



Permanent Mission of the Republic of Cyprus
Geneva

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URGENT

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights, and with reference to the latter's Note Verbale GVA 0793 dated October 7, 2010 by which the questionnaire of the Independent Expert in the field of Human Rights was conveyed, has the honour to enclose herewith the relevant information as prepared by the competent authorities of the Republic of Cyprus.

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, December 9, 2010

To:
The Office of the United Nations
High Commissioner for Human Rights
Palais Wilson,
UNOG
CH1211, Geneva 10

Att: The Independent Expert in the field of Cultural Rights

OHCHR REGISTRY

13 DEC. 2010

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"ANNEX1"

Multicultural Education

In response to the national and international changes of the social environment, the Ministry of Education and Culture is promoting the implementation of educational measures and policies that will facilitate the smooth integration of people from different cultural identities in a creative environment, regardless of background. The Education Directorates of the MOEC, however, make provisions so that teachers can support the linguistic and cultural needs of all students more effectively.

Please note that in its effort to enhance the achievement of migrant, refugees and asylum seekers students, the MOEC has developed a strategic plan which represents part of the government's agenda for education reform, and aims in improving the educational opportunities available in public schools by closing the achievement gap of the abovementioned group of students. The majority of the schools with high registration and attendance of non-native language speakers operate as "Zones of Educational Priority".

The policy of the Zones of Educational Priority derived from UNESCO'S strategy for positive discrimination, which is the unequal treatment of inequalities, such as the provision of additional resources to the vulnerable groups of schools which are included in the Zones of Educational Priority. Empirical and theoretical research related to minority education and specific educational initiatives have guided the Ministry of Education and Culture in developing and implementing programs for the education of Roma and other non-native language speaking students such as:

1. Provision of bilingual teachers who facilitate the communication between teachers, students and parents.
2. Provision of special support and attention to migrant, refugee and asylum seekers students from the Service of Educational Psychology and the Social Welfare Services.
3. Organization of a number of intercultural activities and events.
4. Organization of education seminars for parents and legal guardians on a subject matter of their interest based on the distinctive characteristics of each local community in which they reside.

Further to the above, the Ministry of Education and Culture has recently designed, developed and implemented an upgraded educational curriculum as regards to Multicultural Education, aiming to the smooth inclusion of students from other member states as well as third countries, based on the philosophy of the Educational Reform. The policy priorities of the Educational Reform place particular emphasis on democratization, by cultivating respect for the dignity and uniqueness of each individual; respect for the opinion of the majority; creating opportunities for active participation in the decision making progress; providing equal opportunities in all aspects of school life; encouraging cooperation and responsibility.

The specific objectives of the Multicultural Education curriculum include:

- The development and implementation of coordinated actions and interventions that promote the smooth interaction of non native speaking students (including migrants, refugees and asylum seekers) to the Cypriot educational system.
- The establishment of rules and regulations for the accountability and quality control of the educational provisions for non native speaking students.
- The in-service training of all educators (primary, lower secondary, upper secondary and secondary technical education) regarding the empirical and theoretical multidisciplinary teaching methods and tools based on the philosophy of multicultural education.
- Development of special educational materials and the application of new teaching approaches in order to promote the objectives of multicultural education.
- The development and use of special measures, actions and processes, such as the unequal treatment of inequalities, for non native speaking students.

In order to further promote the abovementioned objectives, the MOEC's policy regarding the integration of non native speaking students (including migrants, refugees and asylum seekers students) will be based on the following 4 priority pillars:

- 1) The development and promotion of programs and actions that target the special needs of the newly arrived to the education system such as :
 - information guides for the education system rules and regulations (MOEC has proceeded with the publication of the guide in 8 different languages)
 - special classes to prepare the students' transition to the new education environment (classes about the culture, the customs, the official and unofficial code of conduct in the Cypriot society etc),
 - organization of information seminars for the parents and guardians,
 - employment of bilingual educators and interpreters for supporting the non-native speaking students in the educational settings,
 - the development of a sensitization culture for the native students for the promotion of a multicultural society
 - the development of educational programs for the intense instruction of Greek as a second language that include:
 - the organization of special classes for the teaching of Greek language to non native students,
 - the development of a supplementary curriculum and educational manipulatives such as books and software for instructional purposes,
 - the teaching of the mother language to the non-native speaking students (including migrants, refugees and asylum seekers),

- 2) Developing educational programs for non native speaking adults (including migrants, refugees and asylum seekers) concerning the learning of Greek as a second language such as:
- ~~the designing of an interdisciplinary curriculum and educational material for adults, regarding the language, the history and the culture,~~
 - the establishment of special classes based on the principles of adult education,
 - the establishment of an accreditation body for conducting examinations for the certification of the language level acquired,
- 3) Designing, developing and implementing in service programs for all educators at all levels (primary, lower secondary and upper secondary as well as secondary technical and vocational) in the subject area of Multicultural Education such as:
- organizing special in service seminars and conferences regarding the teaching of Greek language as a second language,
 - organizing in service training programs regarding the teaching methodology in classes composed by students with different mother languages,
- 4) Introducing and implementing a system for collecting and analyzing data and information regarding the educational and other needs non native speaking students.
- designing and developing valid and credible diagnostic tools,
 - conducting special research for the identification of the language skills level of the non native speaking students,
 - collecting data for statistical purposes regarding the following:
 - country of origin,
 - mother language,
 - brief report regarding the arrival purposes,
 - knowledge and use of the Greek language by the family members,
 - socioeconomic background of the family,
 - brief report regarding previous school enrollment,
 - motives and aspirations ,
 - Exploration of the attitudes and beliefs of the native students about non native speaking students.

"ANNEX 2"

The policy of the State as regards to the National Minority Languages

Cyprus Maronite Arabic

The Ministry of Education and Culture in close cooperation with the Ministry of Interior and the Office of the Law Commissioner of the Republic promoted a series of actions concerning mainly scientific conferences with key objective the codification of the Cyprus Maronite Arabic language (CMA).

