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Cyprus

The present report is a compilation of the information contained in the reports of treaty bodies and special procedures, including observations and comments by the State concerned, and the Office of the United Nations High Commissioner for Human Rights (OHCHR), and in other relevant official United Nations documents. It is presented in a summarized manner due to word-limit constraints. For the full text, please refer to the document referenced. This report does not contain any opinions, views or suggestions on the part of OHCHR other than those contained in public reports and statements issued by the Office. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

I. Background and framework

A. Scope of international obligations¹

International human rights treaties²

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified/not accepted</i>
<i>Ratification, accession or succession</i>	ICERD (1967)	OP-CRC-AC (2010)	ICRMW
	ICESCR (1969)	CRPD (2011)	
	ICCPR (1969)		
	ICCPR-OP 2 (1999)		
	CEDAW (1985)		
	CAT (1991)		
	OP-CAT (2009)		
	CRC (1991)		
	OP-CRC-SC (2006)		
	CPED (signature only, 2007)		
<i>Reservations, declarations and/or understandings</i>	ICERD (declaration, art.14, 1993)	OP-CRC-AC (declaration, art. 3, para. 2, age of recruitment 18 years old, 2010; reservation, art. 1, 2010)	
	ICCPR-OP 2 (withdrawal of reservation, art. 2, para. 1, 2003)	CRPD (reservation, art. 27, para.1, 2011)	
	CEDAW (withdrawal of reservation, art. 9, para.2, 2000)		
	CAT (declaration, art. 17, 1993)		
<i>Complaint procedures, inquiry and urgent action³</i>	ICERD, art. 14 (1993)	OP-CRC-IC (signature only, 2012)	OP-ICESCR
	ICCPR-OP 1, art. 1 (1995)	OP-CRPD, art. 6 (2011)	ICCPR, art. 41
	CAT, arts. 20, 21 and 22 (1993)		OP-CEDAW, art. 8
			ICRMW
			CPED

Other main relevant international instruments

	<i>Status during previous cycle</i>	<i>Action after review</i>	<i>Not ratified</i>
<i>Ratification, accession or succession</i>	Convention on the Prevention and Punishment of the Crime of Genocide		Conventions on stateless persons ⁸
	Rome Statute of the International Criminal Court		ILO Conventions Nos. 169 and 189 ⁹
	Palermo Protocol ⁴		
	Convention on refugees ⁵		
	Geneva Conventions of 12 August 1949 and Additional Protocols I, II and III ⁶		
	ILO fundamental conventions ⁷		
	UNESCO Convention against Discrimination in Education		

1. Several treaty bodies encouraged Cyprus to ratify ICRMW.¹⁰
2. In 2013, the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW) encouraged Cyprus to consider ratifying CPED.¹¹
3. In 2012, the Committee on the Rights of the Child (CRC) encouraged Cyprus to consider ratifying the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.¹²
4. CRC and CEDAW urged Cyprus to consider ratifying International Labour Organization Convention No. 189 (2011) concerning decent work for domestic workers.¹³
5. CRC urged Cyprus to ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, and the Convention on Action against Trafficking in Human Beings.¹⁴
6. CEDAW recommended that Cyprus set a timeframe for the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.¹⁵

B. Constitutional and legislative framework

7. CRC recommended that Cyprus adopt the Law for the Welfare, Care and Protection of Children. Furthermore, it reiterated its previous recommendation urging Cyprus to ensure that domestic legislation conformed to the Convention, in particular in the area of juvenile justice.¹⁶

8. CRC recommended that Cyprus adopt all draft laws which attached importance to the principle of the best interests of the child, and develop procedures and criteria to provide guidance for determining the best interests of the child in every area.¹⁷

9. In 2013, the Committee on the Elimination of Racial Discrimination (CERD) welcomed the adoption of law L-134(I)/2011 implementing European Union Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, which also made racist motives an aggravating circumstance under the criminal legislation.¹⁸

10. CERD was concerned that the national legislation was fragmented, lacked coherence, and did not prohibit racial discrimination in all forms. It also called upon Cyprus to address the lack of coherence and the fragmentation of legislation relating to racial discrimination by consolidating the relevant laws into a comprehensive and internally consistent legal framework.¹⁹

C. Institutional and human rights infrastructure and policy measures

Status of national human rights institutions²⁰

<i>National human rights institution</i>	<i>Status during previous cycle</i>	<i>Status during present cycle²¹</i>
Office of the Ombudsman	No status	No status

11. CERD called upon Cyprus to: guarantee the full operational independence and financial autonomy of the Ombudsman; ensure that it was fully compliant with the Paris Principles; and seek its accreditation by the International Coordinating Committee of National Human Rights Institutions.²²

12. CEDAW reiterated its recommendation to strengthen the existing national machinery for women's rights by providing it with adequate authority, visibility and resources.²³

13. CRC urged Cyprus to provide the Commissioner for the Protection of Children's Rights with adequate resources.²⁴ It also called upon Cyprus to establish an effective mechanism for coordinating the implementation of child rights policy among all the relevant institutions and at all levels.²⁵

