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Agenda item 6

Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Cyprus

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

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

Introduction

1. Cyprus underlines its deep commitment to the universal periodic review process as a vital component of its aim towards the better protection and promotion of human rights.
2. The 188 recommendations made during the review of Cyprus on 29 January 2019, have been the subject of extensive internal consultations between all line Ministries and the Office of the Law Commissioner.
3. Cyprus is in a position to accept 163 recommendations, representing well above 85% of the total recommendations made. These concern areas in which Cyprus intends to act in accordance with the recommendations or are actions that are already underway and/or are currently being implemented.
4. Cyprus partially accepts six (6) of the recommendations. These involve the ratification of or accession to a number of treaties.
5. Finally, Cyprus takes note of 19 recommendations, including those the Government agrees with their objective, but no commitment can be made as to their implementation, as they relate to the ongoing negotiations for finding a solution to the Cyprus problem and/or formulate inaccurate assumptions or are simply not applicable to Cyprus.

Accession/ratification of implementation to international legally binding instruments

6. Cyprus accepts the following recommendations:
139.1, 139.3, 139.17, 139.18, 139.19, 139.102.
7. Cyprus partially accepts the following recommendations:
139.2, 139.12, 139.13, 139.14, 139.15.
8. Cyprus is willing to support part of the abovementioned recommendations dealing with the *1954 Convention relating to the status of Stateless Persons*. The Government is committed to taking all necessary measures to re-submit to the House of Representatives for consideration and approval the ratification bill for the *1954 Convention relating to the Status of Stateless Persons*.
9. Cyprus takes note of the following recommendations:
139.4, 139.5, 139.6, 139.7, 139.8, 139.9, 139.10, 139.11, 139.16, 139.20, 139.21.
10. These recommendations relate to the *International Convention for the Protection of All Persons from Enforced Disappearance*, the *1961 Convention on the Reduction of Statelessness*, the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* and the *ILO Indigenous and Tribal Peoples Convention No. 169*.
11. Regarding the *1961 Convention on the Reduction of Statelessness*, Cyprus is not, for the time being, in a position to consider accession for political reasons relating directly to certain sensitive aspects of the Cyprus problem.
12. Cyprus does not intend to proceed with accession to the *International Convention on the Protection of All Migrant Workers and the Members of Their Families*, as this legal instrument falls within EU competence, and its ratification is subject to on-going discussion at EU level. Cyprus will act accordingly, if and when policy measures regulating the above subject are adopted by the European Union. Cyprus has already transposed the relevant EU acquis into national law, providing adequate protection in relation to the rights of migrants and the members of their families.
13. The *ILO Domestic Workers Convention* is a similar case. Most of its provisions are covered by the European Union acquis in the areas of social policy, anti-discrimination (employment equality, gender equality, maternity protection), judicial co-operation in

criminal matters and asylum and immigration. Therefore, its provisions are largely incorporated into national law. There are, however, a few provisions of this Convention in relation to which there is currently no agreement among social partners in Cyprus. Nevertheless, administrative adjustments are continuously made so as to increase the protection of this category of migrants.

14. As regards the *Indigenous and Tribal Peoples Convention No. 169*, it does not apply to the Republic of Cyprus, as there are no indigenous people in Cyprus.

Women's rights and gender equality

15. Cyprus accepts the following recommendations:

139.24, 139.28, 139.108, 139.125, 139.126, 139.127, 139.128, 139.129, 139.130, 139.131, 139.132, 139.133, 139.134, 139.135, 139.136, 139.137, 139.138, 139.139, 139.140, 139.141, 139.142, 139.143, 139.144, 139.145, 139.146, 139.147, 139.148, 139.149, 139.150, 139.152, 139.153, 139.154, 139.155, 139.157, 139.158, 139.159.

Human rights protection and awareness raising

16. Cyprus accepts the following recommendations:

139.26, 139.29, 139.30, 139.32, 139.59, 139.60.

17. Cyprus also accepts recommendation 139.25, even though full compliance with the Paris Principles proved to be challenging not by reason of substance, but due to the structure and procedures concerning the appointment of Civil Service employees who staff the Office of independent authorities. The Government is committed to finding a practical solution to this problem by the next UPR cycle. However, as this demands a complete restructuring of procedures and legislation, the process is expected to be long, arduous and politically complex.

Combat of racism, xenophobia and discrimination

18. Cyprus accepts the following recommendations:

139.27, 139.33, 139.35, 139.37, 139.38, 139.39, 139.40, 139.48, 139.50, 139.51, 139.52, 139.54, 139.55, 139.90, 139.92, 139.176, 139.177.