In an effort to intensify all measures in order to meet the needs of the Maronite Community, in response to the request for the preservation of their language, CMA, the Council of Ministers by its Decision No. 67.823, dated 17/10/2008 decided:

- a) To declare the CMA a language within the meaning of the European Charter for Regional or Minority Languages, to which it will apply the provisions of Part II of the European Charter in accordance with Article 2, paragraph 1.
- b) To approve the establishment of a Committee of Experts on CMA language, the members of which were proposed by the Representatives of the Maronite Community, with terms of reference to look into the issue of codification of the CMA and advise the Government accordingly.

On May 27th 2009, the Committee of Experts on CMA submitted for approval to the Ministry of Education of Culture a draft proposed action plan including:

1. A general description and a pre-assessment of the current state of play of CMA language.
2. An action plan for the revitalization of CMA language.
3. Financing Suggestions.
4. The Mandate of the Coordination Committee.
5. A Proposal for the adoption of a codification alphabet of CMA.

According to the abovementioned action plan the survey for the number of speakers of CMA, the percentage of the speakers of CMA in relation to the total number of speakers within the Community, the distribution of CMA in the field of communication, the correspondence of CMA in new forms and ways of communication, and the qualitative and quantitative assessment of the codified linguistic data available today, will be undertaken by the Committee of Experts with the financial assistance and support of the Government (Ministry of Education and Culture, Ministry of Interior etc).

Armenian Language

The "NAREG" Armenian Schools established at the four districts of the island function under the law that provides for the operation of public educational institutions and therefore receive their entire budget from the Ministry of Education and Culture. All the instruction is in the Armenian language besides the classes of foreign languages (such as English or French) for all levels of Education.

Upon the closure of the Melkonian Educational Institute and the enrollment of the students previously attending the aforementioned institution at the American Academy School in Nicosia special accommodations such as full subsidization of their tuition and transportation cost as well as adaptations to the curriculum followed by the Armenian students have taken place. (the instruction is carried out in Armenian by the education personnel previously employed at the Melkonian Educational Institute).

The Ministry of Education and Culture is willing to intensify its efforts in order to meet the relevant needs of all members of the minority groups in Cyprus and to ensure that their rights concerning the highlighted areas of the report of the Committee of Experts on the European Charter for Regional or Minority Languages are addressed in full.

It is a common practice for the Minister of Education and Culture to hold several individual meetings with the Representatives of the relevant groups in order to address issues related to the specific needs of each group in areas within the competence of the Ministry of Education and Culture. On April 2008 a new administrative policy was agreed upon between the Representatives of the Communities and the Administration of the Ministry. According to the agreement the Representatives will be in close and direct contact with the competent Directorates of Education in order to resolve administrative and practical problems that occurred in the past.

Furthermore, the Ministry of Education and Culture has already exhibited its commitment to transform the current education system in a democratic and student focused one, that will address the needs of all students, irrespective of social, racial or ethnic background, gender or physical or mental ability by offering quality education to every students thus assisting them to maximize their potential and acquire skills and knowledge which will enable them to become active democratic citizens. This is the reason why the Ministry of Education and Culture welcomes the active participation of the Representatives of the minority groups in subcommittees of the Committee of Experts for the Upgrading of the Curriculum. The major goal is the promotion of the notion of living peacefully together in a multicultural society and nurture positive attitudes towards all the people living on the island. Regular contacts in respect continue to take place.

In addition to the above, the University of Cyprus offers PhD grants to students who wish to continue their studies in areas related to the culture, history or language of minority groups. Moreover, special arrangements are made for the acceptance and facilitation of students from the abovementioned groups at all Public Universities of Cyprus, the State Funded Institutions of Higher Education, as well as the Adult Education Centers.

Last but not least, Armenian cultural events are subsidized by the Ministry of Education and Culture on an annual basis and Armenian institutions are also eligible for receiving financial assistance based in the structured policy referred in section B paragraph 1 of the current report.

ANNEX III:

THE ANTIQUITIES LAW OF THE REPUBLIC OF CYPRUS

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	FIRST SCHEDULE.
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A LAW TO CONSOLIDATE AND AMEND THE LAW RELATING TO ANTIQUITIES

1. This Law may be cited as the Antiquities Law.

Short title	Cap. 31.
48 of 1964	
32 of 1975	
92(I) of 1995	
4(I) of 1996	
330(I) of 1997	

2. (1) In this Law-

"ancient monument" means-

- (a) any object, building or site specified in the First or Second Schedule to this Law;
- (b) any other object, building or site in respect of which the Council of Ministers has made an Order under section 6 of this Law.

Interpretation	
2(I) of 32	
of 1975	
First Schedule	
Second Schedule	
2 of 48 of 1964	

and shall include any part of the adjoining land which may be required for the purpose of fencing, covering, or otherwise preserving the monument from injury, as also the means of access to such monument.

"antiquity" means any object, whether movable or part of immovable property, which is a work of architecture, sculpture, graphic art, painting, or generally any form of art which has through human effort been produced, sculptured, inscribed, or painted or generally made in Cyprus earlier than the year 1850 A.D. in any manner whatsoever and from any material and which has been found, discovered or excavated in Cyprus or recovered from the sea within the territorial waters of Cyprus and includes any such object or part thereof which has at a later date been added, reconstructed, readjusted or replaced subsequently	3 of 48 of 1964
	2(I) (a) of 32 of 1975
	2 of 4(I) of 1996

Provided that for works of ecclesiastical or folk art of great archaeological or artistic or historical value, the year 1940 A.D. shall be taken into account in place of the year 1850 A.D. irrespective of the place of manufacture or origin

"Director" means the Director of Antiquities.

