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HUMAN RIGHTS COUNCIL  
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**DRAFT REPORT OF THE WORKING GROUP ON  
THE UNIVERSAL PERIODIC REVIEW\***

**Cyprus**

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## **Introduction**

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its sixth session from 30 November to 11 December 2009. The review of Cyprus was held at the second meeting on 30 November 2009. The delegation of Cyprus was headed by H.E. Ms. Leda Koursoumba, Law Commissioner of the Republic of Cyprus. At its meeting held on 4 December 2009, the Working Group adopted the present report on Cyprus.
2. On 7 September 2009, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Cyprus: Senegal, Philippines, and the Netherlands.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Cyprus:
  - (a) A national report submitted / written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/6/ CYP /1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR), in accordance with paragraph 15 (b) (A/HRC/WG.6/6/ CYP /2);
  - (c) A summary prepared by OHCHR, in accordance with paragraph 15 (c) (A/HRC/WG.6/6/ CYP /3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, the Netherlands, Sweden, United Kingdom of Great Britain and Northern Ireland was transmitted to Cyprus through the troika. These questions are available on the extranet of the UPR.

### **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

5. The Chair of the Human Rights Council Working Group on the UPR stated that it is of utmost importance when discussing human rights issues, that everybody respect each other's views and uphold United Nations terminology and standards when referring to countries and territories.

#### **A. Presentation by the State under review**

6. H.E. Ms. Leda Koursoumba, Law Commissioner of the Republic of Cyprus, introduced the national report based on information from Departments, independent authorities and monitoring mechanisms, and following consultations with civil society.
7. The delegation informed that the Constitution sets out an extensive bill of rights. International treaties become part of the national law and have superior force to national legislation.
8. The delegation highlighted that Cyprus has ratified the majority of universal and regional human rights instruments. There is a small number of recent human rights instruments to which Cyprus is still only a signatory. Ratification has been delayed for bureaucratic reasons. Cyprus is committed to complete the process of ratification in the near future, including the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict (OP-CRC-AC).

9. Cyprus has accepted the jurisdiction of the UN monitoring mechanisms and expressed its commitment to those mechanisms. Occasional delays in submitting country reports are solely due to bureaucratic deficiencies encountered. Upon accession to the EU in 2004, human rights protection in Cyprus was further streamlined by the application of the relevant EU acquis.
10. Cyprus stated that regrettably, the Government is not in a position to ensure implementation of all its international obligations, including ensuring universal application of human rights to all individuals, throughout the territory of the Republic of Cyprus. This is due to the fact that, since 1974, the government is prevented from exercising effective control over one third of its territory, as a result of illegal foreign military occupation. Consequently, all information and verifiable data presented in the national report concern the area under the effective control of the Government of Cyprus.
11. Cyprus acknowledged that its National Institution for the Protection of Human Rights (NIPHR) is not fully compatible with the Paris Principles. Pending relevant legislation, the National Institution's Statute was amended by a decision of the Council of Ministers in 2009 to ensure its total independence from the Government and to allocate sufficient resources. At the same time there exist other effective internal monitoring mechanisms which are highly active.
12. The delegation indicated that the promotion of children's rights has been included as an educational target for the current school year. Cyprus recognized that some of its domestic laws do not fully comply with the Convention on the Rights of the Child (CRC) and highlighted that, inter alia, these laws are now under review, including the laws on adoption, juvenile delinquency, and juvenile justice.
13. Corporal punishment in the family is prohibited by law and prosecuted. There is a record of such criminal cases brought before the courts which resulted in convictions.
14. Cyprus indicated that the issue of military recruitment of persons under the age of 18 will be settled with the ratification of the OP-CRC-AC.
15. The full protection of children's rights safeguarded by the CRC applies to every person under 18. A special administrative procedure for handling young offenders between the ages 14-16 is in place, to decriminalize their acts and divert them from the criminal and judicial system. The age of criminal responsibility is 14 and applies to all criminal offences. The overall legal, procedural, and administrative environment pertaining to children involved in the criminal justice system is under review.
16. The issue of granting the status of Internally Displaced Persons (IDPs) and consequential benefits to children of internally displaced women is currently under examination.
17. The National Machinery for Women's Rights (NMWR), headed by the Minister of Justice, has seen its budget triple in recent years. The first five year National Action Plan on Gender Equality was adopted in 2007 and a Ministerial Committee on Gender Equality to monitor its implementation. The NMWR has pursued effective initiatives, aiming at changing stereotypes and encouraging girls to pursue education leading to wider career choices.
18. In relation to domestic violence, the delegation noted that concerted actions are based on the relevant law as well as on the Manual of Interdepartmental Procedures, which is currently being

revised. The five year National Action Plan is at its final stage of deliberation. In an effort to tackle domestic violence on the basis of valid data, the police are in the process of conducting three major studies.

19. Cyprus noted that one of the main targets of the “National Strategy Reports on Social Protection and Social Inclusion 2008-2010” focuses on the promotion of gender equality and the advancement of women. A Tripartite Technical Committee has prepared a study for the Reconciliation of Work and Family/Private Life in 2009 which provides recommendations for measures.

20. The delegation highlighted the establishment of the Women’s Multicultural Centre, which aims at bringing together women from all communities in Cyprus in the promotion of the participation of women in the reconciliation and peace process, as well as developing financial support of relevant bi-communal initiatives and activities.

21. Cyprus informed that the law providing for the European Parliamentary elections (10(I)/2004) enables all Cypriot citizens to exercise their electoral rights. Turkish Cypriots exercised this right at the European Parliamentary Elections of 2004 and 2009. All relevant documentation was available both in Greek and Turkish, while Turkish speaking staff was employed at the relevant polling stations. Turkish Cypriots were invited to enrol in the electoral list by paid announcements, in Turkish, in the media.

22. Cyprus indicated that free and accessible education, at all levels, is offered to all students, including Cypriot and children of migrants, irrespective of the status of their parents. Public educational institutions enrol students without discrimination and without requiring either residence permits or other documentation. The Government will be withdrawing the 2004 Circular in which schools were expected to report to the immigration authorities. Education is compulsory until the age of 15 primary and secondary schools operate in all towns and rural areas to safeguard equal access to different levels of education. Thus there are no boarding schools financed by the government.

