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### **Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **Cyprus\***

The present report is a summary of seven stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## Information provided by other stakeholders

### A. Background and framework

#### 1. Scope of international obligations

1. In 2012, the European Committee on Social Rights of the Council of Europe (CoE-ECSR) noted that Cyprus had ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in June 2011.<sup>2</sup>

2. Amnesty International (AI) regretted the fact that Cyprus had not yet signed the Convention on the Protection of the Rights of Migrant Workers and Members of their Families and the Convention for the Reduction of Statelessness and had not yet ratified the Convention for the Protection of All Persons from Enforced Disappearance.<sup>3</sup>

3. The Council of Europe (CoE) stated that Cyprus had not yet signed or ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence.<sup>4</sup>

#### 2. Institutional and human rights infrastructure and policy measures

4. In its resolution adopted in 2011 on the implementation of the Framework Convention for the Protection of National Minorities, the Council of Europe's Committee of Ministers (CoE-CM) recommended that Cyprus ensure the operational independence and effectiveness of the National Human Rights Institution and strengthen the institutional capacity of the Ombudsman Office.<sup>5</sup>

5. In 2011, the European Commission against Racism and Intolerance of the Council of Europe (ECRI) stated that the Office of the Commissioner for Administration (Ombudsman) lacked sufficient human and financial resources and did not enjoy the freedom to appoint its own staff. Furthermore, the Office was not well known by vulnerable groups.<sup>6</sup>

6. In 2012, the European Union Agency for Fundamental Rights (EU-FRA) stated that Cyprus had taken steps to strengthen existing non-accredited institutions, also with an aim to apply for ICC accreditation. These steps consisted of amendments to the mandate of the Ombudsman Commissioner for the Protection of Human Rights in order to include monitoring commitments under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT).<sup>7</sup>

7. ECRI noted that Cyprus established a comprehensive legal framework for safeguarding equality and combating discrimination. The Independent Authority for the Investigation of Complaints and Allegations concerning the Police was set up and the Observatory against Violence recorded and analysed episodes of violence in schools and assessed incidents of a racist nature.<sup>8</sup>

8. ECRI stated that Cyprus still lacked an integration policy and pursued a restrictive immigration policy. The vulnerable situation of foreign domestic workers had not improved.<sup>9</sup>

## **B. Cooperation with human rights mechanisms**

### **Cooperation with treaty bodies**

9. Joint Submission 1 (JS1) stated that, although Cyprus had ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC) on 2 July 2010, it had not yet produced its initial report.<sup>10</sup>

## **C. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

10. JS2 stated that, in light of the economic crisis in Cyprus, racism and discrimination against migrants and refugees had intensified. Far right and nationalistic groups and politicians with an outright racist speech and narratives continued to associate “illegal immigration” with refugees, reproducing xenophobic beliefs. Refugees and migrants were rendered responsible for the growing unemployment rates. The same rhetoric was repeated by mainstream media and by politicians who were not considered to be racist, or far-right. Mainstream political parties, even those that identified themselves as left, blamed the problems of the Cypriot society, such as unemployment, crime, low standards of living, and others, to the so called “illegal migrants,” amongst whom they included refugees and EU citizens, especially from the new member states.<sup>11</sup>

11. ECRI also indicated that there was a rise in prominence of extremist anti-immigration groups and that certain ultra-nationalist websites disseminated hate speech.<sup>12</sup> CoE-ECSR indicated that Cyprus had not taken appropriate steps against misleading propaganda relating to emigration and immigration.<sup>13</sup>

12. JS2 stated that the existence of a significant number of European citizens, who lived and worked in Cyprus, had become a major concern that preoccupied the political arena. There had been no policies or measures towards the protection of their rights as EU citizens, or for social inclusion.<sup>14</sup>