"District Museum" means the museum established in a District under section 20.	2(I) (d) of 32 of 1975
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"land" includes land (with the grazing rights, and all water and water rights on, over or under such land), buildings, trees, enclosures and standing crops and also includes the territorial waters of the Republic;	3 of 48 of 1964
	2(I) (b) of 32 of 1975

"Local Museum" means the local museum established under section 20.

"Minister" means the Minister of Communications and Works usually acting through the Director-General of his Ministry and includes any other public officer serving in his Ministry duly authorized by the Minister for this purpose.

"owner" includes-

(a) in the case of property in the occupation of any Sec. Monastery or Church, the Bishop of the Diocese, the governing body of the monastery or the duly constituted committee of management of the church, for the time being, as the case may be.

(b) in the case of property in the occupation of any Mosque, Tekye or other Muslim religious body or institution, the High Council of Fecaf or other person administering the trusts of the same for the time being, as the case may be.

(2) Whenever in this Law mention is made of the words "District Museum", the words "or Local Museum" shall be added thereafter.

PART I.

GENERAL.

3. Subject to the provisions of this Law, all antiquities lying undiscovered at the date of the coming into operation of this Law in or upon any land shall be the property of the Government.

4. (1) Any person who accidentally discovers an antiquity whether in or upon his own land or land the property of another person or of the Government without being in possession of a licence to excavate in accordance with section 14 of this Law shall forthwith give notice of his discovery and if possible deliver the antiquity to the mukhtar of the nearest village or the nearest police station or the person in charge at the Cyprus or District or Local Museum and shall at the same time sufficiently indicate or describe the place where he found it.

Provided that the removal of the antiquity from the place of discovery for transportation and delivery to the appropriate authorities shall not entail any illegal act of excavation if the removal was carried out without any further excavation and without any damage to the antiquity and such antiquity was delivered to the appropriate authorities intact as discovered.

Provided further that the Minister shall have power, whenever the circumstances so justify, to grant to the finder of the antiquity a licence to possess the same under such conditions as the Minister may specify in the relevant licence.

(2) The mukhtar or other person authorized to take delivery of the antiquity shall give to the person who delivers it a receipt containing a full description as far as possible of such antiquity and shall send a duplicate of the receipt to the Director and shall, pending instructions from him, retain the antiquity in safe custody.

(3) Any person who fails to comply with any of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both, and any antiquity in respect of which the offence has been committed shall be delivered to the Director and the finder shall not be entitled to any payment therefor.

5. The Minister upon receiving notice of the discovery of an antiquity as in section 4 of this Law mentioned shall consider whether such antiquity should be acquired for the Cyprus Museum or for any District Museum or Local Museum and if it appears to him that the antiquity should be so acquired, he shall pay to the finder, if the antiquity discovered is movable, such sum by way of gratuity, as he may, under the circumstances, deem fit.

PART II.

ANCIENT MONUMENTS

6. (1) The Council of Ministers may, on the recommendation of the Director, from time to time by Order in the Gazette-

(a) declare any object, building or site which he considers to be of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching thereto to be an ancient monument and shall at the same time declare whether such monument shall be added to the First or to the Second Schedule to this Law, as the case may be;

(b) direct that any ancient monument specified in, or added to, either Schedule be transferred to the other Schedule to this Law.

(2) No object, building or site shall be declared an ancient monument unless the Director gives notice in the Gazette of the proposed declaration not less than one month before the making of the Order, and any person whose interests may be prejudicially affected by the proposed declaration may, within the period of one month aforesaid, lodge an objection for consideration by the Council of Ministers whose decision thereon shall be final and conclusive.

20(d) of 32 of 1973.

3 of 48 of 1964.
21(b) of 32 of 1973.

2(2) of 32 of 1973.

Property in antiquities.

Antiquities accidentally discovered by unlicensed persons to be delivered to the mukhtar or other authorized person.
2(2) of 32 of 1973.
3(a) of 32 of 1973.
3(a) of 40 of 1996.

3 of 32 of 1973.

31(b) of 40 of 1996

3(b) of 32 of 1973.
3 of 166 of 1987.

Disposal of antiquities accidentally discovered.
4 of 48 of 1964.
4(a)(b) of 32 of 1973
2(C) of 32 of 1973

Power to Council of Ministers to declare ancient monuments.
2 of 48 of 1964.

7. The ancient monuments specified in the First Schedule to this Law together with such other ancient monuments as may from time to time be added thereto shall be the property of the Government.

Ancient monuments in the First Schedule to be the property of the Government. First Schedule.

8. (1) No person beneficially interested in any ancient monument specified in the Second Schedule to this Law, or in any other ancient monument as may from time to time be added thereto shall make any alterations, additions or repairs affecting its architectural character to such ancient monument or shall demolish the same or fell any tree growing within the boundaries of the same or shall do any other act which might damage or destroy the archaeological importance and stratification of the ancient monument save in accordance with the terms of a permit in writing from the Director previously obtained.

Owner not to alter character of ancient monuments without permission. Second Schedule. 5 of 32 of 1973. 2 of 48 of 1964.

(2) The Director may, with the approval of the Council of Ministers grant to any person beneficially interested in any ancient monument to which this section applies, such sum as to the Director may seem fit for the purpose of assisting such person in the maintenance, preservation or restoration of such monument.

2 of 48 of 1964.

(3) Any person who has a grievance in relation to any term imposed by the Director in any permit issued under this section is entitled to file within one month from the date of notification of the decision of the Director a hierarchical recourse to the Council of Ministers.

4 of 4(1) of 1996.

(4) Any person who acts in contravention of subsection (1) of this section shall be guilty of an offence and shall be liable to a fine not exceeding fifty pounds and the ancient monument in respect of which the offence has been committed shall upon conviction vest in the Government.

4 of 166 of 1987.