23. The public schools, with attendance of more than two Turkish speaking students, operate as “Zones of Educational Priority” (ZEP) based on UNESCO’S policy. Research has guided the Government in implementing programs for the education of Turkish speaking and non-native language speaking students. The Turkish language is part of the national curriculum and is taught at the upper secondary and higher education levels.

24. In recognition of the special educational and cultural needs of its religious groups, Cyprus declared the Armenian and the Cypriot Maronite Arabic languages as meriting specific protection under the European Charter for the Protection of Regional and Minority Languages. To promote the preservation of the identity, culture and history of these groups (Armenians, Maronites and Latins), respective schools are operating in all districts, while these students are subsidized by the State.

25. In relation to children with special educational needs, Cyprus stated that it fully implements the principles of the 1994 Salamanca Statement and Framework for Action which are embodied in special national legislation. These children are integrated in regular schools accommodating them with a child-centered pedagogy capable of meeting their individual needs.

26. Within the Framework of the European Year of Equal Opportunities for All (2007), the Cyprus Family Planning Association, in cooperation with the Gay Liberation Movement of Cyprus, organized

an awareness raising campaign on sexual orientation. Discriminatory acts on the ground of sexual orientation are criminally punishable.

27. The delegation stressed that a major challenge faced is the constant influx of irregular immigrants, which has placed pressure on financial and human resources. There are several ongoing integration programmes for refugees including orientation programmes, vocational training, and free Greek language classes. Cyprus immigration and asylum policy is based on the Aliens and Immigration Law and the Refugee Law. Third country nationals come to Cyprus with a visa to work with a specified employer for a specific job and a specified period. Migrant workers have the same rights as any other employee regarding social insurance benefits and medical coverage. Special inspector units have been set up for monitoring the implementation of the Labour Laws and the proper implementation of contracts for employees from third countries.

28. Cyprus noted that free collective bargaining fixes the minimum wage for 65 per cent of the employment force, which applies to third country nationals. The minimum wage for certain unorganized occupations is fixed by a Ministerial Order to the level of 50 per cent of the median wage and is considered to be sufficient for a decent standard of living. The minimum wage fixed by collective agreements is higher than the one fixed by the Ministerial Order. A special mechanism is available to examine disputes between third country employees and employers.

29. Cyprus noted that detention of irregular migrants and rejected asylum seekers does not exceed six months. If a deportation order cannot be executed within a reasonable time, either irregular migrants or rejected asylum seekers may be set free and given a special residence permit, provided he/she has not been convicted for a criminal offence or does not pose a threat to public order.

30. The delegation highlighted the extension of the right of employment of asylum seekers to various sectors of the economy. As of 2009, asylum seekers and refugees are entitled, by law, to free legal aid. In relation to the housing of asylum seekers, there is an ongoing pilot project. The Asylum Service has not received complaints from asylum seekers relating to racially motivated incidents in the Kofinou Centre. As a rule, any complaint made known to the authorities is properly investigated. If there is a suspicion that asylum seekers are victims of torture they are referred to a specialized unit for identification and rehabilitation of victims of torture. All asylum seekers receive public health care services, free of charge. Persons granted international protection are entitled to the same benefits as Cypriot citizens.

31. Cyprus indicated that since 2005, all detention facilities have been renovated, with detention conditions significantly improved, as reflected in the 2008 the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) report.

32. Detention facilities with a capacity of approximately 300 persons are under construction, to host migrants illegally entering or residing in Cyprus. All detention facilities will be in accordance with requirements set forth by the CPT.

33. Cyprus ratified the Optional Protocol on the Convention against Torture in April 2009. It noted several mechanisms in place for investigating allegations of police misconduct and/or imposing sanctions where appropriate. In 2009, the Directory of Professional Standards was established as an internal self-monitoring mechanism. To harmonize professional police conduct with the multicultural

nature of the society, the Cyprus Police has incorporated at all levels of police training, specialized courses, lectures, and workshops on human rights, racism and diversity.

34. Cyprus expressed the Government's determination to prevent and combat trafficking in human beings. Since 2004, a specialized police service on combating trafficking in human beings has been established. A Manual of Interdepartmental Procedures regulates the joined efforts of all stakeholders, while sufficient safe sheltering for victims of sexual exploitation is provided by the State. A new law on Combating Trafficking was enacted in 2007, with a multidisciplinary group having formulated a National Plan of Action, which is currently under revision.

35. The delegation informed that the visa issuing system has been revised so that "performing or creative artist" visas are issued on the basis of strict criteria.

### **B. Interactive dialogue and responses by the State under review**

36. During the inter-active dialogue, statements were made by 35 delegations. A number of delegations thanked the Government for the comprehensive national report, its presentation and for the responses provided to advance questions. Statements were made welcoming Cyprus's commitment to the UPR process, its constructive participation and the consultations with stake holders that took place in preparing the national report. A number of States welcomed the ratification by Cyprus of most international human rights instruments and legal framework for the promotion and protection of human rights. Recommendations made during the interactive dialogue are to be found in section II of the present report.

37. Algeria raised concern about the relatively high discrimination in terms of salaries between men and women. Bearing in mind the efforts of Cypriot to extend the appropriate assistance, it noted that Cyprus is experiencing an increasing inflow of irregular migrants, refugees and asylum seekers. Algeria welcomed the commitment of the authorities to make the necessary efforts to prevent discrimination, in particular against minorities and foreign citizens. Thus, particular attention will be given to education, training and dissemination of different minority languages spoken in the county. Algeria made recommendations regarding the above mentioned issues including freedom of movement and rights of the child.

