

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report
Universal Periodic Review: 3rd Cycle, 32nd Session

CYPRUS

I. BACKGROUND INFORMATION

Cyprus is party to the international human rights treaties, except the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It succeeded to the *1951 Convention relating to the Status of Refugees* in 1963, and acceded to its *1967 Protocol* in 1968. Cyprus is not a party to the *1954 Convention relating to the Status of Stateless persons* or the *1961 Convention on the Reduction of Statelessness*.

The Republic of Cyprus adopted its first *Refugee Law* in 2000 and assumed responsibility for refugee status determination in 2002. The Asylum Service of the Ministry of Interior is the first instance decision-making body. In January 2016, a new Administrative Court started operating with competence to judicially review asylum decisions on both facts and law. The Administrative Court was intended to replace the Refugee Reviewing Authority, a second instance asylum administrative body, however the Reviewing Authority still remains in place.

There has been a steady increase in the number of asylum applications submitted in Cyprus since 2013. In 2017, 4,499 persons applied for asylum, the highest number since 2008, representing a 54 per cent increase compared to 2016. The number of persons arriving by boat to Cyprus has also increased significantly. Some 26 boats carrying a total of 1,224 persons arrived in 2017, compared to 8 boats carrying 377 persons in 2016. The majority of asylum applicants originate from Syria (40 per cent), followed by India (9 per cent), Vietnam (8 per cent), Bangladesh (6 per cent) and Egypt (6 per cent). Reports indicate that 1,445 applicants are female (31.4 per cent). Of the 1,445 female applicants, 295 are recorded as below the age of 18 years (6.4 per cent). In 2017, 221 applications were made by unaccompanied and separated children.

A total of 2465 first instance asylum decisions were issued during 2017. Some 9 per cent of the applicants were granted refugee status, 41.6 per cent received subsidiary protection and 49.4 per cent were denied protection. At the end of 2017, 3,745 applicants were awaiting a first instance decision, compared to 2,113 at the end of 2016. There were also 1,407 appeals pending before the Refugee Reviewing Authority at the end of 2017, compared to 848 at the end of 2016. A total of 9,267 persons have been granted international protection status in Cyprus since 2002. The majority are Syrians (56 per cent), followed by Palestinians (19 per cent) and nationals of Iraq (8 per cent), Iran (5 per cent), and Turkey (2 per cent).

The economic crisis, which reached its peak in 2013, has had a significant impact on the reception conditions and on integration opportunities. Welfare assistance for asylum-seekers has been reduced to less than 50 per cent of that provided to nationals and below the national poverty line, placing them at risk of destitution and homelessness. Employment

opportunities for both refugees and asylum-seekers have decreased as the unemployment rate in the country has doubled since 2013, reaching 17 per cent.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Positive developments linked to 2nd cycle UPR recommendations

Linked to 2nd cycle UPR recommendation no. 114.102: “Ensure that asylum seekers, while awaiting the reviewing of their status, are protected from refoulement and afforded equal and effective access to essential services.” (Brazil)

UNHCR commends Cyprus for making progress in ensuring access to asylum procedures and protection from *refoulement*. There have been no additional complaints to UNHCR of denied access to the asylum procedures since 2013.

Linked to 2nd cycle UPR recommendation no. 114.63: “Step up efforts aimed at providing adequate assistance and protection to all victims of human trafficking.” (State of Palestine)

UNHCR is pleased with the fact that the Government published in 2016 a manual on the *National Referral Mechanism*, which outlines the procedures for victim identification and referral to government services. In addition, the Government adopted the 2016-2018 National Action Plan for the prevention and response to trafficking. The authorities developed a number of protocols within the framework of the national referral mechanism to formalize the co-operation with NGOs in areas of housing and general support, and provide increased funds to an NGO-run shelter.

