administrative act 'directly affects' the whole or part of the membership, whereas if it affects only one member, or if there are conflicting interests between members, the association has no legitimate interest.⁴¹⁵ In three different cases, the court rejected the applicants' claim for, *inter alia*, lack of legitimate interest: in two cases, the claim concerned an athletic award for athletes with disabilities, which was lower than that of other athletes, where the claimant had not become entitled to it at the time of filing the application;⁴¹⁶ in the third case, the applicant was deemed to lack a legitimate interest since there was no positive legislative provision entitling her to claim the right of extending a regulation on the age of retirement so as to include her age group.⁴¹⁷ The term 'legitimate interest' is potentially wider and more far-reaching than direct/individual interest or 'victim status' as it can include persons who are not the victims themselves and who have no direct or individual interest, but have nevertheless been adversely affected by the act or omission complained of.

NGOs representing victims are not seen by the court as having sufficient 'legitimate interest' in order to pursue the judicial review procedure for annulling a discriminatory administrative decision. The paradox of this is that often NGO lawyers are the only ones with expertise in a specific field, and yet they are excluded to the benefit of legal practitioners without their expertise. In 2017, a new law governing the operation of NGOs was adopted. However, it did not address the question as to whether NGOs can pursue cases in court on behalf of victims.⁴¹⁸

In practice, associations have made little use of this opportunity so far, with only a handful of NGOs filing complaints with the Equality Body on behalf of victims whom they formally or informally represent. Up until April 2017, the Equality Body followed a flexible approach and did not demand to see permission from the victim or copies of articles of association in order to ensure that the law's requirements were being met before launching an investigation. This changed when the current Ombudswoman took office in 2017. Now, only the victims themselves may apply to the Equality Body/Ombudswoman.

b) Engaging in proceedings in support of victims of discrimination (joining existing proceedings)

In Cyprus, organisations are not entitled to act in support of victims of discrimination, in the sense of joining victims as a separate entity in existing proceedings.⁴¹⁹ There is no procedure in the Cypriot legal system for supporting victims in court.

The anti-discrimination laws do not mention standing in support of victims in any way; the Cypriot legal system does not provide any legal basis for organisations supporting victims in a role other than acting in their name, as their representative.

⁴¹⁵ Supreme Court, *The Police Association v. Republic of Cyprus* (1991), 3 A.A.D. 146, 14 February 1991.

⁴¹⁶ Supreme Court, *Antonis Aresti v. Cyprus Athletics Organisation* (*Αντώνης Αρέστη v. Κυπριακού Οργανισμού Αθλητισμού*), No. 1406/2008, 10 February 2010; Supreme Court, *Andreas Potamitis et al v. Cyprus Sports Organisation* (*Ανδρέας Ποταμίτης κ.α. v. Κυπριακού Οργανισμού Αθλητισμού*), No. 1377/2008, 30 January 2012.

⁴¹⁷ Supreme Court, *Eleni Kyriakidou v. Cyprus Broadcasting Corporation* (*Ελένη Κυριακίδου v. Ρ.Ι.Κ.*), No. 18/2008, 3 December 2010.

⁴¹⁸ Law Revising the Laws on Associations and Foundations and Annulling the Law on Registration of Clubs (*Νόμος που αναθεωρεί τους περί Σωματείων και Ιδρυμάτων Νόμους του 1972 και 1997 και καταργεί τον Περί εγγραφής λεσχών νόμο*), N. 104(I)/2017.

⁴¹⁹ Law on Persons with Disabilities, No. 127(I)/2000, Article 9D; Law on Equal Treatment (Racial or Ethnic Origin), N. 59(I)/2004, Article 12; Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 14.

c) *Submitting observations, e.g. amicus curiae briefs/letters*

In Cyprus, associations, organisations and trade unions are not entitled to submit observations to courts or other adjudicating bodies, such as *amicus curiae* briefs, in discrimination cases, except as witnesses summoned by the Court to deliver expert or other type of testimony.⁴²⁰

d) *Actio popularis*

In Cyprus, national law does not explicitly allow associations, organisations or trade unions to act in the public interest on their own behalf, without a specific victim to support or represent.

In the absence of an express provision, it is unlikely that the courts will accept such an action, given that, in the past, they rejected claims because the law did not expressly provide for the right sought by the applicant.⁴²¹

Up until 2017, the Equality Body accepted and investigated complaints from associations, NGOs acting in support of asylum seekers, the UNHCR representation in Cyprus, KYSOA or anti-racist NGOs acting in the public interest on their own behalf without a specific victim to support (e.g. 'Roma pupils' in general or 'female migrant workers' in general, 'persons with disabilities', 'migrants', 'drivers aged over 70'). This is attributed to the liberal approach which was followed by the Equality Body at the time rather than an interpretation of the law allowing *actio popularis*.

e) *Class action*

In Cyprus, national law does not explicitly allow organisations to act in the interest of more than one individual victim (class action) for claims arising from the same event. The Courts of Justice Law, which governs the mandate of all courts in Cyprus, governs the powers of the court to adjudicate claims, award compensation or other remedy, issue orders and recognise rights, whether a remedy is being requested or not.⁴²² There is no legal precedent for class actions, and it is therefore impossible to conclude whether, in the absence of a special legislative provision, such would be accepted by the courts.

The laws transposing the anti-discrimination directives are silent on the possibility of organisations representing more than one complainant at the same time but do not expressly prohibit this either. Law No. 58(I)/2004, which roughly transposes the Employment Equality Directive, states in Article 14 that organisations may, with their members' permission, exercise the right to apply to the courts or to the Equality Body on behalf of their members. The plural is used when referring to 'members', but it is not clear whether this enables class actions to be taken by organisations in their members' names. The equivalent provision in Law 59(I)/2004 uses the singular when referring to the member to be represented (Article 12). The Civil Procedure Rules make provision for joinder of actions, but only when these refer to the same subject matter. In particular, the rules provide that all persons may be joined in a single action as claimants for remedies arising out of the same transaction or series of transactions, whether jointly, severally or in the alternative, unless such joinder would embarrass or delay the trial. In addition, where there are numerous persons who have the same interest in one cause, one or more of such persons may be authorised by the court to sue or defend on behalf of or for the

⁴²⁰ Law on Persons with Disabilities, No. 127(I)/2000, Article 9D; Law on Equal Treatment (Racial or Ethnic Origin), No. 59(I)/2004, Article 12; Law on Equal Treatment in Employment and Occupation, No. 58(I)/2004, Article 14.

⁴²¹ In *Eleni Kyriakidou v. Cyprus Broadcasting Corporation* (Supreme Court Case No. 18/2008, 3 December 2010), the Supreme Court found the applicant lacked legitimate interest because there was no express legislative provision giving her the right she was seeking to enforce through the courts. A summary of the case in English is available in the Legal Network's Cyprus country report for 2010.

⁴²² Courts of Justice Law (*Ο περί Δικαστηρίων Νόμος*), N. 14/1960, Articles 31-41.

benefit of all persons so interested; organisations that are unincorporated or operating for profit are excluded.⁴²³ As of 2017, the Equality Body no longer accepts complaints from associations acting in the interest of victims.

Cyprus did not take any measures to transpose the European Commission's Recommendation on common principles for collective redress mechanisms and has no plans to do so. In 2016, a MP invited the Cypriot Government to inform the Parliament as to whether it intends to proceed with the enactment of legislation that would allow class actions, in line with the Commission Recommendation. In response, the Minister of Justice stated that the Recommendation is not binding and that, in any case, he did not see how infringement of EU law could be addressed through class actions.⁴²⁴ The Minister of Finance responded that there is no prohibition in the law against group action and there is no need for special legislation governing class actions.⁴²⁵

6.3 Burden of proof (Article 8 Directive 2000/43, Article 10 Directive 2000/78)

In Cyprus, national law permits a shift of the burden of proof from the complainant to the respondent.⁴²⁶ The burden of proof shifts with regard to all types of discrimination, including harassment and instructions to discriminate. However, the courts have never been faced with a claim for the reversal of the burden of proof as regards the five grounds of discrimination and there is no judicial precedent on how this would be applied. The burden of proof is not reversed in judicial review proceedings, which is the legal route prescribed by the national legal framework for discrimination claims against the state.

As a matter of practice, the Equality Body does not reverse the burden of proof; however, since it has the power to carry out its own investigations to establish the facts of a case, the procedure may be said to fall within the exception of Article 8(5) of the Racial Equality Directive and therefore reversal of the burden of proof is not required.

Provisions for shifting the burden of proof to the employer once a *prima facie* case of dismissal is established can also be found in Cypriot labour law. The Law on Termination of Employment 1967, as amended, is phrased in such a way that it imposes the burden of proof on the employer, i.e. the employer has to prove that an employee had been dismissed for one of the reasons that permit summary dismissal. If the alleged unreasonableness, resulting in dismissal, is based on discrimination, the burden of proof is on the employer to prove that, on the balance of probabilities, they acted reasonably.

6.4 Victimisation (Article 9 Directive 2000/43, Article 11 Directive 2000/78)

In Cyprus, there are legal measures for protection against victimisation.

Identical provisions against victimisation are to be found in all three laws enacted to transpose the directives.⁴²⁷ The victimisation provisions are not restricted to the employment field. The Law on Equal Treatment (Racial or Ethnic Origin) 58(I)/2004, which includes protection against victimisation,⁴²⁸ covers the fields of social protection,

⁴²³ Civil Procedure Rules (*Θεσμοί Πολιτικής Δικονομίας*), Article 9.

⁴²⁴ Parliament, Response dated 4 May 2016 of the Minister of Justice and Public Order Mr Ionas Nicolaou to question no. 23.06.010.05.408 of 23 March 2016 of Nicosia MP Mr Giorgos Perdakis. Available at www2.parliament.cy/parliamentqr/008_3q/23_06_010_05_408.htm.

⁴²⁵ Parliament, Response dated 19 May 2016 of the Minister of Finance Mr Haris Georgiades to question no. 23.06.010.05.408 of 23 March 2016 of Nicosia MP Mr Giorgos Perdakis. Available at www2.parliament.cy/parliamentqr/008_3q/23_06_010_05_408.htm.

⁴²⁶ Law on Persons with Disabilities, No. 127(I)/2000, Article 9A; Law on Equal Treatment (Racial or Ethnic Origin), N. 59(I)/2004, Article 7; Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 11.

⁴²⁷ Law on Persons with Disabilities, No. 127(I)/2000, Article 9E; Law on Equal Treatment (Racial or Ethnic Origin), N. 59(I)/2004, Article 11; Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 10.

⁴²⁸ Law on Equal Treatment (Racial or Ethnic Origin), N. 59(I)/2004, Article 11.

healthcare, education, social provision and access to goods and services. The protection against victimisation in the disability law is not restricted to the employment field,⁴²⁹ and by implication extends to the entire scope of this Law. The said provisions prohibit any adverse treatment or consequence as a reaction to any person who files a complaint or is involved in a procedure aimed at implementing the principle of equal treatment. Therefore, any person involved in the procedure in a capacity other than as a complainant (e.g. as a witness or as a lawyer or as a person helping a victim to present a complaint) is also covered by the protection against victimisation.

The Laws on the Commissioner for Administration (Ombudswoman) provide a more detailed description of the scope of the protection against victimisation: 'Anyone who refuses to employ, dismisses or threatens to dismiss from work, influences or threatens to influence, frightens or forces any other person or imposes any monetary or other punishment on any other person because such person has (i) submitted or intends to submit a complaint to be investigated by the Ombudswoman; (ii) has supplied or presented or intends to supply or submit any information or documents to the Ombudswoman; (iii) has testified or intends to testify before the Ombudswoman, is guilty of an offence and is subject to imprisonment not exceeding six months or to a fine not exceeding CYP 300 (EUR 520) or to both penalties.'⁴³⁰

The Code of Conduct on Disability Discrimination in the Workplace issued by the Equality Body in September 2010 defines 'victimisation' as the unfavourable treatment of a person (who may or may not have a disability) owing to the fact that: he or she gave evidence or testified against an employer in judicial or other procedures for investigation of discrimination complaints by persons with disabilities; he or she alleged that an employer is in breach of the law against a person with a disability; he or she encouraged or supported a person with a disability to submit a complaint or bring a legal action for discrimination. It is not necessary for the victim to have actually assisted in the investigation of a complaint against the employer; it is sufficient to prove that the employer treated him or her unfairly believing or suspecting that he or she did so or was intending to do so.⁴³¹ A decision of the Equality Body in 2015 extended the principle of discrimination against a primary carer by association with a person with a disability to include situations of victimisation.⁴³²

The legal framework against victimisation is not being utilised to put an end to the authorities' practice of arresting and deporting migrant female domestic workers who file complaints against their employers.⁴³³

6.5 Sanctions and remedies (Article 15 Directive 2000/43, Article 17 Directive 2000/78)

a) Applicable sanctions in cases of discrimination – in law and in practice

Under Law 59(I)/2004 (transposing the Racial Equality Directive minus the employment component), the penalty to be imposed by the court against a natural person found to be guilty is a maximum of EUR 6 915.78 (CYP 4 000) and/or imprisonment of up to six months. For legal persons, the maximum penalty is EUR 12 102 61 (CYP 7 000). If the

⁴²⁹ Law on Persons with Disabilities, No. 127(I)/2000), Article 9E.

⁴³⁰ Laws on the Commissioner for Administration (*Οι περί Επιτρόπου Διοικήσεως Νόμοι*), N. 3/1991, Article 11(f).

⁴³¹ Equality Authority (2010), 'Κώδικας καλής πρακτικής για τις διακρίσεις λόγω αναπηρίας στην εργασία και την απασχόληση' (Code of good practice on discrimination on the ground of disability in employment and occupation). No longer available online.

⁴³² Equality Authority (2015), Report on the proposed transfer of an Administrative Officer from the district of her permanent residence while she is the primary caretaker of a person with a psychosocial disability, Ref. A.K.I. 38/2015, 16 October 2015. No longer available online.

⁴³³ Ombudswoman (2012), *Arrest and detention of migrant worker for bringing complaint against her employer*, Report No. A.P. 588/2012, 5 June 2012.

offence has been committed by gross negligence, the fine for natural persons can be up to EUR 3 457.89 (CYP 2 000); for legal persons, there is a fine of up to EUR 3 457.89 (CYP 2 000) for the managing director, chairperson, director, secretary or other officer if it can be proven that the offence was committed with his or her consent, plus an additional fine of up to EUR 6 915.78 (CYP 4 000) for the company or organisation.⁴³⁴

Under Law 58(I)/2004 (transposing the Employment Equality Directive), the penalties are identical to those provided for by the law transposing the Racial Equality Directive.⁴³⁵ The same applies to procedures and penalties under the disability law.⁴³⁶ No such fines have so far been imposed by the courts.

Strictly speaking, the court may award all types of damages available in civil procedures, e.g. pecuniary, nominal or punitive damages; however, very few discrimination claims have been tried by the courts in Cyprus and damages were awarded in only one of these cases,⁴³⁷ which does not allow for any conclusions to be drawn with regard to judicial practice. Punitive damages are very rarely awarded and, generally speaking, the amounts awarded by the Cypriot courts tend to be rather low in comparison with the damages awarded in other countries.

In addition to or in lieu of damages, victims of discrimination may, subject to certain conditions, apply to the court for reinstatement, but this is a remedy rarely sought or granted. Employers who employ more than 19 employees may be required by the court to reinstate an employee whose dismissal was either (i) manifestly unlawful or (ii) unlawful and made in bad faith, if so required by the dismissed employee. In 2018, the Court rejected a dismissed employee's request for reinstatement to his previous position, despite the fact that the dismissal was held to be unlawful, as the employer no longer trusted him.⁴³⁸ The issue as to whether the employer was justified in not trusting him did not arise, which paves the way for virtually all requests for reinstatement to be turned down on the same allegation.

The laws transposing the two equality directives do not provide for any powers for inspectors to investigate complaints or impose sanctions. They only provide for judicial and extra-judicial protection, which is the protection provided by the Equality Body for all grounds of discrimination.

Law 42(I)/2004 vests the Equality Body with powers beyond those prescribed by the Racial Equality Directive: the power to receive and investigate complaints of discriminatory treatment, behaviour, regulation, condition, criterion or practice prohibited by law; the power to issue reports of findings; the power to issue orders (through publication in the *Official Gazette*) for the elimination, within a specified time limit not exceeding 90 days from the date of publication in the *Official Gazette*⁴³⁹ and in a specified way, of the situation that directly produced discrimination, although such right is somewhat limited by a number of exceptions:

- where the act complained of is pursuant to another law or regulation, in which case the Equality Body advises the Attorney General, who will advise the competent

⁴³⁴ Law on Equal Treatment (Racial or Ethnic Origin), N. 59(I)/2004, Article 13.

⁴³⁵ Law on Equal Treatment in Employment and Occupation, N. 58(I)/2004, Article 15.

⁴³⁶ Law on Persons with Disabilities, No. 127(I)/2000, Articles 5(3), 5(4) and 5(5).

⁴³⁷ Supreme Court, *Avgoustina Hajiavraam v. The Cooperative Credit Company of Morphou* (*Αυγουστίνα Χατζηαβραάμ v. Συνεργατική Πιστωτική Εταιρεία Μόρφου*), Appeal No. 287/2008, 11 July 2011.

⁴³⁸ Supreme Court, *Republic of Cyprus through the Prison Director et al v. Costas Psara*, Civil Appeal No. 197/2011, 13 February 2018.

⁴³⁹ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/ 2004, Article 28.

- ministry and/or the Council of Ministers about measures to be taken to remedy the situation;⁴⁴⁰
- where discrimination did not occur exclusively as a result of violation of the relevant law;
 - where there is no practical direct way of eradicating the situation or where such eradication would adversely affect third parties;
 - where the eradication cannot take place without violating contractual obligations of persons of private or public law;
 - where the complainant does not wish for an order to be issued; or
 - where the situation complained of no longer exists.⁴⁴¹

The Equality Body is further empowered to impose small fines. These cannot exceed EUR 598 (CYP 350) for discriminatory behaviour, treatment or practice; EUR 427 (CYP 250) for racial discrimination in the enjoyment of a right or freedom; EUR 598 (CYP 350) for non-compliance with the recommendation within the specified time limit; and EUR 85.44 (CYP 50) per day for continuing non-compliance after the deadline set by the Equality Body.⁴⁴² Generally speaking, the fines are very low; they offer little deterrence to potential perpetrators and they are never imposed by the Equality Body.

The Equality Body may also issue recommendations to the person against whom a complaint has been lodged, and supervise compliance in the case of orders issued against persons found guilty of discrimination.⁴⁴³ It is possible for the Equality Body to recommend school desegregation plans or the instigation of disciplinary proceedings against teachers or other persons guilty of discrimination; in practice, however, the Equality Body's recommendations generally do not propose such drastic measures, with the exception of the binding decision against the journalists' union in 2022.⁴⁴⁴

All orders, fines and recommendations issued or imposed under this Law are subject to annulment⁴⁴⁵ by the Supreme Court of Cyprus upon an appeal lodged by a person with a 'vested interest'.⁴⁴⁶ There is no requirement for special measures to be adopted in order to ensure that persons with disabilities have access to the Equality Body.