38. Turkey stated that the report A/HRC/WG.6/6/CYP/1 included biased information and that allegations therein do not reflect historical realities. It recalled that the Republic of Cyprus was established in 1960 as a partnership based on the equal status of the Turkish and Greek Cypriot peoples. Turkey stated that this partnership ceased to exist after the Constitution had been unilaterally abrogated in 1963 by the Greek Cypriot side by use of force, and that since then there is no single authority representing Cyprus as a whole. It stated that the report failed to provide satisfying information as regards the freedom of thought, conscience and religion of the Muslims living under their administration and property and education rights of the Turkish Cypriots living in the south, and also minimized the increasing tendencies of ethnic hatred directed against the Turkish Cypriots. Turkey stated that the approach of the Greek Cypriot side raised doubts about their sincerity at a time when a United Nations comprehensive negotiation process, strongly supported by Turkey, is underway for a new partnership. Turkey stated that the Greek Cypriot side should focus on solving the grave human rights problems under their administration instead of trying to put the blame elsewhere.

39. Sweden expressed concern about indications of high levels of violence against women in Cyprus and persisting discrimination of women in the labour market. It noted that Cyprus had recognized that traditional stereotyped attitudes, as pointed out by the Committee on the Elimination of Discrimination Against Women, have contributed to women's disadvantaged position. Regarding discrimination against migrants and asylum seekers, Sweden highlighted concerns expressed by the Committee on Economic, Social and Cultural Rights in May 2009 about continued limited access to employment and social isolation of third-country migrants. Also civil society organizations have issued reports on migrants lacking access to legal aid. Sweden made recommendations regarding the above-mentioned issues.

40. Canada welcomed the 2007 anti-trafficking legislation for the identification and protection of trafficking victims, and the entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings. It noted the continuing trafficking in women for sexual exploitation, as reported by the Committee on Economic, Social and Cultural Rights in May 2009. Canada referred to the concluding observations of the Committee on the Elimination of Discrimination against Women adopted in 2006 that noted patriarchal attitudes, traditional prejudices and stereotypes continue to be a cause of women's disadvantaged position including in the labour market and public life. Canada appreciated the recent efforts to protect the rights of children, notably the creation of the Commissioner for the Protection of Children's Rights and encouraged Cyprus to continue to ensure the protection of the rights of every child. Canada made recommendations on above-mentioned issues.

41. Egypt noted that the strategies, in addition to legislative efforts and policies, have been put in place in particular in the fields of non-discrimination, protecting the rights of women and children and combating trafficking in and exploitation of persons. Egypt asked for more information on the progress achieved in implementing the 2008-2013 National Action Plan for the Prevention and Combating of Violence in the Family, the role, mandate and powers given to the Commissioner of Children's Rights as well as the achievements of the Office of Combating Human trafficking established in 2004. It noted the laws and policies dealing with influx of migrants and asked Cyprus to elaborate further on policies and regulations adopted to safeguard the rights of migrants, particularly workers and those of irregular immigrants. Egypt noted the establishment of the Office of Ombudsman and the Commissioner for the Protection of Children's Rights. Egypt made a recommendation.

42. Brazil commended inter alia the adoption of the enactment of legislation for the equal treatment of men and women regarding labour rights including on combating trafficking in persons. It noted with concern shortcomings regarding the human rights of migrants and asylum seekers. It referred to concerns about lengthy detentions of non-nationals in inadequate conditions and the lack of information for detainees on their rights. Brazil noted with concern that Cyprus does not differentiate migrant children regarding access to education, and the request of the Ministry of Education to schools for reporting to immigration authorities contact details of the parents of foreign children enrolled. Brazil highlighted that an effective way to enable undocumented migrants to enjoy fully their rights is through the regularization of their migratory status. Brazil asked about the practical results of the 2007-2013 National Plan on Gender Equality and Cyprus' intention to undertake alternative measures to detention for asylum-seekers and irregular migrants. Brazil made recommendations.

43. United Kingdom of Great Britain and Northern Ireland (UK) was encouraged by Cyprus' addressing integration of refugees. Recognizing the difficulties experienced by Cyprus due to its geographic location, UK reaffirmed its commitment to assisting Cyprus to combat illegal immigration. UK agreed that a number of remaining human rights concerns in Cyprus can be addressed through a

comprehensive settlement agreement. It expressed its commitment to supporting the two leaders in their endeavors to achieve this. It recognized the difficulty of the issues facing both sides but stressed it believed that it is still possible than an early settlement can be achieved so that benefits can be enjoyed by all Cypriots. UK recognized the concerns about ongoing human rights issues arising from the question of disputed property in Cyprus which reinforces the need for an early settlement ensuring the full rights of the internally displaced persons under a negotiated settlement. It asked for the steps taken to resolve this issue. UK made recommendations.

44. Mexico highlighted Cyprus' important legal and institutional progress regarding gender equality, rights of the child and persons with disabilities, the fight against domestic violence, discrimination and trafficking in persons. Mexico congratulated Cyprus for recognizing outstanding challenges and its readiness to cooperate with the special procedures of the Human Rights Council, through the standing invitation extended to all of them. Mexico asked Cyprus about the cooperation it can obtain from relevant international and regional organizations, in particular UNHCR and the EU, to tackle the high number of asylum requests and provide every asylum-seeker with the protection required. It asked Cyprus about its intention to raise the age of criminal responsibility. Mexico made recommendations.

45. The Netherlands appreciated the answer to the written questions. It welcomed the commitment of Cyprus to combat gender discrimination. However, reports still express concerns about deep-rooted stereotyped attitudes. The Netherlands recognized the steps already taken to combat domestic violence, but remain concerned about reports of domestic violence against women and children, as raised by some treaty bodies. It welcomed the new law with regard to combating human trafficking. It noted that despite the efforts already taken by Cyprus, the stakeholders reports point out concerns with regard to discrimination on the ground of sexual orientation. The Netherlands made recommendations on the above-mentioned issues.

46. Morocco noted the effectiveness of Cyprus's action, particularly those entrusted to the Commissioner for Personal Data Protection and the National Bioethics Committee, which Morocco stated constituted good practices. It asked for more details on the experiences of these two structures and their contribution in the area of human rights. Morocco welcomed the intention to adopt legal instruments on forced disappearance, persons with disabilities and other instruments on the rights of the child, a decision which will strengthen cooperation with international mechanisms and the policy of dialogue and coordination. It asked for more information on measures to overcome difficulties in the implementation of the legislative framework as mentioned in paragraph 155 of the national report. Morocco made a recommendation.

