



DANISH INSTITUTE FOR
HUMAN RIGHTS

COWI

The social situation concerning homophobia and discrimination on grounds of sexual orientation in Cyprus

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A. A Summary of the Overall Situation of LGBT Persons

- [1]. Surveys show that attitudes towards LGBT persons in Cyprus remain predominantly negative and there is no legal recognition of same-sex partnerships. Homosexual relations were criminalised in Cyprus until 1998. Furthermore, the age of consent remained 16 for heterosexual relations and 18 for male homosexual relations until 2002 where the age of consent became 17 for all male-female and male-male sexual contacts. However, there is still no minimum age of consent for lesbian sexual relations.
- [2]. There is little data available in Cyprus on homophobia and the situation of LGBT persons, however, there is evidence discrimination against LGBT persons does exist in Cypriot society. Overall, the subjects of homophobia and LGBT issues are still taboo and under-researched.
- [3]. There is an ombudsman appointed to Cyprus' national equality body. Its mandate does not only include oversight of cases involving discrimination on grounds of sexual orientation in employment and occupation but also covers the fields of medical care, education and access to goods and services including housing. However, prejudices towards LGBT persons, and a lack of knowledge about complaint possibilities, have so far prevented LGBT persons from using the equality body procedure.

B. The Collection of Data

- [4]. The material for this report collates information contained in four different sources:
 - A legal country report carried out for this study, written by Assistant Professor & Director Nicos Trimikliniotis, Centre for the study of Migration, Inter-ethnic & Labour Relations at University of Nicosia (Intercollege) and Corina Demetriou.¹
 - A sociological country report carried out for this study reviewing available data on the situation concerning homophobia and discrimination on grounds of sexual orientation in Cyprus, written by Assistant Professor & Director Nicos Trimikliniotis, Centre for the study of Migration, Inter-

¹ Nicos Trimikliniotis and Corina Demetriou, 'Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation', Cyprus, February 2008.

ethnic & Labour Relations at University of Nicosia (Intercollege) and Stavros Stavrou Karayanni.²

- Data collected through interviews held in Cyprus with Alecos Modinos (a gay activist), *the Ministry of Justice and national police*, the Cyprus Family Planning NGO, and the National Equality Body (the ‘Ombudsman’).
- Data collected through an online questionnaire sent out to the stakeholders mentioned above.

[5]. In Cyprus there is little data available on homophobia and the situation of LGTB persons. The subjects of homophobia and LGBT issues are still taboo and thus under-researched.³

C. Key Findings

C.1. Attitudes toward LGBT Persons

[6]. Surveys examining acceptance and attitudes toward homosexuality were carried out across the EU Member States in 2006 and 2008.

[7]. The 2008 *Eurobarometer* asked, 'How would you personally feel about having a homosexual (gay man or lesbian woman) as a neighbour?' (1 meaning 'very uncomfortable' and 10 meaning 'very comfortable'). The figure in Cyprus was 7.2. compared to the EU average of 7.9. Romania was the lowest with 4.8.⁴

[8]. In the 2006 Eurobarometer, attitudes toward same-sex marriage were examined in every Member State. Forty-four per cent of EU citizens agreed that such marriages should be allowed throughout Europe; the figure was 14 per cent in Cyprus (Netherlands scored the highest with 82 per cent and Romania the lowest with 11 per cent). With regard to adoption by same-sex couples, the level of acceptance decreased in all Member States (32%) including in Cyprus (10%); the Netherlands scored highest with 69 per cent, while Poland and Malta polled the lowest with an equal score of 7 per cent.⁵

[9]. This finding accords with that of a recent survey, published in November 2007, revealing Cypriots to be among the most homophobic in Europe.⁶ Greek Cypriots form a conservative society unwilling to abandon traditional beliefs about social and sexual norms

² N. Trimikliniotis and S. Karayanni (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Cyprus*. Sociological Country Report.

³ N. Trimikliniotis and S. Karayanni (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Cyprus*. Sociological Country R

⁴ European Commission (2008) *Special Eurobarometer 296. Discrimination in the European Union: Perceptions, Experiences and Attitudes*, chapter 9.

