



NATIONAL ACTIVITY REPORT CYPRUS ANTI-DISCRIMINATION AND DIVERSITY TRAINING

Symfiliosi

May 2008



The contents of this publication do not necessarily reflect the opinion or position of the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities. Neither the European Commission nor any person acting on its behalf is responsible for the use which might be made of the information in this publication.

This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train

The Anti-discrimination and Diversity training project was managed by Human European Consultancy (humanconsultancy.com) in consortium with the Migration Policy Group (www.migpolgroup.com) and the International Society for Diversity Management – idm (www.idm-diversity.org).

The national activities were carried out by Symfiliosi (www.reconciliationcy.org)

I. Table of contents

I. Table of contents 3

II. Introduction 4

III. Anti-discrimination seminars 5

 a) National activities anti-discrimination seminars 5

 b) Mapping exercise: NGOs/Trade Unions working to combat discrimination 12

 c) National legislation in the field of anti-discrimination 26

 d) Funding opportunities in the field of anti-discrimination 42

IV. Diversity Management seminar 48

Annexes 52

The role of trade unions combating discrimination 52

II. Introduction

In Cyprus, three seminars were held in the period 2007-2008: two anti-discrimination seminars held on 22-23 September 2007 and 5-6 April 2008 respectively and one Diversity Management seminar held on 4 April 2008. The first anti-discrimination seminar of 22-23 September 2007 was targeting NGO activists and trade unions and had a total of 42 participants, mostly from NGOs rather than trade unions. The second anti-discrimination seminar was targeting those NGO activists and trade unionists who participated in the seminar of 2007 and also that of 2005; there were 25 participants. The Diversity Management seminar of 4 April 2008 targeted businesses and service providers in general, including NGOs, schools and governmental departments, as well as semi-governmental organisations such as the national air-carrier (Cyprus Airways) and the national state radio and TV channel (CyBC). There were 42 participants from all the above sectors, although the ratio of participation of the business sector was rather low. All seminars took place at the premises of the Intercollege, recently renamed into the University of Nicosia. In all seminars, the participants came from both the Greek Cypriot and the Turkish Cypriot community.

III. Anti-discrimination seminars

a) National activities anti-discrimination seminars

1. Design of the training

1.1. Manual

For the first anti-discrimination seminar, the manual sent from the Commission was used, in combination with a power point prepared by the trainers. The updated national chapter for Cyprus was also circulated and discussed at the plenary sessions. During the workshops, the participants were given real-life cases of discrimination (on all grounds) and were asked to discuss ways of addressing them.

The target group for this seminar were NGO activists in the field of anti-discrimination as well as trade unionists. Very few trade unionists showed up however, owing mostly to the fact that they generally find that working on weekends is an anti-labour measure and runs contrary to their identity as the defenders of the rights of the workers.

1.2. Design of program of 2nd seminar

For the purposes of the second seminar, a draft manual was prepared by the national coordinator which was extensively discussed with the other trainers (both the national and the international trainers). The end result was a rather ambitious program which included the following:

- *Workshop I* consisted of exercises to refresh the participants' memory of the basic concepts of anti discrimination law (direct/indirect discrimination, victimization, harassment, reasonable accommodation, reversal of burden of proof, scope of the Cypriot law and exceptions to the anti-discrimination prohibition)
- *Plenary Session I* covered recent legislative and case law developments (including both Court decisions and Equality Body decisions). Special reference to the "neglected" ground of sexual orientation where no complaints were submitted and no decisions have been issued. A presentation was made of an equality body survey showing increased homophobia amongst Cypriots.
- In *Workshop II* participants were asked to list examples of situations where discrimination is likely to occur; where discrimination prohibited by law actually occurs; where discrimination occurs but is not prohibited by law; to identify legal and non-legal means of tackling the problem; to collect evidence; and to draft a complaint to the equality body or a lobby paper addressed to policy makers.
- *Plenary Session II* was on sexual orientation discrimination and consisted of the presentation of 2 recent research studies on homophobia in Cyprus and a presentation by the representative of the Gay liberation movement AKOK on NGO practice in Cyprus and internationally.
- In *Plenary Session III* the trainers presented recent decisions of the equality body, followed by a critical group discussion on the content of the decisions, effectiveness, and implementation and alternative routes.
- In *Workshop III* participants were asked to draw a list of cases of discrimination in various sectors of public life (health care, education, employment, provision of goods and services including housing and policing of crime) and to list the arguments of the perpetrators of the discrimination and the arguments of the victim.
- The above was followed by a *plenary group discussion* on the specificities of Cyprus which act as sources of discrimination, e.g. structural problems, the Cyprus problem, the unequal power between the powerful employers' lobby and the trade unions, SME's lack of professionalism, lack of consumer awareness, service failures (e.g. police) and the shortcomings of the current law and practice.

- *Plenary IV* focused on improving the existing law and covered the following topics:
 - Expanding the scope of the anti-discrimination laws: Extend Race Directive to all grounds of Framework Directive and beyond i.e. includes constitution.
 - Failure to act on complaint of discrimination should constitute discrimination (institutional discrimination- McPherson report).
 - Discriminatory remarks in public discourse must be outlawed.
 - Procedure for revision of discriminatory laws/regulations and delay or failure of the Attorney General to act should not affect annulment of the discriminatory law/practice.
 - Mandate of the equality body should be expanded.
 - Legal aid.
- In *Workshop IV* participants were asked to present instances (real or imaginary) showing the impact of the shortcomings of the law and to list suggestions on how the work and the mandate of the equality body should be expanded to cover their own organisation's needs.
- *Plenary V* was on discrimination in education and included a power point presentation on curriculum revision, extra curriculum activities, hidden curriculum questions, school segregation and mechanisms to tackle instances of discrimination amongst pupils, between teachers and pupils and amongst members of staff. This was followed by the presentation of the results of research into discrimination in education in Cyprus and equality body decisions on education.
- *Plenary VI* was on NGO coalition building and included the presentation of basic principles, followed by a power-point presentation on the coalition building experience of KYSOA (the national disability NGO confederation)
- In *Workshop V* participants were asked to record challenges in building coalitions, review past efforts in coalition building, record specific challenges in co-operation between trade unions and NGOs and discuss advantages and disadvantages of coalition v. networking between NGOs. As a result of this, a list was issues drawn up, intended to be used in future coalition building efforts.
- *Plenary VII* consisted of a brief presentation of the recent Eurobarometer results on discrimination in Cyprus. Copies of a presentation of summaries from the award winning media articles of the Journalists Award 2007 was circulated to the participants, as were lagging behind in our program.

Finally, the trainers presented 12 proposals for an anti-discrimination agenda (below) and recorded more proposals coming from the participants.

1. Annual consultation process bet NGOs, experts, trade unions, employers and policy/law makers.
2. The key changes in anti-discrimination law & policy in Cyprus (expansion of scope of the law, expansion of equality body's mandate, revision of discriminatory laws/practices, discrimination in education etc)
3. Funding for setting up of body to assist NGOs with anti-discrimination work (e.g. Legal etc).
4. Training of judges, policy makers, lawyers, and police on anti-discrimination.
5. Coordination bet NGOs and bar association for training of lawyers in anti-discrimination. Development of expertise on anti-discrimination and tariffs.
6. Access to legal aid: shortcomings of law and practice.
7. Media campaign
8. Anti-discrimination to enter education curriculum.
9. Strategic litigation in Cyprus and in ECHR
10. Funding for NGOs
11. Challenges for NGOs: shortcomings in victim support, organizational problems, agendas of NGOs, weak campaigns, lack of coordination and solidarity between NGOs, weak advocacy skills/lobbying.

12. Coalition building at national, regional and European level. Pan-European agenda for improving anti-discrimination work.

1.3 International trainers

The international trainer Mr Declan O' Dempsey had a valuable contribution before, during and after both the seminars, with constructive comments and ideas on the design of the training program and on ways of presenting the training material. Also, he addressed both seminars and shared with the participants invaluable information about case law in the UK which has made headlines or is otherwise considered landmark. In the run-up to the second anti-discrimination seminar, Mr O'Dempsey commented on our proposed seminar program and offered his experience and ideas from the other anti-discrimination seminars he had recently attended in the other countries. The second anti-discrimination seminar also benefited from the presence of Mrs Isabelle Chopin who, together with Mr O'Dempsey, addressed the seminar and also actively participated in the plenary discussions, introducing concepts and issues from the European level anti-discrimination agenda which helped broaden the horizons of the discussion.

1.4 National trainers

We were aware from the beginning that we would not be able to make use of all six trainers from the 2005 seminar, as two of the trainers of the 2005 seminar would not be made available. These were replaced by two new trainers in lieu, who were approved by the Commission. However, one week before the first anti-discrimination seminar one of the new trainers (Areti Hadjigeorgiou) had to drop out as well, because her mother was suddenly hospitalised. We had to do a last minute replacement of Areti with practising lawyer Spyros Hadjinicolaou, who had attended the 2005 and who is generally familiar with anti-discrimination principles through his work and through his experience as an NGO activist with the organising NGO. Because the balance of lawyers v. non-lawyers was in that way weighing in favour of lawyers, Spyros (together with the other two non-legal trainers) delivered the non-legal sections of the manual. For the purposes of the first anti-discrimination seminar, Spyros studied the manual meticulously and had a long meeting with myself and trainer Nicos Trimikliniotis before the seminar and finally delivered the section on the role of NGOs. At the second anti-discrimination seminar, Spyros studied a number of papers on coalition building between NGOs which were supplied to us by international organisations (e.g. UNDP) and delivered a presentation at the seminar. This was followed by a power-point presentation from disability activist Stelios Theophylou (a trainer from the beginning, who also attended the "Train the trainers" session in Istanbul in March 2005) on the experience of building the coalition of disability NGOs 'KYSOA'. Alecos Modinos, the long standing gay activist, presented the challenges faced by the gay movement in Cyprus in mobilising against discrimination. The other new trainer, the Turkish Cypriot lawyer Ali Fevsi Yesilada studied the legal aspects and offered his insight into the perspective and experience of Turkish Cypriots working or accessing goods and services in the Greek-Cypriot side of the island. His participation as a trainer had an added symbolic value as it made the recruitment and active participation of the Turkish Cypriots easier and smoother. At the first seminar Nicos Trimikliniotis and myself presented the legal section whilst at the second seminar we presented cases from the Court and from the Equality Body, discussed the inadequacies of the law and presented the future anti-discrimination agenda which included, inter alia, the process of changing the law in order to remedy these inadequacies. In brief, the trainers for the two anti-discrimination seminars (of September 2007 and of April 2008) were:

- Nicos Trimikliniotis (trainer in all the seminars and national coordinator of the 2005 seminar, who attended the Istanbul training);
- Stelios Theophylou (trainer in all the seminars who also attended the Istanbul training);
- Corina Demetriou (trainer in all the seminars and national coordinator of the 2007-8 seminars, who attended the Istanbul training);
- Ali Fevsi Yesilada (trainer in the 2007 and 2008 seminars);
- Alecos Modinos (trainer in all the seminars who also attended the Istanbul training).

2. Preparation of the seminar

2.1 Preparation seminar for follow-up

For the purposes of recruiting participants for the follow-up seminar, efforts were made to contact the participants of the 2005 by e-mail and by phone. However, because of the length of time that elapsed, many e-mail addresses and telephone numbers were no longer valid and only some of those participants were contacted. Also, it emerged that some of the participants of the 2005 seminar had changed their line of work and/or the NGO they had represented and were no longer active or interested in the anti-discrimination field. Some participants were drawn from the 2007 seminar with whom communication was easier (they were contacted by e-mail and by phone).

Although after completion of the first seminar we circulated to all participants questionnaires as to what they would like to see in the follow-up seminar, we received no responses from anyone. The only information to start from regarding the participants' needs was what they had inserted in the evaluation forms, which we took into consideration when designing the program of the follow up seminar.

For the design of the program, the national coordinator prepared a draft document and circulated it via e-mail to all national and international trainers. Two meetings were held with the national trainers, during which the draft document was discussed and modified and tasks (i.e. presentations) were allocated to the six trainers. The trainers reverted before the seminar with their notes as to what they were going to present and how, which were approved by the national coordinator. E-mails were also exchanged between the national coordinator and the international trainers regarding the content of the program and the comments and suggestions of the international trainers were adopted and reflected in the program.

2.2 Announcement of the seminar

For the purposes of the first anti-discrimination seminar of September 2007, e-mails were widely sent to group addresses as well as to NGOs and trade unions. For the purposes of the follow up seminar of April 2008, since it targeted only a specific class of persons, only personal e-mails were sent.

2.3 Attracting and selecting participants

Recruitment for the first anti-discrimination seminar (September 2007) was straight forward, as several persons mostly from NGOs responded to the group e-mails circulated. Recruiting trade unionists was more difficult, as the contacts of two of the trainers (Nicos Trimikliniotis for the Greek Cypriot community and Ali Fevsi Yesilada for the Turkish Cypriot community) had to be used in order to contact trade unions directly to invite them to send a representative. In most cases this proved impossible, although in some cases individual trade unionists showed interested and participated.

Recruitment for the follow-up seminar of April 2008 was difficult for various reasons. In the case of the participants of the 2005 seminar many e-mails sent were bouncing and phone numbers listed were no longer working. Also, some of the participants of the 2007 seminar indicated that they felt that the previous seminar was only a short while ago and that they could not afford to devote another full weekend for further training in such a short time. We had to reject some applications for participation which came from persons that did not attend either of the previous seminars.

Finally, it turned out that the list compiled consisted of persons with a substantive interest and a real stake in anti-discrimination, a fact which made the discussions meaningful and the findings well informed and to the point, whilst the prospects for building a national coalition became more hopeful than before.

In both seminars, people sent in their registration forms in the last few days, not everyone who registered showed up, whilst people who did not register showed up on the day of the seminar. We chose not to turn away anybody who showed up at the seminar so as not cause grievances.

2.4 Logistical arrangements

The photocopying, printing, binding, preparation of name tags etc was assigned to a professional company.

Translation of all documents in Turkish was done by a professional translator in Turkey. For the purposes of simultaneous interpretation during the seminar, we contracted the services of one of the top interpreters in the country and hired the relevant equipment, so that all participants were equipped with ear-sets. The interpreter was equipped well in advance with the material in Greek and Turkish (manuals, programs, workshop exercises etc), which enabled him to do some preparatory work on the terminology. Many participants expressed their appreciation for the provision of high quality interpretation as it allowed in depth exchanges on complex issues between Greek Cypriots and Turkish Cypriot, which is rare in Cyprus.

Catering and coffee/tea breaks were provided by the in-house caterer of Intercollege/University of Nicosia, who was supplied in advance with the seminar program and complied fully with the timing of the breaks. He also complied with the organisers' request about catering for the special needs of participants (vegetarians, Muslims abstaining from pork, Christians' pre-Easter fasting etc).

