

Cyprus 4th UPR Cycle

Non-discriminatory application of the Cypriot nationality



Background Info

The Republic of Cyprus, in violation of its own Constitution, refuses to issue identity cards to the spouses and children of its citizens married to individuals from specific third countries. The practice results in individuals, including Turkish Cypriots and Greek Cypriots, marrying foreigners and facing systematic discrimination. This non-compliance not only discriminates against EU citizens but also violates their human rights. This problem has resulted in approximately 4000 cases being pending and many more who have not resorted to the court system are living with its effects. This practice, contrary to human rights and the Constitution of the Republic of Cyprus, has its roots in the long-standing Cyprus political problem, which has been under negotiation for many years but has not yet reached a solution in the international legal context. However, parents and children, despite not being parties to this dispute, are being deprived of many fundamental human rights.

Previous Recommendations

In the 2019 Universal Periodic Review (UPR) report of Cyprus by the United Nations General Assembly Human Rights Council, on page 17, paragraph 139.98, the Netherlands drew attention to the issues of “discrimination” and “statelessness” related to mixed marriages. In paragraph 139.100, the United Kingdom and Northern Ireland added the following statements to the report: “Review and amend relevant legal provisions, guaranteeing the right of all persons who have one Cypriot parent to obtain Cypriot nationality, on an equal basis with others, irrespective of the other parent’s ethnicity, gender, place of residence, or means of entering the country.” Additionally, in paragraph 139.101, the United States of America included the statement: “Process citizenship applications for children of mixed Turkish Cypriot and Turkish parents within a reasonable time frame.”

Current Situation

National framework

Despite being contrary to the Republic’s Constitution and international law, in particular the Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child, which binds the Republic of Cyprus, RoC, in 2007 amended the Population Registration Law to deny citizenship to children born of mixed marriages. According to this amendment, the Council of Ministers may refuse to grant Cypriot citizenship in cases where the entry or residence of one of the parents in Cyprus is illegal. At the Council of Ministers decision dated back in 2007, the following criteria were set:

- Children born on or before 20/07/1974.
- Children one of whose parents is not a Turkish citizen but a citizen of another country (European country or any other country with a reciprocity regime).
- Children whose parents were married abroad or in Cyprus before 20/07/1974.
- Children whose Turkish Cypriot father or mother has a relationship with a Turkish citizen irrespective of the events of 1974 (due to study or work outside Cyprus).
- Children whose parents live in the mixed village of Pile.

After this period, many applications began to be rejected, even though identity cards had previously been issued under the same conditions.

Recent Developments

Following an application by the victims, recently the matter was discussed by the Petitions Committee of the European Parliament. The Committee recognised that there was a problem and decided to keep the file open and to send a letter to the Republic of Cyprus asking for clarification. The President of the Republic of Cyprus, Nicos Christodoulides, announced on 26 January 2024, a package of measures to address issues affecting the daily lives of Turkish Cypriot citizens. According to the statement concerning mixed marriages, it is expected that the examination of pending applications for Cypriot citizenship within the framework of the Council of Ministers decision taken in 2007 will begin. Unfortunately, it is not possible to evaluate this decision within the framework of the package as a new initiative. It is very clear that this problem cannot be solved with the aforementioned decision of the Council of Ministers, which is the source of discrimination practices by envisaging different categories.

Key rights challenges and their impact

- The RoC government systematically inhibits mixed marriage children's rights to citizenship arbitrarily and illegally regarding their parents' citizenship status.
- There are over 4000 RoC citizenship applications made by mixed marriage children. But together with those who have not yet applied, the actual number is higher than that.
- There are 150 individual applications at the Family Court.
- Some of these children are stateless as they have not been granted citizenship by any recognized state.
- RoC citizenship is vitally important for the opportunities it provides for travelling, education, health, and employment are not comparable to Turkish Cypriots when one considers the internationally valid identity provided by RoC citizenship.
- In terms of family integrity, all family members including both parents and their children can not obtain the same opportunities that their citizenships maintained. i.e. they can travel from the same airport
- The 2007 decision of the Council of Ministers forces pregnant women to go to Turkey or another country and give birth there, which is a violation of women's rights.
- There are many cases that have been taken to court, but the courts do not make a decision. They say the lower court is in charge and postpone it. Since domestic law has not been exhausted, the matter cannot be taken to the ECHR.

Recommendations

1. Legal provisions and respective 2007 Council of Ministers decisions should be reviewed and amended to ensure equal access to Cypriot nationality for individuals with at least one Cypriot parent, regardless of their ethnicity.
2. Process citizenship applications for children of mixed marriages within a reasonable time frame.

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