9. Where any object, building or site which is privately owned is declared to be an ancient monument and inserted in the First Schedule to this Law, or where any ancient monument specified in the Second Schedule is added to the First Schedule compensation shall be payable to the owner in the like manner and in accordance with the provisions of the law for the time being in force relating to the compulsory acquisition of land for public purposes: Provided that in assessing any compensation payable for such monument no regard shall be had to its historic, architectural, traditional, artistic or archaeological value unless the owner can prove that he paid in good faith a higher price for the monument on account of such value.

Compensation for private property declared an ancient monument.

10. (1) Any person whether beneficially interested in it or not who-

Offences.

(a) destroys, injures or defaces an ancient monument or antiquity.

5 of 48 of 1964.

(b) writes, draws, or carves any writing, drawing or figure on an ancient monument or antiquity.

5 of 48 of 1964.

shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both.

6 of 32 of 1973. 3 of 166 of 1987.

(2) If any animal is found trespassing in or on any ancient monument specified in the First Schedule to this Law or any other ancient monument as may from time to time be added thereto under the provisions of this Law, both the owner of the animal and the person, if any, in whose charge it was at the time of the offence shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding a hundred and fifty pounds or to both and the Court trying the offence shall, in addition, have power to award such compensation by way of damages as the Court may think fit, within the limits of its powers regarding the award of compensation.

(3) Any person who places or causes to be placed or who leaves any refuse, rubbish or litter in or on any ancient monument specified in the First Schedule to this Law or any other ancient monument as may from time to time be added thereto under the provisions of this Law, shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding a hundred and fifty pounds or to both and the Court that has tried the case may, in addition to any sentence which it has imposed, order the said person to remove at his own expense any rubbish, garbage or litter in relation to which the offence was committed or to pay to the Director all costs incurred or to be incurred for their removal.

3 of 166 of 1987

5(1) of 1996

(4) Any person who possesses or uses equipment for metal detection in archaeological sites, ancient monuments or near ancient monuments, or uses such equipment in order to find or detect antiquities, shall be guilty of an offence and shall be liable to imprisonment not exceeding three months or to a fine not exceeding three hundred pounds or to both

5 of 1(1) of 1996

11. (1) The Council of Ministers, with a view to ensuring that buildings in the neighbourhood of an ancient monument shall as regards height and style of architecture be in keeping with the character and style of such monument and that the amenities thereof may be preserved, may by notice to be published in the Gazette order that, within such area as may be specified in such notice no building shall be erected, reconstructed, repaired or demolished and no tree shall be felled and no advertisement board shall be placed save in accordance with the terms of a permit in writing from the District Officer previously obtained.

Power to Council of Ministers to control the erection, etc., of buildings in the neighbourhood of ancient monument. 2 of 48 of 1964. 7(1) of 32 of 1973. 6 of 4(1) of 1996.

(2) Before issuing a permit under this section the District Officer shall require the applicant to submit for the consideration of the District Officer and the Director such plans, sections and drawings as to them may seem fit and the District Officer in granting or not such

2 of 48 of 1964. 6(1) of 48 of 1964. 7(6) of 32 of 1973.

permit shall act in consultation with the Director and in case of disagreement between them the matter shall be referred to the Minister and the Minister of Interior for the taking of a final decision. In any such permit there may be imposed such terms regarding the preservation of the character and style of the ancient monument as may be specified in the permit.

(3) Any person who is dissatisfied with any term imposed by the District Officer in any permit issued under this section may, within one month from the date of notification of the decision of the District Officer, appeal to the Council of Ministers.

(4) Any person who-

- (a) erects, reconstructs, repairs or demolishes, any building contrary to the provisions of subsection (1) of this section;
- (b) in erecting, reconstructing, repairing or demolishing any building deviates from the approved plan, section or drawing.

shall be guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty pounds and in addition to such punishment the Court trying the offence may order such person to demolish or reconstruct in accordance with the instructions of the District Officer within such time as may be specified in the order any building in respect of which the offence has been committed.

Provided that if the person convicted fails or neglects to carry out the order of the Court he shall be liable to a further fine not exceeding twenty-five pounds for every day during which the default continues and the District Officer may cause the building to be demolished or reconstructed in such manner as to him may seem fit and the cost of so doing shall be recoverable by the District Officer from the person convicted as a civil debt.

11A-(1) The Court trying a case against any person charged with an offence committed contrary to the provisions of subsection (4) of section 8 or of subsection (4) of section 11, may in an ex parte application order the suspension of any work concerning the alteration, addition, repair, demolition, erection or reconstruction until the final determination of the case in relation to which the charge concerned has been brought.

(2) The issue of such an order by the Court is subject to the provisions of the Civil Procedure Law, the Courts of Justice Law and the Civil Procedure Rules.

(3) If any person against whom an order has been made under subsection (1) omits or neglects to comply with it within the time limit specified by the Director, the order may be executed and the costs for its execution shall be borne by the person against whom the order was made and the said costs shall be considered as a sentence within the meaning of the Criminal Procedure Law.

(4) Any person who omits or neglects to comply with the provisions of subsection (1) and who is guilty of an offence shall be liable to imprisonment for a period not exceeding three months or to a fine not exceeding five hundred pounds or to both.

12. Where the Council of Ministers is satisfied that in order to preserve the amenities of an ancient monument it is desirable that no building should be erected upon any land in the proximity of such ancient monument or that any building in the proximity thereof should be demolished, the Council of Ministers may direct that such land or building be acquired on payment of such amount by way of compensation as may be agreed upon and in default of agreement the amount of compensation shall be determined in the like manner and in accordance with the law for the time being in force relating to the compulsory acquisition of immovable property.

Provided that in assessing any compensation payable for such land or building no regard shall be had to any artificial rise in the value thereof due to any speculative dealings which may have taken place in regard to such land or buildings after the commencement of this Law.

PART III

EXCAVATIONS.