47. Serbia acknowledged that the Commissioner for the Protection of Children's Rights was established in 2007 and asked about the initial experiences in the launching of this mechanism. Serbia noted that, due to its geographical position, Cyprus is experiencing a rising influx of so called economic immigrants. It thanked for the information provided and asked if there are any additional measures for the improvement of the rights of children of these migrants, specifically in the field of education. Serbia appreciated any further information concerning measures taken with the aim of enhancing their economic rights and possible integration in the society. Serbia made a recommendation.

48. Ukraine noted with satisfaction Cyprus' open invitation to Special Procedures. It commended the efforts to successfully respond to the recommendations by the treaty bodies. It noted that despite certain achievements, problem of trafficking in women for sexual purposes still persists. Ukraine asked

about the effectiveness of measures taken for combating trafficking in human beings, and about the number of persons, at least for the last 2 years, who were prosecuted for the involvement in the human trafficking business. Ukraine asked whether the people of Cyprus were aware of the problem of trafficking within their country and whether the large-scale public awareness campaign on this problem has been implemented. It asked Cyprus whether any training and education was provided for officials dealing with trafficking, in particular, to ensure treatment of victims of trafficking as victims, and not as criminals. Ukraine concluded that the trafficking is a complex problem that requires multi-faceted solutions and made a recommendation in this regard.

49. Israel noted the different legislative measures undertaken in the law reform since 1995, in particular those aimed at the combating of trafficking and exploitation of human beings, the elimination of discrimination against women and the promotion of gender equality. Israel noted however that it has been reported that the trafficking and sexual exploitation of women and children, and domestic violence still remain prevalent throughout the island. Israel was concerned about the abuse of those in police custody, and of asylum seekers. Israel made recommendations including regarding above-mentioned issues.

50. Spain welcomed the possibility of Cyprus ratifying OP-CRC-AC, and the Convention on the Rights of Persons with Disabilities (CPD) and its Optional Protocol. Spain enquired about Cyprus' intention to access and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR). Noting the social awareness generated by cases of sexual abuse against migrant women in situation of inequality regarding salaries, and highlighting the special attention to resolving this problem, Spain asked Cyprus to explain the measures undertaken to improve of this situation. It asked Cyprus how it can moderate the number of requests for asylum that it receives on a regular basis and to explain the measures to reduce the waiting period of asylum-seekers while waiting for a final decision on their request. Spain made a recommendation.

51. Australia noted that the 2009 report on the question of human rights in Cyprus highlighted the consequences the division has in relation to human rights. It hoped, however, that this situation may be resolved through the renewed round of direct negotiations being conducted by the leaders of the two Cypriot communities with the assistance of the Good Offices Mission of the Secretary General and his Special Adviser. Australia noted that the Committee on Economic, Social and Cultural Rights welcomed the anti-trafficking legislation enacted in 2007 creating a national mechanism of cooperation for the identification and protection of the victims of human trafficking. It noted that concerns remain about the extent of trafficking in women for sexual exploitation. Australia made a number recommendations including on the above mentioned issues.

52. France welcomed the discontinuation of the "artist" visa policy that favored trafficking in women for sexual exploitation. It wished to hear more, however, about other measures that were adopted to deal with the trafficking in human beings, particularly women, and for sexual exploitation. It further asked whether these measures have been effective. France also asked Cyprus how they reacted to the recommendations made by the Committee on Economic, Social and Cultural Rights to place its NHRI in conformity with Paris principles and provide it with sufficient financial resources. France made recommendations.

53. Norway welcomed the strong commitment expressed to combat gender discrimination, and appreciated that Cyprus' National Action Plan on Gender Equality takes a comprehensive approach on gender equality issues. It noted that wage differentials are partly due to gender stereotyping and that

over-representation of women in non-skilled occupations and low-scale sectors, and asked which concrete actions have been introduced or are planned to reduce the gender wage gap. Norway referred to the Government's revision of criteria of the use of the artiste work permits for women from non-EU countries working in the cabaret industry, and asked for information on the effects of this decision on the combating of trafficking in women. It noted that children of women with "displaced person" status are not entitled to a Refugee Identity Card or the benefits deriving from the Card. Norway made recommendations.

54. Chile noted the numerous measures and policies adopted by Cyprus in different areas with a view to improving the protection and promotion of human rights and encouraged their continuation. Chile made recommendations regarding international human rights mechanisms, the problem posed by the high numbers of asylum-seekers and regarding exhumation, identification and return of missing persons.

55. Germany requested more information on how Cyprus is dealing with the issue of gender equality as it was mentioned in the report and by the Committee on the Elimination of Discrimination against Women. It expressed concerns about the pervasiveness of patriarchal attitudes as deep-rooted traditional social prejudices and stereotyped attitudes as a major obstacle for the advancement of women and as a root cause of their disadvantaged position including in the labour market.

56. Greece acknowledged that Cypriot citizens, Cyprus being a member of the EU and party of many core human rights treaties, enjoy an extensive degree of protection of human rights. It asked what practical measures Cyprus intends to take to further improve implementation of the legislation concerning the protection of the rights of the child. It asked what further measures is Cyprus considering to take to ensure full implementation of the measures outlined in the first five year national action plan on gender equality, in particular those aimed at increasing the level of participation of women in the labour market as well as in the public sector. Greece made a recommendation.

57. Slovenia stated that the rise of hate speech arising from discrimination based on sexual orientation and sexual identity had been noted. It asked what specific measures Cyprus intends to take to fight against discrimination and marginalization based on sexual orientation and sexual identity and to combat hate speech on these grounds. Slovenia noted that the number of internally displaced persons in Cyprus remains high. The Committee on Economic, Social and Cultural Rights noted that children of women with displaced status are only entitled to a certificate by descent which does not enable them to access the full range of benefits. It made recommendations.

