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Independent Expert on the Protection against Violence and  
Discrimination based on Sexual Orientation and Gender Identity (IE SOGI)

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### **“Submission to the report on gender”**

I refer to an email we received on 2/1/2021 through GANHRI, titled “Call for Inputs – IE SOGI’s HRC report on gender (Deadline: Feb 28) and I would like to submit my input, as follows, in some of the questions that you asked:

- 1) Question1: *Has the State adopted, in public policy, legislation or jurisprudence, working definitions of gender and related concepts (for example gender theory, gender-based approaches, gender perspective, gender mainstreaming) aiming to address violence and discrimination based on sexual orientation and gender identity?....*

We are not aware of the adoption in policy or legislation, of any working definitions of “gender” and related concepts, which aim to directly address violence and discrimination based on sexual orientation and gender identity.

However, we would like to note the adoption in August 2008, in national Law, of the EU *Gender Recast Directive* (Directive 2006/54/EC), which, in its preamble, states that “*the scope of the principle of equal treatment for men and women cannot be confined to the prohibition of discrimination based on the fact that a person is of one or other sex*” and that “*it also applies to discrimination arising from the gender reassignment of a person.*”

- 2) Question 2 : *Has the State ratified, signed, or adhered regional or international human rights treaties, declarations, programs or policies or any other international instruments aiming to address violence and discrimination based on sexual orientation and gender identity that involve the implementation of a gender framework...?*

The Republic of Cyprus, as a member of the United Nations, the European Union and the Council of Europe, is legally obliged to adhere/respect the international human rights case law of the European Court of Human Rights and the European Court of Justice, as well as the Decisions/Resolutions of the UN Human Rights Bodies, including decisions/resolutions which address violence and discrimination based on sexual orientation and gender identity.

Furthermore, in the past years, and in view of the international human rights framework, the following relevant legal framework was introduced at national level:

a) A Law prohibiting discrimination in employment based on sexual orientation, (Law 58(I)/2004 - which transposed into national law EU Directive 2000/78/EC)

b) A Law which penalizes homophobic and transphobic hate speech (Law 87 (I)/2015, which amended the Penal Law),

c) A law penalizing homophobic and transphobic hate crime (with the homophobic and transphobic motive as aggravating factor), (Law 31 (I) 2017 which amended the Penal Law)

d) A Law which recognizes same-sex relationships (Civil Union Law 184(I)/2015).

e) A Draft Bill which provides/regulates legal gender recognition has been drafted by the Government and is still under discussion for finalization. The Bill aims to introduce a quick, transparent and accessible legal gender recognition, on the basis of international and European human rights standards. Meanwhile, policies/practices have been put in place by the Ministry of Interior, so that trans people can change their names on IDs and passports, based on their self-determination.

- 3) Question3: *What kinds of information and data are collected by States to identify forms of violence and discrimination faced by people based on sexual orientation and gender identity? Is the data designed to capture causes and patterns of violence and discrimination against lesbians, gay men, bisexual women, bisexual men, trans women, trans men, and gender diverse persons?*

Regarding **data collection** on violence and discrimination faced by people based on sexual orientation and gender identity, please note the following:

- Our Institution, as an Equality Body and as a NHRI, has received, investigated, and recorded, in the past years, a number of complaints

that concerned discriminatory treatment of people on the basis of their sexual orientation or gender identity.

- The Police has established a specialized Department to Combat Discrimination which operates under the guidelines of a *Circular* of the Chief of Police (Circular No. 3/38) – The Circular specifically cites sexual orientation as a ground of discrimination that the Department has to address. The Department of the Police to Combat Discrimination is also obliged to collect data and keep statistics on all the cases/incidents that are handled/investigated by the Police and have a racist motive.
- The Ministry of Education, on the basis of recommendations from our Institution, has proceeded in the preparation and the adoption of a Code of Conduct against racism in schools, as well as a Guide on the handling and **registering** of racist incidences in schools, including homophobic and transphobic incidents.