13. The Director may carry out excavations for the purpose of discovering antiquities.

14. (1) No person shall excavate or cause excavations to be made whether on his own land or elsewhere for the purpose of discovering antiquities without a licence in writing in that behalf first obtained from the Director in accordance with the provisions of this Law

(2) Any person who-

- (a) excavates or attempts to excavate or causes any excavations to be made in contravention of the provisions of subsection (1) of this section;
- (b) knowingly or having reasonable grounds for believing that any antiquities have been excavated in contravention of subsection (1) of this section, purchases, removes or otherwise deals with the same, whether on his own account or on behalf of any other person,

shall be guilty of an offence and shall be liable to imprisonment not exceeding thirty six months or to a fine not exceeding one thousand five hundred pounds or to both and any antiquity in respect of which the offence has been committed shall be delivered to the Director and the finder shall not be entitled to any payment therefor

2 of 1975
12 of 1975
41 of 1978
162 of 1989
142 of 1991
9 of 1992

Compulsory acquisition of land in the proximity of ancient monument
2 of 48 of 1964

Power to Director to excavate.

Licence to excavate.

7 of 48 of 1964
1 of 166 of 1987.

15. (1) No licence to excavate shall be granted unless the applicant satisfies the Director that:

- (a) he is by training and experience competent to carry out excavations in accordance with the most recent scientific methods;
- (b) he is recommended by an archaeological society or institution of repute;
- (c) adequate provision has been made for the scientific publication of the results of any previous excavation on which the applicant has been engaged;
- (d) he, or the person, society or institution on whose behalf he acts is prepared to expend on the proposed excavations a sum of money which in the opinion of the Director is sufficient to obtain satisfactory results;
- (e) the proposed excavations will not cause any damage or inconvenience to the inhabitants of the place where it is proposed to excavate or to any place dedicated to religion or to any cemetery, school, watercourse, irrigation work, or public road, or that if such damage is likely to be caused, adequate provision has been made for the payment of compensation therefor.

16. (1) Every licence to excavate shall state the period during which it shall remain in force which period shall not exceed two years, and every such licence shall be deemed to be subject to the following conditions:-

- (a) if the land within which the licence is granted is private property, the holder of the licence or the person, society or institution on whose behalf he acts shall arrange with the owner as to the terms upon which he may enter upon the land for the purpose of excavation.
Provided that if in the opinion of the Council of Ministers negotiations for an agreement upon reasonable terms have failed, the Council of Ministers may, on behalf and at the cost of the holder of the licence or the person, society or institution on whose behalf he acts acquire the land in whole or in part in accordance with the provisions of section 17.
- (b) the holder of the licence shall take all reasonable measures for the preservation of the antiquities discovered by him and shall keep a detailed diary and plans of the excavation conducted and shall be under the obligation to take photographs;
- (c) all antiquities which the holder of the licence or the person, society or institution on whose behalf he acts may discover throughout the duration of the excavations shall vest in the Cyprus Museum together with the originals of the diaries, plans and negatives of the photographs without any payment whatsoever.
Provided that, after previously reviewing the progress of the excavations carried out by the holder of the licence or the person or society or institution on whose behalf he acts,

the Director may require that a specified part or parts of the general archaeological site (settlement, town, cemetery) in which the land in respect of which the licence is granted is situated, be reserved for future excavations. The Director may consult with the holder of the licence or the person, society or institution on whose behalf he acts, on the extent and scientific adequacy of the part or parts to be so reserved;

(d) the holder of the licence shall furnish plans and photographs of his excavations to the Director, and shall, when requested by the Director, furnish him with lists of all the antiquities discovered and any additional information relating thereto which the Director may require;

(e) the holder of the licence or the person, society or institution on whose behalf he acts shall supply the Director with two copies of any preliminary reports relating to his excavations; the holder of the licence or the person, society or institution on whose behalf he acts shall publish within a period of two years after the completion of his excavations (unless this period be extended by the Director) an adequate scientific report on the results of his excavations, and shall supply the Director with two copies of such report and of any other publications relating thereto.

(g) in case of breach of any of the conditions upon which the licence is granted, the Director, with the approval of the Council of Ministers, may suspend or cancel such licence, and where the licence is cancelled the holder of the licence or the person, society or institution on whose behalf he acts shall forfeit his claim to any share of the antiquities excavated by him;

(h) in the event of cancellation of the licence or upon failure of the holder of the licence or the person, society or institution on whose behalf he acts to comply with the provisions of condition (f), the Director shall be entitled to publish a report on the results of the excavations and for this purpose may make use of any preliminary reports supplied by the holder of the licence;

(i) any other conditions which the Council of Ministers may by Regulations from time to time prescribe.

(2) Upon the expiration of the period for which a licence is granted the Director may renew such licence for a further period not exceeding two years, either upon the same terms or upon such other terms as he may think fit.

17. Where the Director has decided to carry out excavations of the Council of Ministers is otherwise satisfied, either before, during or after the carrying out of such excavations, that the compulsory acquisition of any land is necessary for the purposes of such excavations, such acquisition shall be effected in accordance with the provisions of the Compulsory Acquisition of Property Law, 1962.

Qualifications of applicants for licence.

Conditions of licence.

2 of 48 of 1964.

2 of 48 of 1964.

2(a) of 92(f) of 1955.

8(a) of 48 of 1964.

2(b) of 92(f) of 1955.

8(b) of 48 of 1964.

18. (1) Save with the permission in writing of the Director, no person shall, during any excavations destroy, damage, remove or conceal any antiquities or any human, animal or other remains discovered during such excavations.

(2) Any person who acts in contravention of any of the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both.

PART IV

MUSEUMS AND ADVISORY BODIES

19. All the antiquities and objects of art which are now contained in the Cyprus Museum at Nicosia and all antiquities which may hereafter be acquired by the Government under the provisions of this Law, shall be held by the Government for the benefit of the inhabitants of the Republic.

20. In addition to the Cyprus Museum at Nicosia the Council of Ministers may establish District Museums in any District in the Republic or other Local Museums in any place within the Republic.