Wheelchair users were shown the location of the disabled toilet before the commencement of the seminar.

The material to be distributed to the participants (leaflets, toolkits, manuals, stationary, evaluation forms, programs etc) was transported to the seminar room from the previous day and was piled in groups at a table by the entrance, so that participants would pick up their copies before entering the room.

There was only one power point equipment and screen in the room, so the power-point shown was the Greek one. A printed copy of the Turkish power point was distributed to the Turkish speaking participants. Some power-points presented were in English, which enabled both Greek speakers and Turkish speakers to follow the screen, whilst the speaker would speak Greek (interpreted automatically in Turkish) to enable all the participants to follow.

3. Carrying out the seminars

3.1 Ratio of participants

In the first anti-discrimination seminar, trade union representatives were 15% of the participants.

In the second anti-discrimination seminar, trade union representatives were only 10% of the participants.

3.2 Process during the day – observations

At the first seminar (September 2007), tensions and mistrust between the two communities in Cyprus at the pre-election period were also reflected not only in the recruitment process but also inside the seminar room.

By the time of the second seminar (April 2008) the elections brought a new leadership to power in the Greek Cypriot side and no tensions were observed either in the recruitment process or in the seminar

room, where the atmosphere was very good and relaxed and the exchange between the members of the two communities was friendly and productive.

In order to make the seminar inter-active and interesting, we encouraged the participants to feel free to interrupt the plenary sessions with comments or questions. This meant inevitable delays to the program for both seminars, although notably more in the second seminar than in the first one. Therefore we had to cut short lunch breaks and coffee breaks, asking people to bring their coffees inside the seminar room in order to catch up on our program. Particularly in the second seminar, workshops took much longer than planned, as the participants found the discussions and exchanges stimulating and dragged on for longer than planned. Although efforts were made by the trainers to keep the timetable, this was not always possible, partly because the program was overloaded at certain points. In the case of the second seminar, where participants felt more confident about the issues discussed and more familiar with the trainers and with each other, some people would take the floor several times during a plenary session and would speak for 20 minutes each time, despite the attempts from the chair to get them to shorten their interventions. Although all these factors led to great delays in our schedule, it emerged from the evaluation forms that the interaction and exchange amongst participants was the part that many people found most interesting and valuable.

3.3 Evaluation of the seminar

At the first seminar (September 2007) the participants generally found the legal sections interesting but would prefer “less theory and more practice”, in other words more practical examples and fewer definitions. Participants also found the networking aspect particularly useful and would like to see more networking facilitation coming from the organisers. The workshops were considered to be particularly useful, partly because of the network facility they provided and partly because of the empowerment element they contained. In terms of content, the use of the media in anti-discrimination work came up several times, as an aspect that deserves more attention and coverage. Turkish Cypriots were particularly pleased to be exposed to information on the EU acquis and would like to repeat and expand activities such as this seminar in their community. Some participants appeared very much focused on the ground of discrimination they specialise in and stated that they would like to see more coverage of their ground in a follow up seminar. Some of the participants who are university lecturers stated that they would like to see anti-discrimination being taught at their institutions. Generally speaking, all participants expressed their satisfaction with the trainers, the environment, the material distributed and the results.

At the second seminar, the evaluation forms received expressed satisfaction with the trainers’ preparation and helpfulness, rather average comments for the seminar venue, found the pace and degree of difficulty satisfactory and, as a rule, they all appreciated the interactivity from the participants, the usefulness of the workshops and the case studies presented. Some participants found the prolonged interventions from members of the audience as least useful of all. Their suggestions for future action included: focusing on Cypriot realities and facts; shorten the length of the seminar to two half days (Friday afternoon and Saturday morning); expand the length of the seminar over 3-4 days; updates every six months by way of executive summary of developments and comparative tables; participation of competent governmental departments and employers in order to get them engaged in the debate; the dispatch through e-mail of documents such as court decisions, equality body decisions and legislative and legal developments at European level (new directives, ECJ decisions etc); the communication of the e-mail addresses of all participants to each other; .

Many participants stated they would like to see a similar seminar taking place at their workplace and Turkish Cypriot participants stated they would like to see a repeat of the seminars in the north.

4. Main lessons learned seminars

- 4.1. The interventions from the audience have to be limited to say 20 minutes after each presentation.
- 4.2. The length of the seminar (from 9.30 – 18.00 on two days) is very long and tiring.

- 4.3. The choice of weekends for holding the seminars is still ideal for NGOs but difficult for trade unionists. In the future, perhaps special seminars targeting trade unionists should be organized. For the time being, the unequal power between NGOs and the trade unions (weighing in favor of the trade unions which are, as a matter of rule, massive and powerful) is not conducive to a co-operation, given that most trade unions generally do not see any benefit for themselves deriving from this co-operation. One would need to engage the trade unions in a debate in order to assist them in seeing the benefits out of such co-operation.
- 4.4. The seminars should be open to the public on a 'first -come- first -served' basis and participants should not have to send in their registration forms two weeks in advance, as this inevitably restricts participation. Also, the follow-up seminars should not have been restricted to the participants of the 2005 and 2007 seminars, because there are many persons who have undergone anti-discrimination training through other projects and who were sufficiently informed about the theory and practice in order to be able to participate productively.
- 4.5. Vulnerable groups (e.g. migrants) were not able to attend because they don't speak Greek or Turkish. Efforts should be made to facilitate them to participate with English translation.
- 4.6. The evaluation forms were too long (3 pages) and some questions were repetitive.
- 4.5. Provision should be made in the budget for increase in prices from the point in time when the budget is drawn up until actual implementation, which can be two years later.

b) Mapping exercise: NGOs/Trade Unions working to combat discrimination

I. Profile of NGOs/trade unions working to combat discrimination

1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?

Only a handful of NGOs work in the field of anti-discrimination and usually not exclusively on anti-discrimination.

Amongst NGOs whose work includes anti-discrimination, the most active are those working on disability, as they have been in operation for decades, they receive some limited state funding and their activists are almost exclusively the persons affected, i.e. the persons with disabilities themselves. There are only a couple or so NGOs working on race/ethnic discrimination, particularly on questions relating to immigration and asylum who have to struggle with limited funding, their large volume of work and a hostile anti-immigration environment within society and in some governmental circles. There is only one known gay rights organisation which carries out no public activities and has to keep the identity of its members secret, as homosexuality is still very much a taboo subject. As regards age, there are two types of organizations promoting the rights of the elderly: the trade unions (EKYSY, functioning under the umbrella and political support of PEO) and the various other volunteer NGOs, as well as the “Parliament of the Elderly” which meets once every year. Their activities are not limited only to anti-discrimination but cover a wider spectrum, mostly having to do with the welfare of the elderly. The main NGO which deals on the national level with all problems covering the elderly is POSEI, who have been quite effective in general awareness-raising (e.g. via the Parliament for the Elderly in November 2004) and the preparation of the national action plan for the elderly; however the combating of discrimination is only a small part of their work. As for religion, in the past very little NGO input could be noticed, but recently there has been some interest and activity by minority religious groups such as the Church of the Jehovah’s Witnesses and the Evangelical Church who now both use the procedure of submitting complaints for discrimination to the Equality Body. We are unaware of any activity on the subject by religious organisations for the Muslim faith. Some older organisations or groups of the religious minorities (Maronites, Latins and Armenians) consider themselves as providing ‘representation’ and mediation with the government but see no role in themselves for anti-discrimination.

Trade unions have generally been reluctant to pursue any action outside their strict labour relations mandate (other than leisure and services to their members). PEO, the federation of trade unions affiliated with the large communist party of Cyprus (AKEL) is the only organisation with some activity in the area of immigration and which runs its own “migrant workers bureau”, an office dealing with problems facing migrant workers. Also, PEO employs three Turkish-Cypriots, has a few thousand Turkish Cypriot members and works very closely with DEV-IS, a Turkish-Cypriot trade union, reflecting more the historical links between the communist party AKEL and organisations in the Turkish Cypriot community rather than anti-discrimination sensitivities.

2. What ground (s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?

Beyond gender/sex discrimination, the main grounds they are concerned with are ‘race’/ethnicity, disability, age and sexual orientation. There is little or no anti-discrimination activity on the ground of religion/belief, although individual members of some religious groups (Evangelists, Jehova Witnesses) have complained to the Equality Body for discrimination by the authorities on the ground of their religion. Trade unions are exclusively concerned with the employment sector, although most other NGOs, particularly the disability and migrant support NGOs, also focus on discrimination in employment as they find that this is the most needy sector. Disability organisations are particularly interested in access to employment and advocate for the introduction of quotas in favour of persons with disabilities.

3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?

Very few NGOs deal exclusively with anti-discrimination, as they seem to have a more general agenda.. Many NGOs either do not have the knowledge or expertise to define their role in this field or are overworked and under-funded. Disability organisations report that anti-discrimination is a large part of their work, whilst trade unions and POSEI (the NGO promoting the rights of the elderly) report that it is only a small part of their work. Migrant support NGOs mostly address individual problems facing the migrants and these problems are often rooted in discriminatory mentalities and practices; the volume of complaints they are handling is so large that there remains little time or resources for campaigning or awareness raising.

4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?

It is only possible to register an NGO at the national level under the Guilds and Institutes Law (N. 57/72). However this does not prevent NGOs to operate locally, if they so wish. Some NGOs are not registered at all, but in the absence of legal personality, they can neither receive funding nor appear in Court. Most organisations interviewed for the purposes of this study have expressed the view that registration is not difficult but takes time. The procedure of registration is rather bureaucratic and slow. One group has complained that there was an unusually long delay in examining their application and they were facing problems with unjustified police checks whilst their application was pending.

A special register for the registration of trade unions exists is kept by the Ministry of Labour. Registration as a trade union is a long bureaucratic procedure..

5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions)

Generally NGOs are very small. Amongst the largest ones, the national organisation for the blind (POT) claims 1200 members all over Cyprus but only a handful are active. KISA, a migrant support group claims 150 members. POSEI, the organisation for the elderly, claims over one hundred members at the committee level.¹ The gay rights group AKOK has a few hundred members, the identity of whom is known only to the other members but out of these, only one or two persons are active and are open about their homosexuality. Other NGOs claim a few dozen members. In most cases, the actual number of active members is invariably small.

Trade unions have a large member base. ETYK, the trade union of bank employees, has 10.000 members. PEO and SEK, the federations of trade unions of the left and of the right respectively have around 80.000 members each. PASYDI, the union of public servants has 25.000 members, DEOK has 8.000 members.

6. Are they part of larger national networks? Or are they working on their own?

Some NGOs work mostly on their own but at the same time they are part of wider national networks (e.g. the confederation of organisations for disabled persons) and international network (such as the European disability Forum, AGE, ILGA etc). The possibility of obtaining funding through EU programs has recently resulted in more active networking between NGOs within Cyprus as well as between Cypriot and European NGOs.

¹ POSEI covers all Districts. Every district has its own Committee which deals with all questions facing the elderly. Every Committee has 25 members. These Committees are under the auspices of the Central Co-ordination Body of POSEI which has also 25 members.

Some sector based trade unions, such as ETYK (the trade union of bank employees) and PASYDI (the trade union of public servants) work on their own, while other trade unions belong to federations (such as PEO and SEK, the two largest federations). PEO, the federation of left wing trade unions affiliated to the communist party AKEL, has contacts with workers' organisations in other countries for exchange of information, coordination whenever joint action is planned, etc but most of their work is done at the national level.

7. Are they mainly based in the Capital or spread out in the country?

Most activities and organisations are naturally based in the largest city and capital, Nicosia. However, many NGOs have branches and activities at least in Lemesos, the second largest city, and some activities in other smaller towns. The small distances between cities in Cyprus generally facilitate the spreading of activities in other cities but the lack of human resource and funding is an obstacle. In the case of trade unions, for whom funding and other resources are not such a big problem as for NGOs, they have sizeable offices in every district and their activities cover the whole country.

8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?

In the case of NGOs, more or less they do the same work, as most NGOs have little interaction with the government (which is based in Nicosia) so whether they are based in Nicosia or elsewhere is not of crucial significance. In the case of trade unions, headquarters (which are invariably in the capital) and district offices do the same work but headquarters have the added task of interaction with the Ministry of Labour and the employers' organisation, policy making, co-ordination of district offices, etc.

9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)

Generally speaking, NGOs have a much lesser impact on the political / societal level than trade unions. This can be attributed partly to the fact that the relative size of NGOs tends to be much smaller than that of trade unions, which have a strong tradition of tripartism and high density. Also large trade unions have links and indirect affiliations with political parties which, as a rule, dominate the political landscape in Cyprus. Their participation in the tripartite system of co-operation (together with the employers' union and the Ministry of Labour) has over the years created a need for consensus between all tripartite partners over all important decisions and agreements, which has enhanced the role and impact of trade unions in society considerably. Many trade unions offer to their members a number of services at nominal charge, including banking services, holiday accommodation, medical care and several others, in return for a very small annual membership fee, that makes membership an attractive option for workers.

NGOs do not enjoy the same credibility amongst society, particularly if they are active in fields considered controversial, such as homosexuality, immigration, anti-nationalism, etc. Often, NGOs are looked upon with suspicion and have been labelled as "agents of imperialism" and as receiving money in order to further the interests of foreign powers in Cyprus. This suspicion was exacerbated following the referendum on the UN peace plan for the solution of the Cyprus problem, which often took the form of a witch hunt, culminating in 2006-2007 in an investigation in the House of Representatives as to which NGOs received foreign funding in order to promote the UN peace plan. This government-backed campaign has seriously damaged the credibility of civil society in the eyes of public opinion, forcing more and more activists into the margins.²

² The Report of the Office of the High Commissioner for Human Rights on the question of human rights in Cyprus- Note by the Secretary-General, dated 9 March 2007, states on page 6: "There has been a disturbing trend with regard to the implementation of policies that impinge on the ability of organizations and individuals to carry out activities and projects designed to contribute to bicomunal contacts and cooperation throughout the island. As a result, the United Nations, in particular the United Nations Development Programme (UNDP), has been hampered in the implementation of projects."

10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)

Co-operation amongst the large trade unions is very good and goes back several decades, cemented by their joint participation in the tripartite system, although smaller trade unions complain that they are left out of the decision making process. In the case of NGO co-operation, this is generally good in the case of disability organisations, who are all part of a national confederation, as well as in the case of the NGOs promoting the rights of the elderly. The picture is very different in the case of migrant support NGOs, who often have to compete for the limited funding available and whose relations sometimes border on hostility.