The Police and the Ministry of Education could be contacted to provide detailed information on the data they have collected/registered on violence and discrimination faced by people on the basis of their sexual orientation and gender identity

4) Question 4: *Is comprehensive sexuality education taught in schools?*

Sexual Education is provided in Cyprus Schools, at all levels of education, mainly through the lesson called “life-education” (αγωγή ζωής). According to the official policy of the Ministry of Education,<sup>1</sup> international legal documents which call for the sexual education in schools to also cover sexual orientation or gender identity were taken into account.<sup>2</sup> However, we are not aware as to the extent that the curricula, or the teachers, specifically raise sexual orientation and gender identity perspectives.

5) Question 5 : *Are there examples where the concept of gender has been used in religious narratives or narratives of tradition, traditional values or protection of the family to hinder the adoption of legislative or policy measures aimed at addressing or eradicating violence and discrimination based on sex, gender, sexual orientation and gender identity?*

The Church of Cyprus has a negative stance towards homosexuality, and sometimes it publicly raises the concepts of “family values” and “protection of the family”, in order to argue against the adoption of measures, by the State, aimed at addressing discrimination on the basis of sexual orientation.

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<sup>1</sup> <http://enimerosi.moec.gov.cy/archeia/1/ypp5075b>

<sup>2</sup> Recommendation CM/Rec(2010)5 of the Committee of Ministers to member states on measures to combat discrimination on grounds of sexual orientation or gender identity (Adopted 31 March 2010)

Examples of media coverage on the stance of Bishops of the Church of Cyprus against homosexuality are cited below:

- <https://cyprus-mail.com/2014/03/09/storm-of-protest-over-archbishops-anti-gay-comments/>
- <https://www.theguardian.com/world/2019/aug/04/cypriot-bishop-faces-hate-speech-inquiry-over-homophobic-remarks>

- 6) Question 6 : *Are there examples in which narratives or “gender ideology,” “genderism” or other gender-related concepts have been used to introduce regressive measures, in particular but not limited to LGBT persons or communities?*

We are not aware of any narratives or “gender ideology,” “genderism” or other gender-related concepts have been used to introduce regressive measures towards LGBTI persons or communities.

- 7) Question 7 : *Have there been public expressions or statements by political and/or religious leaders that have led to indefinite extension, modification or suppression of actions, activities, projects, public policies or application of gender frameworks?*

We are not aware of any public views by political or religious leaders that have **indefinitely** affected public actions or policies on gender frameworks.

- 8) Questions 10 and 11 : *Who are main actors who argue that the defenders of human rights of LGBT individuals are furthering a so-called “gender ideology”? What are their main arguments? Have they been effective in regressing the human rights of LGBT individuals? Have their strategies directly or indirectly also impacted on the human rights of women and girls? - Can you provide examples of coalitions working together on resisting attacks on gender ideology? Please share examples of feminist and LGBT and other groups working together and with what kinds of frameworks, arguments and results?*

We are aware of the discussions, and the disagreements expressed, around the world, regarding the protection of human rights on the basis of gender, sexuality, and gender identity, and the challenges that the implementation of gender equality across diverse people, is facing.

However, **we are not aware of any public discourse in Cyprus regarding this issue, neither at the state level, nor at the civil society environment.**

- 9) Question 10 : *What policies, programs and/or practices has the State adopted to meet Sustainable Development Goals 5 (gender equality) and 10 (reduced inequalities)? Do these rely on gender frameworks inclusive to diverse sexual orientations and gender identities and/or aiming to address violence and discrimination based on sexual orientation and gender identity?*

The legal and policy measures taken by the republic of Cyprus to meet the *Sustainable Development Goals* developed by the UN, are described in a Document prepared by the Ministry of Foreign Affairs, which can be viewed in the following link:

<https://sustainabledevelopment.un.org/content/documents/15886Cyprus.pdf>

However, no specific reference seems to be made in the said Document, on “gender frameworks inclusive to diverse sexual orientations and gender identities”

I hope that the above information will be of assistance to you in the preparation of your thematic Report, and I remain at your disposal for any further information.



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