Linked to 2nd cycle UPR recommendation no. 114.15: “Consider signing and ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.” (Slovenia)

UNHCR praises Cyprus on ratifying the *Convention* by virtue of *Law 14 (III)* of 28 July 2017.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Challenges linked to outstanding 2nd cycle UPR recommendations

Issue 1: The reception of asylum-seekers

Linked to 2nd cycle UPR recommendation no. 114.101: “Strengthen, in close cooperation with the relevant actors, the capacity to process, care for and house asylum seekers and irregular migrants in conformity with regional and international standards” (Mexico), **and recommendation no. 114.104:** “Improve the mechanisms for the reception of refugees and asylum seekers, ensuring that they are offered psychological and legal assistance, help with languages as well as the opportunity to access employment which corresponds to their professional skills.” (Spain)

Reception conditions: The sole state-run reception centre is located in a remote area of the village of Kofinou, away from services and local amenities and with limited transport connections. Its capacity was expanded from 80 to 400 persons in September 2014, however the services provided generally remain at the same level, while in some areas decreased. Plans made in 2015 to increase staffing levels and establish efficient management, in line with suggestions made by UNHCR and under the European Asylum Support Office’s Special Support Plan, have not materialized. In addition to the lack of adequate services, the conditions at the centre also deteriorated to the point where kitchens and bathrooms became unusable and unsafe, and the sewage system overflowed on a daily basis. The primary asylum applicants who are residents at Kofinou reception centre receive

a monthly allowance of €40. An additional €10 is allocated for each dependent. Residents are thus unable to meet basic needs, such as access to sanitary/hygiene materials, clothing (especially for school-age children), and school materials, without assistance of donations. The location, layout and infrastructure of Kofinou reception centre are not conducive to effective protection of persons with specific needs and place residents at a heightened risk of sexual and gender based violence. In addition, the reception centre does not offer any social service or psychological counselling that would help asylum-seekers access various services in the country, address their specific needs, and obtain support to facilitate their transition into the community.

The majority of asylum-seekers live outside the collective reception centre, given its limited capacity. They are excluded from the Minimum Guaranteed Income (MGI) national scheme and the social assistance they are offered is less than half of the MGI entitlements, below the national poverty line, and does not ensure a dignified standard of living. The assistance is offered in vouchers which can be redeemed only in a limited number small shops, where the prices are high and the supply of necessary food and non-food items is scarce. The rental allowance does not suffice to secure adequate accommodation, resulting in growing rates of homelessness. The maximum amount of assistance is capped at the amount equivalent for four persons, irrespective of the number of family members.

Persons with specific needs: There is no formal procedure in place to identify and assess the specific needs of asylum-seekers. The authorities do not afford any special needs benefits to vulnerable asylum-seekers, including asylum-seekers with disabilities. The Cyprus Council of Ministers extended in March 2017 disability schemes only to refugees with disabilities. In its Concluding Observations to Cyprus, the Committee on the Rights of Persons with Disabilities reaffirmed that all refugees and asylum-seekers, without distinction, should have access to disability-related support schemes and benefits (CRPD/C/CYP/CO/1).

Access to employment: Asylum-seekers only have access to employment six months after the submission of an asylum application. Asylum-seekers are permitted to seek employment only in restricted sectors, such as agriculture and animal husbandry. These sectors are typically at the lower end of the pay scale and work is often in remote areas, which requires onsite living with no child care facilities. This hinders the employment of vulnerable persons, persons with families, and single women with children.

The reception of unaccompanied children: Unaccompanied children are accommodated in four shelters with a total capacity of 130 persons. The two state-owned shelters have insufficient capacity to house all unaccompanied asylum-seeking children. In 2014, the authorities funded the operation of a NGO-run shelter for boys in Nicosia. Since 2017, a number of unaccompanied girls have been housed in a home for elderly persons in Limassol. The NGO-run shelter offers reception conditions and services that are unavailable at the State-run shelters, such as decent conditions of accommodation, psychosocial services and educational, recreational and cultural activities. Moreover, state-run shelters fails to provide programmes that support individuals' transition into the community upon attaining the age of maturity. No formal best interests determination procedures have been adopted and there are no multi-disciplinary teams in place. Age determination procedures include medical tests that purport a considerable margin of error. The outcomes of age determination procedures can only be contested once the asylum decision is rendered.

Recommendations:

UNHCR recommends that the Government of Cyprus:

- (a) Expand existing reception capacity and provide critical services to residents, such as social and psychological counselling, language and vocational training, gender- and age- appropriate activities, and offer increased security, including from sexual and gender based violence;

- (b) Increase the social assistance allowance payable to asylum-seekers to ensure a dignified standard of living;
- (c) Establish a method for the early and systemic identification of persons with specific needs and permit access to special needs assistance, including special reception conditions and disability allowances;
- (d) Expand access to the employment sectors for asylum-seekers and reduce the period of restricted access to the labour market;
- (e) Ensure that children shelters provide high quality care and services and introduce transitional measures to assist with independent living; and
- (f) Introduce a formal Best Interest Determination Procedure and establish multi-disciplinary teams for best interest determinations and age assessments of asylum-seeking children.