13. EU-FRA reported that, in several EU Member States, including Cyprus, calls for improving the rights of LGBT persons had invariably been met with negative responses from some politicians and representatives of religious institutions or groups.<sup>15</sup> As of 2010, Cyprus was one of the Member States that had maintained the ‘hierarchy’ that afforded racial and ethnic origin better protection than other grounds. Incitement to hatred, violence or discrimination against LGBT people was not explicitly defined as constituting a criminal offence.<sup>16</sup>

### **2. Right to life, liberty and security of the person**

14. In the 2012 report on its periodic visit to Cyprus in May 2008, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CPT) expressed concern about the risk of ill-treatment by the police, both at the time of apprehension and during the subsequent period of custody and questioning.<sup>17</sup>

15. CPT recommended that Cyprus impress upon all police officers that the ill-treatment of persons in their custody was an affront to the values which constituted the very foundations of the State and would not be tolerated. This message should be repeated at regular intervals and it should be made clear that all information regarding possible ill-treatment would be investigated and that perpetrators of ill-treatment would be the subject of severe sanctions.<sup>18</sup>

16. CPT also recommended that Cyprus ensure that practical professional training in managing high-risk situations was offered to police officers of all ranks and categories and was ongoing; such training should focus, inter alia, on the questioning of suspects, in compliance with human rights principles.<sup>19</sup>

17. AI documented several cases demonstrating the failure by the police to explain to immigration detainees the reasons for their detention, the likely length and their rights while in immigration detention. AI was particularly alarmed by cases in which successful challenges against immigration detention, mounted by way of habeas corpus applications, had not led to the release of the detainees, as ordered by the Supreme Court, or release had happened only after a considerable delay.<sup>20</sup>

18. JS2 also stated that migrants were not informed, prior to their arrest and detention, that they had to leave the country. When they were arrested, they were not informed in writing of the reasons of their arrest and deportation, or of their right to apply for legal aid against detention and deportation orders.<sup>21</sup>

19. JS2 indicated that the Migration Officers issued arrest and detention orders for the purpose of deportation and for those migrants, who were considered to be “prohibited migrants.” As a result of the excessive discretionary powers of the Migration Officer, arbitrary revocations of residence permits, as well as arbitrary arrests and deportations were common.<sup>22</sup> AI also reported that some detained irregular migrants could not be deported because of lack of travel documents or because their deportation was suspended due to conflict in their countries. As a result, their detention appeared arbitrary and unnecessary – and therefore unlawful under both international and Cypriot law.<sup>23</sup>

20. JS2 stated that detention centres were typically overcrowded, and the food provided was mainly dry food, which during long detention periods could be damaging to the detainees’ health.<sup>24</sup> CPT also highlighted the need to tackle the problem of overcrowding at Nicosia Central Prisons and to ensure a satisfactory level of health-care provision for inmates at the establishment.<sup>25</sup>

21. AI called on Cyprus to ensure that conditions for irregular migrants and asylum-seekers held in immigration detention conform to international human right standards, including the UN Body of Principles for the Protection of All Persons under any Form of Detention; and to ensure the prompt provision of proper medical examination and medical treatment, including psychological counselling where appropriate, whenever necessary and free of charge.<sup>26</sup>

22. JS2 indicated that migrant women, who were third-country nationals, mainly worked as domestic workers. A lot of them were also employed in the sex industry. In Cyprus, sex work was only legal for sex workers, who obtained special licence, which was not the case for migrant women. Migrant women working in the sex industry were exposed to exploitative circumstances, in which they were forced to work illegally without any labour and social rights, while they often experienced sexual and physical violence.<sup>27</sup>

23. JS1 was concerned that Cyprus’ declaration upon ratification of OP-CRC-AC indicated that persons aged 17 might volunteer for military service<sup>28</sup> and there was a strong likelihood of the deployment in hostilities of units including 17-year-old recruits.<sup>29</sup>