In addition to the right to investigate complaints submitted by individuals or organisations, the Equality Body may also investigate issues in its own right, where it deems that any particular case that has come to its attention may constitute a violation of the law.⁴⁴⁷ The Equality Body is empowered to issue recommendations to the person or group found guilty of discriminatory behaviour as to alternative treatment or conduct, abolition or substitution of the provision, term, criterion or practice. With few exceptions, all cases investigated by the Equality Body until now have led to *recommendations* as opposed to binding *decisions*. The recommendations have often taken the form of suggestions to the authorities or the

⁴⁴⁰ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/ 2004, Articles 39(3) and 39(4).

⁴⁴¹ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/2004, Articles 14(2) and 14(3).

⁴⁴² Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/2004, Articles 18 and 26(1).

⁴⁴³ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/2004, Article 24(1).

⁴⁴⁴ Commissioner for Administration and Human Rights (2022), [*Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρώπινων Δικαιωμάτων αναφορικά με διακριτική μεταχείριση των συνταξιούχων τακτικών μελών της Ένωσης Συντακτών Κύπρου, ένεκα της στέρησης του δικαιώματος του εκλέγεσθαι*](#) (Report of the Commissioner for Administration and Protection of Human Rights regarding discriminatory treatment of retired regular members of the Cyprus Union of Journalists, due to the deprivation of the right to vote), 18 November 2022.

⁴⁴⁵ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/2004, Article 23.

⁴⁴⁶ Term used in Section 146 of the Cypriot Constitution, which sets out the procedure for judicial review of an administrative act.

⁴⁴⁷ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law, No. 42(I)/2004, Article 33.

private sector that they revise their practices regarding specific issues. Reports issued by the Equality Body have, for instance, recommended to insurance companies that they revise their practice of refusing to insure persons of Pontian Greek origin; to employers that they remove the maximum age limit fixed for advertised jobs; to the public nursing school that it revises its entry requirements so as not to exclude persons with disabilities; to the immigration authorities that they remove from the standard contract of employment of migrant workers a clause prohibiting them from joining a trade union; to insurance companies that they revise their policy of not insuring persons over 70 to drive cars or of charging a higher premium, etc. The recommendations of the Equality Body tend to be complied with by both the private and the public sector, even though, in many cases, they are made three or four years later, by which time compliance is impossible because third party rights have been established or because compliance would no longer make sense. The immigration authorities are a notable exception to the rule: although many of the recommendations of the Equality Body/Ombudswoman are directed against this body, compliance is very rare, while letters, warnings and notices are ignored, as often noted by the Equality Body.

The findings and reports of the Equality Body must be communicated to the Attorney General, who will, in turn, advise on the adoption, or not, of appropriate legislative or administrative measures, taking into account the state's international law obligations. The Attorney General will, at the same time, prepare legislation for the abolition or substitution of the relevant legislative provision. The findings of the Equality Body are also communicated to the House of Representatives.

- i) National legislation does not provide for preventive and socio-preventive sanctions in the equality field. An injunction can be issued by the courts following the filing of a relevant *ex parte* application in the context of a main procedure, in urgent situations where immediate court intervention is necessary to prevent irreparable harm.⁴⁴⁸ The Equality Body has the right to issue an order in relation to a refusal to provide goods or services that continues following an Equality Body finding that this amounted to discrimination.⁴⁴⁹ In cases where the person against whom such an order was issued did not take necessary measures to eliminate the situation mentioned in the order and/or continues not to take measures after the deadline set in the order expired, the Equality Body can impose:
 - a fine for non-compliance that does not exceed 350 Cypriot pounds (approximately EUR 404 Euros) and/or
 - a daily fine of 50 Cypriot pounds (approximately EUR 58) for as long as the failure to rectify the situation continues, starting from the day of expiry of the deadline set in the order.⁴⁵⁰

The Equality Body has the right to issue binding recommendations following the investigation of a complaint and after consultation with the complainants and the perpetrators, setting out a timeline, which must not exceed 18 months, for compliance with the recommendation.⁴⁵¹ The recommendations issued by the Equality Body may be

⁴⁴⁸ Paphitis, A.G (2024), '[Ex-Parte Injunctions in Cyprus | Legal Requirements and the Impact of "Fictitious" Delay](#)', *Lexology*, 21 August 2024.

⁴⁴⁹ Cyprus, The Combating Racial and Certain Other Forms of Discrimination (Commissioner) Law of 2004 [[Ο περί Καταπολέμησης των Φυλετικών και Ορισμένων Άλλων Διακρίσεων \(Επίτροπος\) Νόμος του 2004](#)], Articles 14–16.

⁴⁵⁰ Cyprus, The Combating Racial and Certain Other Forms of Discrimination (Commissioner) Law of 2004 [[Ο περί Καταπολέμησης των Φυλετικών και Ορισμένων Άλλων Διακρίσεων \(Επίτροπος\) Νόμος του 2004](#)], Articles 25–26.

⁴⁵¹ Cyprus, The Combating Racial and Certain Other Forms of Discrimination (Commissioner) Law of 2004 [[Ο περί Καταπολέμησης των Φυλετικών και Ορισμένων Άλλων Διακρίσεων \(Επίτροπος\) Νόμος του 2004](#)], Article 21.

challenged in court using the judicial review procedure foreseen in Article 146 of the Constitution.⁴⁵²

- ii) In national law, there are no specific sanctions for cases of collective redress (*actio popularis* or class actions). No special sanctions are foreseen for cases of collective redress, as there is no legal framework in place for such actions.
- iii) In national law, there are no sanctions in place to deal with cases of mass discrimination, including as a result of the use of AI or automated systems. There is also no legal framework to address mass discrimination, including where resulting from AI or automated systems. The right to redress is individual and concerns only those victims who have filed a claim, although both the court and the Equality Body may order the discontinuation of a practice that leads to mass discrimination.

Penal remedies

In addition to the criminal sanctions under the non-discrimination laws, which are described under section 3.1.2.(b) above, there are penal remedies against discrimination under other laws. With the adoption of the ICERD, as well as with the subsequent amendments (Law 11(III)/92 and Law 28(III)/99), Cyprus established, in conformity with a recommendation of the Committee on the Elimination of Racial Discrimination, a number of offences relevant to combating racism and intolerance, e.g. incitement to racial hatred; participation in organisations promoting racial discrimination; public expression of racially insulting ideas; and discriminatory refusal to provide goods and services. The scope of this latter provision⁴⁵³ extends to cover goods or services supplied by a person in the course of his or her profession, but it is not defined any further and may thus be presumed to apply to, *inter alia*, health, education and training.

As a result of these amendments, it is no longer necessary for the incitement to racial hatred to be intentional in order for the corresponding offence to be committed; in addition, for a refusal to provide goods and services to constitute an offence, it is no longer necessary that race be the sole ground of discrimination.⁴⁵⁴ Article 51A of the Criminal Code (Cap. 154) provides that whoever publicly, and in any way, 'procures the inhabitants to acts of violence against each other or to mutual discord or foment the creation of a spirit of intolerance is guilty of a misdemeanour and is liable to imprisonment of up to twelve months or to a fine.'⁴⁵⁵

The Law Ratifying the Additional Protocol to the Convention on Cybercrime concerning the Criminalisation of Acts of Racist or Xenophobic Nature committed through Computer Systems⁴⁵⁶ also creates a number of criminal offences, each of which is punishable with a prison sentence of up to five years and/or a fine of up to EUR 34 176.35 (CYP 20 000):

⁴⁵² Cyprus, The Combating Racial and Certain Other Forms of Discrimination (Commissioner) Law of 2004 [[Ο περί Καταπολέμησης των Φυλετικών και Ορισμένων Άλλων Διακρίσεων \(Επίτροπος\) Νόμος του 2004](#)], Article 23.

⁴⁵³ Law Ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, N. 28(III)1999, Article 2A(4).

⁴⁵⁴ Law Ratifying the International Convention on the Elimination of All Forms of Racial Discrimination, N. 28(III)1999, Article 2A (4): 'Any person who supplies goods or services by profession and refuses such supply to another by reason of his racial or ethnic origin or his religion, or who makes such supply subject to a condition relating to the racial or ethnic origin or to the religion of a person is guilty of an offence and is liable to imprisonment not exceeding one year or to a fine not exceeding four hundred pounds or to both such punishments' (about EUR 6 700).

⁴⁵⁵ Criminal Code (Ποινικός Κώδικας) Cap. 154, Article 51A. Available at http://www.cylaw.org/nomoi/enop/ind/0_154/section-sc53450b99-ae78-4921-a120-4fdd2ae92654.html. The fines are up to EUR 1 708 (CYP 1 000) for individuals and EUR 5 126 (CYP 3 000) for legal persons.

⁴⁵⁶ Law Ratifying the Additional Protocol to the Convention against Cybercrime concerning the Criminalisation of Acts of Racist or Xenophobic Nature committed through Computer Systems N. 26(III)/2004.

- Article 4 criminalises the dissemination of racist and xenophobic material through a computer system;
- Article 5 criminalises racially and xenophobically motivated threats disseminated through a computer system;
- Article 6 criminalises racist and xenophobically motivated insults;
- Article 7 criminalises the denial, gross minimisation, approval or justification of genocide or crimes against humanity;
- Article 8 criminalises the aiding and abetting of any of the crimes provided for in Articles 4-7 of the Law.

There are no distinctions as to sanctions in the private and the public domain, at least in the legislation; nor does the Law make any differentiation as to the sanctions within and beyond employment.

Under Law 134(I)/2011, which transposes the Framework Decision on Combating Hate Crimes through Criminal Law, a person who wilfully and publicly disseminates and publicly incites violence or hatred directed against a group of persons or a member of a group of persons defined by reference to race, colour, religion, descent or national or ethnic origin, in a manner that disturbs public order or which is of a threatening, abusive or insulting character, is guilty of an offence and, if convicted, is subject to a penalty of imprisonment not exceeding five years or to a fine not exceeding EUR 10 000 or to both such sentences. The same sanctions apply to other offences created by this Law, such as the approval or denial or gross minimisation of crimes of genocide, crimes against humanity and war crimes.⁴⁵⁷

In April 2017, the Penal Code was amended to introduce the motivation of prejudice as an aggravating factor in measuring the sentence to be imposed for criminal offences.⁴⁵⁸ This provision vests the court with the power (but falls short of imposing a duty) to take into account as an aggravating factor when calculating a sentence the motivation of prejudice against persons discriminated against on the basis of race, colour, national or ethnic origin, religious or other beliefs, genetic origin, sexual orientation or gender identity. The Attorney General's officer who attended the parliamentary sessions preceding the adoption of the bill insisted that the imposition of a legal duty on the judge to take any factor into account was an unlawful interference by the legislature in the work of the judiciary and amounted to an infringement of the principle of separation of powers. The doctrine of separation of powers is strictly adhered to by the judicial system, with judges often invoking it in order to implement laws that contain discrimination.⁴⁵⁹ Following the Equality Body's intervention during the deliberations,⁴⁶⁰ the grounds of religion or other belief, genetic origin, sexual orientation and gender identity were added to race, colour, national and ethnic origin.⁴⁶¹ The ground of disability was not added, and is conspicuously missing from the list. The national confederation of disability organisations was not invited to the consultation, nor was it asked to present its views. There is no equivalent provision in civil

⁴⁵⁷ Law on the Combating of Certain Forms and Expressions of Racism and Xenophobia through Criminal Law (Ο Περί της Καταπολέμησης Ορισμένων Μορφών και Εκδηλώσεων Ρατσισμού και Ξενοφοβίας μέσω του Ποινικού Δικαίου Νόμος) N. 134(I)/2011. Available at www.cylaw.org/nomoi/enop/non-ind/2011_1_134/index.html.

⁴⁵⁸ Criminal Code, Cap. 154, Article 35A, available at http://cylaw.org/nomoi/enop/ind/0_154/section-scde3d14ed-0504-9514-76e1-fe915820bc72.html.

⁴⁵⁹ Supreme Court, Appeal Jurisdiction, *Michael Raftopoulos v. Republic of Cyprus*, Appeal No. 3/2012, 10 October 2017.

⁴⁶⁰ Commissioner for Administration and Human Rights, Note submitted to the meeting of the Parliamentary Legal Committee on 15 February 2017 on 'Hate Crimes' (Υπόμνημα που υποβλήθηκε σε συνεδρίαση της Κοινοβουλευτικής Επιτροπής Νομικών, στις 15/2/2017, με θέμα «Αδίκημα Μίσους»). Available at www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/All/00C52AB1AD771083C22580DB00322DE6?OpenDocument.

⁴⁶¹ Parliamentary Legal Committee (2017), *Complementary report of the Parliamentary Legal Committee on the bills Law Amending the Criminal Code (No. 4) of 2016 and Law on combating certain forms and expressions of racism and xenophobia through Criminal Law (Amendment)(No. 2) of 2016*, 20 March 2017. Available at www2.parliament.cy/parliamentgr/008_5h/008_05_4951.htm.

law; however, in the absence of a cap on compensation awards, judges have discretion to interpret 'fair and just' compensation to include an increased amount in cases of prejudice.

Oddly enough, since the above amendment was adopted, the only case examined by a court in which an offence was committed against vulnerable persons concerned the ground of disability. The case was initiated by the police, who prosecuted three women working at a special education unit as teacher, speech therapist and escort, for physically abusing children with learning difficulties. Two out of the three accused persons were convicted only of common assault and the third was acquitted. The judgment made no mention of the perpetrators' motive.⁴⁶² It is common in Cyprus for the racist motive to go undetected or simply unaddressed by the prosecuting authorities, who tend to charge assailants with offences of the penal code, ignoring the inherent but nevertheless apparent racist motive.

b) Pecuniary sanctions – maximum and average amounts

In Cyprus, there is no ceiling on the maximum amount of compensation that can be awarded. In general, however, compensation awarded by Cypriot courts tends to be very low in comparison with compensation that is awarded by other national courts. With just one court decision awarding damages in the period of more than 15 years⁴⁶³ since the directives were transposed, it is not possible to draw conclusions on judicial trends as regards the compensation amounts awarded. The most widely used procedure in Cyprus to contest discriminatory acts of the public administration is the judicial review under Article 146 of the Constitution, which leads only to the annulment of the act and not to the awarding of compensation. The maximum fine which can be imposed by the courts is EUR 11 695.33 for legal persons, while the maximum fine which can be imposed by the Equality Body is EUR 598. No fines were imposed either by the courts or by the Equality Body.

c) Assessment of the sanctions

The Equality Body is not empowered to award compensation. Since the anti-discrimination directives were transposed, the court has awarded compensation for discrimination in only one case, that of *Avgoustina Hadjiavraam v. Cooperative Credit Corporation of Morphou*. The claimant, whose job application at the respondent bank was declined due to her age, was not awarded compensation at first instance, as the Labour Disputes Tribunal claimed lack of jurisdiction. The tribunal nevertheless proceeded to give its reasoning on the merits of the case. On the issue of calculating compensation, the tribunal found that the sum of EUR 1 500 would be appropriate, as it represented three months' salary that would have been paid to the applicant had she been hired. In order to arrive at this conclusion, the tribunal relied on the CJEU's 1997 decision in *Draehmpaehl*, C-180/95, ECR I-2195. This decision established that three months' salary is sufficient to satisfy the three preconditions that the amount of compensation awarded must satisfy (essential protection, deterrent and proportional to the damage) in those cases in which the candidate would not have been hired even in the absence of age discrimination. Upon appeal, the Supreme Court endorsed the tribunal's measurement of compensation and awarded the appellant the equivalent of three months' salary, amounting to a total of EUR 1 500, because, as it had established, the applicant would not have been hired for this post even in the absence of the age discrimination in the advertisement.⁴⁶⁴ The court

⁴⁶² District Court of Paphos, *Paphos Police Director v. Chrystalla Heracleous, Sophia Savvidou and Ioanna Nicolaou*, Case No. 9214/13, 31 October 2017. Available at www.cylaw.org/cgi-bin/open.pl?file=apofaseised/poin/2017/4220170380.htm&qstring=%EA%E9%ED%E7%F4%F1%2A%20and%20%F0%F1%EF%EA%E1%F4%E1%EB%E7%F8%2A.

⁴⁶³ Appeal Court, *Avgoustina Hajiavraam v. The Cooperative Credit Company of Morphou* (Αυγουστίνα Χατζηαβραάμ v. Συνεργατική Πιστωτική Εταιρεία Μόρφου), Appeal No. 287/2008, 11 July 2011. Available at http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2011/1-201107-287-08.htm&qstring=%E1%F5%E3%EF%F5%F3%F4%E9%ED%*.

⁴⁶⁴ Appeal Court, *Avgoustina Hajiavraam v. The Cooperative Credit Company of Morphou* (Αυγουστίνα Χατζηαβραάμ v. Συνεργατική Πιστωτική Εταιρεία Μόρφου), Appeal No. 287/2008, 11 July 2011. Available at

is unlikely to order the payment of compensation to the victim where the discriminatory act can be reversed without a monetary cost to the victim; in a 2023 decision of the Labour Disputes Court, the tribunal annulled the discriminatory provision in a collective agreement forcing employees to retire at 60, but declined the applicant's request to issue an order recognising that his normal retirement age was 65 and that his dismissal after reaching the age of 60 was unlawful.⁴⁶⁵

In the absence of a body of case law on discrimination and awards of damages where discrimination was the operative factor, it is not possible to make a final assessment as to whether or not the sanctions are adequate, effective, proportionate and dissuasive. The law does not provide for 'punitive damages' to be paid by the perpetrator to the victim to act as (a) a disincentive for offenders and (b) an incentive for victims to complain (and in particular as an incentive for lawyers to specialise). It is safe to state, however, that the sanctions that the Equality Body is allowed to levy are too low to have any dissuasive effect, which may account for the fact that they have never been used. In one of the instances in which the Equality Body issued a warning that it would impose sanctions – further to a decision by the public university to offer only online classes to unvaccinated students⁴⁶⁶ – the university ignored the recommendation, and the Equality Body did not proceed to issue the binding recommendation that it had threatened to issue. This may be attributed to the fact that, within weeks of the Equality Body's decision, the court endorsed the university's decision to exclude unvaccinated teachers from the classroom as proportionate and reasonable, given the circumstances of the pandemic.⁴⁶⁷

There are no good practices in this area to report.

- d) Enforcement and monitoring of the implementation of sanctions
- i) Courts and other adjudicating bodies' mechanisms to monitor or enforce their decisions

There is no structured mechanism to monitor enforcement of the decisions of either the courts or the Equality Body. In the case of the Equality Body, whenever a binding decision is issued against a perpetrator, there is an informal procedure in place to call the complainant and/or the perpetrator to check if the recommendation has been complied with. In the case of court decisions, there is no monitoring mechanism at all; a claimant in favour of whom a decision for compensation was issued must apply again to the court to request execution measures against the respondent who failed to comply with the court's decision to pay compensation. In the case of a criminal court decision on the payment of a fine, the fine is payable at the court's registry; in the event of delay, the police may issue an arrest warrant.

http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2011/1-201107-287-08.htm&qstring=%E1%F5%E3%EF%F5%F3%F4%E9%ED*.