Issue 2: Integration of international protection beneficiaries

Linked to 2nd cycle UPR recommendation no. 114.104: “Improve the mechanisms for the reception of refugees and asylum seekers, ensuring that they are offered psychological and legal assistance, help with languages as well as the opportunity to access employment which corresponds to their professional skills.” (Spain)

In the absence of a national integration plan, the protection of beneficiaries of international protection lags behind with regard to family reunification, long-term residency and naturalization. Both regular immigration procedures and refugee legislation prevent beneficiaries of subsidiary protection from enjoying family reunification rights. This has impacted negatively on the great majority of international protection beneficiaries in Cyprus, including Syrians, who are almost exclusively granted subsidiary protection status. Furthermore, the naturalization policy remains largely discretionary and non-transparent. The relevant legislation for Long Term Residence sets out a number of stringent requirements which most international protection beneficiaries struggle to meet given the limitations imposed during their reception: tax and social insurance statements covering the last five years, health insurance coverage, and a Greek language proficiency certificate.

Recommendations:

UNHCR recommends that the Government of Cyprus:

- (a) Adopt a comprehensive integration strategy and plan, and provide comprehensive language and skills development programmes;
- (b) Facilitate family unity by reintroducing a right for beneficiaries of subsidiary protection to apply for family reunification; and
- (c) Relax the requirements for long-term residence status and introduce transparent criteria for naturalization.

Issue 3: Reduction of Statelessness

Linked to 2nd cycle UPR recommendation no. 114.7: “Ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, the *Convention relating to the Status of Stateless Persons* and the *Convention on the Reduction of Statelessness*.” (Uruguay)

Whilst steps have been taken towards accession to the *1954 Convention*, progress has been slow. No legislative initiatives have been taken by Cyprus with respect to the *1961 Convention*. Cypriot legislation lacks a definition of statelessness and a statelessness determination procedure. Currently, children of asylum-seekers or international protection beneficiaries may be at risk of statelessness in Cyprus. Children born in Cyprus may gain nationality by descent if either of their parents is a Cypriot national or entitled to nationality by descent. However, a child cannot obtain nationality by descent if either one of his or her parent’s entry or stay in Cyprus was irregular. Asylum-seeking parents who meet the

residential requirements may make citizenship applications for their children. However, in practice, citizenship is not conferred to stateless asylum-seeking children. On the other hand, children of beneficiaries of international protection may obtain citizenship by default as part of their parents' application. There is, however, no procedure to facilitate Cypriot nationality for children born stateless. In these instances, the child can never obtain Cypriot nationality by descent, even if born stateless, unless the application is approved by the Cyprus Council of Ministers.

Recommendations:

UNHCR recommends that the Government of Cyprus:

- (a) Accede to the *1954 Convention relating to the Status of Stateless persons* and the *1961 Convention on the Reduction of Statelessness*; and
- (b) Develop national legislation and procedures addressing statelessness and ensure the right to nationality for children born to parents who are beneficiaries of international protection, asylum-seekers or statelessness themselves.

Additional protection challenges

Issue 4: Refugee Status Determination Procedures

There are large backlogs of unprocessed asylum applications. There are no formal Standard Operating Procedures or screening methods to determine claims that may be prioritized or accelerated, and no method to identify specific procedural needs. Positively, the law ratifying the UN *Convention against Torture* was amended in 2017 to include a reference to the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)* and the obligation to conduct both physical as well as psychological evaluations. However, its implementation has been difficult due to lack of capacity. The refugee status recognition rates are consistently low for Syrians, Somalis and Iraqis, compared to the EU average. For Syrians, in particular, there is almost automatic resort to subsidiary protection without careful individual assessments for refugee status. Between 2012 and 2017, a total of 7,071 Syrians applied for protection and only 130 Syrians were granted refugee status compared to 4,904 accorded subsidiary protection. Asylum decisions are rarely justified.

There is a growing backlog of cases at the Refugee Reviewing Authority, an almost double increase in 2017 from the previous year. The new Administrative Court established in September 2015 to examine appeals at a judicial level was meant to assume the function of the Refugee Reviewing Authority, but the latter continues to operate as a second-tier independent administrative review body albeit at reduced capacity. Further, the new Court is mainly determining non-asylum cases. This has rendered the asylum appeal system multi-level, unclear, and stagnant.