Co-operation between trade unions and NGOs is rather new and relatively successful, albeit marked by the inequality of power and influence between the mass based omnipotent trade union and the under-resourced NGO. This co-operation is often based on, or is manifested in, their joint participation in EU funded programs such as EQUAL. NGOs interviewed for the purpose of this study have reported that NGO-trade union co-operation is not as widespread as they would have like to.

a. For what purpose(s) (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)

The level of cooperation cannot be said to be particularly ‘advanced’ or widespread, the only exception probably being the disability organisations which belong to a national confederation and regularly convene to discuss common issues and decide on joint action, usually in the form of lobbying government bodies for policy or law reform. During the run up to the accession to the EU and following the transposition of the anti-discrimination acquis a number of ad hoc activities have taken place which involved the participation of several NGOs. Recently, an informal group of NGOs has been set up upon the initiative of the Ministry of Justice, with the aim of coordinating activities to be funded by EU funds managed by the Ministry of Justice in the framework of the European Year for Equal Opportunities 2007. Given that the only item on their agenda is funding, it is unlikely that the group will continue to meet once the European Year is over.

A certain degree of co-operation is achieved through the implementation of EU funded projects, such as EQUAL and ERF, where the specifications require synergies amongst NGOs and between NGOs and trade unions, but these partnerships are often non-sustainable and last only for the duration of the project. Often, whenever an event is organised by an NGO, other NGOs also sign up as co-organisers merely to show that they endorse and approve the activity but this does not necessarily mean that they have real involvement and usually they do not. In the last months of 2005 and the first months of 2006, efforts were made by anti-discrimination NGOs which participated in the Capacity Building Seminars of June 2005³ to create an umbrella organisation for anti-discrimination NGOs from both communities of Cyprus, north and south of the dividing line but the initiative collapsed.

b. Is there greater collaboration in relation to certain grounds of discrimination? If so, which?

As indicated above, the disability groups tend to be in closer collaboration than other NGOs, although some of these NGOs expressed dissatisfaction with the degree of cooperation. Also the various organisations and voluntary groups for the rights of the elderly, as well as the Pensioners Trade Union of PEO co-operate on various issues, mostly welfare related. These organisations share the same platform at the Parliament of the Elderly and have common aims. There is little or no co-operation between migrant support NGOs.

³ European Commission funded project: Mapping capacity of civil society dealing with anti-discrimination (VT/2004/45), managed by **human european consultancy** (www.humanconsultancy.com) in partnership with the Migration Policy Group (www.migpolgroup.com)

Anti-nationalist NGOs from both sides of the dividing line came together in November 2006 (following a racist attack against Turkish Cypriot pupils in a Greek Cypriot school) and created a “Forum” or a loose umbrella organisation for the coordination of action to combat nationalism and racism.

11. How are these NGOs funded?

a. Do they receive state funding?

NGOS connected or affiliated to the Pancyprian Volunteerism Coordinative Council (previously called the Pancyprian Welfare Organization) receive state funding which, however, they describe as “very limited”. However, there is disagreement between NGOs as to who should qualify for such funding and who can be defined as an NGO. For example, the disability organisations consider that a charity-based organisation run by public servants, without significant input in decision-making by the discriminated target group, do not fit the description of an ‘NGO’..Some NGOs receive small state funding as a result of specific projects they are engaged in or in the form small grants. Other regular funders include the *Cyprus Youth Board*, a semi-government organisation and a few other government and semi-government agencies and organisations. Research, information and advocacy based NGOs receive funding from various EU programmes such as Leonardo, ERF, EQUAL etc. The Cyprus branch of UNDP occasionally funds anti-discrimination initiatives provided they are of a bi-communal nature (i.e. of equal benefit to the two large communities in Cyprus, Greek-Cypriots and Turkish-Cypriots). This funding line has come under attack by the government and by some political parties, who accuse UNDP of “using” NGOs in order to promote the UN peace plan (the “Annan Plan”)..As a result, less and less NGOs make use of this opportunity.

The disability NGOs receive a small state grant; for instance, the national organisation for the blind (POT) receives from the government 15% of its running costs. Recently disability NGOs became successful in securing funding under EU programs for conferencing, publications, etc but not for infrastructure or running expenses. Some NGOs do not receive any funding whatsoever and operate solely on volunteer work and on members’ public donations.

b. What are the conditions in order to receive public funding?

The usual conditions are financial accountability and visibility of the funder. Also, the applicant must be a registered organisation with legal personality.

c. Do they also receive/apply for private funding?

Some organisations also receive small private funds from individual donors, private foundations and charities, however this is not a significant source of income, nor can it be relied upon as it is ad hoc. POSEI, the organisation for the elderly, has to rely on private contributions and street money collection.

d. Do private funders impose any restrictions or conditions?

Usually they require an acknowledgment of the source of funding and occasionally they may require financial accountability.

12. How are these trade unions funded?

a. Do they receive state funding? (Generally speaking do trade unions receive state funding?)

Generally speaking trade unions do not receive state funding, at least not for infrastructure and running expenses. However, many trade unions receive funds from the state in order to carry out training to their members. The funds are given by the Human Resource Development Authority to train their staff. Also, some trade unions have secured funding from programs which are funded jointly by the European Commission and the Cypriot government (such as EQUAL).

b. *Are they funded by a political party? If so, do they have to adhere and respect the party's line?*

Trade unions do not receive funding from political parties, but the three major trade unions have connections to political parties. There are similarities and there is convergence to policies of the parties; some seem to adhere to party line.

c. *Do they function only/also with their members' fees?*

Apart from the funding received from the state, as explained in (a) above and from projects funded by the European Commission, trade unions function mostly with their members' fees.

d. *Are they able to receive private funding and/or participate in project funded by European/international institutions?*

There are no obstacles in them receiving funding from European or international institutions, except that in many cases the expertise is not available within the trade unions in order to locate the funding opportunity and to draft the funding proposal.

13. *Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?*

For the majority of NGOs, lack of funds is a significant problem restricting the scope and scale of their activities. POSEI, the organisation for the elderly, reports that lack of funding is a very serious handicap preventing them from acting professionally and restricting their activities considerably. For many NGOs, more funding would have meant less reliance on volunteer work and more professional activists, although this is no guarantee that public participation or support would automatically be increased in such a case. In the case of trade unions, and although generally speaking their funding problems are a lot less serious than those faced by NGOs, they still report that lack of funds is a significant factor preventing them from many activities they would have liked to do.

14. *Do they work (or are in contact) with similar NGOs/trade unions in other countries?*

a. *Neighbouring countries?*

Greek-Cypriot organisations often have contacts with Greek NGOs and Turkish-Cypriot NGOs with Turkish ones due to language accessibility; however there is very little actual 'working together'. There are very little contacts with the neighbouring Arab countries, where anti-discrimination work is even less developed than in Cyprus.

Trade unions and particularly the left wing PEO do have contacts with trade unions in neighbouring countries but these are more of a symbolic nature with no actual co-operation.

b. *Other new EU Member States?*

Through EU funded projects, many NGOs have developed contacts with their counterparts in other European countries, but again the level of cooperation is not high and the contact is usually terminated as soon as the projects in question finish. Disability, sexual orientation and age NGOs are working together with their counterparts in Europe through their participation in European platforms (EDF, ILGA and AGE respectively). Also, one migrant support NGO (KISA) is a member of ENAR and also ENAR's local branch in Cyprus.

The largest trade unions are regularly interacting with their counterparts in Europe, through their common participation in European workers' unions but also through the European network of the political party they are affiliated to.

c. *Others?*

Some NGOs have contacts at an inter-continental, Mediterranean and regional level but cooperation at this level is rather minimal. One such example is POT, the national organisation for the blind, which maintains contacts with their counterparts internationally for exchange of information, new technology such as reading aids etc.

15. Do they work on the international level (campaigning, case work, other)

Some of the NGOs with international networks actually utilise these networks for the purpose of campaigning. This is the case with POT, the organisation for the blind, as well as POSEI, the organisation for the elderly. KISA, a migrant support group cooperates with “*UNITED for Intercultural Action*”, “*La Metropoli*” in Italy, ENAR and the “*Social Network for Refugees and Migrants*” in Greece. The co-operation often takes the form of co-signing a declaration, occasionally the joint organising of a conference but no case work. The contacts of disability NGOs with their international network are mostly for exchange of information, seminars and conferences, co-operation on European projects, but not for campaigning or case work. Trade unions also maintain international contacts and since accession to the EU, links with trade unions in Europe have been strengthened.

16. Can they work in English?

With regard to NGOs, at the level of central committees, they all generally can work in English. However at the level of their members, Greek is more often used, with some exceptions. KISA whose membership is basically made up of migrants uses mostly English. The same applies to anti-racist and anti-nationalist groups made up of Greek-Cypriots and Turkish-Cypriots. In the case of trade unions, the working language is Greek but some of the employees, particularly the younger ones have basic skills in English. A few of them, again especially the younger ones, are university degree holders and their English language skills are of a high standard but these young professionals are hardly ever located at the leadership of trade unions.

17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union’s ability to work on anti-discrimination?

All political parties have, on paper, a policy against discrimination although none of them is actively pursuing this policy in practice. Because of trade unions’ affiliations with political parties, some grounds of discrimination which are more popular amongst public opinion tend to receive more attention than others; for instance sexual orientation does not appear on anybody’s agenda. Trade unions tend to pay more attention to vulnerable groups from where potential voters for their party can be drawn, such as the elderly and the people with disabilities. With the rise in the number of migrants, the two largest trade unions have shown increasing concern on the issue of immigration but do not have a strategy for combating discrimination; their actions are restricted to the handling of discrimination complaints, the hiring of migrants to work as trade unionists and a number of other ad hoc initiatives.

18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?

Yes it is possible for regional branches to engage in anti-discrimination work, provided they act within the parameters set by headquarters. Obviously, if a strategic decision is made at the level of headquarters not to devote scarce resources to handling discrimination complaints, then regional branches have to comply, but this does not appear to be the case at the moment.

II. Expertise of NGOs/trade unions working to combat discrimination

19. What kind of work do they do?

Organisations of religious minorities (Armenians, Latins, and Maronites) offer practical assistance to members of their communities to reinforce their social integration into Cypriot society; it should be noted however that these groups enjoy a high degree of social integration. Disability groups are mostly focused on issues such as social inclusion, employment and accessibility and hold public seminars, offer advice to their members, issue publications, carry out direct lobbying with governmental bodies and try to exert pressure on policy makers and legislators for policy and/ or law reform. Organisations promoting the rights of the elderly have been active in various campaigns on welfare, pensions and medical care and meet in Parliament in order to discuss the various problems facing this group. Youth organisations have been active on issues concerning education, culture, unemployment, employment rights, crime, drugs and the treatment of young persons in general. The only known sexual orientation group facilitates a network of support to homosexuals and handles discrimination complaints regarding labour issues, mostly unfair dismissal or refusal to hire based on sexual orientation.

Although trade unions claim to place anti-discrimination work high on their agenda, in practice it is mainstream trade union activity that occupies most of their resources. In recent years however, following the emergence of EU funding, there have been some trade union activities on anti-discrimination in collaboration with NGOs and experts in the field (e.g. EQUAL, ERF etc).

20. Do they take up complaints of discrimination?

Taking up complaints of discrimination constitutes the main activity of the NGOs working on disability, age, sexual orientation and migrant support. In the case of POT, the national organisation for the blind, the assistance offered ranges from coordinating litigation against the perpetrators to submitting complaints to other bodies such as the ombudsman (which is also the specialised body under Article 13 of the Race Directive), the competent Ministries and the commissioner for personal data .

Initially trade unions were reluctant to bring anti-discrimination work into labour relations for fear of disrupting the tripartite arrangements as the specialised body is not party to these. However, recently there have been some complaints submitted to the specialised body by trade unions complaining of discrimination against their members.

21. Do they focus on their own community?

Most NGOs do focus on their own community although they claim that they would have no objection in assisting members of other communities if requested to do so. Migrant support NGOs take up complaints by migrants and either try to mediate with the perpetrator of the discriminatory act (usually the employer or the police) or submit complaints to the specialised body. Trade unions with a high participation of migrant workers occasionally also submit complaints to the specialised body on their behalf. PEO the left wing trade union has repeatedly raised issues involving Turkish Cypriot workers.

22. Do they work with victims directly?

Yes both NGOs and trade unions work with victims directly.

23. Within the company, can trade unions represent only their members or any worker?

Trade unions can represent only their members and only with their members' consent.

24. Do they do ‘case work’?

Some do case work such as POT (the national organisation for the blind) and AKOK (the gay rights group), but POSEI (organisation for the elderly) does not because they lack the means. Trade unions deal with cases as part of their work in labour relations but not beyond that.

25. Are they able to access state funding for casework?

Some NGOs such as POT claim that they can access state funding but others such as POSEI claim that it is very difficult for them. Trade unions avoid state funding altogether (except for carrying out training for their employees/members).

26. Does this include legal representation?

No NGO or trade union has the capacity to offer legal representation in courts, although legally they are entitled to. Some NGOs and trade unions employ lawyers to act as legal advisors either for the organisation or for a group of persons (e.g. asylum seekers), but these are persons who are not permitted to practice law by appearing in Court.

27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?

Legally it is possible, although in most cases they lack the funds and/or the expertise. An exception to this is the recourse to the specialized body where the procedure is simple and cost free, which is why it is widely used by NGOs. Trade unions rarely submit complaints to the specialized body.

28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?

Yes they are but none has taken place yet.

29. Do they do other practical work? (e.g. assistance to victims or potential victims, social assistance, etc)

Yes they do. Migrant support NGOs offer assistance ranging from advice, to locating suitable accommodation for migrants, to offering language classes, shelter for victims of violence, counselling etc. Trade unions also provide practical assistance of different sorts.

30. Do they advocate changes in legislation and policies?

Many NGOs are keen to advocate changes in legislation and on matters that affect them directly; however they complain that governmental bodies do not consult them to a satisfactory degree when it comes to law or policy making. Disability organisations, whose national confederation committee is headed by a prominent lawyer, do engage in advocating changes to the legislation. This however is an activity restricted to those NGOs which are staffed by professionals. Trade unions actively participate in the consultation process of law and policy making and their views are recorded into the policy document or the law (as opposed to NGOs whose views are largely ignored).

31. What are their relations with the central government?

Some NGOs collaborate with the authorities and others are on more strained relations. Disability NGOs tend to be on better terms with authorities than for instance anti-racist groups, probably reflecting the long experience of disability NGOs in interacting with government actors, as opposed to the recently emerging anti-racist movement. There is little tradition of consultation or even co-operation on controversial issues such as sexual orientation.

NGOs active in promoting reconciliation with the Turkish Cypriot community are constantly receiving criticisms from and also firing criticisms to the government, particularly since the rejection of the UN peace plan in 2004.

Some NGOs stress the need to maintain political independence and autonomy in the pursuit of their aims and that they ought to remain critical to policies they disagree with, whilst at the same time maintaining that they are keen to cooperate in the interest of the cause and the groups they represent. Generally speaking, although Cypriot politics is largely based on consensus when it comes to NGOs these are largely excluded from the consensus process and have little influence on policy-making.