58. Argentina noted that Cyprus does not have a national human rights institution complying with the Paris Principles. It welcomed the recent decision of Cyprus to ensure the independence of NIHR. Argentina noted the continued existence of cases of domestic violence against women and children, which often are not denounced. It noted that despite the entry into force of the new law on trafficking in persons and the abolition of "artist visas" which used to facilitate degrading practices a high number of cases of women being sexually exploited continued to be registered. Argentina commended the adoption of the law providing migrants and asylum-seekers free legal assistance. Argentina made recommendations.

59. Democratic Republic of Congo appreciated inter alia the role of the Ombudsman or Commissioner for Administration, as well as the Commissioner for the Protection of Children's Rights. It stated that the functions of certain structures seem to overlap and asked if there is an

arbitration body which deals with cases of overlap in jurisdiction. It noted that most of the immigrants in Cyprus are economic migrants and asked if there are any specific administrative or legal provisions to deal with this category of individuals. It noted that in 2006, an independent authority was established which is responsible for investigating complaints and allegations involving the police. It asked about the number of policemen convicted to date and by which bodies they were convicted. Democratic Republic of Congo made a recommendation.

60. The Czech Republic noted the positive experience with OP-CAT, and made a recommendation in this regard. It made a recommendation on Government policies in particular regarding vulnerable groups.

61. Italy welcomed the initiative taken in the field of gender equality and acknowledged the challenges represented by persisting social stereotypes. Italy encouraged the parties to search for a comprehensive settlement in accordance with the United Nations principles. Italy made recommendations regarding prisons and detention facilities, human rights education, domestic violence and the ratification of OP-CRC-AC.

62. Venezuela recognized Cyprus' active policy to promote and protect the rights of the child, the girl child and adolescents. It commended the establishment of the Commissioner for the Protection of Children's rights and highlighted the introduction of the mechanism receiving individual complaints on violations of the rights of the child, as well as the implementation of the programme of school visits. Venezuela considered important that the Commissioner for the Protection of Children's rights continues its efforts to achieve greater effectiveness in its difficult task and made a recommendation.

63. India noted with appreciation the provision of free legal aid afforded in civil proceedings brought against Cyprus for violations of human rights, and commended significant law reforms aimed at promotion of gender equality and elimination of discrimination against women. India requested information about the principal provisions of the bill in the Parliament aimed at introduction of a ten percent quota for the disabled in the recruitment in public sector jobs. It asked Cyprus on views on the main challenges in the field of human rights, especially those related to minorities and illegal migrants, and about plans to meet these challenges. India made a recommendation.

64. Bulgaria commended the establishment in 2006 of the Unit for Rehabilitation of Victims Of Torture and the Independent Authority For The Investigation Of Complaints and Allegations concerning the police. It welcomed the active promotion and protection of the rights of persons with disabilities and of the rights of the child and the establishment of the Commissioner for the Protection of Children's Rights. Bulgaria asked about the measures to ensure that all children, including migrant children enjoy the rights guaranteed to them in accordance with CRC and other international instruments and to ensure free access of migrant children to education. Bulgaria made a recommendation.

65. Armenia welcomed the strong commitment of Cyprus towards minorities, particularly those who are defined as religious groups in the Constitution. It highly appreciated that Cyprus does not simply provide social, cultural and political rights to the three listed religious groups but creates an environment conducive for their full enjoyment. It was encouraged that the education reform is being elaborated in close cooperation with the minority groups, with a view of promoting their identity and language. It commended Cyprus' efforts to protect cultural heritage of the main religious groups. Regarding the three traditional minority groups, Armenia asked about specific steps of Cyprus to

identify and protect their cultural heritage in and beyond the territory under its effective control. Armenia made recommendations.

66. China noted that Cyprus has established an institutional and legal framework to protect women and children, including the Commission on the protection of children rights and the National action Plan for gender equality 2007 to 2013, and a national plan to tackle trafficking and others. It noted that despite the financial crises and its impact, Cyprus maintained a steady growth in its economy in 2008 and high employment rate. They raised a question on the progress of implementation of the National Action Plan of 2007-2013.

67. United States of America was concerned by reports of police abuse of detainees, including cases of abuse directed at immigrants, asylum seekers and other foreign nationals. It was concerned about cases of violence against women, child abuse, trafficking in persons, discrimination against Turkish Cypriots living in government/controlled area, discrimination against Roma and members of minority ethnic and national groups, and against homosexuals. It noted Cyprus' actions to promote the equality of women in employment, through enacting legislations such as the Law on Equal Pay and the National Action Plan on Gender Equality. It made recommendations.

68. Slovakia highly commended Cyprus on the efforts and in advancing human rights despite the delicacy of the political situation on the island. Slovakia is committed to contribute to the processes focused on the confidence-building between the Cypriot communities. Slovakia welcomed the decision of the Government to provide for a free and non-discriminatory access to medical services to members of the Cypriot Turkish community. It noted that the Committee on Economic, Social and Cultural Rights in 2009 expressed concerns that the third country domestic workers continue to face difficult working and living conditions. Slovakia thanked the delegation for having referred to on the issue of domestic workers in the introductory statement and made a recommendation.

69. Mauritius noted the absence of national human rights institution accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights in compliance with the Paris Principles. It welcomed the strides in Cyprus' pursuit of gender equality in all spheres of life. It noted, however, that despite such initiatives there still exist deep-rooted traditional social prejudices and stereotyped attitudes resulting in continued marginalisation of women in society. Mauritius welcomed the establishment of a Commissioner for the protection of Children's Rights and Cyprus' determination to educate children on their rights and to increase their access to information. In this regard, it requested further details on how Cyprus deals with the specific needs of children from the minority groups and asked whether relevant authorities take into due account traditional and cultural aspects when establishing national education curricula.

70. Jordan welcomed, inter alia, the establishment of NIPHR and other monitoring mechanisms. It stressed the importance that the instruments, to which Cyprus is a party, take primacy over national legislation. It appreciated the efforts to tackle issues relating to refugees, asylum seekers, immigrants and irregular immigrants by addressing concerns raised by UNHCR, human rights treaty bodies and special procedures. It encouraged Cyprus to finalize the ratification process with respect to the Convention on the Rights of Persons with Disabilities and to complete the restructuring the NIPHR in accordance with the Paris Principles.