24. GIEACPC stated that corporal punishment of children was prohibited in 1994 but the “right” of parents, teachers and others “to administer punishment” remained in article 54(6) of the Children’s Law of 1956, despite the Government’s stated intention to reform the law, the recommendations of the Committee on the Rights of the Child, and the Government’s acceptance of UPR recommendations to harmonise national legislation with international human rights obligations.<sup>30</sup> GIEACPC urged the UPR Working Group to recommend that Cyprus repeal article 54(6) of the Children’s Law as a matter of priority.<sup>31</sup>

25. In 2010, the Council of Europe Commissioner for Human Rights (CoE-Commissioner) also welcomed the measures taken to combat trafficking, in particular the abolition of the much criticised ‘cabaret artist visa’ and the introduction of the new action plan 2010 - 2012. However, he was concerned that other types of work permits, such as the one for bar maids, might be used to circumvent the law. He stated that the authorities should remain vigilant against organised crime and ensure that no type of visa or working permit could be abused for such unlawful purposes as trafficking in human beings.<sup>32</sup> In 2011, the Council of Europe’s Group of Experts on Action against Trafficking in Human Beings (GRETA) also expressed similar concerns.<sup>33</sup>

26. GRETA was concerned that there was not a single conviction for the criminal offence of trafficking in human beings and no victims received compensation. GRETA stressed the need to take specific measures to discourage demand for the services of trafficked persons, to provide adequate assistance to all victims of trafficking and to address the lack of convictions for the crime of trafficking in human beings.<sup>34</sup> CoE-Commissioner made similar comments and invited the authorities to seek cooperation with international bodies and other countries with experience in this domain. He also commended the continuous operation of the government-run shelter for victims of trafficking and called on the authorities to ensure that budgetary cuts planned to face the economic crisis would not undermine adequate assistance to these victims.<sup>35</sup>

### **3. Administration of justice and the rule of law**

27. AI was seriously concerned by the failure of Law 153 (I)/2011 to provide an automatic judicial review of the administrative orders to detain, especially in cases of prolonged detention, and considered that the procedural safeguards in Law 153 (I)/2011 fell short of international and regional standard, including the EU Returns Directive.<sup>36</sup> JS2 raised similar concerns.<sup>37</sup>

28. AI was also concerned over the limited access that immigration detainees had to free legal assistance. The Legal Aid Law 165(I) of 2002 did not provide for free legal assistance to challenge an administration detention order. Moreover, only very few lawyers provided free services to asylum-seekers and irregular migrants wishing to challenge their detention.<sup>38</sup>

29. JS2 stated that the national law did not allow NGOs to legally represent their clients. Lawyers that worked for NGOs were deprived of their professional license to practice law, and therefore, NGOs could not hire lawyers. A recent amendment to the Refugee Law forbade NGOs from providing any legal services to refugees and asylum seekers, as it only gave the right to law firms and self-employed lawyers to provide legal services to them. This was further complicated by the fact that, in Cyprus, there were no law firms/lawyers specialised in migration/asylum law.<sup>39</sup>

### **4. Right to privacy, marriage and family life**

30. CoE-ECSR concluded that it was excessive to require that migrant workers, who wish to be joined by their family members must have been resided lawfully in Cyprus for at least two years.<sup>40</sup>

31. JS2 stated that many migrant children faced separation from their families. In case their parent(s) was/were considered to be “(a) prohibited migrant(s),” and was/were arrested and detained for the purpose of deportation, children were given by the Social Welfare Services to foster families while their parent(s) was/were in detention. In case one of the parents was considered a “prohibited migrant” and was arrested and detained for the purpose of deportation, while the other parent was not, then the child(ren) remained in Cyprus with the second parent, while the first was deported.<sup>41</sup>

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

32. JS1 stated that the discrepancy in duration between military service (24 months) and the civilian alternative service available to conscientious objectors (34 months for “unarmed military service outside the armed forces”) remained punitive.<sup>42</sup> There was considerable scope for concern that anything described as “unarmed military service outside the armed forces” might not in practice be a truly civilian option, compatible with the reasons for conscientious objection.<sup>43</sup> Furthermore, the military control of the arrangements and the absence of provisions for reservists to apply for recognition as conscientious objectors, were not in accordance with international standards.<sup>44</sup>