⁴⁶⁵ Labour Disputes Court (2023), *A. C v. G.D.*, Swift adjudication following an order from the court dated 3 December 2021, Application No. 183/2019, 11 January 2023, ECLI:CY:DEDLEF:2023:2

⁴⁶⁶ Commissioner for Administration and Human Rights as Equality and Non-discrimination Body, *Εκθεση αναφορικά με το πρωτόκολλο ΤΕΠΑΚ για τον τρόπο διεξαγωγής μαθημάτων κατά το φθινοπωρινό εξάμηνο του έτους 2021* (Report regarding the protocol of the Cyprus University of Technology on the manner of conducting lessons during the autumn semester of 2021), Ref A/P 183/21 et al, 16 December 2021. A court decision in January 2022 evaluated this particular measure as reasonable and rejected an application to set it aside: Administrative Court, *Union of Academic Personnel at the Cyprus University of Technology SAP-TEPAK v. Cyprus University of Technology* (*Συντεχνία ακαδημαϊκού προσωπικού Τεχνολογικού Πανεπιστημίου Κύπρου (ΣΑΠ-ΤΕΠΑΚ) v. Τεχνολογικό Πανεπιστήμιο Κύπρου*), Case No. 1108/2021, ECLI:CY:DD:2022:24, 26 January 2022.

⁴⁶⁷ Administrative Court, *Union of Academic Personnel at the Cyprus University of Technology SAP-TEPAK v. Cyprus University of Technology* (*Συντεχνία ακαδημαϊκού προσωπικού Τεχνολογικού Πανεπιστημίου Κύπρου (ΣΑΠ-ΤΕΠΑΚ) v. Τεχνολογικό Πανεπιστήμιο Κύπρου*), Case No. 1108/2021, ECLI:CY:DD:2022:24, 26 January 2022.

In the case of judicial review of administrative acts, which is the route followed to challenge decisions of the administration, jurisprudence has established that, following the judicial annulment, in whole or in part, of a decision, act or omission of the administration, the administration is under a duty to restore the situation to that which existed prior to the annulment, to arrange for a review of the administrative matter in dispute and to decide in a manner consistent with the findings of the administrative court. On review, the administrative procedure must resume from the point at which it was found to be unlawful. Several attempts to render the administration's non-compliance with a court decision an act of contempt of court have failed. This is because special legislative regulation is required to prosecute a party for contempt of court, on the basis of the principle *nulla crimen, sine lege* (no crime without law). The Constitutional provisions regulating judicial reviews (Article 146) are not enough to create a criminal offence; a law is required to provide for the prerequisites of the offence and the penalty.⁴⁶⁸ In 2018, a bill was submitted in Parliament aiming to address this gap and to safeguard the right to effective redress in administrative justice. The bill regulates the capacity of the administrative courts to monitor active compliance with their decisions on sanctions in cases of non-compliance and criminalises fraudulent refusal to comply with the courts' decision. The bill remained pending at the end of 2024. Compliance of public administration with decisions of the Administrative Court is generally considered inadequate and lacking an effective monitoring and enforcement mechanism, violating the right of applicants to an effective remedy.⁴⁶⁹

- ii) Possibility for courts and other adjudicating bodies to retain jurisdiction after sanctions have been imposed

National legislation does not entitle the courts to take action of their own accord in order to enforce judgments. In the event of non-compliance, the claimant must apply to the court again for measures to execute the judgment. No procedure is foreseen for the courts to conduct periodic reviews or follow-up hearings to ensure compliance.

- iii) Further steps/measures that courts or adjudicating bodies can take in case of non-compliance with the sanction

Where a civil court issues an order for payment of compensation to the claimant that is not complied with, the claimant must apply to the court to request execution measures, which can include confiscation of the respondent's property or the placing of a memo on such property and/or dissolution in the event that the respondent is a company. It is not possible for the sanction to increase as a result of non-compliance. Deducting from a person's salary is a criminal offence in Cyprus, while publication of information regarding non-compliance might infringe data protection legislation.

- iv) The burden of enforcing sanctions

The police are responsible for enforcing criminal sanctions. For sanctions issued by a civil court, the claimant must apply to the court for execution measures.

⁴⁶⁸ Lykourgou, A. (2021), 'The administration's compliance with the annulment decisions of the administrative courts' (*Η συμμόρφωση της διοίκησης προς τις ακυρωτικές αποφάσεις των διοικητικών δικαστηρίων*), Dikaiosyni, 5 May 2021.

⁴⁶⁹ Reporter (2024), '*Συμμόρφωση Διοίκησης με ακυρωτικές αποφάσεις συζητήθηκε στην Ημερίδα Διοικητικού Δικαίου*' (*Administration compliance with annulment decisions discussed at the Administrative Law Workshop*), 3 April 2024.

7 BODY FOR THE PROMOTION OF EQUAL TREATMENT (Article 13 Directive 2000/43)⁴⁷⁰

The two directives on standards for equality bodies have not been transposed into national legislation yet; drafting of the amending bill is under way. National law will need to be revised in order to comply with the provisions of Council Directive 2024/1499 and, in particular, Article 3 on independence, Article 4 on resources, Article 6 on assistance to victims, Article 10 on litigation, Article 12(2) on oral complaints, Article 15 on consultation, Article 16 on data collection, Article 17 on reports and strategic planning, and Article 18 on monitoring and reporting.

7.1 National Equality Body

a) General 'architecture' of the Equality Body

When the equality *acquis* were transposed in 2004, the legislator appointed the Office of the Commissioner for Administration (commonly referred to as 'the Ombudswoman') as the national Equality Body, purportedly in compliance with Article 13 of the Racial Equality Directive, with a broad mandate to include the grounds of both equality directives, the gender equality directives and the grounds listed in the national constitution.⁴⁷¹ In the years that followed, the same body was entrusted with additional mandates, including as the National Human Rights Institute (NHRI); as the National Preventive Mechanism (NPM); and as the monitoring body for the Return Directive and for the Convention for the Rights of Persons with Disabilities (CRPD).

b) Designated body for the promotion of equal treatment irrespective of racial/ethnic origin according to Article 13 of the Racial Equality Directive

The institution is better known to the public at large in its capacity as Ombudswoman rather than as the Equality Body, and it receives few complaints relating to discrimination in comparison to its other mandates. Vulnerable populations such as the Roma community, asylum seekers and migrants do not file complaints.

The services of the Equality Body are free of charge and accessible to all provided they are the victims of discrimination themselves. Since 2017, the Equality Body no longer accepts complaints from persons who are not the victims, which has undermined investigations into possible discrimination against victims who are unidentified, underprivileged or uninformed or who choose to remain anonymous. Under its mandate as monitoring body for the CRPD, the Ombudswoman's website offers links to Greek websites for accessible formats of the text of the CRPD. The laws transposing the equality *acquis* are posted in Word format, thus they are accessible to persons reading Braille; however, all amendments to any laws and other content produced by the institution since 2017 are in PDF format and are therefore not accessible to blind persons. The procedure for filing an online complaint is not fully accessible to persons with visual disabilities, nor is it available in an easy-read format. The building where the institution is housed is partly accessible by wheelchair from the controlled back entrance, as the ramp of the front entrance is too steep. KYSOA, the confederation of disability organisations, has reported being excluded from consultations involving disability matters, and its representatives have never visited the building.

⁴⁷⁰ Assessments and views concerning compliance with EU law throughout Section 7, notably for Directive 2024/1499 whose transposition deadline is 19 June 2026 after the cut off date for this report, reflect the author's opinion.

⁴⁷¹ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος), No. 42(I)/ 2004. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

7.2 Political, economic and social context of the designated body

From its inception in 2004 until 2017, the Equality Body remained understaffed and underfunded. Its multiple mandates (NHRI, Independent Authority for the Prevention of Torture, monitoring body for the implementation of the Return Directive, monitoring body for the implementation of the CRPD) and insufficient resources have led to long delays in examining complaints, often leaving victims without an effective redress because third party rights are established in the meantime and the statute of limitations has expired. The allocated budget concerns all the authorities operating from within the Ombudswoman's office and not only the Equality Body and not only non-discrimination issues. There are no members of staff allocated exclusively to the Equality Body or exclusively to non-discrimination. Unlike her predecessors, the Ombudswoman does not raise issues as to budgetary restrictions and limited resources, which may be presumed to be sufficient in light of the work output.

There was never any reason to suspect political hostility to, or interference in, the work of this body. However, the facts that the Ombudsperson is selected by the executive and only one candidate is presented to Parliament for approval, essentially mean that the executive appoints the person to check on public administration. During the last two appointments, in 2017 and 2023, public and parliamentary debates raised issues about the impartiality of this appointment.

In March 2017, the President of Cyprus proposed the appointment of a junior state prosecutor as the new Ombudswoman. The selection raised objections from NGOs, journalists and political parties because of her lack of prior engagement with equality and fundamental rights in general and due to her family links with a group of large media outlets.⁴⁷² The President's nominee for the post was approved by Parliament by a narrow majority. Since 2017, the Equality Body appears to have minimised its activity and important statistical data, and reports have been removed from the institution's website. There is no longer any statistical data in the public sphere relating to the period before 2017, as the annual reports for previous years have been removed from the institution's website. In 2019, the Ombudswoman issued a press statement in response to criticisms from a Member of Parliament about her refusal to examine a complaint about an incident of racial harassment. The Ombudswoman's response clarified that there is no longer an Anti-discrimination Authority or Equality Authority, 'as wrongly believed by some people', but merely an extension of the mandate of the Ombudswoman to cover 'discrimination and human rights violations'. The Ombudswoman indicated that the reference to these two authorities on the website of the Ombudswoman's office was merely indicative of the scope of the subject and her responsibilities.⁴⁷³

In June 2019, the European Commission against Racism and Intolerance (ECRI) published its conclusions on the implementation by the Cypriot Government of the recommendations issued by ECRI in June 2016.⁴⁷⁴ ECRI's conclusions expressed concern over the fact that the Ombudswoman had not carried out any activities aimed at supporting vulnerable groups or communication activities, and had not issued any publications or reports, including annual reports, or recommendations on discrimination issues since 2016.⁴⁷⁵ The

⁴⁷² 'Our View: Irony of ombudsperson's appointment for no other reason than close family ties to president', *Cyprus Mail*, 22 March 2017. Available at <http://cyprus-mail.com/2017/03/22/view-irony-ombudspersons-appointment-no-reason-close-family-ties-president/>; 'Opposition parties remain tight lipped over approval for new Ombudswoman', *Cyprus Mail*, 21 March 2017. Available at <http://cyprus-mail.com/2017/03/21/opposition-parties-remain-tight-lipped-approval-new-Ombudswoman/>.

⁴⁷³ Ombudswoman (2019), 'Ανακοίνωση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων' (Statement by the Commissioner for Administration and Human Rights), press release, 25 April 2019.

⁴⁷⁴ European Commission against Racism and Intolerance (ECRI) (2009), *ECRI Conclusions on the implementation of the recommendations in respect of Cyprus subject to interim follow up*, Strasbourg, Council of Europe, 6 June 2018.

⁴⁷⁵ The footnote to the ECRI report contained the following broken link from the website of Equinet: http://equineteurope.org/author/cyprus_Ombudswoman/.

2022 ECRI report on Cyprus criticised the fact that the Ombudswoman still lacked the right to initiate and participate *ex officio* in court proceedings and expressed concern over: the fact that the body does not issue binding decisions; the lack of clarity in the division of tasks among its various mandates; the issuing of three years' of annual equality body reports in a single report; the inadequate training of the office's staff in discrimination and hate speech issues; and insufficient enquiries conducted by the body to detect under-reporting in the fields of racism, intolerance and discrimination towards various groups, including refugees, asylum seekers and migrants on the basis of the anti-discrimination legislation.⁴⁷⁶

In its 2021 session, the Global Alliance of National Human Rights Institutions (GANHRI) Sub-Committee on Accreditation (SCA) decided to defer the review of the Ombudswoman as NHRI, flagging as issues of concern: (a) the current framework for the appointment of the Ombudswoman, which is not sufficiently broad or transparent, does not require the advertisement of vacancies, does not establish clear and uniform criteria to assess the merit of eligible candidates and does not promote broad consultation or participation in the application, screening, selection or appointment process; (b) the fact that the Ombudsperson lacks the power to investigate complaints against a number of public officials, including the president and government ministers; (c) the budgetary arrangements of the Ombudsperson's office must be approved by the Minister of Finance; (d) the lack of a legal requirement for Ombuds staff members to be representative of the diverse segments of society, particularly as regards gender, ethnicity and minority status; and (e) the fact that, although the Ombudsperson's term is six years, no limit is stipulated as to the number of times the same person can be re-appointed.

In June 2022, a bill was presented to Parliament by the Ministry of Justice proposing to amend the law regulating the ombudsperson's appointment, by limiting the terms of office to a maximum of two six-yearly terms. The justification report that accompanied this bill referred to the SCA accreditation process and the deferral of the evaluation of the Cypriot ombudsperson, claiming that the proposed bill would bring national law in line with the Paris and Venice Principles. The justification report did not address the other requirements set by the SCA, as listed above under (a)-(d) above, which were not addressed by the bill. The bill was adopted by the House majority.⁴⁷⁷

In its October 2022 session, the GANHRI SCA recommended the re-accreditation of the Cypriot NHRI with 'A' status, without any explanation or reference to the prerequisites that it had set out in its 2021 report.⁴⁷⁸ The report mentions that the Ombudswoman has management and control over the allocated budget but points out that this is not sufficient to enable the recruitment of senior members of staff needed to adequately carry out the institution's mandates; and that the Ombudswoman informed the SCA about her intention to set up an advisory committee that will include civil society organisations working on the rights of the LGBTI community, persons with disabilities, women and other groups. The SCA report encouraged the Ombudswoman to seek cooperation with a wide range of human rights defenders, but made no reference to the need to improve the framework of appointment of the Ombudswoman and the need to recruit staff members reflecting the diverse segments of society, as per the SCA 2021 report. Despite her failure to set up the civil society advisory body, as mandated by the Council of Ministers, in order to comply with the GANHRI request, the Ombudswoman was reappointed in 2023. The civil society body was set up subsequently; however, it only meets once a year, without an agenda, and does not have any substantial input into the work of the Ombuds institution.

⁴⁷⁶ European Commission against Racism and Intolerance (ECRI), '[ECRI report on Cyprus](#)', sixth monitoring cycle, adopted on 6 December 2022 and published on 7 March 2023.

⁴⁷⁷ Commissioner of Administration (Amendment) Law of 2022 [[Ο περί Επιτρόπου Διοικήσεως \(Τροποποιητικός\) Νόμος του 2022](#)].

⁴⁷⁸ Global Alliance of National Human Rights Institutions (GANHRI) (2022), [Report and Recommendations of the Session of the Sub-Committee on Accreditation \(SCA\)](#), Geneva, 3-7 October 2022, pp. 14-15.

In April 2023, the vacancy announcement for the post of Ombudswoman was published, as the current term was due for completion. The announcement was placed only for two days and only in two newspapers; the Ombudswoman's office did not publicise the vacancy. The criteria for appointment were threefold: the appointee must be aged 35+, be a Cypriot citizen and be of moral character. Despite the limited publicity for the vacancy, 20 applications for the post were submitted, including an application from the current Ombudswoman, two senior judges, senior staff members of the Ministry of Justice and senior staff members of the Ombudswoman's office. Just after the opening of the Cabinet session to discuss the candidacies, a decision was taken by majority to reappoint the current Ombudswoman. The parliamentary committee on institutions debated the Cabinet's proposal for the appointment of the current Ombudswoman, in the presence of the current Ombudswoman. Parliamentarians asked the Cabinet to produce the CVs of the other candidates and to justify the selection of the current Ombudswoman for reappointment; the request was declined and the Cabinet's recommendation for the reappointment of the current Ombudswoman was voted through by a parliamentary majority.

In June 2023, the office of the Ombudswoman invited selected civil society organisations to join its advisory human rights committee: the association against domestic violence, the organisation of paraplegic persons, the national bioethics committee, the Cyprus Refugee council, the association for the rights of prisoners, Accept LGBTI, the Mediterranean Institute of Gender Studies and the Third Age Observatory. The meeting took place in June 2023 without any particular agenda or findings and did not set up a mechanism for regularly advising the Ombudswoman or otherwise contributing to her mandate. There was no representation from anti-racist groups, KYSOA, Roma or Turkish Cypriot organisations.

7.3 Institutional architecture

In Cyprus, the designated body is established under the Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law and forms part of a body with multiple mandates, i.e. the Ombudswoman.

The designated body shares an office, budget and staff with the Ombudswoman, the NHRI, the independent authority against torture and the independent mechanism for compliance with the CRPD, the Gender Equality Directives and the Return Directive. There is no specific structure in the Ombudswoman's office as regards the organisation and execution of its various functions. Most of the staff members perform functions for many different mandates. Between 2004 and 2016, the equality mandate was shared between two departments: the Anti-discrimination Authority and the Equality Authority. The former would deal with all grounds in the non-employment field and the latter would deal with all grounds in the employment field, plus gender. Up until 2017, much of the activity involved dealing with complaints. The setting of priorities was therefore essentially driven by the grounds on which the complaints were submitted. In recent years, the majority of reports published by the Ombudswoman have been self-initiated investigations or standard anniversary statements which are, content-wise, irrelevant to the equality directives. Most of the officers previously staffing these two departments would also perform work relating to other mandates. Under the current Ombudswoman, the two separate departments were abolished,⁴⁷⁹ and the equality and non-discrimination legal reasoning aspect is no longer prominent in the reports.

The organisation of the various authorities operating from the Ombudswoman's office and the priorities of the office have varied between periods. From the number of decisions issued and the activities and interventions undertaken over the years, it is possible to

⁴⁷⁹ Ombudswoman, '[Ανακοίνωση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων](#)' (Statement by the Commissioner for Administration and Human Rights), press release, 25 April 2019.

assume that the equality mandate was a dominant feature on the agenda of the Ombudswoman's office between 2004 and 2016. From 2013 onwards, disability-related complaints were handled in its capacity as monitoring body for the CRPD. Since April 2017, apart from a couple of reports in which the reasonable accommodation provisions of the disability law are cited in combination with the CRPD, very few equality-related decisions applying the anti-discrimination legal framework have been issued, nor have any other such interventions or activities taken place. There is an increasing trend of issuing more statements and self-initiated interventions and fewer reports in response to complaints.⁴⁸⁰

Although the Ombudswoman as an institution is visible and well known, its mandate as Equality Body is less well known and often subsumed under the institution of the Ombudswoman. Very few awareness campaigns have been carried out since its inception. In the institution's capacity as monitoring body for the CRPD, it carried out an awareness campaign in November 2016 on accessibility for persons with disabilities to vote in elections;⁴⁸¹ in January 2017, it joined a public event about the functions and mandate of independent public bodies; up until 2016, the opening statement in various press releases might state that the Ombudswoman was intervening in her capacity as national anti-discrimination body, without explaining the mandate of this body. The fact that the Equality Body is not sufficiently known to vulnerable groups was flagged as an issue of concern by both ECRI⁴⁸² and the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM).⁴⁸³

7.4 Status of the designated body – general independence and resources

a) Status of the body

- Separate or other legal status or personality

The Equality Body is one of the mandates of the Ombudswoman but does not have a distinct legal personality. In order to comply with Article 13 of the Racial Equality Directive, the Ombudswoman was afforded a mandate to combat discrimination. This mandate goes well beyond the minimum required by Article 13 and includes all grounds in all fields. There is no specific structure in the Ombudswoman's office as regards the organisation and execution of its various functions, with staff members performing functions for many different mandates without the chance to develop specialisation. The multiple mandates are carried out in a conflated manner, which sometimes renders them hard to distinguish, with inevitable shortcomings in the implementation of the respective laws and in data collection.