II. Cooperation with human rights mechanisms

A. Cooperation with treaty bodies²⁶

1. Reporting status

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CERD	Aug. 2001	2012	Aug. 2013	Twenty-third and twenty-fourth reports due in 2016
CESCR	May 2009	–	–	Sixth report due in 2014
HR Committee	April 1998	2012	–	Fourth report pending consideration

<i>Treaty body</i>	<i>Concluding observations included in previous review</i>	<i>Latest report submitted since previous review</i>	<i>Latest concluding observations</i>	<i>Reporting status</i>
CEDAW	May 2006	2011	Feb. 2012	Eighth report due in 2017
CAT	Nov. 2002	2012	–	Fourth and fifth reports pending consideration
CRC	June 2003	2009	June 2012	Fifth and sixth reports due in 2018/initial reports to OP-CRC-SC and OP-CRC-AC overdue since 2006 and 2012 respectively
CRPD	–	–	–	Initial report overdue since July 2013

2. Responses to specific follow-up requests by treaty bodies

Concluding observations

<i>Treaty body</i>	<i>Due in</i>	<i>Subject matter</i>	<i>Submitted in</i>
CEDAW	2015	National machinery for the advancement of women; trafficking of migrant women. ²⁷	
CERD	2014	Racist hate speech; migrants; and mandate of the Ombudsman. ²⁸	

B. Cooperation with special procedures²⁹

	<i>Status during previous cycle</i>	<i>Current status</i>
<i>Standing invitation</i>	Yes	Yes
<i>Visits undertaken</i>	None	Freedom of religion or belief (29 March-5 April 2012) ³⁰
<i>Visits agreed to in principle</i>	None	None
<i>Visits requested</i>	None	None
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review five communications were sent. The Government replied to four of them.	

14. The 2013 report of the Office of the High Commissioner for Human Rights (OHCHR) on the question of human rights in Cyprus³¹ welcomed the first ever visit to Cyprus by a special procedure mandate holder that took place in March and April 2012 and the fact that the Special Rapporteur on freedom of religion or belief had access to both the

southern part and northern part, including the relevant authorities. The report indicated that further visits by special procedure mandate holders were encouraged, in particular with regard to cultural rights, internally displaced persons, enforced or involuntary disappearances and the right to education.³²

C. Cooperation with the Office of the United Nations High Commissioner for Human Rights

15. OHCHR Regional Office for Europe in Brussels covered Cyprus.³³ Cyprus contributed annually to OHCHR, including to the Trust Fund on Contemporary Forms of Slavery in 2008, 2010, 2011 and 2012, and to Voluntary Fund for Indigenous Populations in 2008, 2009 and 2011.³⁴

III. Implementation of international human rights obligations

A. Equality and non-discrimination

16. In 2012, the Special Rapporteur on freedom of religion or belief stated that, when negotiating and implementing peace agreements, all actors involved should adopt a gender perspective, including measures that supported local women's peace initiatives and indigenous processes for conflict resolution, and that involved women in all of the implementation mechanisms of the peace agreements, in line with Security Council resolution 1325 (2000).³⁵ CEDAW made similar recommendations.³⁶

17. CEDAW recommended that Cyprus adopt a strategy with a result-oriented approach to overcome stereotypical attitudes that discriminated against women in the family, education, the workplace, political and public life and in wider society.³⁷

18. CEDAW encouraged Cyprus to consider the relevance and suitability of applying quotas and other forms of temporary special measures in areas where women were underrepresented or disadvantaged.³⁸

19. CEDAW was concerned that the continued jurisdictional split of the Family Courts based on religious affiliation and the lack of a uniform law governing divorce, as well as the current legislation on the division of marital property, might negatively impact on women. It recommended that Cyprus ensure that all the laws on marriage and family relations governing different religious groups were applied by the Family Courts in compliance with the Convention.³⁹

20. CEDAW recommended that Cyprus take all the necessary measures, including through the envisaged draft law regulating de facto unions, to ensure that women enjoy adequate legal protection during de facto unions and upon their dissolution.⁴⁰

21. CEDAW was concerned at the vulnerable situation of older women and women with disabilities, especially with regard to access to education, employment, adequate housing, health care and social services.⁴¹

22. CERD was concerned at the rise in the incidence of racially motivated verbal abuse and physical attacks by right-wing extremists and neo-Nazi groups against persons of foreign origin, including persons of African descent, as well as against human rights defenders and Turkish Cypriots. It urged Cyprus to promptly investigate all allegations of racially motivated verbal abuse and physical attacks, to prosecute and, as appropriate, punish those found responsible, as well as provide reparation to victims, and take all necessary measures to prevent the occurrence of such acts in the future.⁴²

23. CERD recommended that Cyprus strongly condemn the use of racist discourse by politicians and in the media, and thoroughly investigate and prosecute such acts.⁴³

24. CERD urged Cyprus to conduct a review of laws, regulations and policies, including those pertaining to migrant domestic workers, with a view to amending and nullifying those which had the effect of creating or perpetuating racial discrimination.⁴⁴