71. Burundi noted that freedom of expression is provided in the constitution, and the right to education is a priority as witnessed in the schooling system free of charges. It welcomed that Cyprus

was one of the first countries to sign the CPD and encouraged to complete the ratification. Burundi welcomed the commitment of the authorities to continue to develop prevention against ill-treatment and trafficking in human beings. It noted with satisfaction the desire of Cyprus to combat offences committed by the forces of law and order, the setting up of an independent authority to investigate complaints against the police, including human rights violations. Faced with all efforts to promote and protect human rights, Burundi asked the Human Rights Council to give Cyprus its full support.

72. In response to issues raised, Cyprus welcomed the participation of Turkey in the present intergovernmental process of the examination of Cyprus in the framework of the UPR. Cyprus stated that given the presence of 43.000 heavily armed Turkish soldiers on the island, it is always very much interested in listening to what Turkey has to say. It further stated that that the members of the two communities in Cyprus have grown mature through assessment of their past painful history and that they now wish to leave the past behind and build a better future in a bi-communal, bi-zonal federal Cyprus with a single sovereignty, a single international personality and a single citizenship and political equality as defined in the relevant Security Council resolutions. It called in that regard for the abolition of de facto division of the island through the withdrawal of the Turkish troops.

73. Cyprus informed the UPR Working Group that a letter would be sent to the President of the Human Rights Council in response to the erroneous and historically distorted account of the Cyprus issue given by Turkey, and requested it be circulated as an official document.

74. As regards a position expressed that the issue of properties can only be fully solved through a comprehensive settlement, Cyprus considered that each individual has an unquestionable right to pursue the realization of human rights in courts including the European Court of Human Rights and the European Court of Justice.

75. Cyprus appreciated that the last report of CPT in 2008, which highlighted, inter alia the enactment of the Law on the Rights of Arrested and Detained Persons, and the establishment of the Independent Authority for the Investigation of Allegations against the Police. CPT had observed that laminated information sheets were available at all police stations in ten languages and noted improvements of the conditions at the police establishments visited.

76. Cyprus recalled a number of mechanisms and criminal procedures to investigate allegations of police misconduct and to sanction where appropriate. During the first ten months of 2009, the Independent Authority for the Investigation of Allegations against the Police received 96 complaints. A number of complaints are still pending, while some of the completed investigations have led to criminal and/or disciplinary prosecutions against police officers. The delegation quoted the numbers of criminal and disciplinary cases against members of the police investigated annually, and their outcome, and noted that since 2005, 14 members of the police, who were found guilty of criminal or disciplinary charges, had been either dismissed or forced to resign. Cyprus stated that the numbers reflected the determination of the authorities to eliminate phenomena of police misconduct and ill treatment of people.

77. Cyprus indicated that new developments undertaken to prevent and combat trafficking of human beings, including the imposition of stricter criteria for visa issuing, were still too early to be evaluated concerning their effectiveness. Cyprus expressed that it is seeking to increase international cooperation, and particularly welcomed any assistance, especially from the countries of origin of trafficked persons.

78. Cyprus referred to data relating to the past five years indicating on average 1,000 incidents of domestic violence annually, with a tendency of a slight increase. It noted that since 1994 the average per year non domestic homicide rate has increased while, in contrast, the domestic/family homicide rate for the same period has significantly decreased. Cyprus indicated that it is argued that the difference between the domestic and non-domestic homicide rate is attributable to the coordinated efforts and campaigns to prevent and combat domestic violence against women. Campaigns on violence against women and children are annually conducted by the competent authorities, including to deter and prevent domestic violence, and to challenge societal attitudes.

79. Cyprus expressed that the overall objective on which the migration system is based is to inter alia protect human rights and to ensure the fair treatment of migrants. Cyprus remains focused on the need to control illegal immigration. In principle, the migration policy in Cyprus is formulated on the basis of the present and future needs of the labour market, as expressed in the national employment strategy. The model protects the third country migrants from exploitation and at the same time, ensures that the problem of a mismatch in the labour market does not arise.

80. Cyprus indicated that it faces particular pressures in the asylum system, due to its geographical location, being near to a politically unstable area, which produces a high percentage of asylum claims especially from applicants entitled to international protection compounded with the fact that it has unguarded points of entries in the areas not under the control of the Government. The measures adopted aim towards the achievement of a fair, fast and efficient asylum procedure. Some of the measures include the use of fast-track procedures, the recruitment of new staff at the Asylum Service, the posting of asylum eligibility officers at the points of submission of asylum applications, specialized training programs. International cooperation aims towards the improvement, inter alia, of the quantity and quality of reception conditions with particular focus on vulnerable groups of asylum seekers.

81. Cyprus referred to integration actions and programs which include the employment of interpreters in public schools, the organisation of special classes for teaching the Greek language, the publication of an information guide in five languages and the organisation of a Mediterranean Forum for new approaches on integration.

82. Cyprus indicated that the detention of asylum seekers is sometimes necessary for reasons clearly stated in the Refugee Law fully compatible with 1951 Convention relating to the Status of Refugees, the Aliens and Immigration Law and to court jurisprudence. The Asylum Service may intervene in those cases, where the detention of an asylum seeker is deemed to be unjustified. For people staying illegally in Cyprus, a detention or deportation order is issued, and the person remains under custody until the execution of this order which usually takes place within fifteen days. In relation to the deportation order an appeal can be submitted before the Supreme Court. The detention pending expulsion is extended when the person does not possess a valid travel document, a habeas corpus application is submitted, and when an appeal is submitted to the Supreme Court. No minors, whatsoever, are held in custody as the detention of minor asylum seekers is forbidden by the law.

83. The delegation confirmed that Cyprus intends to ratify OP-ICESCR.

84. As regards children's rights, the Commissioner for Children's Rights established in 2007 is fully compatible with the Paris Principles and is totally independent, properly empowered. It has a very wide mandate, which includes ensuring respect for CRC protection to all children in Cyprus, national and foreign children, and holds inter alia monitoring and awareness-raising competencies. The

institution receives complaints from children and can represent them in courts nationally and internationally. The institution's recommendations have been well-received and endorsed by the Government, and expresses views on legislation discussed in Parliament.