⁵ Eurobarometer 66 (2006), available at: http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_en.pdf, pp. 43-46.

⁶ European Social Survey 2006/2007.

or gender roles. Marriage, children, a good name in society, and attachment to orthodox values define the expectations of the large majority of the population. LGBT persons are seen as posing a challenge to these expectations. Therefore, their lives are relegated to a taboo category and they receive mostly hostile treatment in public discourse.⁷

- [10]. Most LGBT persons in Cyprus live ‘closeted’, which explains why there is very little information about their treatment in society and quantitative information on whether or not they face discrimination. ‘Coming out’ is not seen as something that could be an advantage. If they were too, in the vast majority of cases, LGBT persons feel this would be extremely detrimental to their relationships with their family and social surroundings.⁸

C.2. Criminal Law - Hate Crime

- [11]. There is no legislation in Cyprus protecting LGBT persons from homophobia, homophobic hate speech nor is homophobic motivation for a crime specifically mentioned in the law. As such, homophobic hate speech is not prohibited and homophobic hate crimes are dealt with as ‘ordinary’ crimes (i.e. homophobic motives are not considered to be an ‘aggravating circumstance’ under the law).
- [12]. There is no case law on the subject. Most LGBT persons in Cyprus are ‘closeted’ and will not pursue their rights if that involves revealing their sexual orientation.⁹ A lack of confidence in the public authorities and police also appear to have an impact.¹⁰
- [13]. Incidents of homophobic physical violence exist but the exact numbers are not known as there is minor reporting of such crimes. However, violence does not always manifest itself in physical terms, and the language that Cypriots often use when talking *about* lesbians, transsexuals and gay men often incorporate violent terms that are still not considered reprehensible. This is also the case among State authorities such as police members and politicians.¹¹

⁷ N. Trimikliniotis and S. Karayanni (2008) *The situation concerning homophobia and discrimination on grounds of sexual orientation in Cyprus*. Sociological Country Report.

⁸ Field trip meeting dd. 10.04.2008 NGO.

⁹ Nicos Trimikliniotis and Corina Demetriou, ‘Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation’, Cyprus, February 2008.

¹⁰ Nicos Trimikliniotis and Stavros Stavrou Karayanni, ‘The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States’, Cyprus, March 2008.

¹¹ Nicos Trimikliniotis and Stavros Stavrou Karayanni, ‘The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States’, Cyprus, March 2008.

C.3. Freedom of Assembly

- [14]. Freedom of assembly is guaranteed by Article 21 of the Cypriot Constitution. However, there have never been any gay pride gatherings or LGBT demonstrations in Cyprus. Likewise there have also not been any homophobic demonstrations.
- [15]. There is no main or representative LGBT lobby or organisation in Cyprus.¹² To legally register an association it is necessary to gather 20 members, however, such is the hostility toward LGBT persons, no such group has yet formed in Cyprus.¹³

C.4. Family and Other Social Issues

- [16]. There is no legal protection for LGBT families in Cyprus, nor is there any real debate on issues such as same-sex marriages and adoption. Families often reject homo- or bisexual members,¹⁴ and data indicates that LGBT persons risk growing up repressed, experiencing limited freedom of expression or sexual development.¹⁵
- [17]. Important issues of access to housing, welfare services, insurance and employment benefits for LGBT couples/partners, never been debated openly in Cyprus. The treatment of LGBT families by public authorities, including By various administrative procedures, is often marked by indirect discrimination.¹⁶

C.5. The Labour Market

- [18]. There have been instances of discrimination in the labour market, however more cases would be reported if LGBT individuals felt able or encouraged to come forward. Consequently, there is a general lack of visibility of LGBT discrimination in the labour market. As in other areas of society, most LGBT persons are closeted in the workforce. Generally, discrimination is fostered by a climate of silence on issues of sexuality. Heteronormativity also creates instances of indirect discrimination in the workplace.¹⁷

¹² Nicos Trimikliniotis and Corina Demetriou, 'Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation', Cyprus, February 2008.