32. With regional governments or municipalities?

Some NGOs have collaborated with municipal authorities. Cyprus being small and centralised country, there is little role for 'regional' administration on the subject. Trade unions do not have a direct need to interact with municipal authorities as the scope of their activities is exclusively employment.

33. For the trade unions, with the employers organisations?

Relations between workers' unions and the employers' organisations are generally good as they are interlocutors within a strong tripartite tradition. These does not mean that there are never any points of disagreement leading to strikes, but these occasions are not very common.

34. Do they have relations with the specialised bodies/ombudsman?

NGOs generally have good working relations with the specialised body with some strains at times, owing mostly to delays in examining their complaints and whenever the specialised body finds a particular complaint unfounded. Trade unions have less interaction with the specialised body as they prefer to solve problems by directly intervening with the actors concerned.

35. What are the qualifications of the staff?

Staff qualifications vary from organisation to organisation. In the case of POT, the national organisation for the blind, the staff includes several university degree holders. In the case of POSEI, because they have to rely entirely on volunteer work, qualifications vary a lot, but some of its most active members are highly qualified retired public servants. Some NGOs are staffed with persons having the necessary experience through their active participation over the years as well as persons with university qualifications such as legal and social counsellors. There is an abundance of university graduates with specialised degrees but none with a specialisation on discrimination.

In the case of trade unions, the number of university graduates or otherwise suitably qualified persons is smaller, but leading positions are invariably held by persons with long experience in the trade union movement. Historically, trade unionists originated from the lower income sectors of society and have not been highly educated but in recent years they are increasingly reflecting the highly qualified workforce of Cyprus.

36. What training has the staff had in relation to anti-discrimination work?

The level of training of NGO staff varies considerably. Most of them seem to have been through basic training over the newly enacted anti-discrimination legislation, with disability organisation leading the way, through their increased participation in seminars and conferences. Other NGOs, such as POSEI (the organisation promoting the rights of the elderly) report that, with the exception of one or two key activists, training in this field has been limited. Training programmes, conferences and seminars on anti-discrimination are not easily available in Cyprus and those abroad are not easily accessible because of lack of funding.

The Human Resources Development Authority, a governmental body, does subsidise training of employees of companies or organisations, but not of volunteers or other interested persons.

Most trade unionists generally have no anti-discrimination training, with the exception of a small number⁴ of trade unionists who have attended the June 2005 anti-discrimination seminar in Nicosia organised by the Migration Policy Group and Human European Consultancies.

37. Are they trained in writing funding proposals and reporting?

None of the organisations interviewed have been trained in writing funding proposals and reporting. Some disability organisations have acquired “on-the-job” training in writing funding proposals and in reporting, but complain that they are very busy and do not have enough time for this. Both large trade union federations (PEO and SEK) have their own research centres employing highly qualified staff, some of whom are experienced in writing funding proposals and in reporting.

Recently, a number of professional firms have appeared in the market who write funding proposals in exchange for a fee or a percentage of the funds if the proposal is successful. An increasing number of NGOs and trade unions do make use of their services.

38. How do they evaluate their “success and the quality of their anti-discrimination work?”

All NGOs evaluate their success on the basis of comments of their members and from discussions in their committees. Each activity or function carried is said to be evaluated individually on several grounds, such as the number and other characteristics of participants (age, educational and social background), media coverage/exposure, responses from individuals and bodies, etc. Despite the fact that little or no attention is placed on impact assessment and evaluation and no evaluation methods are identified, all NGOs interviewed reported that their anti-discrimination work was of limited success. Trade unions have also reported that they evaluate their work through the outcome of the cases they handle and the responses from their members.

III. Needs and problems of NGOs/trade unions working to combat discrimination

39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?

Anti-discrimination is invariably one amongst many issues that NGOs are taking up and there is no sustained action in the form of planning, regular and targeted campaigning, strategic or other litigation or effective policy lobbying on the subject. Neither is there any systematic evaluation procedure in order to locate and identify their weaknesses and problems. The most organised groups are the disability NGOs which have specific goals to achieve. Other NGOs point to the financial limitations, lack of trained staff and lack of technical equipment. Funding was the main problem identified by trade unions for not doing more anti-discrimination work.

40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?

Those NGOs which are long standing and institutionally well established such as disability organisations and organisations representing national minorities stated that funding is not one of their main problems. Some of these organisations also receive state funding. Other NGOs which were more recently established and which deal with issues deemed to be more ‘controversial’ such as immigration, racism, nationalism and sexual orientation consider lack of funding to be a major problem.

⁴ In fact only one Greek-Cypriot trade unionist attended this seminar, representing ETYK, the union of bank employees. A small number of Turkish Cypriot trade unionists also participated in this seminar.

Those NGOs which devote the largest part of their resources to victim support, particularly migrant support, have increased needs in terms of funding because of the high demand for their services. By contrast, those NGOs which are more focused on policy change and awareness-raising, such as disability organisations, have replied that they do not consider funding as a main problem. Upon further discussing this issue with them, it emerged that the problems they are facing are of such nature that, in their opinion, cannot be solved through additional funding because the expertise they need is simply not available at any price. Lack of staff seems to be a major problem for those NGOs which consider lack of funding as a major problem. Those NGOs which do not consider funding as a major problem report that they do not suffer from lack of staff. Trade unions reported that funding is their major problem, owing perhaps to the fact that their perception of anti-discrimination work refers to handling discrimination complaints, rather than to investing in infrastructure for sustained and long term action.

41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?

The answers to this question varied depending on the type of work carried out by each NGO. Disability and age discrimination organisations as well as other NGOs focused on policy change have replied that this is the most important problem they are facing. NGOs focused on examining cases and on activist work, as well as the trade unions (who also focus more on case work rather than other types of anti-discrimination) do not consider this to be a major problem. One may safely deduce that where NGOs are focused on dealing with complaints particularly from migrant workers and asylum seekers, they face such an enormous volume of work, most of which is of critically urgent nature, that little attention is paid to other type of activities such as research, publications or assessment of one's own work. Under such circumstances, it is only natural that they would determine their needs as being additional staff to process more complaints rather than staff of different disciplines to carry out other duties. By contrast, NGOs focused on trying to bring about policy and / or legislation change and awareness-raising, feel that they lack the right human resource for effective implementation of these tasks as well as for applying for EU funding which they have recently become interested in.

42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?

Training in the new anti-discrimination legislation and particularly with regard to filing complaints under the new regulation; training on international and EU anti-discrimination laws and policies; information on and participation in debates at European level; developing fund-raising skills; writing funding proposals; co-ordination and management techniques; networking with other NGOs, the media, policy makers and key players; and capacity building in general. A small number of NGOs stated that they did not have a clear idea of what type of training they needed, possibly reflecting the fact that they were not clear on what type of activities would be most effective in meeting their goals. Trade unions suggest they lack proper legal training, social analysis and context-based workshops.

43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?

Within NGOs there are persons who are well conversed with the new legislation, but they seem to be the exception rather than the rule. Out of all NGOs interviewed, only two replied positively to this question. Others feel that, although they have attended seminars about the new legislation, they are not adequately trained on how to use the new procedures available to them. Some trade union employees reported having acquired basic knowledge of the new national anti-discrimination laws, through attendance in national seminars.

44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?

All NGOs and trade unions interviewed replied negatively to this question.

45. Is their staff trained in relation to advising government: formulating policy proposals? Legislative proposals?

Most NGOs interviewed stated that their activities did not include consultation regarding policy or legal reform and therefore the question was inapplicable to them. Some disability organisations stated that they would like to be involved in policy and law reform but lacked the necessary training and human resource. Only the national organisation for the blind (POT) reported that they do have such training and that they do engage in such activities. On those rare occasions where governmental bodies, in the process of compiling national action plans, seek to consult NGOs, these are usually the large trade unions and even then their views are hardly ever taken into consideration. For the purpose of enacting the new anti-discrimination legislation of May 2004, a number of NGOs were contacted at short notice and were only given a few days' time to study the draft laws and offer their views.

46. Do they need to do more to promote their anti-discrimination role?

All NGOs and trade unions interviewed replied positively to this question, with the exception of a couple of NGOs representing religious minorities, who felt that anti-discrimination is not part or is only a small part of their work. Generally speaking, anti-discrimination is a new field of activity in Cyprus where public discourse was traditionally dominated by the 'national question.'

47. Do they need to "do more" with victims, clients or potential clients, members or potential members?

Those NGOs which employ experts, legal or non-legal, to deal with cases of discrimination are already utilising all their human resource to this end, working long hours and assisted by volunteers. Therefore, although there is a need for additional personnel to process discrimination complaints, these NGOs are working to the full of their capacity. There are organisations, particularly the disability organisations, which do little case work and wished they did more but they lack the manpower for it. The religious minority organisations (Armenians, Latins, and Maronites) do not deal with cases and do not consider that they are being discriminated against.

Trade unions also feel that they could play a more active role in representing and supporting their members who are victims of discrimination.

48. Do they need to "do more" with government – to increase their credibility and status?

The established religious minorities stated that there is no scope of work in this area for them. All other organisations stated that they do need to do work in this area and to avoid marginalisation. Some organisations, such as NGOs supporting migrants are frequently in confrontation with the authorities and particularly the police. Trade unions have also replied positively to this question, in spite of their large membership base and well established position.

49. For the trade unions, do they need to "do more" with the companies/employers organisations?

All NGOs and trade unions interviewed replied positively to this question.

50. Would they need to “do more” with public opinion and awareness raising?

All NGOs and trade unions interviewed replied positively to this question. Awareness-raising is part of the mainstream work performed by most NGOs and it is an area where admittedly there is always scope for improvement. Although public opinion is generally sympathetic with victims of disability discrimination and to a lesser degree age discrimination, it can be overtly suspicious of homosexuals, non-Cypriots and non-orthodox Christians. This is also reflected in the media, which proves that NGOs promoting anti-discrimination on the grounds of racial or ethnic origin or sexual orientation have still a lot of ground to cover in order to win over public opinion. Generally speaking, NGOs tend to be rather marginal in both size and influence and receive little media coverage in their anti-discrimination work. Trade unions do receive media coverage but hardly ever use it for awareness raising on anti-discrimination. In fact, until some years ago, both the large trade union federations (PEO and SEK) gave interviews to the press arguing that immigration is to be blamed for the rise in unemployment amongst Cypriots, a position which was reversed once more research was done into this alleged link.

51. What would they need to develop?

All NGOs interviewed stated that they needed to develop public awareness programs and campaigns so as, inter alia, to inform the public of their rights and obligations. Disability NGOs stated that they need to develop their services towards persons with disabilities; anti-racism NGOs that they need to develop their fund-raising skills so as to increase their manpower; others that a closer cooperation with discriminated groups is necessary. NGOs must systematically promote a culture of anti-discrimination and attempt to engage policy makers and politicians in a public dialogue.

In the case of trade unions, further awareness and training is needed among the key actors, as well as the will to take up the political cost of including in their work “controversial” grounds so far ignored, such as sexual orientation and religion. Generally speaking, it is necessary for trade unions to place anti-discrimination work higher on their agenda and go beyond case work, using their public status and influence in order to raise public awareness.

c) National legislation in the field of anti-discrimination

1. The transposition of the Directives into national law

With Cyprus's accession to the EU on May 1 2004, a comprehensive anti-discrimination legislation entered into force, which purports to transpose the two EU anti-discrimination Directives 2000/43/EC and 2000/78/EC. This new legislation consists of four different laws:

- the Combating of Racial and Some Other Forms of Discrimination (Ombudsman) Law No. 42(1)/ 2004 (hereinafter "the Equality Body Law") which appoints the Commissioner for Administration (or *Ombudsman*) as the national body in charge of dealing with discrimination complaints in compliance with Article 13 of Directive 2000/43/EC (hereinafter "the Equality Body").
- the Equal Treatment (Racial or Ethnic Origin) Law No. 59(I) /2004 transposing the Race Directive 2000/43/EC (hereinafter "the Racial Equality Law");
- the Equal Treatment in Employment and Occupation Law of 2004 No. 58 (1)/2004 transposing Directive 78/2000/EC and all the matters that refer to employment in Directive 43/2000/EC (hereinafter the "Employment framework Law"); and
- the Law (Amendment) Concerning Persons with Disabilities 57(I)/2004 which harmonised the existing disability law with Directive 78/2000/EC (hereinafter "the Disability Law").

The laws copy almost verbatim the wording of the Directives and generally comply with the Directives' requirements, with some exceptions, most notably regarding the reversal of the burden of proof: According to Cypriot law, in respect of some of the fields covered, the burden of proof is reversed only with regard to the procedure before the Court and not with regard to any other procedure, such as that before the specialised body. Another point of divergence from the Directives was the fact that a victim of discrimination has to *prove* facts from which a violation can be inferred, instead of merely *introduce* them as required by the Directives. Finally, according to Cypriot law, the perpetrator is absolved from liability if his violation had no negative consequences on the victim. This exemption does not exist in the Directives. In October 2006 the Cypriot government introduced legislation purporting to remedy this situation which, however, cured the problem only partly. Another two bills were submitted to Parliament on 8th March 2007 and are still pending at the time of writing. As things stand now, in the fields of employment, self-employment, occupation, vocational training, working conditions and membership to or participation in associations (such as trade unions) the burden of proof is reversed only in civil cases before the court but not before the Equality Body, the victim has to *prove* facts instead of merely introduce them and the perpetrator is absolved from liability if his violation had no negative results for the victim. In the cases of discrimination on the ground of disability, in all the fields covered by the Disability Law, the reversal of the burden of proof carries the same characteristics as aforesaid. For the fields of social protection, health care, social provisions, education and access to goods and services, in order for the burden of proof to be reversed, the victim must introduce facts (instead of having to prove them), the perpetrator is no longer absolved from liability if there was no negative impact on the victim and the scope of application is enlarged to cover administrative cases before the court but not proceedings before the specialised body.

The grounds for discrimination covered by the Employment framework law are wider than those of the Racial Equality Law: they include the grounds of religion or belief, age and sexual orientation. However, the scope of the Employment framework law is restricted to discrimination in the workplace, whilst the Racial Equality law applies to social protection, health care, social advantages, education and access to and supply of goods and services which are available to the public, including housing.

The Equality Body Law grants the Equality Body a wide mandate covering both Directives but also going beyond these, to include the ground of 'national origin' in the Equality Body's mandate but not in relation to anti-discrimination in general.

Furthermore under this law the Equality Body is empowered to examine discrimination complaints alleging violations of rights guaranteed by a long list of international conventions and treaties ratified by the Cypriot government. The complaints procedures created by this law are being widely used by individual victims as well as by NGOs with some success. However, more needs to be done in terms of bringing the new laws and procedures to the attention of vulnerable groups who are, to a large extent, still unaware of their new rights either because they don't speak Greek or due to a disability or other reason. Some of the most organised anti-discrimination NGOs are those dealing with disability, who have been in existence for decades and whose actions are coordinated by a national confederation and who maintain close co-operation with other disability NGOs at European level as well as with EDF. At the other end of the scale, discrimination on the ground of sexual orientation is widespread despite decriminalisation of homosexuality since 2000 to the effect that homosexuals make little or no use of their new rights and the procedures created; no complaint has so far been submitted to the Equality alleging discrimination on the ground of sexual orientation, even though according to the only known gay rights NGO, discrimination at the workplace is widespread.