21. The Cyprus Museum and all District Museums established under the provisions of section 20 of this Law shall be under the control and management of the Director.

22. (1) There shall be established a Board to be called "the Antiquities Advisory Board" which shall consist of the Director as Chairman and such persons not exceeding nine as the Council of Ministers may appoint in addition to the Chairman.

(2) Every member of the Board other than the Chairman shall hold office for a period of three years from the date of his appointment.

(3) The Board shall meet at such place and times as the Chairman may appoint provided that a meeting shall be held at least once in every half-year.

(4) The Board shall deliberate and advise upon matters relating to or connected with ancient monuments and antiquities.

23. (1) There shall be established in every District a District Antiquities Committee consisting of the Commissioner of the District as Chairman and of such other persons not exceeding seven as may be appointed by the Council of Ministers.

Provided that the Antiquities Advisory Board shall be the District Antiquities Committee for Nicosia District

(2) Every member of such Committee other than the District Officer shall hold office for a period of three years from the date of his appointment

(3) The Committee shall meet at such place and times as the Chairman may appoint provided that a meeting shall be held at least once in every half-year.

(4) The Committee shall deliberate and advise upon matters relating to or connected with ancient monuments and antiquities found within the district and may make such report thereon to the Director as they think fit.

PART V

RENT CONTROL

23A. The Rent Control Laws, except the provisions relating to the eviction of a tenant from a shop, shall not apply to any ancient monument that is listed in the Second Schedule in relation to which the Director certifies that all necessary works have been carried out for its preservation or that no preservation is necessary.

Exemption of ancient monuments of Second Schedule from the Rent Control Laws.

23 of 1983

51 of 1983

39 of 1984

79 of 1986

94 of 1986

135 of 1988

51 of 1989

138 of 1991

67(1) of 1992

2(1) of 1993

102(1) of 1995.

23B. (1) Notwithstanding the provisions of the Rent Control Laws, the Rent Control Tribunal shall issue a decision or an order for the recovery of possession of an ancient monument that is listed in the Second Schedule and for the eviction of a statutory tenant, in case the Director certifies that the recovery of possession is required for the carrying out of preservation work.

Eviction from and recovery of possession of ancient monument of Second Schedule.

23 of 1983

51 of 1983

39 of 1984

79 of 1986

94 of 1986

135 of 1988

51 of 1989

138 of 1991

67(1) of 1992

2(1) of 1993

102(1) of 1995.

(2) The provisions of section 14 of the Rent Control Laws, except the provision for the payment of a fair rent, shall apply mutatis mutandis in the cases where a decision or order is issued for the

recovery of possession by virtue of the provisions of subsection (1) above.

(3) If there is no agreement between the parties, the rent for the new tenancy shall be fixed by the Court. The rent shall be the current rent of the free market or where the Court considers it absolutely essential, taking into account the financial situation of the tenant and the difference between the current rent and the rent paid before eviction, it may prescribe a lower rent which under no circumstances shall be lower than seventy five per cent (75%) of the current rent.

PART VI.

TAX EXEMPTIONS.

23C. (1) For the determination of the taxable income of an owner of an ancient monument listed in the Second Schedule all expenses that have been incurred wholly and exclusively for the preservation of the monument shall be deducted if the Director certifies that the expenses have been incurred for the completion of the preservation works of the monument or that the monument does not require any such preservation.

(2) No deduction shall be granted, under subsection (1), to the extent that the sum of the expenses exceeds the sum per square meter of the monument prescribed by the Council of Ministers by Order published in the Official Gazette of the Republic.

23D. In addition to the incomes set out in section 8 of the Income Tax Law, income earned by way of rent of an ancient monument listed in the Second Schedule shall be exempted if the Director certifies that all necessary works for the preservation of the monument have been carried out or that the monument does not require any such preservation.

Deduction from taxable income § of 40) of 1996.

Exemption from income tax of incomes from ancient monuments of Second Schedule.

- 4 of 1963
- 21 of 1966
- 60 of 1969
- 47 of 1973
- 37 of 1975
- 12 of 1976
- 15 of 1977
- 8 of 1979
- 40 of 1979
- 24 of 1981
- 41 of 1983
- 33 of 1984
- 76 of 1984
- 14 of 1985
- 73 of 1985
- 180 of 1985
- 165 of 1987
- 361 of 1987
- 26 of 1988

- 169 of 1988
- 133 of 1988
- 173 of 1988
- 233 of 1988
- 14 of 1989
- 39 of 1989
- 101 of 1989
- 137 of 1989
- 77 of 1990
- 225 of 1990
- 226 of 1990
- 245 of 1990
- 58 of 1991
- 174 of 1991
- 240 of 1991
- 43(1) of 1992
- 115(1) of 1992
- 38(1) of 1993
- 103(1) of 1994
- 103(1) of 1995.

23E. All fees and charges that are imposed at the time of the declaration of transfer of an ancient monument that is listed in the Second Schedule, in accordance with the Lands and Surveys Department (Fees and Charges) Law, shall be returned to the person to whom the transfer has been made, if within four years from the date of the declaration of transfer that person presents to the Director of the Lands and Surveys Department a certificate issued by the Director that he has completed the preservation works of the monument or that the monument does not require any such preservation

Exemption from transfer fees and charges.

- Cap 219
- 10 of 1965
- 81 of 1970
- 61 of 1973
- 31 of 1976
- 66 of 1979
- 15 of 1980
- 2 of 1983
- 34 of 1987
- 193 of 1991
- 83 (1) of 1992
- 100) of 1992
- 141) of 1995

23F. No tax shall be imposed or collected by virtue of the provisions of the Immovable Property (Taxation) Law in respect of any ancient monument listed in the Second Schedule, if its owner presents to the Director of the Inland Revenue Department a certificate issued by the Director that all works of preservation of the monument have been completed or that the monument does not require any such preservation.