33. CoE-ECSR also considered that the overall length of alternative military service amounting to almost three years was too long and therefore remained excessive and not in conformity with the European Social Charter.<sup>45</sup>

34. In its mission report on the assessment of the parliamentary elections of May 2011, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE/ODIHR) stated that the legal framework provided a sound basis for the conduct of democratic elections in accordance with OSCE commitments and international standards. Nevertheless, OSCE/ODIHR was of the view that the process could benefit if some existing inconsistencies within and between various laws were eliminated. The law did not provide for international or domestic non-partisan observation, despite existing OSCE commitments.<sup>46</sup>

35. In its needs assessment report for the presidential election of February 2013, OSCE/ODIHR indicated that the legal framework governing the presidential election comprised the Constitution, the law on presidential elections and a number of other legal acts. While the legislation foresaw observers from political parties, it did not provide for the observation by civil society organizations and international observers, at odds with paragraph 8 of the 1990 OSCE Copenhagen Document. Furthermore, the legal framework did not regulate campaign finance during presidential elections.<sup>47</sup>

36. OSCE/ODIHR noted that, on 17 December 2012, the parliament had passed a new Law on Political Parties, superseding the previous law from February 2011.<sup>48</sup> However, the party and campaign financing provisions were not sufficiently detailed, and the new reporting requirements and enforcement mechanisms might not be sufficient to ensure full transparency in disclosing campaign donations and expenditures and to sanction possible violations of the law.<sup>49</sup>

37. OSCE/ODIHR informed that there were no specific legal instruments to promote the participation of women in political life<sup>50</sup> and that women remained largely underrepresented in executive and legislative bodies. In the 2011 parliamentary elections, the number of female candidates decreased from eight women (14 per cent) elected previously, to six women (10.7 per cent) elected to the current parliament.<sup>51</sup>

38. CoE-CM recommended that Cyprus identify ways to enable a more effective participation of the Armenians, the Latins and the Maronites in public affairs in parliament and through improved consultation mechanisms.<sup>52</sup>

## **6. Right to work and to just and favourable conditions of work**

39. JS2 indicated that the migration policy of Cyprus imposed a strict short-term stay (up to four years) and employment framework, which required migrants to sign employment contracts with unknown employers, before they came to Cyprus. Their residence permit depended completely on their employer. A permission to find another employer was subject to the administration’s discretion. Such a direct dependency gave the

employers the power to terminate the employment and rendered migrant workers extremely vulnerable to violations of labour rights, and even abuse. The employment contracts of domestic workers were prepared by the Ministry of Interior, instead of the Ministry of Labour and Social Insurance, and contained articles that were discriminatory to migrant workers.<sup>53</sup>

40. JS2 stated that domestic workers and labourers in the agriculture/farming industry had to live at their place of work. For domestic workers, this entailed that they live in their employers' house. The confines of the private home, and the fact that domestic work was exempted from labour inspection and domestic workers were not organized in trade unions, allowed the establishment of a feudal relationship between domestic workers and their employers, complete subordination and power. The same held for labourers in the agriculture/farming, who often lived in poor and inhuman conditions, in the premises of farms and were also not organized in trade unions.<sup>54</sup>

41. JS2 continued that domestic workers and labourers in the agriculture/farming industry were required to have private accident and health insurances, the cost of which was divided equally between the employer and the employee. These schemes did not cover even basic medical care, which was vital to women, such as the Pap test and other gynaecological tests and treatments. In cases expensive medical treatment/examinations were required, employers typically refused to pay the expenses.<sup>55</sup>

42. CoE-ECSR noted that safety and health regulations did not cover domestic workers and requested to be informed of the development of a draft law under preparation to amend the Safety and Health at Work legislation to extend its scope to such workers.<sup>56</sup>