The grounds covered by the Cypriot anti-discrimination laws adopted in 2004 in order to transpose the Directives are: racial or ethnic origin, religion or belief, age, disability and sexual orientation. Although there are several decisions issued by the Equality Body based on the 2004 anti-discrimination legislation, there is no court decision yet, evidencing perhaps the low degree of awareness by law practitioners and by the victims of the new possibilities which have opened up with the adoption of these laws. The legal aid law requires that legal aid be made available in human rights cases, but only in criminal and civil proceedings and not in administrative ones.

In July 2006, pursuant to the Cypriot government's obligation to give supremacy to EU regulations and directives, the Cypriot Constitution was amended to give supremacy to EU laws. Until then, the Constitution was the supreme law of the country. Prior to this development, the anti-discrimination provision of Article 28 of the Cypriot Constitution was interpreted by the Courts to mean that any positive measures taken in favour of vulnerable groups were violating the principle of equality enshrined in the Constitution. The new amendment renders the positive measure provisions of EU directives superior to the Constitution and thus unchallengeable on the basis of Article 28.

The entry into force on 01.03.2006 of the law ratifying the Additional Protocol to the Convention on Cybercrime concerning the Criminalisation of Acts of Racist or Xenophobic Nature committed through Computer Systems has created new offences in the field of combating discrimination and has for the first time in Cyprus legislated on issues such as the holocaust denial and dissemination of racist material through the internet.

On the ground of disability, the Disability Law provides for a duty to provide 'reasonable accommodation' which is, however, restricted to where local economic and other circumstances allow. The law defines the factors which must be taken into account in order to determine whether a measure is "reasonable" (and therefore obligatory) or not, as follows: (1) The nature and required cost for the adoption of the measures; (2) the financial means of the person who has the obligation to adopt the measures; (3) the financial situation and other obligations of the state in those cases where the obligation for the adoption of measures refers to the state; (4) the provision of donations by the state or other sources as a contribution towards the total cost of the said measures; (5) the socio-economic situation of the disabled applicant. The latter consideration is not taken into account in the field of employment. The test of reasonableness is much wider in the Cypriot law than in the Employment Directive (which provides only for the test of 'disproportionate burden on the employer') and clearly falls short of creating a full-blown mandatory regime. When comparing the provisions under the Directive (whether "such measures would impose a disproportionate burden on the employer") to the aforesaid list of criteria set out in the Disability Law (the nature and required cost for the adoption of the measures; the financial means of the employer; the financial situation and other obligations of the state in those cases where the obligation for the adoption of measures refers to the state; state contribution towards the cost of the measures; the socio-economic situation of the disabled), the disparity between the Cypriot law and the Employment Equality Directive is apparent.

Cyprus has also ratified most major international conventions on discrimination. With regard to the implementation of the Framework Convention for the Protection of National Minorities, the Constitution does not recognise any 'national minorities' and classifies groups of diverse ethnic origin or religion either as 'communities' (in the case of the Turkish-Cypriots) or as 'religious groups' (in the case of the Latins, the Maronites and the Armenians).

The process of passing the laws was completed almost overnight, in order to quickly complete harmonisation until the deadline (the date of accession). NGOs that participated in the consultation process prior to the passing of the laws complain that they were given very little time to study the laws and come up with comments and that their comments were all ignored. Very little public discussion took place on the subject prior to passing the laws or subsequently; even today, the subject receives little attention and awareness campaigns are scarce and hardly ever reach the vulnerable groups.

Prior to the transposition of the EU anti-discrimination Directives, anti-discrimination provisions existed in various instruments:

- Article 28(2) of the Constitution guarantees the enjoyment of all constitutional rights and liberties by all 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 other ground whatsoever.
- Article 6 of the Constitution prohibits discrimination by acts of the executive, the administration and the parliament against any person on the ground of belonging to one or the other community (i.e. the Greek Cypriot or the Turkish Cypriot community).
- Law 13(III) of 1.12.2002 incorporating Protocol No. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms provides a general prohibition against discrimination covering, inter alia, the ground of national origin which is not found in any other anti-discrimination provision.
- In labour law, a provision in the Law on Termination of Employment prohibits dismissal on the grounds of race, colour, family situation, religion, political opinion, national origin or descent.
- Disability discrimination is prohibited under the Law Concerning Persons with Disabilities of 2000 (amended in 2004 in order to comply with Directive 2000/78/EC). Gender discrimination was comprehensively dealt with in the Law for Equal Treatment of Men and Women in Employment and Occupational Training of 2002.
- The only mechanisms available until 2004 were via judicial review of an administrative act in the public domain and/or through an action in civil courts against perpetrators of discrimination for recovery of, inter-alia, just and reasonable compensation for pecuniary and non-pecuniary damage.

The above provisions, constituting the original framework for Cypriot law existing prior to accession, covered only the grounds of racial or ethnic origin, religion or belief and disability (plus some other grounds not covered by the EU acquis, such as wealth, social class, etc); they fell short of covering the grounds of age and sexual orientation, as required by Article 1 of Directive 2000/78/EC.

Some issues of increasing concern, however, widely highlighted in the Ombudsman's annual report for the year 2005 (published in December 2006)⁵ is the treatment afforded by the authorities to third country nationals pointing out to the following areas which are considered particularly alarming: the bad conditions of detention of migrants arrested for unlawful entry into Cyprus, verging upon squalor and degradation; the long duration of their detention; the practice of detaining them on the basis of deportation orders issued by the immigration authorities and not by the Courts; ill-treatment of asylum seekers by the authorities and particularly by the police; the practice of the migration authorities to arrest and detain asylum seekers at the final stage of their application and the issue of deportation orders suspended until their applications are processed; the apparent co-ordinated effort to expel from Cyprus migrants who would be entitled to be granted the long terms resident status once the relevant directive is transposed. The two EU Directives and the anti-discrimination laws of 2004 do not apply to differential treatment afforded to third country nationals regarding their entry and stay into the country.

Prior to the new laws, the fields of application provided in Cypriot law (Article 28 of Constitution and Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination - hereinafter ICERD) which refer to equal treatment irrespective of racial or ethnic origin extended only to some of the areas covered by the two EU Directives. Article 5 of ICERD mentions the right to work, but not the conditions for access to employment, to self-employment and to occupation. Article 3.1 (b) of the Employment Directive prohibits access to all types and to all levels of vocational guidance, (advanced) vocational training and retraining, whereas Article 5 of ICERD refers only to training. A comparison between Article 5 of ICERD and Article 3.1(c) of the Employment Directive reveals that the former does not include employment and working conditions relating to dismissal. Article 5 of ICERD limits itself to the right to form and join trade unions, whilst Article 3.1(d) of the Employment Directive is broader in the types of organisation that one can be a member of or involved in and further includes the benefits provided by this.

The Third ECRI Report on Cyprus (published in 16 May 2006) states that in spite the improvements in the institutional and legal framework, third country migrant workers continue to be in a vulnerable position, particularly as regards their employment situation. The Third ECRI Report records that working conditions in farming and agriculture, which are almost entirely made up by migrant workers and are the only sectors where asylum seekers are allowed to work, are "extremely poor" and wages are "well below the minimum fixed by collective sectors of the economy". The government disputes this information and stated that the salaries in this sector have been agreed between trade unions and employers in collective agreements and are not regarded lower than other sectors, whilst the conditions of accommodation nutrition etc have been inspected and are regarded satisfactory.⁶ The ECRI Report also refers to NGO reports that asylum seekers are forced to resort to the irregular labour market (para.55) and recommends that the Cypriot authorities ensure that asylum-seekers are not discriminated against in exercising the right to employment (para. 60).

The Cypriot government's failure to use Turkish, an official language according to the Constitution, in official documents, public signage and the official gazette was the subject of a complaint to the Equality Body, in response to which the Equality Body found the government's position justified, at least in the case of the Official Gazette, on the basis of the "doctrine of necessity". The Third ECRI Report on Cyprus refers to 'reports of de facto school segregation of Pontian Greek children' (para. 85), whilst some studies on racism and education record stereotypes and discrimination against migrant children, Turkish-Cypriots and Roma amongst the pupil population. The 2006 annual report of the EUMC for the year 2005 records Cyprus as one of the two EU member states whose school textbooks include discriminatory material (page 76).

⁵ The Report covers the activities of her office from her capacity as Ombudswoman only and not in her capacity as the specialised anti-discrimination body.

⁶ The views of the government are recorded in the Appendix to the Third ECRI Report.

The government reacted to the ECRI report by stating that if discrimination occurs this is the result of individual teachers expressing personal views, which does not interfere with the teaching of the curriculum which is conducted according to school policy. The government denied pursuing a segregation policy and added that pupils are required to enrol in schools close to their place of residence and that Greek Pontians tend to acquire accommodation in the same areas.

The *United Nations Committee on the Convention on the Elimination of All Forms of Discrimination against Women* (30 May 2006) “remains concerned about the lack of a comprehensive and systematic approach to gender equality policies”. Moreover, the committee is “concerned about the pervasiveness of patriarchal attitudes and deep-rooted traditional social prejudices and stereotyped attitudes regarding the roles and responsibilities of women and men in the family, the workplace, the classroom, media and other areas of society. The State party’s report recognizes these stereotypes as the major obstacle for the advancement of women in Cyprus and as a root cause of women’s disadvantaged position in a number of areas, including the labour market, political and public life, the highest levels of the education system and the media, as well as persistent violence against women, especially within the family.”

At the beginning of 2006 an opinion survey was carried out, commissioned by the Equality Body, investigating public attitudes over homosexuality.. Another survey carried out in 2006 showed that an unprecedentedly high percentage of Greek-Cypriots do not want to live with the Turkish Cypriots, do not want their children to marry Turkish Cypriots, do not want to have Turkish Cypriots as neighbours etc. The survey received considerable media coverage and was the subject of public discussions for a few days after its release, but no measures were taken either by the government or by NGOs or by trade unions in response to it.

The most important research on anti-discrimination in Cyprus appears in Appendix I hereto.

2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation

The most widely used complaints procedure is the submission of complaints to the Equality Body whose mandate goes beyond the grounds set out in the Directives and includes the grounds of Article 28 of the Constitution and of Protocol 12 to the European Convention on Human Rights, as well as rights and freedoms contained in the Cyprus Constitution and in international conventions ratified by Cyprus. The complaints procedure is simple and cost free. However, the funds given to the Equality Body by the government are insufficient, which results in inadequate staffing arrangements. In turn, this has resulted in delays in the investigation of complaints, which are increasing as the number of complaints received by the Equality Body is continuously rising.

The Equality Body does not have the power to award damages to victims of discrimination, but the Body’s decisions may be relied upon to seek damages in the Court or a labour tribunal. The Equality Body is empowered to impose small fines which, however, are too low to offer little deterrence to potential perpetrators. In practice, the Equality Body is very reluctant to impose sanctions or issue binding decisions, limiting itself to issuing mere recommendations. Having said that, it should be pointed out that the Equality Body decisions are generally regarded by both the authorities and the public as valid and credible and often as an indication of what the likely outcome would be, had the case been presented before the courts. The Ombudswoman herself has stated that governmental departments have, during 2004, complied with her recommendations to a degree of 60% but pointed out to a low compliance level by the police.

Apart from the complaints procedure before the Equality Body, the new laws of 2004 enable victims to also seek recourse to the courts to claim compensation for discrimination. This is possible either by relying on a decision of the Equality Body or directly, without having secured such decision. To our knowledge, only one law suit has been filed to the courts invoking the new anti-discrimination (on the ground of age).

The new laws have eased the criteria for an association to engage in judicial or other procedures allowing organisations who are interested parties to represent their members, provided they have “legal standing” or “a legitimate interest” and the consent of their affected members. Although this presents considerable improvement to the previously existing law, where the test of who has a “legitimate interest” was hard to satisfy,⁷ in practice associations have made little use of this opportunity.

Prior to transposition of the two anti-discrimination Directives, the other procedures available to victims of discrimination were:

- Recourse to the Supreme Court for the judicial review of an administrative act under Article 146 of the Constitution.
- Application to the court on the precedent established by the case of *Yiallourou* which set a precedent that constitutional rights are actionable per se.⁸ This procedure has not been used in relation to the constitutional right not to be discriminated, but the possibility is there for victims to use.
- Submission of complaint to the Ombudsman against administrative acts or omissions. This was and still is a very popular and widely used procedure.

The above procedures have not been rendered void by the new anti-discrimination legislation and can still be used today.

2.A Employment and occupation related - all grounds

The following channels are available for victims of discrimination in the employment and occupation field:

- Submission of complaint to the Ombudswoman, if the perpetrator is a state body.
- Application to the Supreme Court under Article 146 of the Constitution if the perpetrator is a state body.
- Submission of complaint to the Equality Body against employers in the public and the private sector.
- Application to the Court under the Employment framework Law for the grounds of race/ethnic origin, religion or belief, age or sexual orientation. Application to the Court under the Disability Law, for the ground of disability
- Referral to the labour inspectors appointed by the Ministry of Labour (at the time of writing, although this system was in place, it was not operational yet).
- The employer's internal grievance procedure which however is available only in some large firms. Most firms in Cyprus are medium sized and do not offer such channel of complaint.
- Collective bargaining or mediation for individual cases by trade unions.

⁷ The interpretation given to Article 146(2) of the Constitution by the Supreme Court in the case of *Osman Saffet v. the Cyprus Palestine Plantations Co. Ltd and another* restricted the right of recourse to physical and legal persons who had been adversely and directly affected and had legitimate interest. ‘Representatives’ were not considered to have legitimate interest⁷ and the term “community” is defined as meaning the Greek and Turkish communities, as defined in Article 2 of the constitution. In order for an association to have a legitimate interest, the specific administrative act under review must have *directly affected* the whole or part of the membership, whereas if it only affected one member or if there are conflicting interests between members then the association had no legitimate interest (*The Police Association v. The Republic*).

⁸ *Yiallourou v. Evgenios Nicolaou* (2001), Supreme court case, Appeal No. 9331, 08.05.2001. In this case, the Director of the Nicosia Sewerage Board sued the civil engineer of the Board for damages for having tapped his telephone for a whole year, which violated his right to privacy and confidentiality of communication under articles 15 and 17 of the Constitution. No material damage was proved and the District Court awarded general damages. Upon appeal to the Supreme Court, the first instance decision was upheld. This decision opens the way for legal action against the state or private persons for discrimination, on the basis of Article 28 of the Constitution, which covers grounds not included in the laws transposing Directives 2000/78/EC and 2000/43/EC, such as community, language, national or social descent, birth, colour, wealth or “on any ground whatsoever (Art. 28.2)

- Other channels such as local councils, parliamentary investigation and use of various parliamentary committees can be used in certain cases. Last but not least, where appropriate various expressions of collective action via petitions, demonstrations, media and other campaigns can be useful means to deal with various issues of discrimination, providing they attract popular support and media coverage.