25. CRC urged Cyprus to adopt a proactive and comprehensive strategy to eliminate discrimination on any grounds, including by considering the establishment of a targeted programme specifically addressing discrimination against children of Turkish descent and other ethnic minorities.⁴⁵

B. Right to life, liberty and security of the person

26. The 2013 report of the OHCHR on the question of human rights in Cyprus noted that the Committee on Missing Persons in Cyprus (CMP) had continued the exhumation, identification and return of the remains of missing persons. As a result of the intercommunal fighting in 1963 and 1964, as well as the events of July 1974 and afterwards, a total of 1,493 Greek Cypriots and 502 Turkish Cypriots had been officially reported as missing by both communities to the CMP.⁴⁶

27. In his report on the United Nations operation in Cyprus, the Secretary-General indicated that, as at June 2013, the CMP's bicomunal teams of archaeologists had exhumed the remains of 978 individuals on both sides of the island and that the remains of 407 individuals had been returned to their respective families.⁴⁷

28. The Secretary-General added that, during the reporting period (16 December 2012 – 20 June 2013), the CMP had, for the first time, requested access to a fenced military area in the north and had been granted permission⁴⁸, and he urged all parties to be more accommodating of the Committee's exhumation requirements throughout the entire island.⁴⁹

29. CEDAW recommended that Cyprus implement the National Action Plan on Prevention and Handling of Family Violence within a specified timeframe; investigate and prosecute cases of domestic violence; and provide assistance to women victims of violence, in particular social rehabilitation and an adequate number of shelters.⁵⁰ CRC made similar recommendations.⁵¹

30. CRC encouraged Cyprus to prioritize the elimination of all forms of violence against children, while paying particular attention to gender.⁵²

31. CRC recommended that Cyprus continue conducting awareness-raising activities promoting alternative forms of discipline which were non-violent and participatory forms of child-rearing and education, and ensure that all of its legislation explicitly prohibited all forms of corporal punishment of children in all settings, including the home.⁵³

32. While noting the abolishment of the "performing artist" visa which facilitated trafficking, CEDAW noted with concern the negative repercussions of the new visa regime on migrant women coming from EU countries who were increasingly trafficked for exploitation in new forms of establishments, other than cabarets, such as private apartments.⁵⁴

33. CEDAW called upon Cyprus to: effectively investigate acts of trafficking and to prosecute and punish perpetrators, provide adequate assistance and protection to all victims of human trafficking, strictly enforce existing legislation pertaining to private employment agencies and monitor their activities, with a view to preventing the trafficking of migrant women as domestic workers, develop strategies to prevent exploitation of prostitution and

implement programmes to support and provide rehabilitation for sex workers seeking alternative livelihoods.⁵⁵

34. CRC recommended that Cyprus ensure safeguards and checks for migrant children residing in the country with persons other than their parents or guardians to prevent trafficking, adopt a National Action Plan for child victims of trafficking, strengthen early detection and prevention mechanisms, and protect all children victims of sexual exploitation and abuse.⁵⁶

C. Administration of justice and the rule of law

35. CEDAW recommended that Cyprus enhance women's awareness of their rights, including among migrant women, and remove any impediments faced by women in gaining access to justice, including access to judicial remedies and other legal complaint mechanisms.⁵⁷

36. CRC recommended that Cyprus bring the juvenile justice system in line with the Convention and other relevant standards. It further recommended that Cyprus: establish a juvenile justice system, including providing courts with adequate resources, adopt a holistic and preventive approach to addressing the problem of juvenile offenders and its underlying social factors, and ensure that children, including those between the ages of 14 and 18 years, were not subject to the adult justice system, regardless of the nature of the offence committed.⁵⁸

D. Right to privacy, marriage and family life

37. CRC noted as positive that Cyprus had been able to place children who were deprived of a family environment and aged zero to 5 years in foster care, instead of institutional care. It recommended that Cyprus strengthen the support provided to foster parents and increase the proportion of children over the age of 5 years deprived of a family environment, and children with behavioural difficulties, being placed in foster care.⁵⁹

38. CRC recommended that Cyprus expeditiously seek the enactment of its Adoption Bill and ensure its compliance with the Convention and the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.⁶⁰

E. Freedom of movement

39. The 2013 OHCHR report on the question of human rights in Cyprus indicated that crossings between the northern and the southern parts of the island were still possible only through official crossing points, which limited freedom of movement.⁶¹ The Secretary-General indicated that the Committee on Crossings, which was tasked by the Greek Cypriot and Turkish Cypriot leaders in December 2010 to reach an agreement on new crossing points, did not meet during the period 16 December 2012 - 20 June 2013 and that, despite the engagement of the United Nations Peace Keeping Force in Cyprus (UNFICYP) with both sides, their positions on the locations of new crossing points remained irreconcilable.⁶² The Special Rapporteur on freedom of religion or belief noted that reportedly not all Muslims living in the northern part were able to visit the Hala Sultan Tekke or other mosques in the southern part, and he recommended that the Government of the Republic of Cyprus respect pilgrimages as an inextricable part of freedom of religion or belief.⁶³ In its reply, Cyprus reaffirmed its full respect to the pilgrimages, including those of the Turkish Cypriots, to the Hala Sultan Tekke, and stated that the crossing of the pilgrimages by buses

through the crossing points was facilitated by the Government. Furthermore, all legal residents of the Republic of Cyprus were able to visit the site with their private vehicles.⁶⁴

F. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life

40. In 2012, the Special Rapporteur on freedom of religion or belief highlighted that the overall situation had clearly improved after the opening of the checkpoints in 2003, with positive implications also for the enjoyment of freedom of religion or belief throughout the entire island. At the same time, the Special Rapporteur identified existing challenges, such as the deplorable situation of many places of worship and cemeteries, restrictions on holding religious services and freedom of movement, deportation of people seeking asylum on religious grounds despite serious risks of persecution in their countries of origin, problems in obtaining exemption from religious instruction in schools, and with regard to the full enjoyment of the right to conscientious objection to military service.⁶⁵ He reiterated the importance of ensuring that there were no human rights protection gaps and that all persons could effectively enjoy their fundamental rights, including freedom of religion or belief, wherever they lived.⁶⁶

41. The Special Rapporteur on freedom of religion or belief recommended that the Government of the Republic of Cyprus better support the Muslim communities in the southern part, in particular by offering religious education for Muslim students on the basis of voluntary participation, and further subsidizing the infrastructure needed for upholding religious community life⁶⁷ and that any existing undue obstacles, in particular for small and non-traditional religious or belief communities, to establishing religious buildings, places of worship or cemeteries and purchasing real estate for such purposes be analysed and removed⁶⁸ He further recommended that projects which might contribute to improving the relations between different religious and/or ethnic communities be further strengthened⁶⁹ and that interreligious communication, both at the level of religious leaders and at the grass-roots levels, be encouraged and promoted.⁷⁰

42. CRC urged Cyprus to ensure that religious education was optional and was conducted in a manner that contributed to a spirit of understanding, tolerance and friendship among all ethnic and religious groups.⁷¹

43. Noting that the issue of affiliation of religious groups with one of the two communities would be addressed in future revisions of the Constitution, CERD expressed its concern that the constitutional provisions currently denied the members of these groups of their right to self-identification and the free exercise of their political rights. It was also concerned that article 2 of the 1960 Constitution recognized only those “religious groups” which had a membership of over one thousand on the date of the coming into force of the Constitution. CERD recommended that Cyprus consider all possible means for guaranteeing the right to self-identification and the free exercise of political rights without distinction.⁷²

44. UNESCO stated that a freedom of information law did not exist and recommended that Cyprus adopt it in accordance with international standards.⁷³ It also noted that media self-regulatory mechanisms existed, such as through the Cyprus Media Complaints Commission and recommended that Cyprus further develop them.⁷⁴

45. CEDAW was deeply concerned at Cyprus’s indication that the use of quotas in public and political life was not supported by the Government or by civil society. It was also concerned that the targets and quotas included in the National Action Plan on Gender Equality for the participation of women in political and public life had not resulted in the implementation of any concrete measures.⁷⁵

G. Right to work and to just and favourable conditions of work

46. CEDAW was concerned that the wage gap between women and men remained at 18.3 per cent. It was also deeply concerned at the precarious situation and vulnerability of domestic workers, most of whom were migrant women. It urged Cyprus to monitor and close the gender wage gap, and to undertake systematic labour inspections to monitor the terms of the employment of domestic workers.⁷⁶

47. CERD noted with concern that domestic workers remained vulnerable to abuse and exploitation, primarily due to the practice of linking work and residence permits to one employer as well as the exemption of their workplaces from the oversight of the inspectorate mechanism. It was further concerned that their employment contracts, drawn up by the Ministry of Interior, put them at risk of forced labour and deprived them of equal rights to just and favourable conditions of work and trade union membership.⁷⁷ The ILO Committee of Experts also noted the particular vulnerability of domestic workers.⁷⁸

48. CERD urged Cyprus to ensure effective protection against abuse, exploitation and unequal work rights, including by ensuring that the working conditions of domestic workers were monitored by the labour inspectorate, allowing them to change employer during the validity of their residence/work permits, amending several provisions of article 2 of the standard contract of employment of domestic workers in order to prevent forced labour, and guarantee their right to just and favourable conditions of work and their freedom of association.⁷⁹

49. CRC recommended that Cyprus consider further amendments to its Law on the Protection of Young Persons at Work to ensure adequate safeguards for children employed as domestic workers, including mandatory registration of such employment and the empowerment of labour inspectorates to carry out spot checks on the working and living conditions of children in such employment.⁸⁰

50. The ILO Committee of Experts once again requested Cyprus to supply information on the specific measures taken to promote equality of opportunity and treatment in employment and occupation of ethnic groups that were disadvantaged in the labour market. It asked Cyprus to indicate any studies or research conducted to analyse the situation of the different groups in the labour market, in particular third-country nationals, Turkish Cypriots and members of national minorities, especially Roma and Pontian Greeks, with a view to eliminating any discrimination against them.⁸¹