## **7. Right to social security and to an adequate standard of living**

43. CoE-ECSR concluded that the social pension was manifestly inadequate and that the sickness, unemployment, work injury and maternity benefits fell below the poverty threshold.<sup>57</sup> CoE-ECSR also concluded that Cyprus had not demonstrated that there was an adequate health care system.<sup>58</sup>

44. JS2 stated that, according to the law, victims of trafficking had access to employment, welfare benefits, and health care, and should be granted a resident permit without being charged for it. In reality, however, according to JS2, they found themselves in poor living conditions, without adequate access to any of these rights, due to the economic crisis with which Cyprus faced, but also to the incompetency of government departments and services to assist them.<sup>59</sup>

45. JS2 indicated that, although migrant workers fully contributed to the social insurance schemes, they had de facto no access to any social and economic rights, such as pension, unemployment benefit, social welfare allowance, and free medical care.<sup>60</sup>

46. ECRI noted that asylum seekers, like all other applications for public assistance, must wait several months for the processing of their claims and receipt of welfare. They experienced major difficulties finding accommodation. Their access to employment was restricted to specific unskilled sectors.<sup>61</sup>

## **8. Right to health**

47. According to JS2, denial or restriction of access to health care to migrant children, because of their parents' legal status, was a common complaint that it received, despite efforts by the Commissioner for Children's Rights to grant children full access to healthcare, irrespectively of their parents' status.<sup>62</sup>

## **9. Right to education**

48. ECRI stated that there was a disproportionately high concentration of Turkish Cypriot and Roma pupils in particular schools. The failure to meet the educational needs of these children constituted an effective denial of their right to education.<sup>63</sup>

49. ECRI indicated that the Polemidia housing settlement for Roma constituted de facto segregation from the majority population and the children were denied their right to education.<sup>64</sup>

50. JS2 indicated that schools, and especially high schools, lacked any efficient integration programmes, having as a result for migrant children to merely attend and not participate in schooling.<sup>65</sup>

51. JS2 also received reports concerning bullying of children with migrant background in school, which was motivated by racist and xenophobic feelings. A significant number of migrant children, especially teenagers, dropped out of school, either because they felt they did not gain anything out of it, or because of bullying, or both.<sup>66</sup>

## **10. Cultural rights**

52. CoE-CM recommended that Cyprus make efforts to adjust public support to the preservation and development of the culture of the Armenians, the Latins and the Maronites to their actual needs, and effectively assist these groups in the establishment of cultural centres; take effective measures, including of a financial nature, to support the revitalisation and promotion of the language of the Maronites as well as their culture, religion and traditions and increase efforts to facilitate their contacts with persons who shared their identity and their place of origin; take more resolute steps to promote mutual respect and understanding within Cypriot society; and pursue and develop measures to enable effective participation of Turkish Cypriots in cultural, social and economic life and in public affairs, in particular those affecting them.<sup>67</sup>

## **11. Persons with disabilities**

53. CoE-ECSR noted that no data was available yet as regards the number of disabled adults and children in Cyprus.<sup>68</sup>

54. CoE-ECSR also concluded that persons with disabilities were not guaranteed effective protection against discrimination in employment, housing, transport, and cultural and leisure activities.<sup>69</sup>

## **12. Minorities**

55. CoE-CM invited Cyprus to take adequate measures to ensure, during the population census and other forthcoming processes, effective implementation of the principle of self-identification, especially in respect of the Armenians, the Latins and the Maronites, as well as the Roma; take urgent action to combat and sanction effectively all forms of discrimination and intolerance, including misconduct by members of the police force; adopt without further delay a comprehensive integration strategy and take adequate measures to ensure its effective implementation; take additional measures to provide a more adequate response to the educational needs of the Armenians, the Latins and the Maronites, in particular as regards the availability of teaching materials and qualified teachers; provide the support needed to enable adequate minority language teaching for the Armenians and the Maronites.<sup>70</sup>