- Selection of governing body

There is no governing body; only one person (the Ombudswoman) determines the agenda and governs the operation, and is accountable only to the President of the Republic. The institution is essentially made up by the Ombudswoman, who is selected and appointed by the Executive subject to parliamentary approval. According to the Ombudswoman Law, the only requirements needed for a person to be appointed as Ombudswoman are to be aged 35+, to be of 'recognised education and experience' and of 'highest moral standard';

⁴⁸⁰ For details, see the list of reports published on the Ombudswoman's website at www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/index_new/index_new?OpenForm.

⁴⁸¹ More details about this campaign can be found on the Ombudswoman's website at www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/All/2389075348778297C225807B004A7443?OpenDocument.

⁴⁸² ECRI (2016), *Report on Cyprus, Fifth monitoring cycle*. Available at www.coe.int/t/dghl/monitoring/ecri/country-by-country/cyprus/CYP-CbC-V-2016-018-ENG.pdf.

⁴⁸³ Council of Europe (2015), *Advisory Committee on the Framework Convention for the Protection of National Minorities, Fourth Opinion on Cyprus*. Available at <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680483b48>.

contrary to the Venice Principles, no human rights expertise is required.⁴⁸⁴ The mandate of the Equality Body and of the Ombudswoman's office in general does not involve reporting to an independent organisation; her only reporting duties are to the President of the Republic and to Parliament. During her term of service, the Ombudswoman can only be dismissed in the same way as Supreme Court judges are dismissed.⁴⁸⁵ According to the Cypriot Constitution, a Supreme Court judge is appointed as a permanent member of the judicial service until they reach the age of 68⁴⁸⁶ and may only 'be retired'⁴⁸⁷ as a result of a mental or physical incapacity or infirmity that would render them incapable of discharging their duties. They may also be dismissed on the ground of misconduct.⁴⁸⁸

- Sources of funding

The state budget. The allocated budget concerns all the authorities operating from within the Ombudswoman's office. The Equality Body does not have its own budget; its expenses form part of the Ombudswoman's budget. The budget for the Ombudswoman's office comes from the state national budget.

- Powers to recruit and manage staff

The Ombudswoman lacks the power to appoint her own staff, including the staff members acting as the Equality Body. Staff members are civil servants recruited through the procedure followed for all civil servants. From 2022 onwards, civil servants must take an exam set up by the Ombudswoman as a prerequisite for recruitment.

- Accountability

The Ombudswoman submits the body's annual reports to the President of the Republic and the Parliament. No discussion on the substance of the report ensues following the submission of the report to Parliament; MPs do have the possibility of questioning the contents of the report but do not necessarily get a substantiated response from the Ombudswoman. The binding decisions issued by this body can only be challenged in court.

b) Independence of the body

In spite of the theoretical framing of independence, the Ombudswoman is appointed by the Executive with a majority vetted by Parliament; the required qualifications are vague; and there is no provision precluding politically exposed persons or conflicts of interest and no accountability procedures. The law setting up the Equality Body (42(I)/2004) does not expressly provide for the independence of this body; however, this is implied from several provisions that essentially give the power and obligation to the body to apply and implement the obligations undertaken by the Republic under the EU *acquis* as well as under international law. The law governing the duties and powers of the Ombudswoman⁴⁸⁹ provides that the Ombudswoman is not allowed to hold any other office or carry out any other work for remuneration.⁴⁹⁰ Article 4(2) of the same law provides that the members of staff of the Ombudswoman's office are civil servants, to be appointed in accordance with the Law on the Civil Service. Another issue potentially affecting the institution's independence is the fact that its entire budget is provided by, and dependent upon, the Government. Perhaps the most crucial weakness as regards the institution's independence

⁴⁸⁴ Laws on the Commissioner for Administration (Οι περί Επιτρόπου Διοικήσεως Νόμοι), N. 3/1991, Article 3(1). Available at www.cylaw.org/nomoi/enop/non-ind/1991_1_3/full.html. Section 3(1).

⁴⁸⁵ Law on the Commissioner for Administration, N. 3/1991, Article 3(7).

⁴⁸⁶ Constitution of the Republic of Cyprus (Το Σύνταγμα της Κυπριακής Δημοκρατίας), Article 7(1). Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/full.html.

⁴⁸⁷ This is the term used in the official translation of the Cypriot Constitution. Presumably, it means 'be obliged to retire'.

⁴⁸⁸ Constitution of the Republic of Cyprus, Articles 7(3) and 7(4).

⁴⁸⁹ Although the Ombudswoman is also the Equality Body, the reference here is to the Ombudswoman only.

⁴⁹⁰ Laws on the Commissioner for Administration, N. 3/1991, Article 3(3).

is the fact that the Ombudswoman (and head of the Equality Body) is selected and appointed by the President of the Republic, subject only to parliamentary majority approval, without an open call and with no consideration of other candidates.

The current Ombudswoman no longer appears to be implementing the mandate granted by the equality *acquis*, makes no public interventions on important issues in the public sphere and does not issue reports, decisions or statistics with regard to the anti-discrimination framework.

c) Resources

- The annual budget of the body

The Ombudswoman's budget for 2018 was EUR 1 777 000; for 2019, it was EUR 1 988 000; for 2021, it was EUR 2 096 182; for 2022, it was EUR 2 145 522; for 2023, it was EUR 2 454 106; for 2024, it was EUR 2 672 143; and for 2025 it was EUR 2 552 737. The budget for 2026 amounts to EUR 2 625 462, representing an increase of 2.77 % compared with 2025.

From 2017 onwards, the Ombuds institution has not raised concerns about the adequacy of its budget, as was the case in previous years. In recent years, the budget of the office increased considerably, while the published output has decreased, so the issue of budget adequacy did not arise in the public sphere, nor can it be seen to affect the independence of the body. The Equality Body functions are not seen as distinct from the other mandates of the Ombudswoman; most Equality Body decisions are designated as being, at the same time, decisions of the other mandates, and there is no personnel specifically designated for the Equality Body mandate.

- The share of the annual budget dedicated to the Equality Body mandate

There is no definitive share of the budget allocated to the Equality Body mandate.

- The total number of staff of the body

In 2025, the staff for all mandates comprised 47 people, including 33 civil servants, 10 clerical staff and 4 hourly workers.

- The number of staff dedicated to the Equality Body mandate

There is no fixed personnel assigned exclusively to the equality mandate.

7.5 Grounds and fields covered by the designated body

The grounds which the Equality Body has a mandate to deal with are: racial/ethnic origin, religion or belief, age, sexual orientation, disability, colour, political or other beliefs, national origin, social descent, birth, wealth, social class, language, any ground whatsoever and in all fields, all rights guaranteed in the ECHR and all its protocols, in the International Convention for the Elimination of all forms of Racial Discrimination, in the Convention against Torture and other Forms of Inhumane or Humiliating Treatment, in the International Covenant on Civil and Political Rights and in the Framework Convention on the Protection of National Minorities.

7.6 Competences of the designated body – and their independent exercise

a) Independent assistance to victims

In Cyprus, the designated body does not have the competence to provide court representation or offer any advice to victims in relation to litigation, to their rights, guidance about support structures or about any other matter. There is no provision for assistance to victims to be exercised by any third parties. The only assistance that it is mandated to provide is the issuing of a report with recommendations, binding or not.

b) Independent surveys and reports

In Cyprus, the designated body does have the competence to conduct independent surveys⁴⁹¹ and publish independent reports on any matter within its competence concerning any activity or practice in the public or private domain.⁴⁹²

Surveys are hardly ever commissioned by the Equality Body, the last one being undertaken several years ago. However, the body carries out self-initiated investigations and publishes reports on specific themes.⁴⁹³ This was not always performed in its capacity as Equality Body but the subject was always relevant to equality or had an equality angle, e.g. the rights of intersex persons; the transfer of a deceased Turkish Cypriot from police checkpoints; the programme of teaching Greek as a second language to migrant pupils; the broadcasting of a TV interview with racist content; detention for the purpose of deportation; the handling of racist name-calling by the police; the police response to trafficking; asylum reception conditions; and the situation of migrant domestic workers. Although there has been no legislative change in the Equality Body's mandate, the institution's manner of operation has changed in the past eight years. The Equality Body does not engage in strategic planning, nor does it have a multi-annual programme setting out priorities or strategies.

c) Recommendations

In Cyprus, the designated body does have the competence to issue independent recommendations on discrimination issues. General policy recommendations can also be issued in response to individual complaints (see also 7.8.a below).⁴⁹⁴

The Equality Body may carry out independent investigations into various issues⁴⁹⁵ in its own right where it deems that any particular case may constitute a violation of the law.⁴⁹⁶ It also has a duty to make recommendations to the competent minister, the Parliament and affected groups of persons regarding, *inter alia*, the amendment of any legal provision

⁴⁹¹ [Combating of Racial and Some Other Forms of Discrimination \(Commissioner\) Law](#), No. 42(I)/2004, Article 44.

⁴⁹² [Combating of Racial and Some Other Forms of Discrimination \(Commissioner\) Law](#), No. 42(I)/2004, Article 32.

⁴⁹³ To access the reports of the self-initiated investigations of the Ombudswoman, see the 'Reports/Interventions' page of the Ombudswoman website: https://www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/index_en/index_en?opendocument#.

⁴⁹⁴ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (*Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος)* Νόμος No. 42(I)/2004, Articles 3(1)(e) for the general power to issue recommendations, 21(1)(d) for recommendations following examination of complaints; 33 and 35(1)(d) for recommendations following *ex officio* examinations. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

⁴⁹⁵ For example, Investigation regarding the detention of mental patients in prisons and the medical care of prisoners, Report No. 1/2000, 31 May 2000; Investigation into the prison system in Cyprus and the conditions of detention in central prisons, Report No. 1/2004, 26 May 2004; Investigation into the conditions of detention of foreigners in central prisons and police detention centres, Report No. 1/2005, 2 February 2005.

⁴⁹⁶ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004 (19 March 2004), Section 33.

or regulation that constitutes unlawful discrimination. The law empowers the Equality Body to issue such recommendations either in its own right⁴⁹⁷ or following a specific complaint that has been referred to the Equality Body. The Equality Body may also issue codes of good practice regarding the activities of any persons in both the private and public sector, obliging them to take practical measures for the purpose of promoting equality of opportunity, irrespective of community, racial, national or ethnic origin, religion, language and colour.⁴⁹⁸

The law imposes an obligation on the Equality Body to communicate its findings and reports to the Attorney General. The Attorney General will, in turn, advise the Republic on the adoption, or not, of appropriate legislative or administrative measures, and prepare legislation for the abolition or substitution of the legislative provision that is contrary to the anti-discrimination law.⁴⁹⁹ However, as it is currently phrased, the law allows the discriminatory law to remain in force until officially amended by the House of Parliament. This is a discrepancy in the law that renders compliance with the directives questionable, because it allows for the law to remain in force even if the Attorney General delays or omits to take steps for its amendment. In a landmark decision in 2014, the Supreme Court ruled that this provision can be interpreted only to mean that the Attorney General is under a duty to inform the Executive regarding changes in the legislation deemed necessary by the Equality Body and that, had the legislator intended to give power to the Attorney General to reject the Equality Body's recommendations, the wording of the law would have explicitly provided that the Attorney General may adopt, amend or reject the recommendation.⁵⁰⁰ This development has not led to the amendment of any laws containing discrimination; the law that was ruled by the court to contain discrimination continues to remain in force.

The procedure set out in the law for revising discriminatory laws is for the Ombudswoman (in his or her capacity as Equality Body) to refer the issue to the Attorney General with a request to draft and promote amending legislation. This procedure has not been followed consistently and, when it has, the Attorney General has not necessarily complied with the Ombudswoman's request. The Ombudswoman participates in parliamentary hearings and in consultations preceding the adoption of laws with a human rights angle.

d) Prevention, promotion and awareness-raising

The Equality Body has competence to engage in the prevention of discrimination and in the promotion of equal treatment, to publish codes of conduct, to consult persons and organised groups and to carry out surveys and process statistics.⁵⁰¹ No equality-related activities have been carried out in recent years.⁵⁰² Awareness initiatives are carried out in relation to human rights in general,⁵⁰³ but not in connection with anti-discrimination in particular. Collaborations with NGOs are restricted to one-off meetings⁵⁰⁴ rather than partnerships and, in the case of disability, the Ombudswoman meets with one particular

⁴⁹⁷ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (*Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος*) No. 42(I)/2004, Article 35(1)(d). Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

⁴⁹⁸ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004, Articles 40, 41 and 42, Part VI.

⁴⁹⁹ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004, Article 39.

⁵⁰⁰ Supreme Court, *Nicoletta Charalambidou v. Republic of Cyprus, the Minister of Finance and the Attorney General*, Case No. 1695/2009, 17 December 2014.

⁵⁰¹ Combating of racial and certain other forms of discrimination (Commissioner) Act 2004 [*Ο περί Καταπολέμησης των Φυλετικών και Ορισμένων Άλλων Διακρίσεων (Επίτροπος) Νόμος του 2004*], Articles 40-44.

⁵⁰² The Ombudswoman's website lists only the participation of staff members in seminars organised by other agencies: http://www.Ombudswoman.gov.cy/Ombudswoman/Ombudswoman.nsf/page34_gr/page34_gr?opendocument

⁵⁰³ See the Ombudswoman's relevant webpage [here](#).

⁵⁰⁴ See the Ombudswoman's relevant webpage [here](#).

member of the confederation of disability organisations KYSOA, rather than the confederation itself. This is an issue of great significance for KYSOA, because it is recognised by law as a social partner that must be consulted on all matters pertaining to disability which tallies with the approach followed by the authorities as regards consultation.⁵⁰⁵ In December 2022, the Ombudswoman issued a self-initiated statement in its capacity as monitoring body for the CRPD regarding the consultation process, concluding that the authorities have a duty to consult both KYSOA and other organisations of persons with disabilities, calling on the Ministry of Labour to consider adopting an institutionalised permanent consultation mechanism to ensure that widest possible participation of persons with disabilities through their representative organisations.⁵⁰⁶ This statement, which forms a departure from the law designating KYSOA as the social partner to be always consulted, raised concerns among KYSOA members, as it is seen as an attempt to legitimise the bypassing of the duty to consult KYSOA, and to consult instead individual organisations which have limited bargaining power in comparison with KYSOA.

In 2022, the Council of Ministers mandated the Ombudswoman to set up an advisory body with civil society organisations to comply with the GANHRI request. The Ombudswoman invited selected organisations to join this body, namely a total of eight NGOs active in the fields of gender equality, age discrimination, LGBTIQ rights, rights of prisoners and of former convicts, rights of paraplegic persons, support to asylum seekers and refugees, domestic violence and the national bioethics committee.⁵⁰⁷ In 2023, the Ombudswoman invited selected organisations to attend a one-off meeting without an agenda or findings. The meeting was attended by representatives of the National Bioethics Committee of Cyprus, SPAVO/Association for the Prevention and Handling of Violence in the Family, the Cyprus Refugee Council, the Cyprus Paraplegic Organization (O.P.A.K.), the Association for the Protection of the Rights of Prisoners and Released Persons, the Cyprus Third Age Observatory, the Mediterranean Institute of Gender Studies (MIGS) and Accept - LGBTI Cyprus. In 2024, the Ombudswoman announced that the advisory body met for a second time, in February 2024, without mentioning which NGOs participated, the agenda or decisions.⁵⁰⁸ There was no meeting of the advisory body in 2025.

e) Other competences

The Equality Body is vested with the power to (i) combat direct and indirect racist discrimination as well as unlawful discrimination and, generally, discrimination on the grounds of race, community, language, colour, religion, political or other beliefs and national or ethnic origin;⁵⁰⁹ (ii) promote equality of the enjoyment of rights and freedoms safeguarded by the Cypriot Constitution (Part II) or by one or more of the conventions

⁵⁰⁵ During a parliamentary session in 2022, KYSOA stated that the Department for Social Integration of Persons with Disabilities was carrying out consultations with a specific organisation member of KYSOA instead of KYSOA, attempting to marginalise KYSOA and undermine its role and demands. The Department director rejected the claims of KYSOA about efforts to marginalise them and at the same time noted that the it has an excellent collaboration with one of the organisations members of KYSOA whom the Department consults separately: Demetriou, M.(2022), [‘Πύρ ομάδων για τον αποκλεισμό των ΑμεΑ’](#), *Phileleftheros*, 28 June 2022.

⁵⁰⁶ Commissioner for Administration (2022), [‘Αυτεπάγγελτη Τοποθέτηση Επιτρόπου Διοικήσεως και Προστασίας Ανθρώπων Δικαιωμάτων, υπό την ιδιότητα του Ανεξάρτητου Μηχανισμού Προώθησης, Προστασίας και Παρακολούθησης της Σύμβασης του ΟΗΕ για τα Δικαιώματα των Ατόμων με Αναπηρίες αναφορικά με την υποχρέωση των Υπηρεσιών να διαβουλευούνται με την ΚΥΣΟΑ σε θέματα που αφορούν άτομα με αναπηρία, καθώς και τις αντιπροσωπευτικές τους οργανώσεις για θέματα που τους αφορούν’](#) (Self-initiated statement of the Commissioner for Administration in her capacity as independent mechanism for the promotion, protection and monitoring of the UN Convention on the Rights of Persons with Disabilities concerning the obligation of agencies to consult with the KYSOA on matters concerning persons with disabilities, as well as with their representative organisations on matters relating to them), Ref. A.S.A. 5/2016, 21 December 2022.

⁵⁰⁷ Commissioner for Administration and Human Rights (2023), [Ετήσια έκθεση 2022](#) (Annual report 2022), pp. 63-66.

⁵⁰⁸ For more details, see the relevant webpage of the Ombuds institution [here](#).

⁵⁰⁹ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004, Article 3(1)(a).

ratified by Cyprus and referred to explicitly in the law,⁵¹⁰ irrespective of race, community, language, colour, religion, political or other beliefs, national or ethnic origin;⁵¹¹ and (iii) promote equality of opportunity, irrespective of grounds listed in the preceding section (to which the grounds of special needs⁵¹² and sexual orientation are added) in the areas of employment; access to vocational training; working conditions, including pay; membership of trade unions or other associations; social insurance and medical care; education; and access to goods and services, including housing.

7.7 Legal standing of the designated body

In Cyprus, the designated body does not have legal standing to:

- bring discrimination complaints (on behalf of identified victims) to court;
- bring discrimination complaints (on behalf of non-identified victims) to court;
- bring discrimination complaints *ex officio* to court;
- intervene in legal cases concerning discrimination, for example as an *amicus curiae*.

7.8 Dispute resolution

a) Quasi-judicial functions

In Cyprus, the Equality Body is a quasi-judicial institution.

In Cyprus, there is no other separate quasi-judicial body competent to decide on discrimination cases. The Equality Body has no power to impose criminal sanctions; all criminal cases are referred to the Attorney General's office for action. In addition, where there is a disciplinary offence, the Equality Body has the duty to refer this to the competent authority. For instance, if the offender is a public servant, the Equality Body must refer the case to the minister in charge to take action.