H. Right to social security and to an adequate standard of living

51. The 2013 OHCHR report on the question of human rights in Cyprus noted that property rights remained an issue of concern, and property disputes continued to be brought before the European Court of Human Rights.⁸²

I. Right to health

52. CEDAW called on Cyprus to ensure universal access to health care and services for all women, in particular migrant and elderly women, and the swift implementation of the National Health Insurance System; provide affordable contraceptives and family planning methods and ensure that women and girls did not face economic, linguistic or cultural barriers in accessing family-planning information and services, and conduct research on unsafe abortions and their impact on women's health and maternal mortality.⁸³

53. CRC remained concerned at the high rate of children consuming alcohol, tobacco, drugs and other harmful substances. It recommended that Cyprus take necessary measures for the effective enforcement of the prohibition of the sale of such products to children, and consider prohibiting the advertising of such products in television, radio, publications, the Internet and other media commonly accessed by children and adolescents.⁸⁴

54. CRC recommended that Cyprus establish a mechanism for monitoring infant and child feeding, strengthen its legislation regulating the marketing of breastmilk substitutes, and implement the Baby-friendly Hospital Initiative.⁸⁵

J. Right to education

55. CRC urged Cyprus to provide Turkish Cypriot children with the option of receiving bilingual education, including in their mother tongue, and promote access to early childhood development and education, particularly for children under the age of 4 years and those at risk of delayed development and socioeconomic deprivation.⁸⁶

56. CEDAW recommended that Cyprus assess the impact of the measures undertaken under the Action Plan on Gender Equality; develop measures aiming at the diversification of women's academic and professional choices and remove economic, linguistic and cultural barriers faced by girls belonging to ethnic minorities, including Turkish Cypriot girls, in attaining a standard of performance which facilitated their successful transition into further studies or the labour market.⁸⁷

57. UNESCO recommended that Cyprus be encouraged to improve access to education for minorities, especially religious minority groups⁸⁸ and to take additional measures towards gender equality and integration of girls and women in education.⁸⁹

K. Cultural rights

58. CERD expressed concern at reports of racist incidents in schools against migrant children. It called upon Cyprus to ensure that measures are also taken with a view to creating an environment of tolerance and understanding of cultural diversity in schools as well as in the society at large. It recommended that Cyprus conduct surveys on the society's perception of cultural diversity and act upon the findings.⁹⁰

59. The Special Rapporteur on freedom of religion or belief noted that members of Muslim communities in the southern part complained about the destruction of more than 30 mosques and that he received information regarding an arson attack on the Köprülü Mosque in Limassol in April 2012.⁹¹

L. Persons with disabilities

60. CRC recommended that Cyprus ensure that children with disabilities were able to exercise their right to education and provide for their inclusion in the mainstream education system.⁹²

M. Minorities

61. CERD recommended that Cyprus define 'minority' and the rights of persons belonging to minority groups in its legislation.⁹³

62. CERD also recommended that Cyprus: step up efforts to address the precarious situation of the Roma community, and ensure that measures taken, including through the National Strategy for Roma Inclusion, did not perpetuate the situation of de facto segregation of the Roma community, but rather secure their integration and address the stigmatization, marginalization and racial discrimination they experienced.⁹⁴

N. Migrants, refugees and asylum seekers

63. CERD was concerned at the discrimination experienced by migrants, inter alia, in accessing employment and housing, and the increasing discriminatory attitudes and racial stereotypes relating to persons of foreign origin. It recommended that Cyprus step up efforts to protect the rights of migrants by combating racial stereotypes and discriminatory attitudes, including through awareness-raising campaigns, and by enforcing legislation against racial discrimination in all fields of public life. It called on Cyprus to include specific actions to that effect in the 2013-2015 National Action Plan for the integration of third-country nationals legally residing in Cyprus.⁹⁵

64. CRC was deeply concerned at the serious ambiguity on the interpretation and implementation of the provisions of the Refugee Law relating to the representation of unaccompanied and separated children in the asylum process, resulting in unaccompanied asylum-seeking children remaining without representation since 2009. It urged Cyprus to give full effect to the Refugee Law, in accordance with the European Union asylum acquis and international protection standards.⁹⁶

65. CRC urged Cyprus to apply its Refugee Law and its Reception Conditions Regulations to provide refugees with the same level of health care as nationals.⁹⁷

66. CRC was deeply concerned that the Refugee Law limited asylum seekers' right to remain until the administrative examination stage of their claim. This resulted in asylum-seeking children awaiting adjudication of their asylum claims by the Supreme Court being automatically considered illegal migrants, depriving them of access to reception conditions, including welfare assistance and medical care; and increasing their vulnerability to detention and deportation.⁹⁸

67. The Special Rapporteur on freedom of religion recommended that the Government of the Republic of Cyprus ensure that asylum seekers were not deported to a country in which they might face serious risk of religious persecution, in full compliance with the principle of non-refoulement and applicable international standards.⁹⁹ CERD was concerned that the asylum procedure in Cyprus might not provide effective protection for persons in need of international protection against refoulement. CERD urged Cyprus to strengthen legal safeguards to ensure effective protection against refoulement of persons in need of international protection, including providing free legal aid without conditions to asylum seekers at all stages of the asylum procedure.¹⁰⁰