Below is an indicative list of situations where discrimination customarily occurs:

- advertising of posts setting a maximum age limit
- recruitment and selection procedures requiring the applicant to state his/her religion, ethnic origin, etc.
- terms and conditions less favourable for migrant workers than for local workers.
- Pay lower for migrants or for persons with a disability
- discrimination in the workplace by colleagues or representatives of the employer
- dress codes excluding persons with a particular trait related to his/her religion or ethnic origin (but bear in mind the headscarf and veil debate in other EU countries)
- working hours which make it difficult or impossible for a person with a disability to work there
- suspect groups e.g. part time workers
- workplace disciplinary procedures
- promotion
- allowances and bonus payments
- dismissal (procedural and substantive)
- social security payments (in as much as they are classified in EU law as “pay”)
- occupational pensions
- issue of permits and licences requiring knowledge of Greek (there are decisions of the Equality Body against such precondition)
- access to vocational training, including vocational training in prisons is restricted because of the trainee’s disability.

2.B Non-employment or occupation related - race and ethnic origin

The laws transposing the two anti-discrimination Directives prohibit discrimination outside employment and occupation:

- on the ground of ethnic/racial origin in the fields of social protection, medical and medicinal care, social provisions, education and access to goods and services including housing and
- on the ground of disability, in the provision of goods, services and facilities. This includes: refusal to provide services; the provision of services of an inferior standard; the provision of goods and services with more disadvantageous conditions; the failure to carry out “changes” to services or facilities which renders their use by a person with disability impossible or unjustifiably difficult.
- Article 28(2) of the Cyprus Constitution guarantees the enjoyment of economic, social and cultural rights by all persons without any discrimination and provides that every person shall enjoy all the rights and liberties provided for in the Constitution without any direct or indirect discrimination against any person 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.
- Law 13(III) 2002⁹, which incorporates Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, provides for a general prohibition on discrimination “on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status”.

⁹ This Law entered into force on 1 December 2002.

- The Equality Body law includes in the mandate of the Equality Body the task of promoting equality of the enjoyment of rights and freedoms safeguarded by the Cyprus Constitution (Part II) or by one or more of the Conventions ratified by Cyprus and referred to explicitly in the Law¹⁰ irrespective of race, community, language, colour, religion, political or other beliefs, national or ethnic origin.

2.B Non-employment or occupation related - race and ethnic origin

In addition to the aforesaid remedies, a number of offences exist in Cypriot law related to racist behaviour. The Convention on the Elimination of All Forms of Discrimination (Ratification) Law, N. 12/1967 establishes offences such as incitement to racial hatred, participation in organisations promoting racial discrimination, public expression of racially insulting ideas and discriminatory refusal to provide goods and services. Also, under the Cypriot Criminal Code (Cap.154) a number of discriminatory acts are punishable offences. These include: publication¹¹ with a seditious intention (Article 47); “intention to promote feelings of ill will and hostility between different communities or classes of the population of the Republic” (Article 48); the destruction, damaging or defiling of any place of worship or any object which is held sacred by any class of persons (Article 138); the publication of a book/pamphlet/article in the press which is perceived by a group of people as a public insult to their religion (Article 142),¹² etc.

According to the Racial Equality law, discrimination on the ground of race/ethnic origin is prohibited in the areas of social protection, health care, social provisions, education and access to goods and services available to the public, including housing.

2.C Where a choice of avenues for raising either an employment related or a non-employment related complaint exists

The first issue that needs to be identified in order to choose the appropriate course of action is the purpose for which the complaint is made. The following considerations may assist the complainant (or the NGO or trade union acting on his behalf) in making this decision:

- What outcome does the complainant want?
- What is the object of the complaint – is it justice for the individual or raising awareness for discrimination?
- Urgency of resolution of complaint and time likely to be taken for procedures to be completed.
- The chances of quashing the adverse decision complained of.
- Whether or not a legally binding/ enforceable solution is sought.
- Assessment of facts - matching facts to requirements of remedies.
- Assessment of available evidence - appropriateness and sufficiency of the available evidence for the particular mechanism chosen.
- Whether or not legal representation is required or highly desirable.
- Availability of legal assistance / legal aid.
- Possibility of financial compensation for victim (e.g. the Equality Body cannot award compensation).
- Possibility of or desire for re-instatement or re-engagement (in employment cases).
- Suitability of complaint for awareness raising.

¹⁰ These Conventions are: Protocol 12 of the European Convention for Human Rights and Fundamental Freedoms; the International Convention for 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 Inhuman and Degrading Treatment or Punishment.

¹¹ The wording reads “any person who publishes any words or documents or makes any visible representation whatsoever with a seditious intention is guilty of a felony and is liable to imprisonment for five years.”

¹² Prosecution based on this provision can be instigated only by the Attorney-General or with his consent.

- The impact which the decisions of the various mechanisms have on public opinion (e.g. if a Court decision is seen as more authoritative than an Equality Body Decision)
- Possibility of group complaints
- Possible costs and fees incurred by using a particular mechanism
- Potential consequences on the complainant (e.g. in case of internal complaint within the company brought by a trade union, in case the complainant is a “closet homosexual”, etc.)

2.D What are the technical procedural requirements of each available remedy?

There are no time limits specified by the law for submitting a complaint. However, a long delay in submitting a complaint may raise other issues, such as credibility of the complainant and whether the time lapsed can be deemed as ‘reasonable’.

There are no formal requirements for a complaint to be submitted to the Equality Body: a mere letter transmitted by any means (fax, e-mail or post) and in any language will suffice. On the website of the Ombudsman’s office (where the Equality Body is located) one can also submit a complaint by filling out an electronic form which, however, is only available in Greek and English. For the purpose of applying to the Courts, the rules of procedure apply which are highly technical and complex. Until now, it was possible to submit a complaint only in Greek, although the Court is obliged to provide interpreters free of charge. However, the preliminary ruling of a case currently pending before the Court established that Turkish Cypriots may submit their case in Turkish. The Labour Disputes Courts were originally designed to be informal; however there are rules of procedure and evidence that need to be observed, as with civil courts.

“Soft” evidence may be presented in the procedure both before the Courts and before the Equality Body, but it will be taken into account only if directly relevant, e.g. where the case concerns a complaint against a newspaper for racism, cuttings from the said newspaper may be used.

The Equality Body has produced leaflets setting out in simple language the new rights and procedures available to victims of discrimination. The leaflets also take the form of a “guide” on how to submit a complaint, since they explain that there are no formalities to be observed.

A list of organisations (including trade unions) which may be contacted for assistance appears in Appendix II.:

2.E What support exists at national level for accessing the different procedures, and what can be done to overcome any impediments/obstacles?

A number of impediments and obstacles to accessing the various procedures need to borne in mind.

Although the procedure before the Equality Body is 100% cost free, the procedure before the Court is not. The legal aid law¹³ provides legal assistance for human rights cases of a civil and criminal law but not of administrative law, which means that administrative procedures before the Supreme Court for judicial review of administrative acts are not covered. Some NGOs offer free legal advice, mostly related to asylum issues,¹⁴ but none of them offers court representation. The same applies to trade unions. With the exception of one or two small law firms (usually comprising of one person) with human rights sensitivities who will charge victims of discrimination very little, no law firm offers pro bono legal assistance for court action. The Third ECRI report on Cyprus states that awareness of the legal framework against discrimination among the legal community and the general public is still very limited and calls on the Cypriot authorities to take steps to improve awareness of the provisions against racial discrimination among the legal community and the public.¹⁵

¹³ Cyprus/Law No. 165(I)/2002.

¹⁴ Funding is more readily available in this area (e.g. from the European Refugee Fund, from UNHCR, etc).

¹⁵ ECRI (2006), *Third Report on Cyprus*, Adopted on 16 December 2005, Strasbourg 16.05.2006, pp. 7-8.

In fact the most vulnerable amongst the victims of discrimination do not have access to the new procedures for different reasons: the Roma, most of whom live squalor, unemployment and illiteracy; the undocumented migrants who face deportation once they come into contact with the authorities; documented migrant workers who face the risk of victimisation by their employers which often leads to their deportation; the Turkish Cypriots; the homosexuals who choose not to make their sexual preference public; retired persons – half of whom live below the poverty line.

2.F Referrals to the European Court of Justice

Where there is a disputed issue of EU law and the judge is uncertain how to interpret a provision at EU law, a referral can be made by a national court to the European Court of Justice in Luxembourg under Article 234 of the Treaty. The parties to the proceedings can ask the national judge to grant a request for such a referral, or the judge can decide spontaneously to refer the case. Any court may make a referral, but only the national court of last instance is obliged to do so.

This may be a highly effective procedure because:

- Requesting a referral can concentrate the mind of the presiding judge and ensure that s/he gives proper consideration to the complaint, especially to the fact that it raises issues of European rights.
- National bodies, particularly public bodies, are impressed by its high profile and may take steps to avoid the exposure of discrimination at national level to pan-European scrutiny.
- The European Court is the only body that can give a definitive interpretation of the terms used in the Directives.

However this is a specialised procedure and expert EU lawyers familiar with its use need to be retained. In addition, it is important to note that the national case is "stayed" (put aside) until the ECJ has decided the issue before it, and this delay of sometimes two years can have serious consequences for the complainant.

2.G Petitions to the European Parliament

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint/s that their rights under European Union law are not being properly respected.

2.H Alerting the European Commission to discriminatory administrative practices

It is also possible to write directly to the Commission, which may often be a quicker process than that outlined above under 3.2.G. This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State. The Commission and the Parliament would be bound by the EU Charter of Fundamental Rights' provision on the right to good administration (Article 41) if adopted:

- Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
- This right includes
 - the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - the right of every person to have access to his or her file, while respecting the legitimate interest of confidentiality and of professional and business secrecy;
 - the obligation of the administration to give reasons for its decisions.

- Every person has the right to have the Community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
- Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

2.I Complaints to the European Court of Human Rights

In addition, when all effective national legal remedies have been exhausted, a person may, if the case concerns issues covered by the European Convention on Human Rights, apply to the European Court of Human Rights in Strasbourg (see Key Concepts section).

This can be done under Article 14 of the Convention provided another Article is also engaged or, if the country has ratified it, as this is the case for Cyprus, under Protocol 12 to the Convention.

Collective complaints can also be made under the Council of Europe's European Social Charter.

2.J Other international remedies

Cyprus is a party to the 1st Optional Protocol to the International Covenant on Civil and Political Rights and has accepted the right of individual petition under the Convention on the Elimination of all forms of Racial Discrimination and the Convention on the Elimination of Discrimination Against Women, therefore complaints can be brought to those Committees.

NGOs/trade unions should also ensure that they alert the Committees which examine Cyprus' periodic reports under the ICCPR, CERD, CEDAW and the Convention on the Rights of the Child to instances of discrimination.

2.K Professionalism

Everyone in a NGO/trade union who takes up the case of an individual or a group of individuals must be aware of the need to observe high standards of professionalism, including confidentiality and efficient management of case files. For individuals whose cases the NGO/trade union is not able to assist with, the NGO/trade union should be able to provide relevant information and, wherever possible, referrals to another agency that is able to provide further advice and support.

3. Societal issues

In today's increasingly diverse and globalised world, the concepts of tolerance, understanding and plurality become even more important for peaceful societal coexistence and cooperation. This is even more pertinent in the context of Cyprus, a country torn by ethnic conflict, invasions and war with the de facto partition continuing and with society becoming increasingly multicultural: over 20% of the working population are not of Cypriot descent and over 6% of the primary school pupil population are not Cypriots. Human rights education and awareness as a means of human development, whether at an individual or collective level is required in order to address the production and reproduction of inequality, intolerance and social division. If Cyprus is to develop into a society that is open, democratic and tolerant, discrimination and ethnocentrism inherent in the educational system must be tackled. This is a process that inevitably touches upon the collective sensitivities of Cypriots who were also reared into this ethnocentric educational system, but it is the only way to break the cycle of producing and reproducing inequalities and intolerant attitudes.

Recognise our own Prejudices

An important step towards combating discrimination is to recognise and address our own prejudices. This involves trying to test how we as individuals react to cases of discrimination on grounds other than the one(s) we are familiar with. For instance, although persons of a non-mainstream religion are victims of discrimination themselves, they can sometimes harbour prejudices against homosexuals.

Vulnerable Groups in Cypriot society

Below we list various discriminated /vulnerable groups:

- Elderly persons and particularly ‘older workers.’
- Persons with a disability, physical or mental, and particularly persons with multiple disabilities.
- Homosexuals and particularly men. Despite the decriminalisation of homosexuality, this group is often faced with outright hostility from society.
- Turkish-Cypriots who are facing “manifestations of racism and discrimination” (Third ECRI Report on Cyprus, para.82, 104)
- The Roma (Third ECRI Report on Cyprus, para.83)
- Undocumented migrants. One of the most difficult and controversial areas in which very little research has been conducted in Cyprus.
- Asylum seekers. Seen and treated as being “out to exploit the system”.
- Female domestic migrant workers. They are not unionised and there is evidence of widespread violation of their contracts by their employers. Their salaries are well below the minimum salaries provided for all other sectors of the economy. They have not had any increase in their stipulated salary for the past eleven years.
- “Entertainment workers” (cabaret dancers) drawn from the poorer eastern European countries. They are in most cases victims of trafficking forced into prostitution.
- Greek origin citizens from the former Soviet Republics, primarily Pontian Greek migrant workers. Highly exploited often under circumstances resembling those of undocumented migrants which goes to show that colour is only one of the signifiers of racism, not necessarily the most important.
- Persons of non-Christian Orthodox faith , primarily Jehova’s witnesses, but also Catholics, Evangelists, etc.