The Equality Body can issue binding enforceable decisions, as well as non-binding opinions.

i) Power to impose sanctions

The body has the power to issue binding orders to stop a service/goods provider from denying services/goods to a person or a group of persons.

ii) Nature and level of sanctions that can be imposed

The body has the power to impose small fines, although it has never exercised this power. The fines specified in the law are far too small to constitute a deterrent: EUR 598 (CYP 350) for discriminatory behaviour, treatment or practice; EUR 427 (CYP 250) for racial discrimination in the enjoyment of a right or freedom; EUR 598 (CYP 350) for non-compliance with the recommendation within the specified time limit; and EUR 85.44 (CYP 50) per day for continuing non-compliance after the deadline set by the Equality Body.⁵¹³ All successive Ombudspersons have chosen to resort to mediation for the resolution of a complaint rather than to impose sanctions or to issue orders, the only

⁵¹⁰ These Conventions are Protocol No. 12 to the European Convention for Human Rights and Fundamental Freedoms; the International Convention on the Elimination of All Forms of Racial Discrimination; the Framework Convention for the Protection of National Minorities; the Covenant for Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

⁵¹¹ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004 (19 March 2004), Section 3(1)(b), Part I.

⁵¹² 'Special needs' is a term commonly used in Cyprus to encompass all types of disabilities including psycho-social disabilities. In Cyprus, the term 'disability' is not understood to include psycho-social disability, which is considered to be a special category requiring more sensitive treatment.

⁵¹³ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004, Articles 18 and 26(1).

exception being the age discrimination case against the union of journalists issued in 2022.⁵¹⁴ This policy must be seen and assessed in light of the fact that the fines are so low that many perpetrators might choose to pay them and continue discriminating, which would lead to a climate of impunity and eventually undermine the institution of the Ombudswoman itself.

iii) Possibility to appeal (to the body itself or to courts)

Persons against whom the Equality Body has issued an order, imposed a fine or published recommendations may apply to the Supreme Court under Article 146 of the Constitution for a judicial review of that decision.⁵¹⁵ There is no special procedure set down for a complainant to appeal a decision of the Equality Body that they are not happy with. The judicial review process has a rather restricted scope and is applied in order to check the decision-making process rather than the merits of an administrative act; a decision that was properly investigated and fully justified is very likely to pass the judicial review test, irrespective of its content.

iv) Enforcement of binding decisions

Compliance with Equality Body decisions is not published, and it is not clear whether or not it is systematically monitored.

v) Implementation of non-binding opinions

There is no public record regarding the degree of enforcement of non-binding opinions.

The Equality Body no longer examines complaints applying the anti-discrimination framework, or issues reports or publishes data with regard to this framework. All complaints received appear to be examined within the mandate of the Ombudswoman, which includes discrimination but without taking account of the specificities of the anti-discrimination directives and the corresponding transposing legislation. Complaints can take three or more years to be examined, essentially leaving the complainant without a remedy, as third party rights are often established in the meantime, while the complainant will be time-barred from seeking redress through the courts. There is no transparency or criteria as to which complaints are handled quickly, or handled with a delay or not at all. The delays and lack of transparency give rise to issues as regards the victims' right to an effective remedy, protected under Article 47 of the EU Charter and Article 13 of the ECHR.

The issuing of policy recommendations is a standard part of the procedure of investigating complaints. As a matter of policy, successive Ombudspersons have chosen to issue 'recommendations' rather than take more drastic measures, such as issuing an order or imposing a fine. Whenever a complaint is deemed to be well-founded and within the body's jurisdiction, recommendations are invariably included at the end of the report. As a result, it is not possible to assess the independence of the recommendations separately from the independence of the investigation and the entire report process. Prior to issuing recommendations, the body usually holds a consultation meeting with the persons involved in order to ascertain their positions. There are no criteria with regard to ascertaining whether a mere recommendation or a binding order will be issued. In recent years, there were few Ombudswoman interventions using the Equality Mandate and therefore very few recommendations. The only binding order issued by the Equality Body

⁵¹⁴ Commissioner for Administration and Human Rights (2022), [Έκθεση Επιτρόπου Διοικήσεως και Προστασίας Ανθρώπινων Δικαιωμάτων αναφορικά με διακριτική μεταχείριση των συνταξιούχων τακτικών μελών της Ένωσης Συντακτών Κύπρου, ένεκα της στέρησης του δικαιώματος του εκλέγεσθαι](#) (Report of the Commissioner for Administration and Protection of Human Rights regarding discriminatory treatment of retired regular members of the Cyprus Union of Journalists, due to the deprivation of the right to vote), 18 November 2022.

⁵¹⁵ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004, Article 23.

was against the trade union of journalists, a case which, in the author's opinion, is a grey area, and in which it is debatable whether discrimination was objectively established.⁵¹⁶

b) Amicable settlements

The Equality Body has competence to offer the parties to a discrimination complaint the possibility of seeking an amicable resolution to their dispute.⁵¹⁷ This is carried out by a mediation initiative of the Equality Body itself, without involving any other entity.

7.9 Procedural safeguards

There are no limitations or safeguards in respect of the Equality Body's several powers and mandates, and no provisions to ensure that its work is not compromised by the multiplicity of its mandates. There are no provisions in place to ensure the equality of arms of both parties, although the Equality Body will always invite the alleged perpetrator to express its position on the complaint investigated.

7.10 Data collection by the designated body

a) Registration of complaints and decisions

In Cyprus, the body ought to register the number of inquiries received; complaints of discrimination made; and decisions by ground, by the ethnic origin of the complainant and by field of application. In previous years, such data would appear in the annual reports that were published every year. In 2017, the process of publishing statistics changed, as did the way in which the office operated. The statistical record of the period up to 2017 was removed from the Ombudswoman's website and is no longer available in the public sphere. The Ombudswoman's 2017 annual report included a section on discrimination, but the statistical record contained only the number of complaints per ground without disaggregating the data based on the field of application;⁵¹⁸ in 2020, the Equality Body issued a single activity report for three years (2017, 2018, 2019) without any statistical data and without noting any decisions relying on the anti-discrimination legislation.⁵¹⁹ For 2020, the Equality Body issued an annual report with a rather basic statistical record, without offering any information as to the content or nature of the complaints.⁵²⁰ The same practice of issuing an unclear statistical record was followed in the annual reports for the years 2021, 2022, 2023 and 2024. No figures are available as yet for 2025.

The statistical record for 2023, published by the Ombudswoman in 2025, showed the following numbers of complaints lodged with her office: bullying (ground not specified) – 31; national origin – 15; gender discrimination – 12; disability discrimination – 11; reconciliation of professional and family life – 7; age discrimination – 7; sexual harassment (ground not specified) – 5; harassment (ground not specified) – 4; ethnic discrimination – 4; sexual orientation discrimination – 3; and language discrimination – 1. In addition to the statistical record, the Equality Body's annual report for 2023 provides summaries of the following interventions made by the Ombudswoman: an opinion in response to complaints submitted by Turkish Cypriots regarding the advertisements for scholarships

⁵¹⁶ Commissioner for Administration and Human Rights (2022), [*Έκθεση Επιτροπής Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων αναφορικά με διακριτική μεταχείριση των συνταξιούχων τακτικών μελών της Ένωσης Συντακτών Κύπρου, ένεκα της στέρησης του δικαιώματος του εκλέγεσθαι*](#) (Report of the Commissioner for Administration and Protection of Human Rights regarding discriminatory treatment of retired regular members of the Cyprus Union of Journalists, due to the deprivation of the right to vote), 18 November 2022.

⁵¹⁷ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law No. 42(I)/2004, Article 36(1).

⁵¹⁸ Ombudswoman (2019), [*Annual Report 2017*](#).

⁵¹⁹ Ombudswoman (2020), [*Annual Report of the Office of the Commissioner for Administration and the Protection of Human Rights \(Ombudswoman\) acting as Equality Body 2017-2018-2019*](#).

⁵²⁰ Ombudswoman (2021), [*Annual Report 2020 of the Equality Body*](#), 20 January 2022.

only in Greek; three self-initiated statements regarding two separate incidents of anti-LGBTIQ speech and an anti-LGBTIQ attack featured in the media; a self-initiated statement regarding the frequent attacks against migrant delivery workers; a self-initiated statement regarding the racist pogroms of 2023 in Limassol and Paphos; one report in response to complaints from Greek nationals working as teachers in Cyprus whose army service was not recognised for the purposes of calculating their retirement benefits; a labour law case concerning discrimination under the Fixed Term Directive; a number of gender discrimination cases; a self-initiated investigation into accessibility of hospitals for persons with disabilities; an opinion in response to a complaint for rejection of a citizenship application on the ground that the applicant lacked 'full capacity'; an opinion in response to a complaint for failure to provide an escort for a child with a disability; a response to a complaint about the eligibility conditions for teachers with disabilities for applying for a promotion; a statement on the International Day of Persons with Disabilities; an opinion relating to the marking of parking slots for persons with disabilities to ensure access to a building; a recommendation to the Town Planning Department to take measures to implement the decision on the installation of elevators in buildings where older people with mobility problems reside; an opinion on the provision of accommodation to a working mother to enable her to care for her child with disabilities; an opinion on the accessibility measures provided by schools to enable students with disabilities to participate in school trips; and mediation on behalf of working women for reasonable accommodation at their workplace on the ground of disability either of the women claimants or of their children. The equality *acquis* was not cited in any of these reports.⁵²¹ For the year 2024, the Equality Body's statistical record mentioned having received the following complaints: 50 complaints of bullying without mentioning the ground; 25 of disability discrimination; 11 of gender discrimination; 10 of sexual harassment; 8 of national-origin discrimination; 8 of age discrimination; 6 relating to reconciling professional and family life (no ground mentioned); 3 of harassment (no ground mentioned); 2 of racial or ethnic origin; 2 of religious discrimination; 1 of sexual orientation discrimination; and 1 of language discrimination. The Equality Body's report for the year 2024 includes reports issued during the year that do not correspond to the statistical record of complaints received in the same year and do not cite the equality *acquis*: a report in response to three complaints of sexual harassment at the workplace; a self-initiated report on accessibility of football stadiums for persons with disabilities; a gender discrimination report on maternity leave being counted for the purposes of pensionable service; a self-initiated report regarding racist attacks against delivery workers; a self-initiated report on International Women's Day; a self-initiated report on International Day for the Elimination of Violence Against Women; a self-initiated report on International Day Against Homophobia, Biphobia and Transphobia; a self-initiated report on International Day for the Elimination of Racial Discrimination.⁵²²

Generally speaking, in the vast majority of the interventions described in the annual activity reports, there is minimal or no use of the equality *acquis*. The statistical record published is not confined to the equality mandate but instead includes decisions from the other mandates of the Ombudswoman, which does not enable conclusions to be drawn on the extent of discrimination and the implementation of the equality *acquis*. The US State Department human rights report on Cyprus for the year 2023 reported that the Ombudswoman 'enjoyed good co-operation with other government bodies [but] NGOs complained that the Office of the Ombudswoman routinely refused to investigate their complaints on the grounds that similar complaints had been investigated in the past.'⁵²³

⁵²¹ Commissioner for Administration and Protection of Human Rights (2025), '[Ετήσια Έκθεση 2023 Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων](#)' (Annual Report 2023 Equality Body and combating discrimination), 15 January 2025.

⁵²² Commissioner for Administration and Protection of Human Rights (2026), '[Ετήσια Έκθεση 2024 υπό την αρμοδιότητα της Επιτρόπου ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων](#)' (Annual Report 2024 under the authority of the Commissioner as the Equality and Anti-Discrimination Body), 20 March 2026.

⁵²³ US State Department, Bureau of Democracy, Human Rights and Labour(2024), [Cyprus 2023 Human Rights Report](#).

What emerges from the activity reports in the period in 2017–2024 is that, although an unspecified number of discrimination-related complaints may have been filed, as shown in the statistical data, these were not necessarily or not primarily investigated through the lens of anti-discrimination legislation: there is little legal reasoning to support the findings and the majority of the body's interventions are either celebratory announcements for an international day or self-initiated interventions. The annual activity report for the year 2025 was not published at the time of writing, and no statistical period for 2025 is available. It is not clear whether the record below shows actual complaints or whether it includes self-initiated statements of the Ombudswoman following incidents published in the media or on the occasion of an international day.

	2020	2021	2022	2023	2024
Sex discrimination	22	34	19	12	11
Harassment (no ground is specified)	11	7	4	4	3
Disability	10	12	27	11	25
National origin	9	7	12	15	8
Bullying (no ground is specified)	5	29	28	31	50
Age	3	3	7	7	7
Sexual harassment (no ground is specified)	2	11	4	5	10
Racial or ethnic discrimination	2	4	2	4	2
Sexual orientation discrimination		3	2	3	1
Religion or belief		55	7	0	2
Language discrimination		1	2	1	1

b) Equality data collection

In Cyprus, the designated body registers the number of complaints of discrimination made and/or decisions, by ground, albeit in a fragmented and non-consistent manner and not always in the annual report issued under its equality mandate; sometimes the equality statistics are printed in the report published in the ombud mandate. The field is not specified. These data are available to the public only when the Ombudswoman issues an annual report for the year concerned. However, the statistical record in itself suggests that it includes complaints which do not relate to discrimination but to other mandates handled by the Ombudswoman. The current Ombudswoman has removed from the institution's website all equality data statistical record for the period before she took office (2004–2017). Other than the complaints data, the Ombud institution does not collect any other equality data.

7.11 Roma and Travellers

Since it was established in 2004, the Equality Body has received hardly any complaints regarding discrimination against the Roma.⁵²⁴ Although there is a historical Cypriot Roma community, there is very little debate about the situation of the Roma people, who lead an impoverished and marginalised existence, or about measures to target them specifically. The general approach of Government policy being to 'promote' Roma integration through horizontal measures targeting vulnerable groups in general. Successive Governments have failed to recognise the Roma community as a separate and distinct community, and consider it instead to form part of the constitutionally recognised Turkish Cypriot community. The Equality Body has made a total of three attempts over the years to address the situation of Roma people: in 2003, it conducted self-initiated investigations into Roma housing conditions; and in 2011, in response to a complaint submitted in 2008, it published a report on discrimination against Roma children in education. In 2020, the Ombudswoman's office, in its capacity as NHRI, published a report

⁵²⁴ Cyprus does not have a community of Travellers.

following a self-initiated investigation into the situation of the Roma community, relying on consultation with the NGO CypRom and the competent governmental authorities, and an site visit to a Roma settlement at the centre of the old city of Limassol.⁵²⁵ No efforts have been made to launch a structured dialogue and consultation with the Roma community, which is a measure that has been strongly recommended both by ECRI and the Advisory Committee on the FCNM. The Ombudswoman did not participate in the compilation of the National Strategic Framework on Roma inclusion.

⁵²⁵ NHRI (2020), 'Τοποθέτηση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων (NHRI) σχετικά με τις συνθήκες διαβίωσης της Ρομά κοινότητας στην Κύπρο' ([Position of the Commissioner of Administration and Human Rights as National Independent Human Rights Authority \(NHRI\) regarding the living conditions of the Roma community in Cyprus](#)), Ref. ΑΥΤ 3/2020.

8 IMPLEMENTATION ISSUES

8.1 Dissemination of information, dialogue with NGOs and between social partners

- a) Dissemination of information about legal protection against discrimination (Article 10 Directive 2000/43 and Article 12 Directive 2000/78)

In line with previous years, there have not been any Government activities during 2025 to disseminate information on non-discrimination.

- b) Measures to encourage dialogue with NGOs with a view to promoting the principle of equal treatment (Article 12 Directive 2000/43 and Article 14 Directive 2000/78)

There are no guidelines or policies to regulate or promote a structured dialogue between the Government and NGOs in the equality field. A formal process of consultation exists at the parliamentary level when there are discussions of bills in areas of interest to some NGOs, but this is invariably a superficial tick-box exercise, in which the views and expertise of NGOs are rarely taken on board. There is no fertile ground for watchdog or advocacy organisations to operate in Cyprus because there is no funding for watchdog or advocacy activities and the Government environment can at times be hostile. The Government funding available for NGOs is non-transparent and is exclusively granted for the provision of services to the Government, such as running shelters for victims, which raises issues of Government control of civil society.

Organisations with a legitimate interest have the right to apply to court or to the Equality Body in order to bring a discrimination claim on behalf of a victim. However, in recent years, the Equality Body has, with rare exceptions, examined complaints only from persons who have been personally affected by an act of discrimination.⁵²⁶ At the judicial level, although an action may be pursued by organisations acting on behalf of victims in the district court to claim compensation, an application to annul a discriminatory act of the administration may be filed only by individuals with a 'legitimate interest',⁵²⁷ as discussed above.

In 2020-2021, civil society space shrunk considerably when a new law governing the operation of NGOs entered into force. On the basis of this law, the Ministry of the Interior struck from the NGO register more than 2 000 NGOs, including NGOs active in the field of non-discrimination, notably KISA, which was active in defending migrants' rights, and CypRom, which was active in defending the rights of the Roma community. The NGOs deleted from the registry were those that did not meet the deadline announced by the ministry for submitting documentation to prove that their structure had not been altered since the previous submission of documents.⁵²⁸ The deletion from the ministry's registry means the dissolution of the legal personality of the NGO, which can no longer receive funding, maintain a bank account or represent victims of discrimination before the Equality Body or before the courts. One of the NGOs struck off the registry was a well-known advocate for the rights of migrants. It tried unsuccessfully to challenge its forced dissolution in court, arguing that the administrative decision for its dissolution was tainted with discrimination due to its pro-migrant activity. The trial court rejected these arguments and the NGO appealed the trial court decision, arguing that the strike-off was not serving any legitimate purpose, nor was it necessary in a democratic society, as the NGO was not connected with a threat to public order and public interest; the strike-off infringed the

⁵²⁶ Ombudswoman, *Ετήσια Εκθεση 2020 Επίτροπος Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων (Ombudswoman Annual Report for 2020)*, pp. 22, 20 January 2022.

⁵²⁷ Constitution of the Republic of Cyprus (*Το Σύνταγμα της Κυπριακής Δημοκρατίας*), Article 146.2, 11 February 1959. Available at www.cylaw.org/nomoi/enop/non-ind/syntagma/full.html.

⁵²⁸ Trimikliniotis, N, and Demectriou, C.(2021) for the European Union Agency for Fundamental Rights (FRA), *Legal environment and space of civil society organisations in supporting fundamental rights*.