68. CERD noted with concern that naturalization requests by persons, whose situations met the legal requirements for naturalization eligibility had sometimes been denied. It recommended that Cyprus respect the right to nationality without discrimination and ensure that no particular groups of non-citizens are discriminated against with regard to access to naturalization. CERD also requested the State party to include in its next periodic report information on how nationality laws and regulations were applied to those who were in the occupied territories.¹⁰¹

O. Internally displaced persons

69. The 2013 report of the OHCHR noted that Cyprus was still considered to have the highest proportion of internally displaced persons in terms of the percentage of its population (up to 22 per cent) with 208,000 of internally displaced persons living in the area under the control of the Government of the Republic of Cyprus at the end of 2011.¹⁰²

70. CEDAW was concerned that the domestic legislation continued to discriminate against children of women with internally displaced status, by preventing them from benefitting from the same status awarded to children of internally displaced men, which included access to voting rights, social benefits and housing assistance. It urged Cyprus to amend its legislation to ensure that children of internally displaced women are able to benefit from the same status as children of internally displaced men.¹⁰³ CRC raised similar recommendations.¹⁰⁴

P. Situation in, or in relation to, specific regions or territories

71. The 2013 report of the OHCHR noted that the persisting division of the island continued to constitute an obstacle to the full enjoyment in mutual confidence by the whole population of Cyprus of all human rights and fundamental freedoms. Furthermore, it stressed the importance of ensuring that there were no human rights protection gaps and that all persons could effectively enjoy their fundamental rights wherever they lived.¹⁰⁵

72. CERD was concerned that, in spite of the opening of several crossing points since 2003 and the resulting increase in contact between the Greek Cypriot and the Turkish Cypriot communities, the protracted conflict in Cyprus and the continued division of the island maintained tension between the two communities. It encouraged Cyprus to continue to invest every effort with a view to seeking a comprehensive settlement of the Cyprus problem. It also supported the recommendations of OHCHR with regard to addressing the underlying human rights issues and causes, including for those groups and communities whose rights were guaranteed by the Convention.¹⁰⁶

73. While CEDAW was aware that the State party did not exercise control over all of its territory and was thus unable to ensure the practical realization of women's rights in areas not under its control, it remained concerned that the political situation continued to hinder the implementation of the Convention in the region outside its effective control and regretted that no information or data on the situation of women living in this region could be provided.¹⁰⁷

74. The 2013 report of the OHCHR referred to reports that more than 100 churches, chapels and monasteries in the northern part had been desecrated and that many churches had been converted into mosques or were used by the Turkish army as hospitals or military camps.¹⁰⁸ The Special Rapporteur on freedom of religion or belief noted the deplorable conditions of historic monuments in the northern part of the island and that some churches had obviously been exposed to vandalism and looting. He added that people from Christian Orthodox villages had showed him cemeteries where crosses and tombstones had been broken.¹⁰⁹ Regarding the situation of Christian minorities in the northern part of the island, he expressed concern about the intimidating consequences of some police conduct, in particular filming and videotaping of worshippers.¹¹⁰ He reiterated that any restrictions deemed necessary on manifestations of freedom of religion or belief must meet all the criteria of article 18, paragraph 3 of the International Covenant on Civil and Political Rights.¹¹¹ The Special Rapporteur also noted that in the northern part of the island, there seemed to be no provisions dealing with the issue of conscientious objectors, which meant that conscientious objectors face the risk of punitive measures.¹¹²

Notes

- ¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>. Please also refer to the United Nations compilation on Cyprus from the previous cycle (A/HRC/WG.6/6/CYP/2).
- ² The following abbreviations have been used for this document:
- | | |
|------------|---|
| ICERD | International Convention on the Elimination of All Forms of Racial Discrimination |
| ICESCR | International Covenant on Economic, Social and Cultural Rights; |
| OP-ICESCR | Optional Protocol to ICESCR |
| ICCPR | International Covenant on Civil and Political Rights |
| ICCPR-OP 1 | Optional Protocol to ICCPR |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| OP-CEDAW | Optional Protocol to CEDAW |
| CAT | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| OP-CAT | Optional Protocol to CAT |
| CRC | Convention on the Rights of the Child |
| OP-CRC-AC | Optional Protocol to CRC on the involvement of children in armed conflict |
| OP-CRC-SC | Optional Protocol to CRC on the sale of children, child prostitution and child pornography |
| OP-CRC-IC | Optional Protocol to CRC on a communications procedure |
| ICRMW | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Convention on the Rights of Persons with Disabilities |
| OP-CRPD | Optional Protocol to CRPD |
| CPED | International Convention for the Protection of All Persons from Enforced Disappearance |
- ³ Individual complaints: ICCPR-OP 1, art 1; OP-CEDAW, art. 1; OP-CRPD, art. 1; OP-ICESCR, art. 1; OP-CRC-IC, art.5; ICERD, art. 14; CAT, art. 22; ICRMW, art. 77; and CPED, art. 31. Inquiry procedure: OP-CEDAW, art. 8; CAT, art. 20; CPED, art. 33; OP-CRPD, art. 6; OP-ICESCR, art. 11; and OP-CRC-IC, art. 13. Inter-State complaints: ICCPR, art. 41; ICRMW, art. 76; CPED, art. 32; CAT, art. 21; OP-ICESCR, art. 10; and OP-CRC-IC, art. 12. Urgent action: CPED, art. 30.
- ⁴ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁵ 1951 Convention relating to the Status of Refugees and its 1967 Protocol.
- ⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁷ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise; Convention No. 98 concerning the