¹³ Field trip meeting NGO/Public Authorities April 10, 2008.

¹⁴ Research Centre of Cyprus College, 'Public perception on issues of homosexuality', Cyprus 2005.

¹⁵ Nicos Trimikliniotis and Stavros Stavrou Karayanni, 'The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States', Cyprus, March 2008.

¹⁶ Nicos Trimikliniotis and Stavros Stavrou Karayanni, 'The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States', Cyprus, March 2008.

¹⁷ Nicos Trimikliniotis and Stavros Stavrou Karayanni, 'The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States', Cyprus, March 2008.

- [19]. The mandate of the Ombudsman does not only include discrimination on grounds of sexual orientation in employment and occupation, but also covers the fields of medical care, education and access to goods and services including housing. However, prejudices towards LGBT persons and a lack of knowledge about complaint possibilities have so far prevented Cypriot LGBT persons from using the equality body procedure.¹⁸

C.6. Education

- [20]. Homosexuality – and sexuality in general – is treated with silence on the part of school authorities and the *Ministry of Education*. LGBT issues are not part of the curriculum, heteronormativity is the main narrative and deviations are considered taboo and treated with embarrassment.¹⁹ The most likely response to an incident of homophobia or bullying is to treat it carefully so it does not become openly known.
- [21]. There is no sex education, but the subject of ‘religious instruction’ is an essential part of the curriculum and plays an important role in the character of moral exchange in schools.²⁰

C.7. Health Service

- [22]. LGBT persons seem not to reveal their sexual orientation to their doctor.²¹ LGBT persons are generally unaware of their rights as citizens and, much like in all other areas of society, a lack of visibility plays a significant role in preventing the attainment of a full understanding of LGBT persons’ experiences in the health services.
- [23]. Free HIV testing is available and a clinic exclusively for persons with HIV/AIDS exists at one of the islands’ major general hospitals.²² Generally, in cases of HIV/AIDS a lack of information and fear of coming out in the open often prevents persons from launching complaints about medical mistreatment.²³

¹⁸ Nicos Trimikliniotis and Corina Demetriou, ‘Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation’, Cyprus, February 2008.

¹⁹ Nicos Trimikliniotis and Stavros Stavrou Karayanni, ‘The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States’, Cyprus, March 2008.

²⁰ Nicos Trimikliniotis and Stavros Stavrou Karayanni, ‘The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States’, Cyprus, March 2008.

²¹ Field trip meeting dd. 10.04.2008 NGO/Public Authorities.

²² Nicos Trimikliniotis and Stavros Stavrou Karayanni, ‘The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States’, Cyprus, March 2008

²³ Nicos Trimikliniotis and Stavros Stavrou Karayanni, ‘The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States’, Cyprus, March 2008

C.8. Religion

- [24]. The Church of Cyprus remains an influential political body whose teachings on national, sexual, and gender identity has a great impact on society. The Church is a supporter of the heterosexual ideal and applies the view of a typical heterosexual family as the sole moral and ethical standard. In the repeal of the sodomy law in 1998, an Archbishop stated his opposition to the decriminalization of homosexuality, which publically indicated the institutional homophobia present in the Church.²⁴ It should also be mentioned that it appears from field interviews in Cyprus that the Church's influence over social morals may slowly be decreasing.²⁵

C.9. Sports

- [25]. LGBT persons are largely invisible in sports.²⁶ Otherwise there is no data available on LGBT persons and sport.

C.10. Media

- [26]. The Cypriot popular press often exploits the subject of non-normative sexualities for sensational reporting. Informed and anti-homophobic articles are rare. The Greek press is often more favourable toward LGBT issues, or at least features a level of sophistication on the subject, that the Cypriot press lacks. However, a recent documentary about a Turkish Cypriot transvestite performer is seen as a landmark in the development the potential for open discussion about LGBT issues on the island.²⁷

C.11. Asylum and Subsidiary Protection

- [27]. Persecution because of one's sexual orientation can be a ground for obtaining asylum and/or subsidiary protection. It is however not possible to determine the number of persons who applied for asylum in Cyprus on this ground.²⁸

²⁴ Nicos Trimikliniotis and Stavros Stavrou Karayanni, 'The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States', Cyprus, March 2008.