NGO's right to free expression; the NGO was targeted by the Government because of its views on migration and asylum; the strike-off infringed the principles of equal treatment and proportionality; and the decision lacked justification and impartiality. The Appeal Court rejected the NGO's discrimination claim, stating that the administration's requirement for amendments to the articles of association applied to all NGOs, irrespective of their activity.⁵²⁹ The rejection of the appeal was presented by the Minister of the Interior as a process whereby the court stripped the NGO of its legitimacy rather than as a failure by the NGO to comply with technical requirements, and triggered a chain reaction of delegitimisation processes for NGOs.⁵³⁰ The Minister of the Interior subsequently refused to attend a parliamentary question session on pushbacks of migrant boats, citing the presence of the struck-off NGO at the session.⁵³¹ During a parliamentary session on the NHRI's compliance with the Paris Principles, the Ombudswoman referred to the NGO as a 'former' NGO,⁵³² while a local mayor who was criticised by the NGO for inciting racial hatred described the NGO as 'illegal'.⁵³³ In October 2025, the Appeal Court reversed the trial court decision against the NGO 'KISA', which had found KISA's deletion from the register to be lawful and justified. The Appeal Court cited ECtHR jurisprudence, which held that the freedom of association is closely linked to freedom of expression and that interference with these rights is lawful only if it is absolutely necessary and proportionate. The Appeal Court stated that the trial court had discretion to examine the distinct circumstances of each case and to balance and protect conflicting interests; and that, in this case, the court's discretion had to be exercised in favour of safeguarding the fundamental rights of association and free expression, concluding that the strike-off decision was unlawful.⁵³⁴

In December 2020, a law on access to information entered into force, with no provision for access to information sought by NGOs. Applications for access to information must be submitted by individuals who must also pay a fee, which differs from one governmental authority to another and there are categories of exempted information, to which access will not be provided.⁵³⁵ The law contains far too many exemptions, the procedure for gaining access will be time consuming and the applicant has no way of knowing whether or not some data has been removed from the file by the time that permission to access is granted.⁵³⁶

- c) Measures to promote dialogue between social partners to give effect to the principle of equal treatment within workplace practices, codes of practice and workforce monitoring (Article 11 Directive 2000/43 and Article 13 Directive 2000/78)

Dialogue with social partners on issues of discrimination in the workplace is lacking; no code of conduct has been agreed upon nor is there any system for workforce monitoring. The tripartite collaboration between social partners and the Government over working conditions is not utilised to address discrimination against migrants in the labour market,

⁵²⁹ Administrative Court, *KISA v. Republic of Cyprus through the Registrar of Associations, Foundations, Federations and Unions via the Minister of the Interior* (ΚΙΣΑ-Κίνηση για Ισότητα, Στήριξη, Αντιρατσισμό v. Κυπριακής Δημοκρατίας μέσω του Γενικού Εφόρου Εγγραφής Σωματείων, Ιδρυμάτων, Ομοσπονδιών, Ενώσεων δια του Υπουργού Εσωτερικών), Case No. 25/2021, 10 June 2021, ECLI:CY:DD:2021:254.

⁵³⁰ Consultation with Civil Society Advocates and NGO Support Centre, 11 December 2021.

⁵³¹ 'Minister a no-show at MP grilling over divided family', *Cyprus Mail*, 20 September 2021.

⁵³² KISA, 'The Commissioner for Administration complicit in the attacks against freedom of expression in Cyprus', press release, 21 October 2021.

⁵³³ 'Σκληρή απάντηση Λιασίδη στην ΚΙΣΑ', *Paphos Press*, 7 January 2022.

⁵³⁴ Supreme Constitutional Court, Appeal Jurisdiction (Ανώτατο Συνταγματικό Δικαστήριο Κύπρου, Δευτεροβάθμια Δικαιοδοσία) (2025), *ΚΙΣΑ-Κίνηση για Ισότητα, Στήριξη, Αντιρατσισμό v. Κυπριακής Δημοκρατίας, μέσω Γενικού Εφόρου Εγγραφής Σωματείων, Ιδρυμάτων, Ομοσπονδιών, Ενώσεων δια του Υπουργού Εσωτερικών* (*KISA-Action for Equality, Support, Anti-Racism v. the Republic of Cyprus, through the General Registrar of Associations, Foundations, Federations, and Unions via the Minister of the Interior*), 27 October 2025.

⁵³⁵ Law on the Right of Access to Public Sector Information of 2017 (*Ο περί του Δικαιώματος Πρόσβασης σε Πληροφορίες του Δημόσιου Τομέα Νόμος του 2017*), 184(I)/2017.

⁵³⁶ Theopemptou, C. (2020), 'Ο περί του Δικαιώματος Πρόσβασης σε Πληροφορίες του Δημόσιου Τομέα Νόμος του 184(I)/2017', 22 December 2020.

as competence for this area falls under the Ministry of the Interior, while the tripartite process involves the Ministry of Labour.

d) Addressing the situation of Roma and Travellers

The governmental body with competence for Roma issues is the Social Welfare Office of the Deputy Ministry of Social Welfare. Its Roma-related activities over the years have been restricted to the implementation of the National Roma Integration Strategy. Given that there are no policies targeting the Roma, there are no separate mechanisms monitoring the implementation of policies vis-à-vis the Roma. The Social Welfare Services, which acts as the national contact point for the implementation of the national Roma integration, estimated in 2014 that, of a total of 1 250 Roma in the whole of Cyprus, there are between 650 and 700 Roma who are Cypriot citizens in the area controlled by the Republic of Cyprus. There is no updated data and no estimates as regards the number of migrant Roma or Sinti residing in Cyprus. Overall, the Social Welfare Services considers that the number of Roma residing in Cyprus is too small to deserve a separate and distinct approach from other vulnerable groups.⁵³⁷

8.2 Measures to ensure compliance with the principle of equal treatment (Article 14 Directive 2000/43, Article 16 Directive 2000/78)

a) Compliance of national legislation (Articles 14(a) and 16(a))

The Government has not taken specific measures to ensure that discriminatory laws, regulations and administrative provisions are abolished. There is no procedure for regular monitoring or screening of old or new laws, collective agreements, contracts or rules, etc., in order to ensure their compliance with the anti-discrimination laws. Practice shows that the procedure for assessing compliance of a particular law, contract, practice, etc. with the anti-discrimination laws is triggered only when a specific complaint is submitted on this matter.

Laws that contravene the Constitution, including the equality provision found in Article 28 of the Constitution, can be declared unconstitutional by the Court, whereupon the law in question automatically becomes null and void. In order to trigger this process, an application must be filed in court by a person who has been wronged as a result of the implementation of a law that runs contrary to the Constitution. So far, no law has been declared unconstitutional by reason of non-compliance with the equality provision of the Constitution (Article 28), except laws providing for positive action measures in favour of persons with disabilities.

The provisions contained in the international treaties, signed and ratified by the Republic, take precedence over any municipal law and therefore override any provisions that are contrary to the principle of equal treatment. Moreover, by virtue of a 2006 amendment to the Constitution, all EU directives and regulations are deemed to take precedence over all domestic legislation, including the Constitution itself. A law which is found to be contrary to EU law, however, will continue to be applied by the courts until it is amended by Parliament, in spite of the CJEU's ruling in *Vera Egenberger*.⁵³⁸ There is no judicial tradition in Cyprus of disapplying laws that contravene EU law.

b) Compliance of other rules/clauses (Articles 14(b) and 16(b))

Cyprus has not taken any measures to ensure compliance with Article 14(b) of Directive 2000/43 and Article 16(b) of Directive 2000/78 – ensuring that contracts, collective agreements, internal rules of businesses and the rules governing independent

⁵³⁷ Oral and written exchange of communication with the Social Welfare Services of the Ministry of Labour, Welfare and Social Insurance, 27-28 November 2014.

⁵³⁸ CJEU, *Egenberger*, C-414/16, 17 April 2018, ECLI:EU:C:2018:257.

occupations, professions, workers' associations or employers' associations that are contrary to the principle of equal treatment are or may be, declared null and void or are amended. Contracts and collective agreements have never been exhaustively scanned to assess their consistency with the anti-discrimination directives or their compliance with the equality principle in general. A problem of non-compliance usually surfaces when a complaint is filed with the Equality Body, but even in such cases, there is no system for recording the non-compliant provisions in a single database.

The mechanism under national law by which provisions in agreements, contracts or rules relating to professional activity, workers and employers that are contrary to the principle of equal treatment can be declared null and void or amended is contained in the law setting out the mandate of the Equality Body.⁵³⁹ This procedure requires the Equality Body to refer these to the Attorney General, who is then obliged to advise the minister concerned and prepare the necessary amendment to the discriminatory practice.

The Equality Body's referrals to the Attorney General under Article 39 have not always been addressed, and laws and regulations containing discriminatory provisions often remain unaffected as a result. This continued to be the case even after the Supreme Court ruled that the Attorney General was obliged to promote the change in legislation in accordance with the Equality Body's recommendation.⁵⁴⁰ The cases of non-compliance highlighted by the Equality Body in the past included public service job advertisements that contain an age limit; job descriptions that require an 'excellent knowledge of Greek' as a prerequisite or where the criterion to test knowledge of Greek can only be met by graduates of Cypriot schools; and restrictions in the retirement benefits paid to public sector employees aged under 45 who take early retirement in order to join EU institutions. No doubt there are many other cases in respect of which no complaint was submitted and thus no decision was issued by the Equality Body to highlight the need for repeal.

In 2023, the Ombudswoman referred to the Attorney General for revision the law regulating the grant of citizenships which provides that only persons of 'full capacity' are eligible for citizenship. The referral was the result of a complaint submitted to the Equality Body in 2021 by a person with disability who was denied citizenship on account of his disability while his entire family had been granted citizenship. The Ombudswoman concluded that the law must be revised to remove the eligibility condition of 'full capacity', and communicated her recommendation to the Attorney General with the request to prepare an amendment to the law.⁵⁴¹ The law was amended a month later on the basis of a draft that was being debated in Parliament at the time; the amendment did not remove the eligibility condition of full capacity but instead vested the Interior Minister with discretion to grant citizenship to persons without 'full ability' on humanitarian grounds, ignoring the Ombudswoman's recommendation.⁵⁴²

⁵³⁹ Combating of Racial and Some Other Forms of Discrimination (Commissioner) Law (Ο Περί Καταπολέμησης Φυλετικών και άλλων μορφών Διακρίσεων Νόμος (Επίτροπος) Νόμος) No. 42(I)/2004, Article 39. Available at www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html.

⁵⁴⁰ Supreme Court, *Nicoletta Charalambidou v. Republic of Cyprus, the Minister of Finance and the Attorney General* (Νικολέττα Χαραλαμπίδου v. Κυπριακής Δημοκρατίας, Υπουργού Οικονομικών και Γενικού Εισαγγελέα), No. 1695/2009, 17 December 2014. Available at [www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2014/4-201412-1695-09.htm&qstring=%E4%E9%E1%EA%F1%E9%F3*%20and%2058\(%E9\)#](http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2014/4-201412-1695-09.htm&qstring=%E4%E9%E1%EA%F1%E9%F3*%20and%2058(%E9)#).

⁵⁴¹ Ombudswoman (2023), *Έκθεση της Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων υπό την ιδιότητά της ως Ανεξάρτητος Μηχανισμός Προώθησης, Προστασίας και Παρακολούθησης της Σύμβασης του ΟΗΕ για τα Δικαιώματα των Ατόμων με Αναπηρία και ως Φορέας Ισότητας και Καταπολέμησης των Διακρίσεων αναφορικά με την απόρριψη αίτησης για απόκτηση κυπριακής ιθαγένειας λόγω αναπηρίας* (Report of the Commissioner for Administration and Human Rights Protection in her capacity as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities and as an Equality and Anti-Discrimination Body regarding the rejection of an application for Cypriot citizenship on the grounds of disability), File no. A/P 1990/2021.

⁵⁴² Population Archives (Amendment) (No. 4) Law of 2022 [*Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) (Αρ. 4) Νόμος του 2022*], 30 November 2023.

9 COORDINATION AT NATIONAL LEVEL

9.1. Coordination at the governmental level

There is no single authority or Government department responsible for the overall coordination of the implementation measures under the anti-discrimination laws. Several ministries are involved, depending on the issue at stake: the Ministry of Labour and Social Insurance deals with issues such as employment and social insurance benefits; the Ministry of Justice and Public Order deals with issues relating to the drafting and interpretation of legislation; and the Ministry of Education and the Ministry of the Interior deal with their respective competences.

Beyond the Ombud institution, there are other national public bodies that deal with non-discrimination issues, immersed in their other mandates: the Commissioner for the Protection of the Rights of the Child,⁵⁴³ the Law Commissioner,⁵⁴⁴ the Gender Equality Commissioner,⁵⁴⁵ the Cyprus Radiotelevision Authority⁵⁴⁶ and the Independent Authority for the Investigation of Allegations and Complaints against the Police.⁵⁴⁷ A number of governmental bodies also have a non-discrimination mandate immersed in their wider mandates: the Labour Department may be invited to intervene in labour disputes involving *inter alia* discrimination, the Department of Labour Relations examines labour-related complaints and the Labour Inspectorate performs inspections in the workplace to investigate labour standards;⁵⁴⁸ the police anti-trafficking unit investigates trafficking cases and identifies victims;⁵⁴⁹ and the Pedagogical Institute of the Ministry of Education, Sport and Youth promotes programmes and material related to human rights and equality.⁵⁵⁰ There is little networking or interaction between these bodies, even where their mandates intersect.

9.2. National Strategies and action plans

The national human rights strategy

Discussion of an action plan on combating discrimination on the grounds of sexual orientation, age, disability, ethnicity and religion, which had started at the beginning of 2020, was abandoned on the outbreak of the pandemic, before it could be finalised. This initiative was subsequently subsumed into the national human rights strategy, which was compiled in 2018 and was finally adopted by the Council of Ministers in 2021, providing general guidelines for the national action plan that was supposed to be compiled and adopted in the following months.⁵⁵¹ Without an expiration date and without setting out concrete actions to be taken, the strategy was a mere statement of principles on which an action plan was to be based, except that three years later, there is still no sign of an action plan. The strategy, entitled the National Strategy for the Protection and Promotion of Human Rights, sets equality and non-discrimination as one of its priorities with explicit references to sexism, xenophobia, homophobia, transphobia, Islamophobia and antisemitism. It identifies gender, children, LGBTIQ persons, older persons, persons with disabilities, religious groups, the Roma community, migrants, stateless persons and persons entitled to international protection as groups in need of protection. The strategy uses rather general and vague terminology without definitions, and sets safety, inclusion, the combating of discrimination and the promotion of equality as pillars of the strategy.

⁵⁴³ For more details, see the body's website [here](#).

⁵⁴⁴ For more details, see the body's website [here](#).

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⁵⁴⁹ For more details, see the body's website [here](#).

⁵⁵⁰ For more details, see the body's website [here](#).

⁵⁵¹ Council of Ministers (2021), '[Extract from the minutes of the Ministerial Council of 2 June 2021](#)', Proposal no. 630/2021, Decision No. 91.327, 2 June 2021.

The strategy mentions that effective anti-discrimination requires an understanding of intersectionality but does not propose concrete measures for intersectionality to be taken on board. The Ministry of Justice was mandated with coordinating a representative and pluralistic mechanism that would monitor the implementation of the strategy and the action plan that would be built upon it, while the Ministry of Justice would function as the national focal point, horizontally coordinating the actions set out in the strategy and the action plan. The strategy's bibliography mentions UN and Council of Europe instruments, but no EU directives.

In October 2021, the Parliamentary Committee on Human Rights expressed concern over the delay in compiling the action plan promised in the strategy. It was especially concerned about the delay in finalising the draft law on the recognition of gender identity, which at that stage had not been presented in Parliament for discussion.⁵⁵² By the end of 2025, there had been no further progress in compiling the action plan.

LGBTIQ rights strategy under way

A national strategy on LGBTIQ rights is currently being compiled in collaboration with the national NGO 'Accept LGBT+', the only group amongst the LGBTIQ movement that is registered. In order to include the grassroots groups in the discussion, Accept LGBT+ set up a think tank made up of representatives of all groups and individual LGBTIQ activists and incorporated the demands from the community into the drafts; all contributions from Accept LGBT+ to the various drafts was discussed and decided with the think tank beforehand. The strategy is expected to be completed and adopted in 2026. The strategy is premised on three pillars – protection, empowerment, and engagement and participation. The strategy goes beyond a mere statement of vision and values to include an action plan covering the period 2026–2030. It addresses discrimination, hate speech and hate crime, conversion therapies and other harmful medical practices, protection from violence, the regulation of gender identity recognition and protection, protection of migrant and asylum-seeking LGBTIQ persons, inclusive education, dignity in health services, family and reproductive rights, inclusion in social and welfare rights, engagement, participation and visibility and reinforcement of complaints mechanisms. Once drafting is complete, the strategy will be submitted to the Council of Ministers for approval and adoption, and for compilation of the budget.⁵⁵³

There is no separate action plan for, antisemitism, anti-gypsyism or racism and discrimination.

The national disability action plan

The Third National Action Plan for Disability 2021-2023 was approved by a Decision of the Council of Ministers in 2022 and included 135 actions (58 new actions and 77 on-going actions), which were to be implemented by eight Ministries and three Deputy Ministries: the Ministry of Labour and Social Insurance; the Ministry of Education, Sports and Youth; the Ministry of Health; the Ministry of Transport, Communications and Works; the Ministry of the Interior; the Ministry of Justice and Public Order; the Ministry of Finance; the Ministry of Energy, Trade and Industry; the Deputy Ministry of Social Welfare; the Deputy Ministry of Tourism; and the Deputy Ministry of Research, Innovation and Digital Policy. The main actions related to independent living, social integration, mobility and social protection of persons with disabilities; employment and vocational training; education services; accessibility of persons with disabilities to the natural and the built environment, transport and information; provision of health and accessibility of persons with disabilities to the natural and built environment, transport and information; and the provision of

⁵⁵² 'Βουλή: Καθυστερεί η χαρτογράφηση δράσεων της Εθνικής Στρατηγικής για τα ΛΟΑΤΚΙ άτομα', *Ant1*, 11 October 2021.

⁵⁵³ FRANET telephone consultation with Accept LGBTI Cyprus, 23 February 2026.

health and rehabilitation services; information and awareness-raising on disability issues.⁵⁵⁴

The report presenting the implementation of this plan, compiled by the Department and presented to the Pancyprian Coordinating Council for Persons with Disabilities at its meeting in December 2023, concluded that 74 actions (or 55 %) were fully implemented, 49 actions (or 36 %) were partially implemented, 12 actions (or 9 %) were not implemented for various reasons including the pandemic, understaffing of services, reconfiguration of the content of actions. The actions implemented related to independent living, social inclusion, mobility and social protection of people with disabilities, their employment and vocational training, education services, accessibility for people with disabilities to the natural and the built environment, transport and information, the provision of health and rehabilitation services and information and awareness-raising on disability issues.⁵⁵⁵ Many of the actions set out in the plan, and the majority of those actions which were fully implemented, are measures that are already a statutory duty of the state, such as the monitoring of the implementation of the CRPD, state grants to persons with disabilities which are paid annually for several years, the minimum guaranteed income and disability pensions and grants. Among the measures that have been fully implemented is the continuation of the system of evaluating disability, under which persons with disability are assessed for their 'functionality' in order to determine their eligibility for disability benefits; this system is a long-standing point of contention between the authorities and KYSOA, because it defeats the logic of the CRPD's social definition of disability and focuses on the medical assessment as the sole determinant of ability to work.

Disability strategy and action plan

Disability is the only ground, out of the six protected grounds of discrimination, for which there is a confederation of disability organisations with the status of social partner, meaning it must be consulted on all matters pertaining to disability.⁵⁵⁶ This does not always translate into meaningful participation in policy development, however, and the agenda is often set by governmental authorities, with a growing trend to consult individual organisations, bypassing the institutionalised permanent consultation mechanism in place with the confederation.⁵⁵⁷ The disability agenda is more focused on fields not directly related to discrimination, such as welfare benefit policies and quotas in employment, reflecting the wide spectrum of rights established by the CRPD rather than the non-discrimination provision of Directive 2000/78. This is also reflected in the successive strategies and action plans compiled by the competent governmental department, the Department for Social Integration of Persons with Disabilities of the Deputy Ministry of Social Welfare. The national strategy and action plan for the period 2024–2028 deals with prompt child and family intervention, inclusive education, access to built environment, transport and information, access to health, labour integration, adequate standard of living and independent living, participation in cultural life, recreation and sports.⁵⁵⁸

⁵⁵⁴ Department of Social Integration of Persons with Disabilities (2022), '[Third national action plan for disability 2021-2023](#)'.