- Application of the Principles of the Right to Organise and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁸ 1954 Convention relating to the Status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁹ International Labour Organization Convention No.169 concerning Indigenous and Tribal Peoples in Independent Countries and Convention No.189 concerning Decent Work for Domestic Workers.
- ¹⁰ Concluding observations of the Committee on the Rights of the Child (CRC/C/CYP/CO/3-4), para. 58, concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/CYP/CO/6-7), para. 41; concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/CYP/CO/17-22), para. 24.
- ¹¹ CEDAW/C/CYP/CO/6-7, para. 41.
- ¹² CRC/C/CYP/CO/3-4, para. 47 (d).
- ¹³ CRC/C/CYP/CO/3-4, para. 51; CEDAW/C/CYP/CO/6-7, para. 28.
- ¹⁴ CRC/C/CYP/CO/3-4, paras. 36 and 49.
- ¹⁵ CEDAW/C/CYP/CO/6-7, para. 18(e).
- ¹⁶ CRC/C/CYP/CO/3-4, para. 10.
- ¹⁷ Ibid., para. 24.
- ¹⁸ CERD/C/CYP/CO/17-22, para. 3(c).
- ¹⁹ Ibid., para. 9.
- ²⁰ According to article 5 of the rules of procedure for the International Coordination Committee (ICC) Sub-Committee on Accreditation, the different classifications for accreditation used by the Sub-Committee are: A: Voting Member (fully in compliance with each of the Paris Principles), B: Non-Voting Member (not fully in compliance with each of the Paris Principles or insufficient information provided to make a determination), C: No Status (not in compliance with the Paris Principles).
- ²¹ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/23/28, annex.
- ²² CERD/C/CYP/CO/17-22, para. 23.
- ²³ CEDAW/C/CYP/CO/6-7, para. 12.
- ²⁴ CRC/C/CYP/CO/3-4, para. 14.
- ²⁵ Ibid., para. 12.
- ²⁶ The following abbreviations have been used for this document:
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| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CRPD | Committee on the Rights of Persons with Disabilities |
- ²⁷ CEDAW/C/CYP/CO/6-7, para. 42.
- ²⁸ CERD/C/CYP/CO/17-22, para. 28.
- ²⁹ For the titles of special procedures, see www.ohchr.org/EN/HRBodies/SP/Pages/Themes.aspx and www.ohchr.org/EN/HRBodies/SP/Pages/Countries.aspx.
- ³⁰ The comments by the Government of Cyprus on the report of the Special Rapporteur on freedom of religion or belief (A/HRC/22/51/Add.1) have been issued as A/HRC/22/51/Add.2. The Turkish Cypriot views on the report of the Special Rapporteur have been submitted by the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to OHCHR (A/HRC/22/G/15). The views of the Government of Cyprus on the communication by the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to OHCHR is contained in a note verbale addressed to OHCHR (A/HRC/22/G/22).
- ³¹ In the absence of an OHCHR field presence in Cyprus, or of any specific monitoring mechanism, OHCHR relied on a variety of sources with particular knowledge of the human rights situation on the

island. The Turkish Cypriot views on the reports on the question of human rights in Cyprus have been submitted by the Permanent Mission of Turkey to the United Nations Office at Geneva addressed to OHCHR (A/HRC/13/G/21, A/HRC/16/G/11, A/HRC/19/G/16 and A/HRC/22/G/20). The views of the Government of Cyprus on relevant communications by the Permanent Mission of Turkey to the United Nations Office at Geneva are contained in letters addressed to OHCHR (A/HRC/13/G/23, A/HRC/16/G/16, A/HRC/19/G/19, and A/HRC/22/G/23).