56. In its third report, published in May 2012, on the application of the European Charter for Regional or Minority Languages by Cyprus, CoE-CM called on Cyprus to adopt a structured policy for the protection and promotion of the Armenian and Cypriot Maronite



Arabic languages. Furthermore, it recommended Cyprus to provide teacher training for Armenian and Cypriot Maronite Arabic as well as to strengthen the teaching in and of Cypriot Maronite Arabic.<sup>71</sup>

### 13. Migrants, refugees and asylum seekers

57. JS2 was concerned that a large part of the migration process was facilitated not by the State but by private agencies. This led to the extremely high cost of migration and growth of channels of exploitation of migrants. Corruption appeared mostly in relation to the access to entry and employment authorisation for migrants, submission of labour dispute complaints, permission to change employers, access to asylum, issuance and renewal of residence permits, revocation of detention and deportation orders, and access to marriage procedures and documentation.<sup>72</sup>

58. AI stated that irregular entry and/or stay in Cyprus remained a criminal offence. In November 2011, Law 153(I)/2011, seeking to transpose the European Union (EU) Returns Directive, removed the punishment of imprisonment for the irregular entry into and staying, but retained the criminal nature of these offences and their punishment with a fine.<sup>73</sup> AI recommended that Cyprus repeal Article 18 OF (2) of Law 153 (I) 2011 that criminalized irregular entry or stay by irregular migrants.<sup>74</sup> AI believed that the mere fact of irregularly entering Cyprus or of remaining in the country should not attract criminal sanctions and should be treated purely as an administrative offence.<sup>75</sup>

59. AI reported that irregular migrants were being routinely detained pending deportation and that the Cypriot authorities did not appear to consider less restrictive measures before resorting to detention. AI considered that there was no lawful justification for the routine detention of irregular migrants solely for immigration purposes.<sup>76</sup> JS2 expressed similar concerns.<sup>77</sup>

60. AI indicated that Law 153(I)/2011 set the maximum length of detention pending deportation at six months, with the possibility of extending it for a further 12 months in certain circumstances. AI cautioned that, although permissible under EU legislation, detaining someone solely for immigration purposes for up to 18 months was incompatible with the right to liberty as recognized in the European Convention on Human Rights and in other international human rights instruments to which Cyprus is a party.<sup>78</sup>

61. AI was concerned that Law 153(I)/2011 failed to abolish the detention of unaccompanied migrant children. Children, and in particular unaccompanied or separated children, should never be detained solely for immigration purposes, given that immigration detention could not ever be said to be in their best interests.<sup>79</sup> AI called upon Cyprus to prohibit in law the detention of unaccompanied migrant children.<sup>80</sup>

62. AI indicated that the Cypriot authorities appeared to resort to detaining asylum-seekers not under the provisions of the Refugee Law, but instead under those of the Aliens and Immigration Law. In particular, certain categories of asylum-seekers were deemed by the Cypriot authorities, and by the Supreme Court case law, to be “prohibited migrants” liable to detention pending deportation. AI believed that asylum-seekers – who are presumed to be eligible for international protection unless and until proven otherwise, following a full, fair and effective asylum determination procedure – should not be detained, either administratively or under any immigration powers, because of their inherent vulnerability.<sup>81</sup>

63. AI called upon Cyprus to end the routine detention of asylum-seekers for immigration purposes in law and practise, in line with international standards which required that such detention was used only in exceptional circumstances; and to ensure that the recourse to the Supreme Court regarding a decision rejecting an asylum application at

the initial stage or at appeal level automatically suspended the implementation of a deportation order.<sup>82</sup>

64. JS2 stated that asylum seekers whose applications for asylum had been rejected at the level of the administration had the right to file an appeal before the Supreme Court. Such asylum seekers had the right to apply for legal aid for the purposes of their appeal. Furthermore, those who were considered to be “prohibited migrants” and against whom detention and deportation orders had been issued also had the right to file an appeal at the Supreme Court and to apply for legal aid for the purposes of their appeal. However, in both cases, the right to legal aid for the purposes of an appeal at the Supreme Court remained mostly theoretical, as the majority of such applications were rejected by the Court.<sup>83</sup>