⁵⁵⁵ Ministry of Labour and Social Insurance (2023), '[Detailed reports on the implementation of actions of the Third National Action Plan on Disability 2021-2023](#)'.

⁵⁵⁶ Consultation Procedure of State and Other Services on Matters Concerning Persons with Disabilities Law of 2006 (*Ο περί της Διαδικασίας Διαβούλευσης Κρατικών και Άλλων Υπηρεσιών σε Θέματα που Αφορούν Άτομα με Αναπηρία Νόμος του 2006*), No. 143(I)/2006.

⁵⁵⁷ Demetriou, C. (2025), [Country report 2025 on the non-discrimination directives](#), Cyprus, European Network of Legal Experts in Gender Equality and Non-Discrimination, p.99.

⁵⁵⁸ Deputy Ministry of Social Welfare, Department for Social Integration of Persons with Disabilities (2025), [Εθνική Στρατηγική και Σχέδιο Δράσης για την Αναπηρία 2024-2028](#) (*National Strategy and Action Plan on Disability 2024-2028*), January 2025.

The national Roma strategy

In December 2021, the Social Welfare Services department of the Deputy Ministry of Social Welfare submitted its National Strategic Framework for the equality, inclusion and participation of the Roma 2021–2030 to the European Commission. The framework was prepared in collaboration with all co-competent ministries/services and approved by the Council of Ministers on 13 December 2021. No action plan was compiled. The framework does not adopt an intersectional approach.

This is not a strategy as such, but rather a set of policy measures within national social inclusion policies, premised upon the long-term Roma policy of successive governments, whereby the Roma are seen as part of the Turkish Cypriot community rather than as a distinct minority with its own unique characteristics. There are no measures directly targeting the Roma community; all measures are horizontal and cover the fields of education, employment, housing, health and social support. The Roma community is expected to benefit from these measures in the same way as other vulnerable population groups, despite its special characteristics, including the fact that the Roma do not speak Greek well or at all, they have few or no labour skills and therefore few chances of joining the labour market, and they tend to travel between the north and south of the island for various reasons, including to access healthcare in the north, where they speak the language, although this may cause them to lose their residency and therefore their rights in the Republic of Cyprus.⁵⁵⁹

The horizontal approach towards Roma integration is based partly on the assumption that the Roma population of Cyprus is very small and partly on the political position that the Roma community cannot be viewed as a distinct minority, but rather as an inseparable part of the Turkish Cypriot community. No measures are taken to specifically target the Roma community in terms of dissemination of information or dialogue, or for any other purpose.⁵⁶⁰

The strategy does not contain any tools to measure its impact or ensure that the needs of the Roma are met. It contains no dates by which measures are to be carried out and no systematic monitoring of the situation of the Roma. It does not rely on a mapping of the needs of the Roma nor is any concrete information presented regarding the actions to be taken, who is responsible for taking them or what funding is allocated to this end. Its focus is largely on the minimum guaranteed income, which may impede other social inclusion and advancement measures.⁵⁶¹ It is questionable whether any of the measures in place have had any actual impact on the Roma, who continue to live in extreme poverty and exclusion, with no efforts made by the authorities towards the preservation of their cultural identity or towards raising societal awareness of and respect for their distinct identity and culture.⁵⁶² The Roma Civil Monitor reported that the National Strategy for the Social Inclusion of Roma 2021–2030 did not define any concrete, funded housing objectives and relied on generic measures, as authorities insisted that the Roma could benefit from general housing and welfare policies on the same terms as the general population. These

⁵⁵⁹ These considerations were raised by the Child Ombudsperson in 2017: 'Report of the Commissioner regarding the requirement of residence for a certain period of time in the areas controlled by the Government of the Republic for the provision of social welfare benefits, September 2017' (*Έκθεση Επιτρόπου αναφορικά με την προϋπόθεση διαμονής για συγκεκριμένο χρονικό διάστημα στις περιοχές που ελέγχονται από την Κυβέρνηση της Δημοκρατίας για παροχή επιδομάτων κοινωνικής πρόνοιας, Σεπτ.2017*).

⁵⁶⁰ Roma Civil Monitor (2022) '[Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Cyprus](#)', July 2022.

⁵⁶¹ Roma Civil Monitor (2022) '[Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Cyprus](#)', July 2022.

⁵⁶² Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2015), *Fourth Opinion on Cyprus*, adopted on 18 March 2025 and published on 2 November 2015, available at: <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680483b48>.

mainly refer to the Guaranteed Minimum Income scheme, which provides a monthly housing allowance for low-income renters, available to Roma on an equal footing. However, cases of Roma people benefiting from this allowance remain rare, owing to discrimination by landlords, which the strategy does not address, and an increasing trend of unwarranted benefit cancellations, undermining the ability of families to meet basic financial obligations. Overall, there seems to be limited support from the authorities beyond the initial allocation of housing, with limited repairs, persistent overcrowding and unsuccessful relocations, owing to distance and social cohesion-based ties.⁵⁶³

⁵⁶³ Roma Civil Monitor (2025), [*Civil society monitoring report on the implementation of the national strategic framework for Roma equality, inclusion, and participation in Cyprus*](#), Luxembourg, Publications Office of the European Union. doi:10.2838/4453981.

10 CURRENT BEST PRACTICES

There were no measures in 2025 in the field of combating discrimination, and no awareness raising or other relevant practices implemented by the Equality Body or any other public authority. No best practices were identified, in relation to either the use of Artificial Intelligence (AI) to improve the effective implementation of the national legislation transposing the directives or combating discrimination stemming from the use of AI systems.

Code of Conduct in schools

The Code of Conduct against Racism and Guide for Handling and Recording Racist Incidents,⁵⁶⁴ which was first implemented in 2015, continued through 2025. Underreporting and inadequate implementation of the Code continued to be prevalent in 2025, as a number of racial incidents were not identified as such and no measures were taken. The authorities do not publish the results of the data collection, which essentially defeats at least part of the purpose for which the Code was created. Despite its shortcomings at the implementation level, the Code remains the only tool providing definitions and mechanisms for those schools that want to address racism. It is in itself an educational document that can be used for training school professionals, and which provides a simple and easy-to-use mechanism for dealing with racist incidents in a child-friendly manner.

In October 2025, the Ministry of Education and Culture updated its Code of Conduct against Racism and its guidelines for handling and reporting racist incidents.⁵⁶⁵ The updated code acknowledges that implementation of the anti-racist policy in previous years suffered from under-reporting, clarifies that the filing of reports by school units is compulsory and that victims must be encouraged to report – and be afforded protection to do so – without negative consequences. It also contains detailed procedures for better implementation of the policy. The data collected under the Code of Conduct is not in the public sphere and there is no indication that it is used to evaluate school policies.

⁵⁶⁴ For more details, see the website of the Ministry of Education at http://www.moec.gov.cy/dme/programmata/scholiki_paravatikotita/protokolla/kodikas_symperiforas_kata_tou_ratsismou_pi.pdf.

⁵⁶⁵ Ministry of Education, Sports and Youth (2016, 2025), [Κώδικας Συμπεριφοράς κατά του Ρατσισμού και των Διακρίσεων και Οδηγός Διαχείρισης και Καταγραφής Ρατσιστικών Περιστατικών](#) (Code of conduct against racism and discrimination and guide to managing and recording racist incidents).

11 SENSITIVE OR CONTROVERSIAL ISSUES⁵⁶⁶

11.1 Potential breaches of the directives at the national level

1. The Equality Body's mandate is no longer exercised as such, and no reports or other activities are carried out in this capacity, applying the national anti-discrimination legal framework. The complaints received are handled as the Ombudswoman or as monitoring body for the CRPD, which means that, with few exceptions, the complaints are no longer examined through the lens of the anti-discrimination directives.
2. Courts tend to invoke the doctrine of separation of powers in order to continue applying discriminatory laws, contrary to the CJEU's ruling in *Egenberger*.⁵⁶⁷ Although the doctrine is in theory about introducing a system of checks and balances to prevent the concentration and abuse of public power, in practice each of the three branches of state authority, namely the legislature, the executive and the judiciary, stir clear from checking on each other, ensuring that they remain strictly within the boundaries of their respective functions and invoking the separation of powers as the reason for that. As a rule, Courts will apply discriminatory laws, unless the parties have invoked unconstitutionality of the law in question, for violating the constitutional equality principle (Article 28).
3. A constitutional provision enabling the President of the Republic to refer laws back to Parliament for amendment and, if Parliament refuses to amend them, to apply to the court, has led to a number of laws safeguarding equality to be annulled.⁵⁶⁸ One of the most commonly cited reasons offered by the President seeking the amendment or annulment of a law is another constitutional provision prohibiting MPs from introducing laws that can lead to an increase of the state budget.⁵⁶⁹ In 2022, a law which extended sickness and unemployment benefits to workers aged 63+ was annulled by the court, following an application by the President of the Republic, on the ground that it would lead to increased expenditure as a result of the increase in the number of eligible sickness benefit recipients.
4. In recent years, the Government has completely abandoned efforts to raise awareness of the directives, to promote equality initiatives or to consult with civil society. This is the case even with KYSOA, which in 2006 was afforded the status of a social partner, contrary to Articles 12 and 13 of Directive 2000/78 and Articles 10, 11 and 12 of Directive 2000/43.
5. There is no procedure in place for a regular review or revision of discriminatory laws/regulations, contrary to Article 16 of Directive 2000/78 and Article 14 of Directive 2000/43. In practice, a review is triggered only once a complaint is submitted to the Equality Body. In such a case, the law requires the Equality Body to refer discriminatory laws/regulations to the Attorney General, who is then under a duty to prepare the amending legislation. Despite several referrals to the Attorney General, few of the laws found by the Equality Body to be discriminatory have been amended. This procedure, however, is very rarely followed, with the result that several discriminatory laws remain in place. The failure of the Attorney General to proceed with amending the laws flagged by the Equality Body, when viewed through the lens of the wide powers granted to the Attorney General by the Constitution, raise concerns as to whether the Cypriot justice system is capable of responding to the needs and requirements of the EU *acquis*.
6. The human rights impact assessment mechanism in place, which essentially consists of a form to be filled out by public authorities when they submit a bill in Parliament, is superficial and does not identify potential violations of the equality *acquis* that may result from the adoption of the bill. The consultation process that precedes submission of bills in Parliament is also superficial, as government ministries are free

⁵⁶⁶ The assessments and views expressed in both sections 11.1 and 11.2 reflect the author's opinion.

⁵⁶⁷ Judgment of 17 April 2018, *Egenberger*, C-414/16, ECLI:EU:C:2018:257.

⁵⁶⁸ [Constitution of the Republic of Cyprus](#), Article 52.

⁵⁶⁹ [Constitution of the Republic of Cyprus](#), Article 80.

to ignore – and usually do ignore – the comments submitted by civil society or individuals as regards the compatibility of the bill with equality standards, potentially violating Articles 12 and 14 of the Racial Equality Directive and the Employment Equality Directive, respectively.

7. National laws provide for the judicial review procedure to be used by claimants who are challenging administrative acts or omissions affecting them. In the judicial review procedure, however, a claimant cannot be represented by an organisation because the organisation is not deemed to have the legitimate interest required.⁸ The burden of proof is not reversed in judicial review proceedings, which is the legal route prescribed by the national legal framework for discrimination claims against the state. The national laws transposing the equality directives provide for the reversal of the burden of proof in judicial proceedings. At the same time, however, the laws provide that in order to challenge an administrative act, the procedure to be used is that of judicial review under Article 146 of the Constitution, where the burden of proof is not reversed.

11.2 Other issues of concern

1. Cyprus has been repeatedly criticised by ECRI and by the Advisory Committee on the FCNM for failing to take measures to promote the participation and integration of the Roma. The Third Opinion on Cyprus of the Advisory Committee on the FCNM states that the Roma continue to face serious prejudice and difficulties in many fields, such as employment, housing, education and access to health services, while the establishment of a dialogue between the Government and the Roma remains problematic. The Committee urged the Government to identify ways to establish a structured dialogue with the Roma and to obtain up-to-date information regarding their ethnic, linguistic and religious affiliation. The Government responded by stating that 'issues regarding the Cyprus Roma are part of the overall policy planning of the Government', without indicating any specific policies to address the problems highlighted. ECRI's fourth report on Cyprus, published in 2011, also urged the authorities to engage in consultation with the Roma community in order to address problems in housing, employment and education.

In 2016, the Social Welfare Services department of the Ministry of Labour, Welfare and Social Insurance set up a National Roma Platform on the basis of funding received from the EU, which covered 95 % of the Platform's operational costs for 12 months. The Platform aimed to create the framework for the strengthening of dialogue on issues affecting the Roma, such as housing, education, social services, health and employment. It brought together governmental bodies, independent authorities, local government, NGOs, academics and members of the Roma community and planned to hold four meetings during 2016-2017. The first meeting of the Platform was attended by 33 persons; only three of them were members of the Roma community. At the following Platform meeting in October 2016, the number of Roma persons participating rose to 17. The relevant press release noted that the participation of members of the Roma community was low despite efforts made to encourage their attendance.

It emerged from the discussions at the Platform meetings that the Roma in Cyprus need additional mobilisation and incentives in order to become more actively involved in matters affecting them. However, the press release which followed the first Platform meeting took the opportunity to reiterate the official position that the Roma do not constitute a distinct ethnic community in its own right but form part of the Turkish Cypriot community, citing the Cypriot Constitution as a source. In fact, the Constitution does not state this; it does not refer to the Roma at all. The decision regarding the community affiliations of the Roma, which was taken without consulting the Roma themselves, remains an open issue of concern and has been repeatedly criticised by the Advisory Committee on the FCNM. Indeed, to date, there

has been no formal or informal consultation with the Roma as to their choice of affiliation.

For decades, the Roma community in Cyprus has been viewed by policymakers as an inseparable part of the Turkish Cypriot community. It is only in recent years, through EU funding, that projects involving the Roma in their own right have started developing. Nevertheless, the issue of affiliation is still not on the table. The 2015 report of the Advisory Committee on the FCNM was highly critical of the fact that the latest population and housing census contained a question relating to 'ethnic/religious group' where interviewees had to choose from a closed list of five possible responses. These did not include the option of being Roma, nor was it possible to respond 'other' or 'do not wish to respond', or to opt for multiple affiliations, reflecting the realities of contemporary society.

The 2022 ECRI report flagged the high rate of early school-leavers among the Roma, the fact that few of them attend secondary education and even fewer complete it, the high drop-out rates and the fact that no Roma have entered university education. The ECRI expressed concern over the rigorous application of the policy of enrolling children in schools based on their residential address, as it resulted in a high concentration of Roma pupils in the same school. This resulted in non-Roma parents trying to move their children to other schools, creating a de facto segregation of Roma pupils. In one of those schools, the Agios Antonios Primary School in Limassol, which the ECRI visited, the school administration implemented a programme called School and Social Inclusion Actions that provided additional support to pupils for language and mathematics, teaching assistants in all classes and additional extra-curricular activities to encourage inclusion in the school community. The Ministry of Education implemented a series of seminars addressing Roma parents and presenting the benefits of schooling and the lifelong consequences of not attending school. The school offered parents and guardians of Roma children free Greek-language lessons and Roma pupils appeared to be encouraged to learn the Cypriot Roma language, Kurbetcha.

The ECRI further noted that the Cypriot Roma experience high levels of unemployment owing to poor knowledge of Greek, a low educational level and lack of incentives to accept formal employment, such as long distance to workplaces and poor pay. Even though public employment services provide some support, including vocational guidance, counselling, and training programmes, it appears that Cypriot Roma are not taking part in these schemes, because they are not informed about them or for other reasons.

The ECRI report stated that the public housing offered to Roma applicants is either prefabricated, container-like units in remote, Roma-segregated settlements, or in houses in the Limassol and Paphos districts, belonging to Turkish Cypriots who fled hostilities in 1964–1974. The Ministry of Interior does carry out some repairs but the houses remain in a bad state and many do not have a functioning electricity or water supply.

2. In 2021, the Equality Body issued a report arguing that the decision not to get vaccinated against COVID-19 amounts to a 'belief' and is therefore a protected characteristic against differential treatment.⁵⁷⁰ This position was not shared by the courts.⁵⁷¹

⁵⁷⁰ Commissioner for Administration and Human Rights as Equality and Non-discrimination Body (2021), [*Εκθεση αναφορικά με το πρωτόκολλο ΤΕΠΑΚ για τον τρόπο διεξαγωγής μαθημάτων κατά το φθινοπωρινό εξάμηνο του έτους 2021*](#) (Report regarding the protocol of the Cyprus University of Technology on the manner of conducting lessons during the autumn semester of 2021), Ref A/P 183/21 et al.

⁵⁷¹ Administrative Court, *Union of Academic Personnel at the Cyprus University of Technology SAP-TEPAK v. Cyprus University of Technology* ([*Συντεχνία ακαδημαϊκού προσωπικού Τεχνολογικού Πανεπιστημίου Κύπρου*](#))

Government officials and politicians regularly make xenophobic statements framing third country nationals in general and Syrians in particular as a national danger and supply the media with exaggerated numbers for asylum applications. The year 2023 saw a sharp increase in racial crime. The assailants were not always located, but where they were identified and charged, the charges were for assault and the racist motivation was ignored.⁵⁷² The upsurge in racial crime continued through to 2024, with regular attacks against migrant delivery workers, some of which incidents were prosecuted as common assault or theft.

3. An incentive scheme was introduced by the Greek Orthodox Church in 2025, with eligibility criteria that excluded persons of non-Greek Orthodox faith. The scheme created a financial support programme for families with more than three children, provided that the fourth child was baptised in the Greek Orthodox Church and at least one parent is an Orthodox Christian, holds an identity card of the Republic of Cyprus, the family has permanent residence in Cyprus and the child's parents were married in an Orthodox church. The declared objective of the scheme was to alleviate 'the demographic problem, which is becoming our second national problem' – the first one obviously being the Cyprus problem. Despite the clear racist undertones of this measure, there were no discussions in the public sphere. This is not the first time that the Greek Orthodox Church has depicted non-Christian Orthodox people as 'threats'; it nevertheless remains an institution too powerful to be subjected to criticism.
4. KYSOA, the National Confederation of Disability Organisations, raises concerns about the risks facing persons with disabilities in institutions, such as forced abortions and forced sterilisations, pointing out that the police refuse to investigate allegations of abuse in institutions unless the victims themselves file the complaint, which is impossible for persons with disabilities residing in such institutions.⁵⁷³
5. KYSOA repeatedly complains about the fact that it is excluded from discussions concerning measures affecting persons with disabilities, contrary to the provisions of the law which assigned to KYSOA the status of a social partner. It cites examples of public bodies consulting individual disability organisations in order to 'tick the box' of consultation whilst excluding KYSOA.
6. The appointment of a new Ombudswoman in 2017 and the reappointment of the same person in 2023 revealed several systemic problems with the transposition of Article 13 of the Racial Equality Directive. The qualifications required for a person to be appointed Ombudswoman, and automatically head of the Equality Body, provide no guarantee that the specialised body will perform its functions effectively or independently. There is no requirement for the Ombudswoman to possess any qualifications or experience, no obstacles to politically exposed persons being appointed and no duty to exclude conflicts of interest, thus paving the way for the Executive to appoint a person that serves the political agenda of the President at the time. There is no legal requirement for the specialised body to publish its reports or to publish data about complaints received, allowing the institution to keep its activities away from the public eye.
7. It is not clear whether the Equality Body continues to face budgetary issues as it did in previous years, because the work output is reduced compared to previous years. The number of complaints has dropped and the reports issued contain a minimum of legal research or analysis.