- ³² A/HRC/22/18, para. 57.
- ³³ OHCHR Annual Report 2012, p. 251.
- ³⁴ OHCHR Annual Report 2012, pp. 117, 121, 125, 152, and 159; OHCHR Annual Report 2011, pp. 159-160 and 166 ;OHCHR Annual Report 2010, pp. 79, 83, 101 and 279;OHCHR Annual Report 2009, pp. 190 and 204; OHCHR Annual Report 2008, pp.47, 179, 183 and 191.
- ³⁵ A/HRC/22/51/Add.1, para.91.
- ³⁶ CEDAW/C/CYP/CO/6-7, para. 24.
- ³⁷ Ibid., para. 16.
- ³⁸ Ibid., para. 14.
- ³⁹ Ibid., paras. 35 and 36(a).
- ⁴⁰ Ibid., para. 36(c).
- ⁴¹ Ibid., para. 31.
- ⁴² CERD/C/CYP/CO/17-22, para. 12.
- ⁴³ Ibid., para. 13.
- ⁴⁴ Ibid., para. 10.
- ⁴⁵ CRC/C/CYP/CO/3-4, para. 22.
- ⁴⁶ A/HRC/22/18, para. 14.
- ⁴⁷ S/2013/392, para. 30.
- ⁴⁸ Ibid.
- ⁴⁹ Ibid., para. 44.
- ⁵⁰ CEDAW/C/CYP/CO/6-7, para. 18 (d).
- ⁵¹ CRC/C/CYP/CO/3-4, para. 36.
- ⁵² Ibid.4, para. 37(a).
- ⁵³ Ibid., para. 30.
- ⁵⁴ CEDAW/C/CYP/CO/6-7, para. 19.
- ⁵⁵ Ibid., para 20.
- ⁵⁶ CRC/C/CYP/CO/3-4, para. 49.
- ⁵⁷ CEDAW/C/CYP/CO/6-7, para. 10.
- ⁵⁸ CRC/C/CYP/CO/3-4, para. 55.
- ⁵⁹ Ibid., para. 32.
- ⁶⁰ Ibid., para. 34.
- ⁶¹ A/HRC/22/18, para. 25.
- ⁶² S/2013/392, para. 28.
- ⁶³ A/HRC/22/51/Add.1, paras. 55 and 77.
- ⁶⁴ A/HRC/22/51/Add.2, para. 4.
- ⁶⁵ A/HRC/22/51/Add.1, p. 1.
- ⁶⁶ Ibid., p. 1 and para. 73.
- ⁶⁷ Ibid., para. 76.
- ⁶⁸ Ibid., para. 75.
- ⁶⁹ Ibid., para. 88.
- ⁷⁰ Ibid., para. 90.
- ⁷¹ CRC/C/CYP/CO/3-4, para. 45(c).
- ⁷² CERD/C/CYP/CO/17-22, para. 14.
- ⁷³ UNESCO submission to the UPR on Cyprus, paras. 39 and 50.
- ⁷⁴ Ibid., paras. 41 and 51.
- ⁷⁵ CEDAW/C/CYP/CO/6-7, para. 21.
- ⁷⁶ Ibid., paras. 27 and 28.
- ⁷⁷ CERD/C/CYP/CO/17-22, para. 21
- ⁷⁸ ILO Committee of Experts on the Application of Conventions and Recommendations, Direct request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Cyprus,

adopted 2012, published 102nd ILC session (2013). Available from
http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3056902
:YES.

⁷⁹ CERD/C/CYP/CO/17-22, para. 21.

⁸⁰ CRC/C/CYP/CO/3-4, para. 51.

⁸¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Direct request concerning ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – Cyprus, adopted 2012, published 102nd ILC session (2013). Available from
http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3056902
:YES.

⁸² A/HRC/22/18, para. 28-34.

⁸³ CEDAW/C/CYP/CO/6-7, para. 29.

⁸⁴ CRC/C/CYP/CO/3-4, para. 41.

⁸⁵ Ibid., para. 43.

⁸⁶ Ibid., para. 45.

⁸⁷ CEDAW/C/CYP/CO/6-7, para. 26.

⁸⁸ UNESCO submission to the UPR on Cyprus, para. 47.

⁸⁹ Ibid., para. 49.

⁹⁰ CERD/C/CYP/CO/17-22, para. 22.

⁹¹ A/HRC/22/51/Add.1, paras. 54. And 57.

⁹² CRC/C/CYP/CO/3-4, para. 39.

⁹³ CERD/C/CYP/CO/17-22, para. 14.

⁹⁴ Ibid., para. 16.

⁹⁵ Ibid., para. 20.

⁹⁶ CRC/C/CYP/CO/3-4, paras. 46(a) and 47(a).

⁹⁷ Ibid., paras. 46 and 47.

⁹⁸ Ibid., para. 46.

⁹⁹ A/HRC/22/51/Add.1, para. 80. See also A/HRC/21/49, page 39.

¹⁰⁰ CERD/C/CYP/CO/17-22, para. 17.

¹⁰¹ Ibid., para. 18.

¹⁰² A/HRC/22/18, para. 21.

¹⁰³ CEDAW/C/CYP/CO/6-7, paras. 33 and 34.

¹⁰⁴ CRC/C/CYP/CO/3-4, para. 47.

¹⁰⁵ A/HRC/22/18, para. 54.

¹⁰⁶ CERD/C/CYP/CO/17-22, para. 7.

¹⁰⁷ CEDAW/C/CYP/CO/6-7, para. 4.

¹⁰⁸ A/HRC/22/18, para. 37.

¹⁰⁹ A/HRC/22/51/Add.1, para. 42.

¹¹⁰ Ibid., para. 51.

¹¹¹ A/HRC/22/51/Add.1, para. 52. See also A/HRC/18/51, page 53 (allegation letter of 17 February 2011) and page 93 (urgent appeal of 21 April 2011).

¹¹² A/HRC/22/51/Add.1, para. 68.