65. ECRI also noted that legal aid was only available at the appeal stage against negative asylum decisions and the conditions were such that very few obtained it. ECRI recommended that Cyprus ensure the access of asylum seekers to legal aid throughout the asylum procedure and not just at the appeal stage.<sup>84</sup>

#### **14. Situation in, or in relation to, specific regions or territories**

66. JS1 noted that the northern part of the island<sup>85</sup> had not been under the control of the internationally-recognized government since 1974, which meant that, as long as the current situation persisted, human rights in this area would in practice not be examined at any point under the UPR.<sup>86</sup>

67. JS1 indicated that there was no legal provision for conscientious objection to military service in the northern part of the island.<sup>87</sup> In the absence of any procedures for dealing with conscientious objectors, only one conscript was known to have openly declared his refusal to serve on the grounds of conscientious objection. He was sentenced to 39-month imprisonment in 1993 but was subsequently released on condition that he did nothing further publicise his case. In 2009, one individual declared himself a conscientious objector and did not comply with the requirement to report each year for a nominal day of reserve training. When charged over this in the “military court”, he pleaded not guilty on the grounds that he was exercising the freedom of thought, conscience and religion guaranteed under the European Court of Human Rights. The “military court” referred the case to the “Constitutional Court”, which heard the case on 16 May 2013; however, its decision had, according to JS1, not been published by June 2013.<sup>88</sup>

68. As for juvenile recruitment in the northern part of the island<sup>89</sup>, JS1 noted that voluntary recruitment with parental consent was possible from the age of 17 and that it was assumed that there were no effective safeguards against under-age deployment.<sup>90</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society*Individual submissions

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland

Joint submissions

JS1	Joint submission 1 submitted by: International Fellowship of Reconciliation, the Netherlands, and Conscience and Peace Tax International, Belgium;
JS2	Joint submission 2 submitted by: KISA—Action for Equality, Support, Antiracism, and Cyprus Stop Trafficking, Nicosia, Cyprus

Regional intergovernmental organization

CoE	Council of Europe, Strasbourg, France <ol style="list-style-type: none"> <li>1. CoE-CM—Committee of Ministers, Resolution CM/ResCMN(2011)16 on the implementation of the Framework Convention for the Protection of National Minorities by Cyprus, September 2011 /</li> <li>2. CoE-Commissioner—Commissioner for Human Rights, Letter to the Ministry of Interior of the Republic of Cyprus, Comm/HR/SG/sf 141-2010, June 2010;</li> <li>3. CPT—European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, Report to the Government of Cyprus on the visit to Cyprus from 12 to 19 May 2008;</li> <li>4. ECRI—European Commission against Racism and Intolerance, ECRI Report on Cyprus (fourth reporting cycle), May 2011;</li> <li>5. CoE-ECSR—European Committee of Social Rights, Conclusions 2009, 2010, 2011 and 2012 of the Revised European Social Charter;</li> <li>6. GRETA—Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, September 2011</li> </ol>
EU-FRA	European Union Agency for Fundamental Rights, Vienna, Austria
OSCE/ODHIR	Organization for Security and Cooperation in Europe/Office of Democratic Institutions and Human Rights, Warsaw, Poland.

- <sup>2</sup> CoE-ECSR, Conclusions 2012, p. 21.  
<sup>3</sup> AI, p. 1.  
<sup>4</sup> CoE, p. 6.  
<sup>5</sup> Resolution CM/ResCMN2011(16), p. 3.  
<sup>6</sup> ECRI, p. 7.  
<sup>7</sup> EU-FRA, p. 13.  
<sup>8</sup> ECRI, p. 7.  
<sup>9</sup> ECRI, p. 7.  
<sup>10</sup> JS2, para. 10.  
<sup>11</sup> JS2, p. 8.  
<sup>12</sup> ECRI, p.7.  
<sup>13</sup> CoE-ECSR, Conclusions 2011, p. 13.  
<sup>14</sup> JS2, p. 8.  
<sup>15</sup> EU-FRA, p. 17.  
<sup>16</sup> EU-FRA, p.25.  
<sup>17</sup> CoE, p. 1.  
<sup>18</sup> CPT, p. 59.  
<sup>19</sup> CPT, p. 60.