85. The delegation considered the jurisdictional overlap between the different Ombudsperson institutions. Cyprus considered the concurrent competencies as emblems of a well-functioning democratic society.

86. In closing, Cyprus thanked all States for the participation in the review and expressed its commitment to continue to take action to further enhance the promotion of human rights.

## II. CONCLUSIONS AND/OR RECOMMENDATIONS

87. In the course of the discussion, the following recommendations were made to Cyprus:

1. Speed up ratification of core human rights treaties that it has signed, but not ratified yet (Greece);
2. Consider the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT); the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW); the Convention on the Rights of Persons with Disabilities (CRPD); the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR); and the International Convention for the Protection of All Persons from Enforced Disappearance (CED) (Argentina);
3. Consider the possibility of acceding to ICRMW and intensify efforts to prevent discrimination against this population (Algeria);
4. Adhere to the principles of the ICRMW and give positive consideration to its eventual ratification (Mexico);
5. Plan to ratify, in addition to the instruments announced in the report, ICRMW (Democratic Republic of the Congo);
6. Continue its efforts aimed at ratification of OP-CRC-AC (Serbia); ratify OP-CRC-AC (Slovenia); finalize the ratification process of OP-CRC-AC (Italy); speed up the process of ratification of OP-CRC-AC (Bulgaria);
7. Ratify OP-CAT, as well as OP-CRC-AC and the Optional Protocol to CAD (Chile);
8. Secure the effective functioning of its national preventive mechanism in accordance with OP-CAT (Czech Republic).
9. Give positive consideration to the prompt ratification of CRPD (Mexico);

10. Accelerate the steps undertaken to make the national institution for the protection of human rights established in 1998 fully compatible with the Paris Principles and provide it with the necessary resources empowering it to fulfil its mandate (Egypt);
11. Adopt measures leading to the creation of a national human rights institution in accordance with the Paris Principles (Mexico);
12. Accelerate the measures undertaken to allow the national institution for the protection of human rights to comply with the Paris Principles (Argentina).
13. Make its national institution for the protection of human rights fully compliant with Paris Principles at the earliest (India);
14. Fast-track the process to make the national institution for the protection of human rights fully compatible with the Paris Principles (Mauritius).
15. Through relevant mechanisms, continue to guarantee through specific, concrete measures the constructive cooperation policies towards the office of the Commissioner for the Protection of Children's Rights, providing it with the necessary resources to guarantee the fulfilment of its functions for the benefit of the boys, girls and adolescents of the country (Venezuela);
16. Increase human and financial resources allocated to the new anti-discrimination body, within the Ombudsman's Office, in order to ensure effective functioning of this institution, as well as further strengthening the financial and human resources of the national machinery for women's rights (Israel);
17. Fully implement the measures of the National Action Plan on Gender Equality for 2007-2013, especially those regarding the rights of women in the labour market (Sweden);
18. Evaluate measures taken to prevent stereotyping attitudes with regard to gender roles in the family and society, and strengthen efforts to implement the National Action Plan on Gender Equality and achieve a comprehensive and systematic approach to gender equality policies (Netherlands);
19. Strengthen measures to raise awareness and provide information through specific programmes of human rights education and training and to incorporate human rights in school curricula (Morocco);
20. Develop a national strategy to include in the school system at all levels appropriate measures in the field of human rights education, in accordance with the Plan of Action 2005-2009 of the World Programme for Human Rights Education (Italy);
21. Strengthen cooperation with human rights treaty bodies (Brazil);

22. Consider measures it deems appropriate to eliminate the discrimination in terms of disparity of salaries between men and women, in line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women (Algeria).
23. Continue and enhance efforts to ensure substantive equality between women and men in all spheres and at all levels of society, including awareness-raising campaigns to eliminate stereotypes regarding gender roles (Canada);
24. Continue its efforts to eliminate stereotypes associated with traditional gender roles in the family and society (Mauritius).
25. Increase cooperation with the Turkish Cypriot community with the aim of further promoting the rights of all individuals in Cyprus (United Kingdom);
26. Reinforce existing non-discrimination legislation and take all necessary measures to prevent discrimination on the grounds of sexual orientation (Netherlands);
27. Prohibit all discriminatory practices and criminalize defamation, slander and incitement to discrimination, hostility or violence, whether they are public or not, towards a person or a group of persons because of their sexual orientation (France);
28. Incorporate a gender perspective in all government policies that target women belonging to different groups of vulnerable people, in line with relevant recommendations of the Committee on the Elimination of Discrimination against Women (Australia).
29. Continue its global and integrated approach in all policies of gender equality in all areas and take necessary measures to increase participation of women in public and political life (France);
30. Adopt a comprehensive and integrated approach to its gender equality policies in all areas, especially with regard to refugees, asylum seekers, displaced persons and persons with disabilities (Czech Republic);
31. Ensure the effective implementation of existing legislation on non-discrimination, including by consulting with civil society, disseminating information to vulnerable groups about legal protections that are available to them and directing appropriate resources where needed to improve implementation (United States of America);
32. Adopt and implement an effective strategy to combat domestic violence (Canada);
33. Strengthen its efforts to effectively combat domestic violence and provide adequate victims' support, inter alia by creating sufficient shelter capacity (Netherlands);
34. Reinforce the strategy to combat domestic violence, including by making available temporary shelters for victims (Italy);