Exemption from immovable property tax

- 24 of 1980
- 67 of 1980
- 68 of 1980
- 25 of 1984
- 10 of 1984
- 33 of 1987
- 239 of 1991
- 72(1) of 1994

PART VII.

8 of 4(1) of 1996

MISCELLANEOUS.

24. Notwithstanding anything in this Law contained no church, mosque or site used for religious observances, being the property of a religious community or the Evsaf Department, shall be inserted in the First Schedule or acquired under any provision of this Law.
25. Any compensation payable under the provisions of section 9 or 12 of this Law may at the option of the Council of Ministers be paid by yearly instalments not exceeding five, provided that where payment is made by instalments interest at the rate of six per centum per annum shall be payable on outstanding instalments.
26. (1) No person shall deal in antiquities unless he is the holder of a dealer's licence granted by the Director
- (2) The permit referred to in subsection (1) shall be issued subject to the terms that may be imposed by the Director.
- (3) The permit referred to in subsection (1) may be revoked by the Director for the following reasons:
- (a) if this was obtained by fraud or misrepresentation or concealment of material facts, or for non-compliance with any of the terms subject to which it was issued;
 - (b) for breach by its holder of any of the terms imposed;
 - (c) for breach by its holder of the provisions of the present Law or of the Regulations issued by virtue of this Law.
- (4) In the case of sale of any antiquity the Director has the right to purchase the antiquity by paying to the seller the price at which he agreed to sell to the proposed buyer.
- (5) It is prohibited for any person to sell or otherwise dispose or otherwise deal in any antiquity which forms part of a private collection, if the Director is of the opinion that the collection is of important historical or archaeological value as a whole
- (6) No-one can acquire an antiquity except from-
- (a) the Cyprus Museum;
 - (b) the holder of a permit under subsection(1);
 - (c) a person possessing the antiquity legally.
- (7) Any person contravening sub-section (1),(5) or (6) shall be guilty of an offence and shall be liable to imprisonment not exceeding three years or to a fine not exceeding one thousand five hundred pounds or to both such penalties and the Court trying the case may order that any antiquity in respect of which the offence has been committed be forfeited.

10(2) of 32 of 1973.
3 of 166 of 1987.
9(b) of 4(1) of 1996.

27. (1) No person shall export any antiquity from the Republic without a licence first obtained from the Committee consisting of the Director, the Curator of Archaeological Museums and Surveys and by the Curator of Monuments

Export of antiquities. 10(1) of 4(1) of 1996

(2) Subject to the provisions of subsection (3) the permit required under subsection (1) may be granted only for the export of an antiquity for the purpose:-

10(b) of 4(1) of 1996

- (a) of its temporary exhibition in a museum or institution or other exhibition;
- (b) of its long term loan for the purpose of exhibition to a museum or university or other institution.
- (c) of the study and scientific analysis of excavation material ceramic fossils and samples of various findings

(3) It is not allowed to grant a permit for the export of a private collection.

10(b) of 4(1) of 1996

(4) Any person who shall export or attempt to export or who shall aid, counsel or procure any other person to export or attempt to export any antiquity without such a licence shall be guilty of an offence and shall be liable to imprisonment not exceeding three years or to a fine not exceeding one thousand pounds or to both and any antiquity the property of such person in respect of which the offence has been committed may be forfeited by order of the Court trying the case

11(a) of 32 of 1973.
3 of 166 of 1987.
11(b) of 32 of 1973

28. The Committee provided for in section 27 may prohibit the export of any antiquity the retention of which in the Republic it considers desirable in the public interest

Power to the Committee to prohibit export of antiquities 11(a)(b) of 4(1) of 1996

Provided that he shall not prohibit the export of-

- (a) any antiquity imported into the Republic upon which import duty is proved to his satisfaction to have been paid;
- (b) any antiquity used for or devoted to a religious purpose which it is proved to his satisfaction is being exported by a religious or ecclesiastical body for a religious or ecclesiastical purpose, except if it is proved that the original export permit was obtained by false pretences or fraud or concealment of material facts.

29. The Committee referred to in section 27 may, with the approval of the Council of Ministers, dispose of by sale, exchange or otherwise any antiquity the property of the Government which is not required for the Cyprus Museum or any District or Local Museum

Sale, etc. of antiquities not required for Museums 2 of 48 of 1964
2(2) of 32 of 1973
12 of 4(1) of 1996.

30. The Council of Ministers may make loans of antiquities belonging to the Government, to the governing bodies of museums or learned societies outside the Republic.

Loans of antiquities to museums etc., outside the Republic.

2 of 48 of 1964.

Provided that the party to whom the loan is made shall at their own expense make adequate provision for the preservation, insurance and return of such antiquities.

31. (1) The Council of Ministers may appoint a Director and such experts, officers, agents and other persons as may be necessary for the proper carrying out of the objects of this Law.

Appointment of experts, etc.

2 of 48 of 1964.

(2) The Director may delegate the exercise of any power vested in him under this Law to any other person.

32. (1) Every person in possession of an antiquity shall, at the request of the Director, at all reasonable times, permit the same to be inspected and studied by the Director at the place where such antiquity is kept or deposited and shall give him all reasonable facilities for making drawings, photographs or reproductions thereof by making casts or by any other means.

Inspection of antiquities by Director.

12 of 32 of 1973.

Provided that no drawings, photographs or reproductions shall be sold without the consent of the person in possession of such antiquity.

(2) Any person who contravenes sub-section (1) shall be guilty of an offence and shall be liable to imprisonment not exceeding six months or to a fine not exceeding four hundred and fifty pounds or to both such imprisonment and fine.

12 of 32 of 1973.

3 of 166 of 1987.

33. (1) Every person in possession of antiquities at the date of the coming into operation of this Law shall, within a period of six months from the 1st July 1973, furnish the Director with a list describing such antiquities to the best of his ability.

List of antiquities to be furnished to Director.

11(a) of 32 of 1973.