Recommendations:

UNHCR recommends that the Government of Cyprus:

- (a) Develop transparent Standard Operating Procedures on Refugee Status Determination;
- (b) Introduce a screening method to determine claims that may be prioritized or accelerated, and to identify specific procedural needs;
- (c) Develop the capacity of the medical council to conduct physical as well as psychological evaluations of survivors of torture;
- (d) Introduce an internal quality assurance mechanism to ensure standards in RSD; and
- (e) Institute a deadline for the clearance of the existing caseload of the Refugee Reviewing Authority and its abolishment and develop Regulations for the the effective functioning of the Administrative Court.

UNHCR, July 2018

ANNEX

Excerpts of relevant Recommendations from the 2nd cycle Universal Periodic Review and Concluding Observations from UN Treaty Bodies

CYPRUS

We would like to bring your attention to the following excerpts from the 2nd cycle UPR recommendations and UN Treaty Monitoring Bodies' Concluding Observations reports relating to issues of interest and persons of concern to UNHCR with regards to CYPRUS.

I. Universal Periodic Review (Second Cycle – 2014)

| Recommendation ¹ | Recommending State/s | Position ² |
|--|----------------------|------------------------|
| Accession to international instruments | | |
| 114.7. Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness. | Uruguay | Supported ³ |
| 114.12. Sign and ratify the Convention on the Reduction of Statelessness. | Hungary | Supported |
| Discrimination against persons of concern | | |
| 114.41. Implement measures to combat racial stereotyping and discriminatory attitudes against migrants, including through awareness-raising campaigns and by enforcement of legislation against racial discrimination in all fields of public life. | Philippines | Supported |
| 114.42. Strengthen efforts to protect the rights of migrants by combating racial stereotypes and discriminatory attitudes, including through awareness raising campaigns and by enforcing legislation against racial discrimination in all areas of public life. | Brazil | Supported |
| 114.43. Adopt an integrated strategy for the elimination of discrimination on any basis, which deals in particular with racially-motivated attacks against foreigners, persons of African descent and human rights defenders. | Colombia | Supported |
| 114.50. Include a prohibition of discrimination of any kind, including discrimination based on sexual orientation and gender identity, in areas outside employment, in line with international standards. | Netherlands | Supported ⁴ |
| Immigrant rights | | |
| 114.84. Step up efforts to protect the rights of migrants. | Philippines | Supported |
| 114.86. Further consolidate measures to promote and protect the rights of migrants, including through monitoring mechanisms and awareness-raising of the public. | Sri Lanka | Supported |
| 114.87. Initiate an integrated policy for the promotion and protection of the human rights of migrants which takes into account the vulnerable situation | Colombia | Supported |

¹ All recommendations made to Cyprus during its 2nd cycle UPR can be found in: "Report of the Working Group on the Universal Periodic Review of Cyprus" (04 April 2014), A/HRC/26/14, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CYindex.aspx>.

² Cyprus's views and replies, in English, can be found in: *Addendum* (11 June 2014), A/HRC/26/14/Add.1, available at: <http://www.ohchr.org/EN/HRBodies/UPR/Pages/CYindex.aspx>.

³ **Addendum:** "The ratification process of the 1954 Convention relating to the Status of Stateless Persons is at the final stages, awaiting approval by Parliament."

⁴ **Addendum:** "a *Bill amending the Criminal Code so as to criminalize public incitement of discriminatory, hateful or violent acts against persons because of their sexual orientation or identity, is pending before Parliament.*"