35. Adopt an effective strategy to combat domestic violence and ensure that women's shelters are made available to ensure the security of victims of domestic violence (Sweden);
36. Intensify specific awareness-raising activities regarding sexual orientation at a national level to contribute to a better protection of the rights and freedoms of gays, lesbians, bisexuals and transsexuals (Spain);
37. Take every possible action to speed up exhumation processes to enable the Committee on Missing Persons to continue its excellent work (Australia);
38. Enable the Committee on Missing Persons in Cyprus to continue working on the exhumation, identification and return of human remains (Chile).
39. Following concerns expressed by the Committee against Torture, investigate reported cases of physical ill-treatment by the police and ensure the rooting out of such unlawful practices (Israel);
40. Finalize a professional code of conduct for police and security forces, as well as investigate alleged breaches and prosecute as appropriate, to strengthen accountability and prevent future abuses and violations (United States);
41. Ensure that incidents of police abuse of detainees, including cases of abuse directed at immigrants, asylum-seekers and other foreign nationals, are prevented by strengthening legislation to protect the rights of arrested and detained individuals from physical mistreatment and ensuring that they are afforded a full complement of due process rights in accordance with its obligations under the International Covenant on Civil and Political Rights (United States);
42. Improve the monitoring and implementation of measures to combat violence against women (Norway);
43. Adopt effective measures to combat violence against women in all its forms and allocate human and financial resources for the implementation of such measures, in particular regarding the protection of victims (Argentina).
44. Bring legislation governing the rights of the child into line with relevant international instruments and provide the office of the Commissioner for the Protection of Children's Rights with the support needed for it to assume its role of preservation and protection of children's rights (Algeria);
45. Do its utmost to guarantee that children, regardless of their descent status, are treated equally in law and in practice (Slovenia);
46. Improve prisons and detention facilities, particularly in police establishments (Italy);

47. Take concrete measures to follow up on the concluding observations of the Committee on Economic, Social and Cultural Rights related to trafficking and sexual exploitation of trafficking victims (Canada);
48. To evaluate, and monitor the effectiveness of the measures taken with regard to combating trafficking of human beings, the protection of victims, and bring to justice those involved in human trafficking (Netherlands);
49. To undertake substantial measures to combat trafficking through national and international collaboration, including international and national NGOs (Ukraine);
50. In line with the recommendations made by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination Against Women, ensure strict control over the new work-permit system; intensify its efforts to bring to justice those involved in human trafficking; and commit itself to the full and speedy implementation of the Plan of Action for the Coordination of Actions on Combating Trafficking in Human Beings and Sexual Exploitation of Children (Israel);
51. Vigorously pursue prosecutions under its new anti-trafficking legislation and ensure that responsible government institutions are adequately resourced to provide timely and effective follow-up on specific cases (Australia);
52. Further intensify its efforts in the fight against trafficking in human beings (Norway);
53. Take appropriate measures to ensure stricter control on the new work-permit system and intensify its efforts to bring to justice all those involved in trafficking in persons (Argentina);
54. Ensure that the efforts made to guarantee freedom of movement are continued (Algeria);
55. Further ensure political representation of the three religious minority groups and promote their stronger involvement in the planning and implementation of various projects providing financial assistance for their educational and cultural needs (Armenia);
56. Consider the measures it deems appropriate to guarantee effective access to basic education for all (Algeria);
57. Take additional measures to reduce the gender wage gap and further improve the integration of women in employment through measures such as the creation of more childcare facilities and educational facilities for working mothers (Norway);
58. Strengthen enforcement of its existing legal framework protecting the equality of women in employment, particular for those in unskilled and low-wage position (United States);
59. Adopt an effective policy for the integration of migrants (Sweden);
60. Inform migrants of their rights (Sweden);

61. Take appropriate measures for the provision of legal aid to asylum-seekers and migrants (Brazil);
  62. Consider alternative measures to the detention of migrants that will be less restrictive of the human rights of the individuals concerned, (Brazil);
  63. Take further steps to integrate refugees (United Kingdom);
  64. Continue adopting appropriate measures to secure the human rights of asylum-seekers and irregular migrants (Chile);
  65. Adopt the necessary regulatory and inspection framework and fully implement the mechanisms already in place to guarantee the same legal protection to domestic workers as to other citizens (Slovakia);
  66. Further promote the identity and culture of religious minority groups and raise awareness in society about their historical presence in Cyprus (Armenia);
  67. Ensure that all children with displaced person status are treated equally in the law irrespective of the sex of their parents, as recommended, inter alia, by the Committee on Economic, Social and Cultural Rights in 2009 (Norway);
  68. Continue cooperating with the competent bodies to secure protection of the human rights of the internally displaced, particularly women and children (Chile);
  69. Ensure that women continue to participate fully in the peace process, in line with Security Council resolution 1325 (2000) (Norway);
  70. Engage with civil society groups in the follow-up to the universal periodic review (United Kingdom).
88. The response of Cyprus to these recommendations will be included in the outcome report adopted by the Human Rights Council at its thirteenth session.
89. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

**Annex**

**COMPOSITION OF THE DELEGATION**

The delegation of Cyprus was headed by Ms. Leda KOURSOUMBA, Law Commissioner of the Republic of Cyprus and composed of the following members:

Ambassador Andreas HADJICHRYSANTHOU, Permanent Representative of the Republic of Cyprus, Geneva;

Mr. Michalis STAVRINOS, Head of the Department of Multilateral Relations and International Organisations, Ministry of Foreign Affairs;

- Mrs. Maria MICHAEL, Deputy Permanent Representative, Mission of the Republic of Cyprus, Geneva;
- Mr. Nicos NICOLAOU, Department of Multilateral Relations and International Organisations, Ministry of Foreign Affairs;
- Mr. Costas VEIS, Superintendent B, Cyprus Police, Ministry of Justice and Public Order;
- Mrs. Eirini PETRIDES, Officer at the Permanent Secretary's Office European and International Affairs, Ministry of Education and Culture;
- Mr. Andis APOSTOLOU, Labour Relations Officer A, Ministry of Labour and Social Insurance;
- Ms. Marina EFTHYMIADOU, Social Welfare Officer, Ministry of Labour and Social Insurance;
- Mrs. Maro MICHAELIDES, Administrative Officer, Ministry of Interior;
- Mr. Kostas STIGGAS, Administrative Officer, Ministry of Health;
- Ms. Myrianti SPATHI, Secretary A, Permanent Mission of the Republic of Cyprus, Geneva;
- Ms. Maria SOLOYIANNI, Advisor, Permanent Mission of the Republic of Cyprus, Geneva. Mission to the UNOG

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