- 20 AI, p. 4.
- 21 JS2, p. 3.
- 22 JS2, p.3.
- 23 AI, pp. 3-4.
- 24 JS2, p. 4.
- 25 CoE, p. 3.
- 26 AI, p. 4.
- 27 JS2, p. 5.
- 28 JS1, para. 13.
- 29 JS1, paras. 13-15.
- 30 GIEACPC, p. 1.
- 31 GIEACPC, p. 1.
- 32 CommHR/SG/sf 141-2010, p. 1.
- 33 CoE, p. 2.
- 34 GRETA, p. 41.
- 35 Comm/HR/SGs/sf 141-2010, p. 1.
- 36 AI, p. 2.
- 37 JS2, p.3.
- 38 AI, p. 2.
- 39 JS2, 14.
- 40 CoE-ECSR, Conclusions 2011, pp.17-19.
- 41 JS2, p.7
- 42 JS1, para. 1.
- 43 JS1, para. 6.
- 44 JS1, para. 1.
- 45 CoE-ECSR, Conclusions 2012, p. 8.
- 46 OSCE/ODHIR EAM Report, September 2011, p. 1.
- 47 OSCE/ODHIR NAM Report, January 2013, p. 1.
- 48 OSCE/ODHIR NAM Report, January 2013, p. 1.
- 49 OSCE/ODHIR EAM Report, September 2011, p. 2.
- 50 OSCE/ODHIR EAM Report, p. 2.
- 51 OSCH/ODHIR NAM Report, p. 2.
- 52 Resolution CM/ResCMN2011(16), p. 2.
- 53 JS2, p. 9.
- 54 JS2, p. 10.
- 55 JS2, p. 10.
- 56 CoE-ECSR, Conclusions 2009, p. 8.
- 57 CoE-ECSR, Conclusions 2009, pp. 17-18.
- 58 CoE-ECSR, Conclusions 2009, p. 11.
- 59 JS2, p. 11.
- 60 JS2, p. 4.
- 61 ECRI, p. 8.
- 62 JS2, p. 7.
- 63 ECRI, p. 7.
- 64 ECRI, p. 7.
- 65 JS2, p. 7.
- 66 JS2, p. 7.
- 67 Resolution CM/ResCMN2011(16), p. 3.
- 68 CoE-ECSR, Conclusions 2012, p. 21.
- 69 CoE-ECSR, Conclusions 2012, pp. 20 and 27.
- 70 Resolution CM/ResCMN2011(16), p. 2.
- 71 CoE, p. 5.
- 72 JS2, pp. 13-14.
- 73 AI, p. 1.
- 74 AI, p. 4.
- 75 AI, pp. 1-2.

<sup>76</sup> AI, p. 3.

<sup>77</sup> JS2, p. 3.

<sup>78</sup> AI, p. 2.

<sup>79</sup> AI, p. 2.

<sup>80</sup> AI, p. 4.

<sup>81</sup> AI, p. 3.

<sup>82</sup> AI, p. 4.

<sup>83</sup> JS2, p. 12.

<sup>84</sup> ECRI, p. 8.

<sup>85</sup> The original stakeholder submission referred to the “Turkish Republic of Northern Cyprus.”

<sup>86</sup> JS1, para. 17.

<sup>87</sup> The original stakeholder submission referred to the “Turkish Republic of Northern Cyprus.”

<sup>88</sup> JS1, paras. 17-20.

<sup>89</sup> The original stakeholder submission referred to the “Turkish Republic of Northern Cyprus.”

<sup>90</sup> JS1, paras. 17-18.

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