APPENDIX I

Bibliography on anti-discrimination

In Greek

- Angelides, P. and Stilianou, S. (2005) «Διαπολιτισμική εκπαίδευση στην Κύπρο: Το δικαίωμα στη Διαφορετικότητα», Angelides, P. (ed.) *Συμπεριληπτική εκπαίδευση, από το περιθώριο στη συμπερίληψη, συναγωγή κειμένων*, Κυπροπερεία, Nicosia, p.p.189-228.
- Harakis, K., Σήτα, Α., Sotiriadis, K., Demetriou, L., Harakis, C., Alexandrou, E. (edited by Harakis, K.) *Αντικοινωνική Συμπεριφορά των Νέων στην Κύπρο: Ρατσιστικές Τάσεις [Anti-social Behaviour of Youth in Cyprus and Racist Trends]*, Antonis Sakoulas, Athens.
- Ombudsman (2006) *ΑΝΤΙΛΗΨΕΙΣ ΚΟΙΝΟΥ ΓΙΑ ΘΕΜΑΤΑ ΟΜΟΦΥΛΟΦΙΛΟΦΙΛΙΑΣ*, Equality Body Report on attitudes towards homosexuals in Cyprus.
- Trimikliniotis, N. (2001) «Τα ΜΜΕ στην Κατασκευή Αντικειμένων Ρατσισμού: Το Παράδειγμα των Οικιακών Βοηθών», *Εξ Υπαρχής*, Jan. 2001.
- Trimikliniotis, N. (2001) *Η Μετανάστευση, η Εργασία και το Συνδικαλιστικό Κίνημα, Οι Όροι Απασχόλησης Μεταναστών Εργατών και ο Ρόλος του Συνδικαλιστικού Κινήματος στη Προστασία των Εργατικών κεκτημένων και την ένταξη τους στο Κυπριακό Εργατικό Κίνημα [Migration, Labour and the Trade Union movement in Cyprus: Defending worker's rights and combating racism]*, (forthcoming), Athens.
- Trimikliniotis, N. (2005) «Σύγχρονη Πολυπολιτισμική Κυπριακή Κοινωνία: Προβλήματα και Τρόποι Αντιμετώπισης: Σφαιρική και κοινωνιολογική ανάλυση», *Ζ' Ετήσια Συνδιάσκεψη Συμβούλιου Ενημερίας Πάφου*, Pafos.

In English

- ECRI (2005) *Third Report on Cyprus*, European Commission against Racism and Intolerance, Council of Europe, Strasbourg, 16 May 2006.
- ECRI (2001) *Second Report on Cyprus*, European Commission against Racism and Intolerance, Council of Europe, Strasbourg, 3 July 2001.
- ECRI (2000) *Report on Cyprus*, European Commission against Racism and Intolerance, Council of Europe, Strasbourg, 9 Nov 1999.
- Demetriou, C. (2005) *The principle of non-discrimination and equal opportunities for persons with disabilities: The Cyprus and European institutional framework, the role of national organizations of persons with disabilities and good practices in the field of integration in the labour market, accessibility and non-discrimination - A Compendium*, publication for European Commission National Information Days, September 2005.
- Florentzos, M. (2005) *The Legal and Social Position of Persons with Disability in the New Legal Order of the Republic of Cyprus as a Member State of the European Union. Equal - Treatment- Social Policy*, Nicosia.
- Kadir, N. (2007) 'A Preliminary Report: Labour Conditions of Asian Domestic Workers', Fulbright paper (forthcoming, *The Cyprus Review*, Special Issue on Migration and Racism).
- Kountouros, H. (2005) Summary of legislation implementing Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation with respect to sexual Orientation in Cyprus, written at the request of Kees Waaldijk & Matteo Bonini-Baraldi, for book *Sexual orientation discrimination in the European Union: National laws and the Employment Equality Directive* (The Hague: T.M.C. Asser Press, 2006), and has been published on the website of the E.M. Meijers Institute of Legal Studies of the Universiteit Leiden; see www.emmeijers.nl/experts.
- Lenz, R. (2001) 'The Lady and the Maid: Racialised Gender Relations in Greek-Cypriot Households', *The Cyprus Review*, vol. 13:2, Fall 2001, pp. 75-92.
- Spyrou, S. (2004) *Educational Needs of Turkish-speaking Children in Limassol*, UNOPS, February-March 2004, Nicosia.

- Trimikliniotis, N. (2007) “Discriminated Voices - Cyprus Report”, Work Package 2, *The European Dilemma: Institutional Patterns and the Politics of ‘Racial’ Discrimination*, Research Project Xenophob, EU Fifth Framework Program 2002-2005(forthcoming, *The Cyprus Review*, Special Issue on Migration and Racism).
- Trimikliniotis, N. (2005) “National expert of Report for EU Commission report, Title: Report on Measures to Combat Discrimination in the EU Countries: A Comparison between council Directives and national legislation on the grounds of racial or ethnic origin, gender, sexual orientation, disabilities, age, religion or belief – Report on Cyprus”, for EU Commission report on behalf of Human European Consultancy and the Migration Policy Group, at http://europa.eu.int/comm/employment_social/fundamental_rights/policy/aneval/legnet_en.htm#coun
- Trimikliniotis, N. (2004) “Mapping Discriminatory Landscapes: Ethnic Discrimination in a divided Education System”, in: *The Cyprus Review*, Vol. 16, N. 1, Spring 2004, Research and Development Centre – Intercollege, Cyprus and University of Indianapolis, USA;
- Trimikliniotis, Nicos (1999) ‘Racism and New Migration to Cyprus: The Racialisation of Migrant Workers’, Anthias, F. and Lazarides, G. (ed.): *Into the Margins: Exclusion and Migration in Southern Europe*, Aldershot: Avebury
- Trimikliniotis, N. and Demetriou, C. (2007) “Cyprus: Civic Participation and New Migration”, chapter in *European Immigration: A sourcebook*, edited by Anna Triandafyllidou and Ruby Grovas, 2007, Ashgate, Aldershot [forthcoming).
- Trimikliniotis, N. and Demetriou, C. (2004) *Roma, Sinti, Gypsies and Travellers in public education in Cyprus- RAXEN Special Study*, Report by the Cyprus National Focal Point for the EUMC written on behalf of the Cyprus Labour Institute as a special study for the EUMC.
- Trimikliniotis, N. and Pantelides, P. (2003) “Mapping Discriminatory Landscapes in the labour market”, *The Cyprus Review*, Vol. 15, spring 2003, N. 1.
- U.S. State Department International Religious Freedom Report 2002.
- Williams, G. A. (2000) “The Gypsies of Cyprus: A DRC Update”, *Kurri*, March Vol. 1 No 2 Spring/Summer 2000, Dom Research Centre.

APPENDIX II

Ombudsman's Office/ Equality Authority- Anti-Discrimination Body
2 Diagorou Str., 1097, Nicosia
Tel. (+357) 22405500, Fax (+357) 22672881
ombudsman@cytanet.com.cy www.ombudsman.gov.cy

Pancyprian Labour Federation PEO
31-35 Archemou Str., 1045 Nicosia
Tel. (+357)22866400, Fax (+357) 22866514
generalsecretary@peo.org.cy www.peo.org.cy
Contact person: Mr Pambis Kiritsis

Bureau of Migrant Workers of PEO
31-35 Archermou Street, Nicosia 1045
Tel. (+357)22866480 Fax (+357)22346828
www.peo.org.cy

Democratic Labour Federation DEOK
Vyronos Avenue 2162 Nicosia
Tel. (+357)22872177, Fax (+357)22670494
deok@cytanet.com.cy www.deok.org.cy
Contact person: Mr Diomides Diomidous

Paratiritirio Isotitas Kyprou (Cyprus Equality Observatory) -PIK
7, Kanaris str., Strovolos 2059 Nicosia
Tel. (+357)22441899, Fax (+357)22441896
pik@cytanet.com.cy www.pik.org.cy
Contact Person: Ms. Anna Pilavaki (deok.Im@cytanet.com.cy)

Cyprus Workers Confederation SEK
11 Strovolos Avenue, 1687 Nicosia
Tel. (+357)22849849, Fax (+357)22849850
sek@sek.org.cy www.sek.org.cy
Contact person: Mr Dimitris Kittenis

The Independent Authority for the Investigation of Complaints and Allegations Concerning the Police
125, Athalassas Ave., 1461 Nicosia
Tel. (+357) 22805977, Fax (+357) 22805974
Contact person: Mr Yiannakis Agapiou

National Organisation for the Protection of Human Rights -ETHNOPAD
Pelli & P. Nirvana (corner), 1492 Nicosia
olcommissioner@olc.gov.cy
Contact Person: Ms Leda Koursoumba

Action for Support, Equality and Anti-racism-KISA (immigration related issues only)
48, Arsinois str, Nicosia
Tel. (+357) 22878181, Fax (+357) 22773039
kisa@cytanet.com.cy www.kisa.org.cy
Attn. Mr. Doros Polykarpou

Cyprus Gay Liberation Movement (AKOK) (sexual orientation issues only)
Nicosia, Tel. (+357)22753797, Fax (+357)22516660
soarli@hotmail.com
Contact Person: Mr. Alecos Modinos

United Nations High Commission For Refugees-Cyprus office –UNHCR (asylum related issues only)
P.O. Box 21642, 1590 Nicosia
Tel. (+357)22359043, Fax (+357)22359037, cypni@unhcr.ch
Contact person: Ms Cristina Planas

Centre for Information and Support for Women APANEMI
P.O.Box 27452, 1645 Nicosia
Tel. (+357) 96518017 apanemi@cytanet.com.cy
Contact person: Ms. Julia Kalimeri

Future Worlds Center (asylum related issues only)
5, Promitheos Str., office 9, Nicosia 1065
Tel. (+357)22873820, Fax (+357) 22873821
kerstin@tech4peace.org www.tech4peace.org
Contact person: Ms. Kerstin Wittig

d) Funding opportunities in the field of anti-discrimination

I. EU FUNDING AT THE EUROPEAN LEVEL FOR NGOs/TRADE UNIONS OPERATING AT THE EU LEVEL

1. EU funding for NGOs/Trade Unions operating at the EU level

a) *European-level NGOs*

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autisme-Europe – also received support under the Action Programme. Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €.

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: http://ec.europa.eu/employment_social/progress/index_en.html

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

b) European Trade unions

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm

2. EU funding for national NGOs/Trade Unions

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm

II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL

- 1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc)**
Is it easy to access such funding? What are the conditions to receive such funding?

The EU Representation in Cyprus does not provide any funding to NGOs or trade unions, only information about EU funding.

2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?

There are small grants available from the Ministries of Interior, Education and Justice for ad hoc events in areas within the mandate of the Ministry concerned, there are larger grants paid to NGOs upon application for their running expenses and infrastructure and there are funds available for specific projects. These funds are not intended specifically for anti-discrimination NGOs or anti-discrimination work, although they could be utilised for that purpose.

Generally speaking, trade unions do not receive funding from the government, apart from the funds for the carrying out of training to their members and/or employees which are allocated through the Human Resource Development Authority. The training could potentially include anti-discrimination, although trade unions are yet to take this issue up.

The Ministry of Labour and Social Insurance (ESF Unit) together with the Planning Bureau¹⁶ are responsible for the management of the funds provided under EQUAL (www.equal.mlsi.gov.cy). The Planning Bureau was also appointed as the managing authority for the European Social Fund (ESF) and then transferred its competencies for the application of all ESF programs to the Ministry of Labour and Social Insurance, which was appointed as intermediary body for ESF (<http://www.mlsi.gov.cy/mlsi/mlsi.nsf/All/97AD7E9079B991A6C2257179002C64FB?OpenDocument>). The funding for the activities under the European Year for Equal Opportunities 2007 is managed by the Ministry of Justice and Public Order. No special website was created for this and no mention of it can be found on the Ministry's website.

3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)

- The Social Welfare Services of the Ministry of Labour and Social Insurance issued a new funding scheme in 2007 under which they provide funding to NGOs for projects relating to, inter alia, combating social exclusion and promoting social integration of “vulnerable groups”.¹⁷ The scheme does not specifically mention anti-discrimination, but it is the writer's view that integration measures could well amount to anti-discrimination work. The beneficiaries of the projects proposed must be the elderly, the minors or person with disabilities. Funding can be obtained for, inter alia improving buildings where different projects are housed (up to CYP150.000 – Euro equivalent: 250.000). The scheme however contains several restrictive conditions and the maximum amount it offers per project is very small: up to CYP20.000 and only very exceptionally up to CYP25.000 (equivalent in Euro: 34.500 and 43.000 respectively) and 50% co-funding is required in some cases. Only 40% of the grant is paid up front and the rest in instalments. For many NGOs, this can present a serious cashflow problem. Although the scheme was only approved by the Council of Ministers on 28/2/2007, the date of 22/3/2007 (i.e. only three weeks later) was set as the deadline for the submission of applications. Upon protests from NGOs, an extension was given.

The Social Welfare Services also offer grants for support of vulnerable groups (elderly and disabled) such as the Scheme for the Support of the Family for the care of its elderly and/or disabled members, under which a grant is paid to the family to enable it to care for its

¹⁶ The Planning Bureau is a governmental body forming a distinct Directorate General, equivalent to a Ministry, deriving its authority from the Council of Ministers, which appoints its general manager. The political person in charge of the staff of the Planning Bureau is the Minister of Finance.

¹⁷ Although this particular provision does not define “vulnerable groups”, article 3 of the same Scheme states that the beneficiaries under the projects proposed must be the persons “served” by the Welfare Office. In practice, this means the elderly, the minors and persons with disabilities. It is therefore unlikely that a proposal aiming at the social integration of migrant workers will be approved and funded.

elderly/disabled member at home; the scheme for the subsidisation of self-employment of the elderly; the scheme for the subsidisation of holidays for persons with disabilities/ the elderly. Although the beneficiaries are vulnerable groups, strictly speaking this type of projects cannot be said to fall within the general anti-discrimination framework.

- Three Ministries (Education, Interior and Justice) offer small grants (in the area of CYP1000 2000, Euro equivalent 1.720- 3.450) for ad hoc, one-off activities in areas within their jurisdiction, such as conferences, festivals, concerts, etc. There are no set guidelines for obtaining these grants and no set procedure, just a letter explaining the proposed activity and requesting the grant. In the case of the Education Ministry, the competent department is the Cultural Services and the event must relate to the promotion of tradition, culture and the arts. In the case of the Ministry of Interior, events can relate to combating human trafficking (the Interior Ministry has the role of coordinating the activities of all other Ministries in this area), immigration or rapprochement with the Turkish Cypriot community. In the case of the Justice Ministry, events can potentially relate more directly to anti-discrimination and equality.
- The National Machinery for the Rights of Woman,¹⁸ which forms part of the Ministry of Justice and Public Order, provides funding to its member organisations as well as to other organisations working in the field of gender discrimination or discrimination in general. Its funding is by way of fixed amount grants (in the area of CYP5.000 = Euro 8.600) or by financing specific projects.
- The Research Promotion Foundation (RPF)¹⁹ provides funding for research projects both to individuals as well as to organisations. Between 1997 - 2002 RPF organised five different Programmes for the support of research activities, namely: [the Annual Programme for Financing of Research Activities](#); [the Programme for the support of young researchers \(PENEK\)](#); [the Programme EUREKA CYPRUS](#); [the Programme "Pupils in Research – MERA"](#); and [the "Research Competition for Undergraduate Students – PRO-FIT"](#). Often, the guidelines of the programs require a synergy of various types of institutions, such as academic establishments, trade unions, NGOs etc. Also, under the programme Pupils in Research – MERA, opinion surveys were carried out within schools by the pupils themselves on the pupils' perceptions of migrant and Turkish Cypriot children, with some very interesting results.
- The Service for the Care and Rehabilitation of the Disabled of the Ministry of Labour pays fixed amount of funds the largest disability NGOs and to the federation (KYSOA). Amount is decided upon by committee, upon application.
- The semi-governmental Cyprus Sport Organisation (KOA) offers funding in different areas directly or indirectly relating to sports. Under its funding line "Direction D: Social and Special Sports", funds are offered for three different strands: drugs; sports and the environment; and minorities.²⁰ Again, anti-discrimination is not expressly covered for, but it could be included in activities funded under the "minorities" strand.
- The Cyprus Youth Board²¹ finances both NGOs (by providing grants for infrastructure etc) and specific projects carried out by NGOs in areas of interest to the youth, including anti-racism and anti-discrimination.