²⁵ Field trip meeting dd. 10.04.2008 NGO/Public Authorities.

²⁶ Nicos Trimikliniotis and Stavros Stavrou Karayanni, 'The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States', Cyprus, March 2008.

²⁷ Nicos Trimikliniotis and Stavros Stavrou Karayanni, 'The situation concerning homophobia and discrimination on grounds of sexual orientation in each of the EU Member States', Cyprus, March 2008.

²⁸ Nicos Trimikliniotis and Corina Demetriou, 'Homophobia and Discrimination on Grounds of Sexual Orientation in Cyprus: a case of Legal Failure or Social Inaction?', SIMFILIOSI Policy Paper, Cyprus 2008.

C.12. Family Reunification

- [28]. Same-sex marriages or registered partnerships are not recognised or protected in Cyprus. Family reunification for third country LGBT partners is at the discretion of the *Immigration Officer*.²⁹ As for EU citizens and their right to freedom of movement within the EU, it remains unanswered if same-sex spouses (i.e. those who are legally married and not just registered partners) are covered under the general term ‘spouses’.³⁰
- [29]. The equality body has received one complaint regarding discrimination on the ground of sexual orientation. This complaint concerns a British national who was refused the right to have his same-sex partner, whom he had a civil registered partnership with, join him in Cyprus.³¹ According to the Ombudsman’s Commissioner this refusal was not directly in violation of the EU Directive. However, the non-recognition that homosexual partners have the same rights as heterosexual spouses in this situation, in reality, leads to less favourable treatment of same sex couples, thus constituting unjustified discrimination on the basis of sexual orientation. The Commissioner therefore expressed the opinion that the right to non discrimination renders it necessary to adopt a different approach to the matter.³²

C.13. Transgender Issues

- [30]. There is hardly any information specific to transgender persons living in Cyprus. In the one case that is known a transgender woman was granted refugee status because of problems faced due to her gender identity. Otherwise the issue is basically unknown to society.³³
- [31]. Although transgender persons are not explicitly covered by any laws, it is assumed that the issue would be treated as discrimination on the ground of sexual orientation rather than gender.³⁴
- [32]. The procedure for changing one’s sex and name is quite simple and straightforward, but it also provides that the new documentation following the change of name/gender shall not replace the previous

²⁹ Nicos Trimikliniotis and Corina Demetriou, ‘Homophobia and Discrimination on Grounds of Sexual Orientation in Cyprus: a case of Legal Failure or Social Inaction?’, SIMFILIOSI Policy Paper, Cyprus 2008.

³⁰ Nicos Trimikliniotis and Corina Demetriou, ‘Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation’, Cyprus, February 2008.

³¹ Nicos Trimikliniotis and Corina Demetriou, ‘Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation’, Cyprus, February 2008.

³² Ombudsman, Summary of Case AK68-08.

³³ Field trip meeting dd. 10.04.2008 NGO/Public Authorities and dd. 11.04.2008 Ombudsman.

³⁴ Nicos Trimikliniotis and Corina Demetriou, ‘Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation’, Cyprus, February 2008.

one, meaning that both the old and new certificate shall thereafter be valid concurrently.³⁵

C.14. Multiple discrimination

[33]. There is no information available regarding multiple discrimination.

C.15. Other areas of concern

[34]. The Ombudsman received a complaint of a young gay man who had to go through the check-up for military service. He was stated to be mentally disabled ('psychologically unstable') and his driver's license (his ID) was taken from him. After he complained to the Ombudsman, this practice was changed.³⁶

D. Good practice

[35]. No good practices have been identified in Cyprus.

³⁵ Nicos Trimikliniotis and Corina Demetriou, 'Thematic Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation', Cyprus, February 2008.

³⁶ Field trip meeting dd. 10.04.2008 Ombudsman.