(*ΣΑΠ-ΤΕΠΑΚ*) *ν. Τεχνολογικό Πανεπιστήμιο Κύπρου*), Case No. 1108/2021, ECLI:CY:DD:2022:24, 26 January 2022.

⁵⁷² *Αναβολή στην ακρόαση των 13 για το πογκρόμ στη Λεμεσό-Υπό κράτηση μόνο ο κατ'αδίκος που συμμετείχε στα επεισόδια* (Postponement of the hearing of the 13 for the Limassol pogrom - Only the assailant involved in the riots is in custody), *Reporter*, 25 October 2023.

⁵⁷³ *Καταγγελίες για στειρώσεις θυμάτων βιασμού σε γυναίκες με νοητική αναπηρία που διέμεναν σε ιδρύματα* (Allegations of sterilisation of mentally disabled women rape victims living in institutions), *Simerini*, 30 January 2023; *Στειώσεις γυναικών στην Κύπρο: Παραμένουμε στον μεσαίωνα* (Female sterilisations in Cyprus: We remain in the middle ages), *Politis*, 8 June 2024.

8. The current Ombudswoman does not appear to accept complaints from organisations representing victims or from other persons on behalf of victims.
9. Following the deletion of statistical data published for the period 2004-2014, given the fragmented nature of the statistics for the period 2017-2023, there is no coherent picture of discrimination in Cyprus. The only conclusion that can be drawn from this development is that there has been a sharp decline in the number of complaints submitted to the Equality Body and these complaints are no longer examined through the lens of the equality *acquis*. The courts do not maintain statistical records of decisions issued.
10. A new law came into force in December 2017 governing the operation of NGOs, imposing several new prerequisites, formalities and demands on NGOs.⁵⁷⁴ The operation of NGOs has now become more demanding, bureaucratically onerous and expensive. Moreover, the law did not grant NGOs the necessary 'legitimate interest' in order to bring to court applications for judicial review on behalf of victims. It also failed to reverse the current practice of prohibiting NGO lawyers from appearing in court to represent victims. Organisations can only act on behalf of victims in claims for compensation before a district court. An amendment to this law introduced in the summer of 2020 led to more than 3 000 NGOs, including NGOs active in the non-discrimination field, being struck off the register of NGOs. This was an added impediment to the work of NGOs, which shrunk considerably during 2020 due to COVID-19 restrictions. The deletion from the registry had a snowball effect, with NGOs being framed as 'illegal' and being denied a presence in the public sphere. In October 2025, the Appeal Court reversed the trial court decision against the anti-racist NGO KISA, which had found KISA's deletion from the register to be lawful and justified, concluding that the strike-off decision was unlawful.⁵⁷⁵ The Appeal Court cited ECtHR jurisprudence, which held that the freedom of association is closely linked to freedom of expression and that interference with these rights is lawful only if it is absolutely necessary and proportionate. During the five-year period between the strike-off and the decision of the Appeal Court, KISA had to set up a non-profit company in order to be able to continue operating. More than 2 500 associations that were struck off the registry on the same justification as KISA will not be affected by the Appeal Court decision regarding KISA; for those NGOs, no rectification measures are possible.
11. Litigation is not sufficiently used, owing to the cost and length of time involved; the fact that legal aid is made available only subject to insufficient means; and to the lack of awareness of the anti-discrimination laws amongst the legal profession. The sanctions set out in the law on discrimination are neither dissuasive nor effective. Moreover, given the fact that the Equality Body's decisions in the past were merely recommendations, victims of discrimination were, in practice, not afforded the mandatory legal protection provided for in the directives. There is little coordination between NGOs and lawyers for effective handling of cases.
12. As a concept, positive action continues to be viewed with suspicion by the courts and policymakers alike. They appear willing to apply it only to persons wronged by the Turkish invasion (war veterans, persons with disabilities resulting from the war) as part of the national project of promoting their sense of 'victimhood', but otherwise find that it violates the equality principle enshrined in the Constitution.
13. Following the Labour Tribunal decision in 2008, which raised some concerns regarding jurisdiction to hear discrimination cases, the law transposing

⁵⁷⁴ Law Revising the Laws on Associations and Foundations and Annulling the Law on Registration of Clubs (Νόμος που αναθεωρεί τους περί Σωματείων και Ιδρυμάτων Νόμους του 1972 και 1997 και καταργεί τον Περί εγγραφής λεσχών νόμο) N. 104(I)/2017. Available at http://www.cylaw.org/nomoi/arith/2017_1_104.pdf.

⁵⁷⁵ Supreme Constitutional Court, Appeal Jurisdiction (Ανώτατο Συνταγματικό Δικαστήριο Κύπρου, Δευτεροβάθμια Δικαιοδοσία) (2025), [ΚΙΣΑ-Κίνηση για Ισότητα, Στήριξη, Αντιρατσισμό v. Κυπριακής Δημοκρατίας, μέσω Γενικού Εφόρου Εγγραφής Σωματείων, Ιδρυμάτων, Ομοσπονδιών, Ενώσεων δια του Υπουργού Εσωτερικών](#) (KISA-Action for Equality, Support, Anti-Racism v. the Republic of Cyprus, through the General Registrar of Associations, Foundations, Federations, and Unions via the Minister of the Interior), 27 October 2025.

Directive 2000/78 (minus the disability component) was amended in 2009; the law on disability discrimination was not amended to reflect the court's findings and it remains uncertain which court has jurisdiction to try disability discrimination cases. In considering an appeal against the first instance decision of the tribunal, the Supreme Court disagreed with the tribunal's findings as regards its jurisdiction, but did not explicitly rule that the Labour Court has jurisdiction to try all discrimination cases, irrespective of whether an employment relationship exists or not.

14. There is no law providing for protection against structural discrimination, nor is there any administrative policy or practice covering for this legislative gap. The authorities' failure to act on complaints of discrimination is not regulated nor is it termed as amounting to discrimination in itself. There is no regulation imposing a specific non-discrimination duty on public authorities and many complaints directed against various Government departments are not addressed or dealt with, without any consequences for the departments concerned.
15. In 2017, the latest collapse of the peace talks aimed at resolving the Cyprus problem gave fresh impetus to demands by Turkish Cypriots to restore their constitutional rights, which they were deprived of as a result of the 'doctrine of necessity'. This doctrine was used to introduce structural discrimination against Turkish Cypriots in ways that could not be justified as necessary for the operation of the state. Faced with a problem that increasingly looks 'unresolvable', Turkish Cypriots are now more inclined to resort to litigation at national and European level to claim their rights. The 2024 report of the UN Secretary General on the operations of the UN Peace Keeping Force in Cyprus expressed severe concern over the increased militarisation of the buffer zone and increased military violations. The Secretary General criticised the new policy of refusing to allow individuals in the buffer zone to access asylum procedures and recalled the obligations of the Republic of Cyprus under international refugee law. The report noted that many of the persons stranded in the buffer zone are victims of persecution, sexual exploitation, and gender-based violence and continue to face serious medical issues, including women and children with mental health conditions. Their vulnerabilities, coupled with being stranded in the buffer zone for several weeks, often in extreme heat, have led in many instances to their urgent transfer to hospitals in the Republic of Cyprus, from which however they have repeatedly been pushed back to the buffer zone, despite their explicit requests to seek asylum and their evident protection needs.⁵⁷⁶ The persons in the buffer zone are all racialised individuals at risk of discrimination and include persons from Sudan, Cameroon, Nigeria and Afghanistan.
16. The tension generated by the protracted conflict between the Greek Cypriot and Turkish Cypriot communities and the underlying human rights issues that ensue as a result were also flagged by the UN Committee on the Elimination of Racial Discrimination in its 2017 country report on Cyprus.⁵⁷⁷ In its 2023 update, the UN Human Rights Committee voiced concern over the rights of minorities and mentioned the small number of Turkish Cypriots in Cyprus's civil service, including the police force and the courts, pointing out that no specific policies aimed at changing this situation were planned. It recommended that Cyprus continue its efforts to eradicate the economic, social, linguistic and cultural barriers faced by Turkish Cypriots and minorities, including taking specific measures to integrate Turkish Cypriots into the civil service and the judiciary.⁵⁷⁸
17. The national specificities of Cyprus are the result of what can be termed country-specific structural problems. These consist mostly of issues deriving from the unresolved Cyprus problem, which creates problems of discrimination resulting from

⁵⁷⁶ UN Secretary General, *Report of the Secretary-General on the United Nations operation in Cyprus for the information of the members of the Security Council*, 3 July 2024, S/2024/527. Not available online.

⁵⁷⁷ UN Committee on the Elimination of Racial Discrimination (2017), *Concluding observations on the twenty-third and twenty-fourth periodic reports of Cyprus*. Available at http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/CYP/INT_CERD_COC_CYP_27472_E.pdf.

⁵⁷⁸ UN Human Rights Committee s(2023), '*UN Human Rights Committee publishes findings on Brazil, Burundi, Colombia, Cyprus, Lesotho, State of Palestine and Uganda*', press release, 26 July 2023.

the de facto division of the country, e.g. the failure to use Turkish as an official language of the Republic of Cyprus; discrimination against Turkish Cypriots in access to property and in the exercise of various constitutional rights; the violation of Greek Cypriot rights by Turkey; and a certain tendency of the authorities and the courts to 'seek revenge' for the Turkish invasion of Cyprus. The Cyprus problem can also be blamed, at least in part, for a general lack of tradition of addressing equality issues deriving from the 40-year-old persistent predominance of the Cyprus problem in the public sphere. Greek Cypriot resentment of the constitutional quota system for Turkish Cypriots in the public sector, the history of ethnic conflict and the continuous application and expansion of the 'doctrine of necessity' by the authorities and the courts subordinate equality issues to political expediencies and place a disproportionately strong emphasis on state sovereignty.

18. In the parliamentary elections of 2021, the neo-Nazi party ELAM's percentage rose to 6.78 %. In exchange for supporting the candidate of the ruling party DESY for president of the Parliament, a new parliamentary committee was set up and chaired by ELAM, with the mandate to address the 'demographic problem' allegedly facing Cyprus, but essentially it deals with migration and asylum in a negative and fear-mongering style. ELAM, whose percentage has risen to 11 %, is now the third largest political party⁵⁷⁹ and is afforded ample time by the mainstream media to disseminate xenophobic and Islamophobic views against migrants, refugees and the LGBTIQ community. Complaints submitted to media monitoring bodies about TV channels disseminating ELAM's racist views were all rejected on the grounds that the TV channels are obliged by law to present the views of all candidates equally.
19. The new Government which came into power in 2023 is increasingly using migration to heighten tensions in society and create moral panic, leading to further exacerbation of the rise of the far right. In August and September 2023, a series of racist pogroms shocked Cypriot society. The police charged some of the assailants for rioting and for carrying dangerous objects. Two people were convicted and given a fine of EUR 600 and a suspended prison sentence of six months. No person was charged with hate crimes or other racism-related offences, nor were there any measures taken to address the rising levels of racism.
20. There has never been any Roma inclusion strategy targeting the Roma in particular, nor any action plan to combat discrimination on any ground. The national Roma strategy, which the Cypriot government submitted to the European Commission in 2022 under the EU Roma Strategic Framework, targets vulnerable groups of the population in general, failing to identify the Roma as a distinct community or minority. Neither the Roma strategy nor the human rights strategy adopted in 2021 provide for concrete actions with a designated budget. Both documents contain only statements of broad principles.
21. No equality training is offered to state bodies, local governance officials, law enforcement officers or lawyers. Since 2021, training has been offered to judges in the context of the EU-funded project SRSP3, but to date the curriculum has not included equality law.
22. Judicial practice on discrimination claims often deviates from the letter and the spirit of the directives, rejecting discrimination claims by using the 'reasonableness' test. The use of this test has led the courts to reject direct discrimination claims that were thought to be 'reasonable', in breach of the equality directives, which allow only a limited range of exceptions.
23. Regarding discrimination in the workplace, the inequality of power between the employers' lobby and workers' unions, despite the apparent strength of the latter, is accentuated by the fact that Cyprus has a very large small- and medium-sized enterprises (SME) sector, whose individual members generally lack professionalism and awareness on issues of labour rights and discrimination. This sector is one of the worst hit by the economic crisis, and the violation of workers' rights has become

⁵⁷⁹ ['Far-right ELAM to join ECR in the EU Parliament'](#), *Phileleftheros*, 10 June 2024.

- commonplace. The pandemic exacerbated this problem, as unemployment hit record levels and labour rights were further eroded.
24. Although the Law on Presidential Elections was amended in 2020 to enable blind persons to vote, assisted by a person of their choice, voting remains a challenge for persons with kinetic disabilities because the electoral centres are not accessible by wheelchair and/or have other types of barriers. According to KYSOA, hundreds, if not thousands, of persons with disabilities have never voted in any elections due to problems of accessibility, including accessibility to information, this being the case in particular for persons residing in institutions and persons with intellectual disabilities.
 25. There is no labour inspectorate to monitor the working conditions of employees in order to identify discrimination on grounds other than gender.
 26. The European Social Survey on the attitudes of Cypriots towards migrants and refugees in 2024–2025, conducted by the University of Cyprus, showed that 42 % of Cypriots feel negative towards the entry into Cyprus of persons with the same racial or ethnic characteristics as Cypriots, while 65 % demonstrate xenophobic attitudes towards persons of a different ethnicity immigrating to Cyprus. In particular, 7 % say that no person of diverse ethnicity should be permitted to enter Cyprus, 26 % feel that only a few should be permitted, 26 % say some should be permitted and 9 % believe many should be permitted to enter. Similar levels of xenophobia are demonstrated in responses to the question of whether persons from poorer third countries should be allowed to enter: 8 % say that none should be allowed, 59 % that a few should be allowed, 25 % that some should be allowed and 8 % that many should be allowed. Responses to the question of whether immigration is good or bad for the economy are, on average, 44 % negative and 26 % positive. Responses to the question of whether immigration has a positive or negative impact on culture and traditions are, on average, 49 % negative and 26 % positive. Responses to the question of whether Cyprus becomes a better or worse place when immigrants come to stay are 48 % negative and 24 % positive. On the pan-European scale of xenophobic attitudes, Cyprus ranks fifth or sixth, depending on the question, usually after Czechia, Hungary, North Macedonia, Montenegro and Slovakia. Cyprus ranked second after Czechia on the question of whether cultural life and traditions are undermined by migrants. On average, the attitudes of Cypriots are rated as more xenophobic than those of the average European. The survey records lower levels of xenophobia and a positive assessment of immigration among participants in higher education and those earning a high income; and higher levels of xenophobia among persons who declare themselves highly religious and those residing in rural areas. An older survey commissioned by UNHCR sought to record xenophobic attitudes in Cypriot society in 2022 and demonstrated a significant worsening of attitudes over the previous four-year period. This was attributed to the fact that questions in the survey focused on the attitudes towards asylum seekers and refugees. The worsening of societal attitudes towards these two groups was attributed to the groups' vulnerable socioeconomic situation, combined with the fact that they were targeted by the media and by xenophobic rhetoric of securitisation from government officials.⁵⁸⁰ The results of the European Social Survey published in December 2025 ranked Cyprus among the 10 most xenophobic countries in Europe out of the 31 countries surveyed, marking a worsening of attitudes since the previous round of surveys.⁵⁸¹ This worsening of attitudes towards migrants and refugees was also reflected in the Sixth Opinion on Cyprus of the Advisory Committee on the Framework Convention for the Protection of National Minorities, issued in 2025, which recorded an increase of xenophobic tendencies, racially motivated attacks and

⁵⁸⁰ Psaltis, C., Nicolaou, A., Perivolaraki, M. (2024), Findings of the European Social Survey Cycle 10 (2022) – Attitudes towards immigration [[Αποτελέσματα Ευρωπαϊκής Κοινωνικής Έρευνας Κύκλος 10 \(2022\) - Στάσεις για τη μετανάστευση](#)], January 2024.

⁵⁸¹ Philenews (2025), '[Cyprus ranks among Europe's most xenophobic countries, survey finds](#)', 9 December 2025; University of Cyprus (2025), '[Έναρξη της Ευρωπαϊκής Κοινωνικής Έρευνας Κύκλος 12, 2025-2026](#)' ([Launch of the European Social Survey, Round 12, 2025–2026](#)), Paideia News, 9 December 2025.

tensions between segments of the local population and migrants, and noted a rise in underlying fears regarding and stereotyping of refugees and other migrants from outside Europe, including Muslims, which are reinforced and exploited by far-right politicians for populist purposes. The report recorded perceptions of deterioration in the general climate of tolerance and respect that previously prevailed in Cypriot society, with the emergence of racially motivated verbal abuse and physical attacks by right-wing extremists and neo-Nazi groups targeting refugees and other migrants from outside Europe, especially those of African descent and from Syria. Stakeholders informed the Advisory Committee of police reluctance to investigate complaints filed by migrants, pointing out that racist hate speech is rarely sanctioned. The report added that hate-motivated violence is not as acute a problem as hate speech.⁵⁸²

There were no issues of concern relating to discrimination and the use of artificial intelligence (AI).

⁵⁸² Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2025), [Sixth Opinion on Cyprus](#), published on 21 November 2025.

12 LATEST DEVELOPMENTS IN 2025

12.1 Legislative amendments

There were no relevant legislative amendments in 2025.

12.2 Case law

There were no equality-related cases decided in 2025, either by the Courts or by the Equality Body.

ANNEX 1: TABLE OF INTERNATIONAL INSTRUMENTS

Country: Cyprus
Date: 1 January 2026

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
European Convention on Human Rights (ECHR)	16.12.1961	06.10.1962	None	Yes	Yes
Protocol 12, ECHR	04.11.2000	30.04.2002	None	Yes	Yes
Revised European Social Charter	03.05.1996	27.09.2000	None	Ratified collective complaints protocol? Yes	Yes
International Covenant on Civil and Political Rights	19.12.1966	02.04.1969	None	Yes	Yes
Framework Convention for the Protection of National Minorities	01.02.1995	04.06.1996	None	N/a	Yes
International Covenant on Economic, Social and Cultural Rights	09.01.1967	02.04.1969	None	Yes	Yes
Convention on the Elimination of All Forms of Racial Discrimination	12.12.1966	21.04.1967	None	Yes	Yes
ILO Convention No. 111 on Discrimination	02.02.1968	02.02.1968	None	Yes	Yes

Instrument	Date of signature	Date of ratification	Derogations/ reservations relevant to equality and non-discrimination	Right of individual petition accepted?	Can this instrument be directly relied upon in domestic courts by individuals?
Convention on the Rights of the Child	05.10.1990	07.02.1991	None	Yes	Yes
Convention on the Rights of Persons with Disabilities	03.03.2007	17.02.2011	Yes	Yes	Yes

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