19. Cyprus takes note of recommendation 139.175, in relation to which the concerns are not on the substance, but on their formulation. Ethnic and racial minorities are not recognized by the Constitution of the Republic of Cyprus; only "religious groups" are recognised. Measures aiming to promote tolerance and enhance integration and respect of the rights of all vulnerable groups, such as migrants, are already being adopted and promoted and these will be presented under other related recommendations.

20. Cyprus takes note of the following recommendations:

139.34, 139.36.

21. Cyprus believes that discrimination-related issues are a horizontal matter. As regards criminal law, there are three laws concerning combating of discrimination:

(a) the Criminal Code, Cap 154, which pre-existed the Constitution of the Republic of Cyprus and contains criminal offences in relation to discrimination between the two Communities of Cyprus;

(b) the law ratifying the ICERD (Law 12/1967, as amended) which provides specific discrimination offences for the purposes of implementation of the said Convention;

(c) the Combating Certain Forms and Expressions of Racism and Xenophobia Law [134(I)/2011] which provides for specific severe offences pursuant to European acquis. The national anti-discrimination legislative framework is considered

comprehensive, as it covers all grounds of discrimination and in no way it can be described as fragmented.

Protection of cultural heritage

22. Cyprus accepts the following recommendations:

139.31, 139.57, 139.124.

Protection of the rights of LGBTI persons

23. Cyprus accepts the following recommendations:

139.41, 139.42, 139.43, 139.44, 139.45, 139.46, 139.47, 139.53.

Protection of the rights of people that are under detention

24. Cyprus accepts the following recommendations:

139.62, 139.63, 139.64, 139.65.

Protection of the victims of trafficking

25. Cyprus accepts the following recommendations:

139.66, 139.67, 139.68, 139.69, 139.70, 139.71, 139.72, 139.73, 139.74, 139.75, 139.76, 139.77, 139.78, 139.79, 139.80, 139.81, 139.83, 139.84, 139.85, 139.86, 139.87, 139.88.

Protection of asylum seekers and beneficiaries of international protection and of migrants

26. Cyprus accepts the following recommendations:

139.89, 139.94, 139.112, 139.114, 139.178, 139.179, 139.180, 139.181, 139.182, 139.183, 139.184, 139.185, 139.186, 139.187, 139.188.

Protection of migrant workers

27. Cyprus accepts the following recommendations:

139.106, 139.107, 139.109, 139.110, 139.111.

Protection of children

28. Cyprus accepts the following recommendations:

139.113, 139.117, 139.118, 139.119, 139.120, 139.121, 139.122, 139.123, 139.161, 139.162, 139.163, 139.164, 139.165, 139.168, 139.170, 139.172.

Protection of people with disabilities

29. Cyprus accepts the following recommendations:

139.166, 139.167, 139.169, 139.171, 139.173, 139.174

General issues

30. Cyprus accepts the following recommendations:
139.22, 139.95, 139.58, 139.61, 139.103, 139.104, 139.105, 139.115, 139.116.

Recommendations related to the Cyprus question

31. Cyprus accepts the following recommendations:
139.49, 139.56, 139.91, 139.93, 139.96, 139.97, 139.151, 139.156, 139.160.
32. Cyprus partially accepts recommendation 139.98.
33. As in previous recommendations, Cyprus is willing to accept the part dealing with the *1954 Convention relating to the Status of Stateless Persons* and the *2000 European Convention on Nationality*. Cyprus is also committed to implementing the citizenship legislation in an efficient, non-discriminatory and transparent manner. However, there is no automaticity on this issue irrespective of the nationality of the applicant.
34. Cyprus takes note of the following recommendations:
139.23, 139.82, 139.99, 139.100, 139.101.
35. Cyprus takes note of recommendations 139.99, 139.100 and 139.101 concerning the procedures for granting nationality to children of mixed marriages between members of the Turkish Cypriot community and Turkish citizens who are illegally residing in the northern part of the territory of the Republic of Cyprus, which is under military occupation since 1974. These children can in no way be considered as stateless.
36. Cyprus takes note of recommendation 139.23. Since 1974, a systematic policy of altering the demographic, cultural and historic character has been taking place in the occupied part of the Republic of Cyprus, in direct contravention of all relevant UN Resolutions, including on the standardization of geographical names. As part of this policy of cultural and religious cleansing, 35,000 geographical names in the occupied territory of Cyprus have been arbitrarily and illegally changed. The national legislation in place aims to discourage and halt any attempts to further decimate the cultural heritage in the occupied areas of Cyprus.
37. Finally, Cyprus takes note of recommendation 139.82 as it is formulated. According to the Judgment of the European Court of Human Rights in the case of *Cyprus v. Turkey (2001) (No. 25781/94)*, “the local administration” in the occupied part of Cyprus “was subordinated to and controlled by the respondent State not through the principle of legality and democratic rule but through military control and occupation...”.
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