(2) Notwithstanding that any antiquity specified in a list furnished to the Director under the provisions of this Law is not contained in a list furnished earlier, either by virtue of the provisions of the Laws repealed by this Law or by virtue of provisions of this Law repealed and substituted by new provisions or has been obtained or acquired in contravention of any provisions referred to above, the Republic shall have no claim to such antiquity and no proceedings in respect of such antiquity shall be taken against any person or his heir, general or special, in possession of such antiquity.

11(b) of 32 of 1973.

Provided that the Minister shall have power, whenever upon the advice of the Director he is of opinion that an antiquity included in any such list furnished under the provisions of any law for the time being in force is absolutely necessary for the purposes of the Cyprus Museum, to order, subject to the provisions of sub-section (5), the delivery thereof to the Museum in question and the person possessing it shall be bound to deliver the same in compliance with the order.

Provided further that in case of a piece of work of ecclesiastical or folk art no such order shall be made unless the work is of the highest archaeological or artistic or historical importance.

Any person who fails to comply with any order made under the provisions of this sub-section shall be guilty of an offence and shall be liable to imprisonment not exceeding one year or to a fine not exceeding one thousand pounds or to both such imprisonment and fine.

3 of 166 of 1987.

(3) After the expiration of the period of six months as aforesaid any person having in his possession any antiquity which has not been contained in any list furnished under this section shall, unless he satisfies the Court that he has acquired the same lawfully under the conditions of this Law, be guilty of an offence and shall be liable to a fine not exceeding two hundred and fifty pounds and any antiquity in respect of which the offence has been committed shall be forfeited.

13(c) of 32 of 1973.

4 of 166 of 1987

(4) Any person who disposes of and every person to whom there is disposed any antiquity contained in a list furnished by him under the provisions of this section shall, within fourteen days, notify the Director of such disposal. The notification shall contain a description of the antiquity and the name and address of the person to whom it has been disposed. Any person who fails to comply with or contravenes any of the provisions of this sub-section or who knowingly describes falsely any antiquity in any notification shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding three hundred pounds or to both such imprisonment and fine.

15(a) of 41) of 1959.

10 of 48 of 1964.

13(d) of 32 of 1973

(5) Whenever it shall be considered that a certain antiquity lawfully possessed is indispensable for the purposes of the Cyprus Museum, the Minister shall have discretionary power either to make an order for the delivery of the antiquity for these purposes, or to allow the person in possession thereof to continue to have it in his custody, on condition that he shall not dispose of it and upon such other terms as the Minister may specify, provided that the Minister shall have the right of control and supervision of the antiquity.

13(e) of 32 of 1973

In case an order for the delivery of such antiquity is made by the Minister then if such antiquity has been acquired prior to the 10th September, 1964, a reasonable and just compensation shall be paid to the owner thereof and if after the 10th September, 1964, a reasonable sum by way of gratuity may be paid to the person in possession thereof for the keeping and preservation of the antiquity by him till then.

(6) The Director shall issue to any person legally possessing an antiquity, a perpetual licence, in accordance with the prescribed form upon payment of the prescribed fees.

13(b) of 41) of 1959.

33A.(1) Any person in possession of an antiquity not included in the list submitted to the Director under section 33, shall not be criminally liable if within six months from the date of the coming into force of this Law he declares the said antiquity to the Director.

(2) In any case where an antiquity is declared to the Director under this section, the Minister may, if the Director considers the antiquity to be required for the purposes of the Cyprus Museum-

(a) issue an order of delivery of the antiquity for these purposes;
(b) permit the possessor to continue having it in his possession subject to the terms which the Minister may impose

(3) Where any antiquity is ordered by the Minister to be delivered following a report by the Director of the Department of Antiquities a reasonable sum shall be paid to the possessor as reward for the safekeeping and maintenance of the antiquity until its delivery.

34. All forfeitures under this Law shall be delivered to the Director who may utilize them for any of the purposes of this Law or for any other purpose in the interests of archaeology.

34A. Notwithstanding the provisions of any other Law, the competent district court shall have power to try any offence committed in contravention of the provisions of this Law.

35. The Council of Ministers may make Regulations to be published in the Gazette for all or any of the following purposes, that is to say:-

- (a) regulating the issue of the permits provided under this Law;
- (b) specifying the terms which may be imposed in a permit issued or granted under this Law as well as the fees and charges for the issue or grant of a permit;
- (c) regulating the form and the duration of the validity of the permits issued under this Law;
- (d) regulating the duties and the obligations of the holders of permits issued under this Law;
- (e) regulating the issue of permits for the use of ancient monuments and museums for public performances, cultural events, exhibitions and ceremonies, and the imposition of a charge or fee for this use;
- (f) regulating the taking and manufacture of, or the trading in, photographs, films, copies, casts or miniatures of ancient monuments and antiquities and prescribing the fees and charges to be paid for the taking and manufacture of, or trading in, the same;
- (g) providing for criminal offences and for the imposition of fines not exceeding five hundred pounds in relation to their commission;
- (h) prescribing conditions to be contained in a licence to

excavate in addition to those specified in section 16 of this Law.

(i) regulating the days and hours upon which the Cyprus Museum or any District Museum or Local Museum or any ancient monument specified in the First Schedule shall be open to the public and prescribing whether admission shall be free of charge or upon the payment of a fee and fixing such fee (if any);

(j) establishing a fund (to be called "The Antiquities Fund") into which the moneys standing to the credit of the Cyprus Antiquities Fund established under the Antiquities Laws, 1905 to 1928 and all legacies, donations and subscriptions shall be paid and prescribing the objects for which and the manner in which the moneys in such Fund may be expended;

(k) generally for the better carrying out of the provisions of this Law.

36. Nothing in this Law shall affect the validity of any licence to excavate granted under the provisions of the Law; hereby repealed and every such licence shall subject to the provisions of the Law under which it was granted be valid and effective for the unexpired term thereof as if this Law had not been enacted.