¹⁸ This department was set up by the Council of Ministers in 1994 to promote equality and the rights of women. It is chaired by the Minister of Justice and participated by government officials, women's organisations and trade unions. Its mandate is mainly gender discrimination but also discrimination in general and the support of NGOs working in this field.

¹⁹ RPF was founded in 1996 by the government for the promotion and development of scientific and technological research in Cyprus. An independent organization governed by a twelve-member [Board of Directors](#) appointed by the Council of Ministers, RPF is the main national institution for the promotion of scientific and technological research in Cyprus. It runs [programs for the financing of research projects](#) with funds of the Cypriot government and at the same time it encourages the participation of Cypriot researchers in EU funded project. (www.research.org.cy)

²⁰ http://www.sport-koa.org.cy/activities_1.shtm#

²¹ Founded by law No. 33(I)/94, the Cyprus Youth Board is the result of co-operation between the government and the youth organisations of political parties. It is run by a 7-member Board, consisting of one representative of each youth organisation of political parties with a seat in parliament and by three members appointed directly by the Council of Ministers. Its budget is covered by a state grant (www.youthboard.org.cy).

4. Is it easy to access such funding? What are the conditions?

There are different rules applying to each particular funding opportunity. In the case of state funding, the conditions are often listed in the relevant law or a regulation. The funding provided by the Social Welfare Services described in section 3, 1st paragraph, above, contains a number of stringent conditions: applicants must be registered as an “association” rather than as a non-profit company;²² applicant must have sufficient means, both financial and in terms of human resource, to sustain the project after its completion; for new project, applicants must submit a feasibility study and audited accounts; the applicant’s board of directors and members must be working on a volunteer basis and none of them can receive any salary from the organisation. Same or similar rules apply to the other state grants mentioned in the previous paragraph.

Access to information about possible lines of funding may be an obstacle for new NGOs who are less familiar with the procedures and with governmental officials. Some governmental departments, such as the Welfare Services, offer most of the necessary information on their website. Others, such as the Cyprus Youth Board, not only offer no information on their website but are also very reluctant to give information to interested persons.

5. In case of federal countries, are there funding possibilities at the federated level?

N/A

6. Are there other governmental funding possibilities at regional level? At municipality level?

Some municipalities do have a small budget for financing one-off events taking place within their jurisdiction. These are usually events which are open to the public and reach wide audiences, like open air festivals, concerts etc. Also, some municipalities offer their facilities (e.g. theatres, conference rooms, etc) for hosting such events free of charge. There are no municipal funds available for paying grants to NGOs for their infrastructure.

7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?

Large private companies often sponsor events likely to attract crowds, such as concerts, in exchange for visibility of the funding by way of advertisement. Large wine producing companies often offer beverages for free at events, again in exchange of acknowledgement of the funding as an advertisement. Trade unions usually offer their premises/ facilities free of charge to NGOs for conferencing events.

8. Are there any other source of funding?

UNDP (United Nations Development Projects) finances specific projects based on calls for proposals announced several times in a year. The projects must be aimed at promoting tolerance, friendship and reconciliation between the Greek-Cypriot and the Turkish Cypriot communities and must benefit the two communities equally, therefore a co-operation between NGOs in north and south is usually a requirement. Projects usually include a general anti-discrimination element. This line of funding has come under attack from the government and various political parties following the referendum of 2004 for the resolution of the Cyprus problem, with allegations that the UN bribed voters to vote yes.

²² The option of setting up a non-profit company rather than an association is increasingly taken by NGOs, as it presents a faster, more modern, attractive and flexible alternative to the “association” which is based on an antiquated law.

Apart from handling various European funds, the Planning Bureau occasionally handles funds made available from foreign embassies in Cyprus for the purpose of financing NGOs. Also, the Planning Bureau is the body that examines proposals submitted by NGOs to UNDP for funding and gives or withholds its approval thereto.

UNHCR (United Nations High Commission for Refugees) offers funding for asylum related matters, e.g. a project involving regular visits for inspection and monitoring of the Kofinou Reception Centre for Asylum Seekers, free legal advice to asylum seekers and refugees, etc.

The British Council occasionally sponsors events with an anti-discrimination character, especially if these involve cooperation between the two communities. Access to information about this line of funding is also not easy and there are no set guidelines or requirements.

The Cyprus Telecommunication Authority and the Electricity Authority of Cyprus (both semi-governmental service providers) offer funding to NGOs for specific events in exchange for visibility by way of advertising. The Cyprus Telecommunication Authority occasionally offer free services (e.g. internet server subscriptions) to NGOs in exchange for an advertising banner on the NGO's website.

IV. Diversity Management seminar

1. Design of the training

1.1. Manual

The design of the training was done by IDM who sent their manual to be used for the seminar. The international trainer (Dr Amershi) also sent a power point which was translated in the two national languages and was used at the seminar. Dr Amershi also sent additional extensive seminar material which however could not be used because of the time constraints (only one day was allocated to the seminar) and the budgetary constraint (of having to translate the material in the two national languages).

1.2. Target group

The target group were businesses, semi-governmental organisations that provide services to the public, governmental departments and service providers in general.

1.3. Role of international trainer

There was some exchange of e-mails with Dr Amershi in the period before the seminar, during which he provided us with ample material for use at the seminar, not all of which could be used. Dr Amershi did not make it to the seminar due to some last minute logistical problems. Instead, the seminar was attended by Mrs Isabelle Chopin of the Migration Policy Group who did a short power point presentation at the beginning of the seminar on the EU anti-discrimination acquis and participated throughout the seminar with comments, observations and information about developments at the EU level.

1.4. Role of national trainer

Nicos Trimikliniotis studied and delivered the manual prepared by IDM following the power-point presentation sent by Dr Amershi. He designed the workshop problems, supervised the workshops in turn and chaired the plenary session discussions.

1.5. Organising NGO

The organising NGO is Symfiliosi (www.reconciliationcy.org), an organisation with contacts and activities across Cyprus' divide, with research experience in the anti-discrimination field and a long history of organising events promoting the co-operation between Cyprus' two large communities. The national employers' organisation OEV also joined as co-organiser of the event.

2. Preparation of the seminar

2.2. Training seminar in Köln

The national trainer attended the training seminar in Köln.

2.3. Announcement for the seminar

The announcement for the seminar was disseminated widely by e-mail and fax. The employers' organisation also placed an ad in the newspaper and a small number of participants were also recruited from that. A large number of governmental departments were contacted by e-mail and some responded by sending in their participation forms. On quite a few occasions, we personally contacted the personnel manager of large corporations to explain about the seminar, and then we sent them a specifically addressed invitation, asking them to circulate it to their members of staff.

2.4. Attracting and selecting participants

People responded to the invitations we sent out with considerable delay, some before and some after the deadline we set in the invitation. We stopped accepting registration forms once we filled out all positions for the seminar foreseen in the budget, even though quite a few people showed interest during the last few days before the seminar and asked to be included.

2.5. Logistical arrangements

The photocopying, printing, binding, preparation of name tags etc was assigned to a professional company.

Translation of all documents in Turkish was done by a professional translator in Turkey (she is cheaper, more efficient and faster than the translators we could find in Cyprus). For the purposes of simultaneous interpretation during the seminar, we contracted the services of one of the top interpreters in the country and hired the relevant equipment, so that all participants were equipped with ear-sets. The interpreter was equipped well in advance with the material in Greek and Turkish (manuals, programs, workshop exercises etc), which enabled him to do some preparatory work on the terminology.

Catering and coffee/tea breaks were provided by the in-house caterer of Intercollege/University of Nicosia, who was supplied in advance with the seminar program and complied fully with the timing of the breaks. He also complied with the organisers' request about catering for the special needs of participants.

There were no wheelchair users amongst the participants.

The material to be distributed to the participants (magazines, leaflets, toolkits, manuals, stationary, evaluation forms, programs etc) were transported to the seminar room on the day of the seminar and was piled in groups at a table by the entrance, so that participants would pick up their copies before entering the room.

There was only one power point equipment and screen in the room, so the power-point shown was the Greek one. A printed copy of the Turkish power point was distributed to the Turkish speaking participants.

2.6. Needs assessment

The ethnic division of Cyprus and the hostility between the two communities of Cyprus (Greek Cypriots and Turkish Cypriots) have largely shaped the landscape in Cyprus as regards the approach of the state and the public towards issues of human rights and equality, both of which can become highly politicised issues in public discourses in Cyprus. The general backdrop of Cyprus is characterised by traditional values present in small and insular countries, such as strong family ties and oppressive relationships; nepotism; religiousness and the all-powerful position of the church which is openly hostile towards homosexuals, women, other religious and ethnic groups; the characteristics of the post colonial society; administrative laxity and inefficient accountability mechanisms; lack of human rights tradition (which have always been seen as subsumed into the "national question").

As a concept, DM is generally unknown and did not customarily form part of debates and discourses until we held our seminar. The only time that the issue was presented in public was the seminar itself and a report that subsequently appeared in the press written by a journalist who had attended the seminar. At the seminar, the issues that came up were mostly the treatment of persons with disabilities at the workplace, the place of Roma children in education, the issue of religion in education, hiring practices as regards gender, age and homosexuality.

Given that the main concern of companies is managing problems arising out of the employment of persons with disabilities by public or semi-public corporations, often having to do with difficulties in the allocation of tasks to persons who become disabled whilst in their employment, to maximum utilisation of skills of disabled persons and to find arrangements that do not cause discontent amongst the non-disabled members of the organisation. Although there are no major DM examples as such, organisations mainly in the public or semi-public sector who employ persons with disabilities often endeavour to facilitate their smooth integration into the organisation's operations, by providing special equipment, assistants, making the building more accessible, providing preferential parking etc. There are very few instances of companies in the private sector hiring persons with disabilities. Homosexuals in Cyprus are still "closeted" and therefore the issue of managing sexual orientation diversity at the workplace seldom arises in Cyprus. The employment of migrants/ethnic minorities is still at a precarious level for most employers, given the temporary nature of the stay of migrant workers in Cyprus. The inequality of bargaining power between the ethnic/migrant employee vis-a-vis the employer weighs heavily in favour of the latter, a situation which creates little motivation for the employer to explore concepts aimed at productivity maximisation.

3. Carrying out the seminar

3.1. Business cases by whom

In view of the absence of any business cases in Cyprus, the trainer used examples from other countries. A booklet in English with such business cases was also distributed to the participants. Some good practice examples from Cyprus were mentioned.

3.2. Ratio of participants (business/government/employers org./consultants/others)

52% of the participants were from companies, 41% were public service providers and 9% were consulting firms.

3.3. Process during the day – observations

The atmosphere amongst participants was good and plenary sessions were interactive, with useful contribution from the participants coming from their own experiences. A significant drawback was the racist comments made by some of the participating policemen, who also refused to follow the trainer's instructions about splitting into different groups during the workshops. Other than that, the program run smoothly and timely.

3.4. Evaluation of the seminar

Most participants found the pace and the degree of difficulty satisfactory and all found the trainer well prepared and helpful. Some stated that they aims of the seminar were not clear to them and that they didn't have the necessary knowledge to participate. The comments regarding the seminar venue were rather average but the material distributed was deemed extremely helpful. Participants with previous anti-discrimination training found the pace of the seminar slow. Some noted that the seminar did not provide them with sufficient practical experience. As in the anti-discrimination seminars, participants found the workshops as most useful and the long speeches as least useful. They all reported that they will be able to use the information and skills acquired at their workplace and suggested a repeat of the seminar in business, in the public sector and in schools with the same trainers.

Under “future action” the following additional views were recorded: more should be offered in terms of legal background, especially the rights and responsibilities of companies; one day seminar is ideal (only one participant said 2 days would be best); diversity in the public sector should follow as continuation of this seminar; the employers’ association should carry out awareness raising on diversity; more business practices of other EU countries should be presented, with corresponding results; more cases where diversity management is implemented in the public sector should be presented; more legal analysis is needed; ways must be found to encourage and influence implementation of diversity management policies; the dissemination of the invitation was unsatisfactory to one participant, who only found out about it at the last minute; another participant stated that she was satisfied with the dissemination and that she heard about the seminar from many different sources; a mailing list should be set up to inform companies interested in the topic of future seminars or developments; the best way to contact corporations is through the press (newspapers, radio, television); regular updating on developments; direct contact with trade unions or professional associations should be made in order to reach corporations; evaluation forms should be filled in at a later stage and sent by e-mail when participants are less tired and have a clearer head.

4. Main lessons learned seminar

- 4.1. The booking of the flights for the international trainers should be made well advance to avoid last minute confusion, bookings and cancellations of hotel accommodation.
- 4.2. The threat of having the seminar cancelled if an insufficient number of participants were recruited created an enormous strain on the organisers who had to commit themselves towards a number of service providers (translators, interpreters, interpretation equipment, caterer, photocopy and binding of the material etc) well in advance of the seminar and well before the completion of the participants’ list. The potential last minute cancellation of the seminar, which fortunately we managed to avoid, apart from the economic strain on the organisers, would also reflect very badly on the organisers and our partners (the national employers’ association).
- 4.3. We should have ordered more material from the Commission for distribution to the participants.
- 4.4. The evaluation forms were too long (3 pages) and some questions were repetitive. I think this has put off some of the participants from filling them in and has caused others to fill them in in a very superficial manner to save time.
- 4.5. Provision should be made in the budget for increase in prices from the point in time when the budget is drawn up until actual implementation, which can be two years later.
- 4.6. The participation of a national employers’ organisation as a co-organiser does not necessarily mean that their members will be recruited as trainees for a seminar.

Annexes

The role of trade unions combating discrimination

Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

1. What is a trade union?

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

2. What is the role of a trade union in combating discrimination?

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

3. What activities can a trade union do to combat discrimination?

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
 - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
 - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
 - Promote female members and members from a minority background in positions of decision-making and leadership.

4. What does a trade union need to fulfil its role?

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

6. What are the obstacles for trade unions and how might these be overcome?

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.