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| of foreign domestic workers. | | |
| 114.88. Continuing strengthening its migration policies in the most effective manner in order to address prejudice, racism, racial discrimination, xenophobia and other forms of intolerance. | Venezuela (Bolivarian Republic of) | Supported |
| 114.89. Ensure respect for European and international conventions for the protection of human rights within the framework of treatment of migrants who are affected by the deportation decisions. | France | Supported |
| 114.90. Consider applying alternative measures to the detention of unaccompanied migrant children. | Egypt | Supported |
| 114.98. Conceive measures to address the phenomenon of the reported increase in labour exploitation, such as by alerting migrant workers, informing migrant workers about their legal rights, and give training to professionals in contact with potential victims. | Sweden | Noted ⁵ |
| 114.99. Take concrete measures to improve the access of irregular migrants to acceptable housing. | Denmark | Noted ⁶ |
| 114.100. Adopt measures that will enable migrants and their children, including irregular migrants, to access social services other than public health care and school education. | Philippines | Supported in principle ⁷ |
| Asylum seekers | | |
| 114.101. Strengthen, in close cooperation with the relevant actors, the capacity to process, care for and house asylum seekers and irregular migrants in conformity with regional and international standards. | Mexico | Noted ⁸ |
| 114.102. Ensure that asylum seekers, while awaiting the reviewing of their status, are protected from refoulement and afforded equal and effective access to essential services. | Brazil | Supported |
| 114.103. Ensure that asylum seekers have free legal aid throughout the asylum procedure. | Djibouti | Supported |
| 114.104. Improve the mechanisms for the reception of refugees and asylum seekers, ensuring that they are offered psychological and legal assistance, help with languages as well as the opportunity to access employment which corresponds to their professional skills. | Spain | Supported |
| IDPs | | |
| 114.105. Adopt the measures necessary to guarantee that the children of internally displaced persons enjoy the same legal status as their parents, regardless of the sex of their parents. | Mexico | Supported |
| Detention centres | | |
| 114.52. Develop and employ measures to respect the rights of prisoners, including reviewing the potential for alternative measures for offenders, and detention conditions. | United Kingdom of Great Britain and Northern Ireland | Supported |
| 114.53. Address concerns over migrant detention centre conditions, including by guaranteeing the right to obtain speedy judicial review of the lawfulness of any detention and to be released if detention is determined unlawful. | United States of America | Supported |
| Victims of trafficking | | |
| 114.64. Provide adequate resources to fully implement its national plan against human trafficking, taking particular attention to curbing trafficking of women and girls. | Philippines | Supported |

⁵ **Addendum:** "There is no evidence suggesting increase in labour exploitation."

⁶ **Addendum:** "An acceptable framework for the protection of irregular migrants is already in place."

⁷ **Addendum:** "Cyprus accepts in principle [this] recommendation."

⁸ **Addendum:** "Cyprus accepts in part [this] recommendation."

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|--|--------------------------|--------------------------------|
| 114.65. Continue implementing training programmes of public officers within the framework of the revised National Action Plan against Trafficking of Human Beings. | State of Palestine | Supported |
| 114.66. Step up its efforts in bringing to justice perpetrators of trafficking of women and sexual exploitation, as well as ensuring appropriate and timely compensation for victims. | Thailand | Supported |
| 114.67. As a source and destination country for men and women who are subjected to forced labour and sex trafficking, improve efforts to prosecute, convict and sentence trafficking offenders. | Sweden | Supported in part ⁹ |
| 114.68. Adopt more effective anti-trafficking measures and further evaluate measures already in use to limit human exploitation, including efforts to protect victims and to prosecute offenders of human trafficking. | Denmark | Supported |
| 114.69. Strengthen trafficking victim protection services by creating and publicizing a victim hotline and training immigration officials so trafficking victims are adequately informed of their rights. | United States of America | Supported |
| 114.70. Continue advancing the protection of workers from third countries in Cyprus, including all victims of trafficking and exploitation in the legal aid programme and ensuring the provision of adequate funding for this. | Spain | Supported |
| Access to health | | |
| 114.83. Improve access to education and health for minorities and ensure non-discrimination in access to employment and accommodation for migrants. | Paraguay | Supported |

II. Treaty Bodies

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Concluding Observations, (13 October 2017), [CRC/C/OPAC/CYP/CO/1](#)

Training

11. The Committee takes note of the State party's plans for training on the Optional Protocol for police officers, immigration officials, asylum officers, judges and army officers, but notes with concern the lack of any specific training on children's rights and the provisions of the Optional Protocol, including for military and law enforcement personnel, to date.

12. The Committee recommends that training on the Optional Protocol be systematically included in the training of all relevant professional groups, in particular the armed forces, members of international peacekeeping forces, law enforcement and immigration officers, asylum officers, prosecutors, lawyers, judges, social workers, medical professionals, teachers, media professionals and local and district officials.

Recruitment Data

13. The Committee is concerned about:

- (a) The fact that data related to children under the age of 18 recruited into the national armed forces are not made public;
- (b) The lack of data regarding asylum-seeking, refugee and migrant children in the State party who may have been recruited or used in hostilities abroad.

⁹ **Addendum:** "Cyprus does not accept the allegations contained in the first part of this recommendation. Cyprus abides by the relevant international instruments based on which it has introduced or is in the process of introducing further measures, mechanisms and laws to enhance protection against trafficking."

14. The Committee recommends that the State party:

- (a) Systematically collect and publish disaggregated data on the number of children under 18 recruited, both voluntarily and compulsorily, into the national armed forces;**
- (b) Establish a mechanism for the comprehensive collection of data, disaggregated by sex, age, nationality and ethnic origin, on asylum-seeking, refugee, migrant and unaccompanied children entering the State party who may have been recruited or used in hostilities abroad.**

Measures adopted to protect the rights of migrant, asylum-seeking and refugee children

29. The Committee takes note of the assistance that refugee and unaccompanied children are entitled to in the State party, but is concerned at the lack of adequate assistance provided for all children who may have been recruited and/or used in hostilities abroad. The Committee is concerned at the lack of an early detection mechanism of such cases, as well as inadequate training and guidelines for State personnel coming into contact with such children; reported delays at all stages of the registration and asylum process; and inadequate State party support for specialized treatment programmes for the social reintegration and rehabilitation of such children.

30. Drawing the State party's attention to its obligations under article 7 of the Optional Protocol, the Committee urges it to ensure appropriate and prompt assistance and support to migrant, refugee and asylum-seeking children, who may have been recruited and/or used in hostilities, and ensure their full protection in line with international standards. In that regard the Committee urges the State party to:

- (a) Establish a mechanism for early detection of all migrant, asylum-seeking and refugee children who are at risk or have been recruited and/or used in hostilities, and take all necessary measures to ensure its effective functioning;**
- (b) Develop guidelines and specialized training for Government personnel working with all migrant, asylum-seeking and refugee children on the identification, rights and appropriate treatment of children who are at risk or have been recruited and/or used in hostilities, and ensure their implementation;**
- (c) Develop specialized services to ensure that children who may have been involved in armed conflict are provided with appropriate assistance for their physical and psychological recovery and their social reintegration;**
- (d) Where necessary, ensure translators are present during all stages of the registration and asylum process, including medical examinations;**
- (e) Ensure prompt decisions and actions at all stages of the registration and asylum process.**

31. The Committee also recommends that the State party take into account its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

32. The Committee notes that children who are considered victims of trafficking under the State party's law on trafficking in persons (60 (I)/2014) are guaranteed non-refoulement. However, the Committee is concerned that the State party does not explicitly guarantee non-refoulement for all children in migrant situations, including those outside the formal asylum process, on the basis that they may have been, or are at risk of being, recruited for and/or used in hostilities.

33. The Committee urges the State party to ensure full respect for the fundamental principle of non-refoulement in all circumstances, particularly those involving children who have been or are at risk of being recruited for and/or used in hostilities.

Committee on the Elimination of Racial Discrimination

Concluding Observations, (02 June 2017), [CERD/C/CYP/CO/23-24](#)

Situation of asylum seekers

20. The Committee is concerned at the situation of asylum seekers in the State Party, including:

- (a) Limited reception facilities and insufficient access to services for the large numbers of asylum seekers accommodated in the Kofinou Reception Centre;
- (b) Limited range of employment opportunities for asylum seekers, who are mostly limited to employment in the fields of agriculture, livestock and fisheries, and negative impact on ability of asylum seekers to access benefits or assistance if categorized as “willfully employed”, regardless of individual circumstances;
- (c) Insufficient amount of the social assistance benefit paid to asylum seekers (less than half of the amount paid to citizens) (art.5).

21. **The Committee, recalling its General Recommendation No. 30 on Discrimination Against Non-Citizens recommends to the State party:**

- (a) **Expand existing reception facilities and ensure that all asylum seekers have access to important services, such as medical care, housing and transportation from the remote Kofinou Reception Centre**
- (b) **Ensure equal employment opportunities for asylum seekers including by permitting employment in a wider range of sectors, and provide asylum seekers with access to social assistance programmes, taking into account individual circumstances**
- (c) **Ensure the same social assistance benefits to asylum seekers as to citizens, without discrimination.**

Ratification of other instruments

28. **Bearing in mind the indivisibility of human rights, the Committee encourages the State party to consider ratifying those international instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the ILO Convention No. 189 concerning Decent Work for Domestic Workers, the 1954 Convention relating to the Status of Stateless Persons, and the 1961 Convention on the Reduction of Statelessness.**

Committee on the Rights of Persons with Disabilities

Concluding Observations, (08 May 2017), [CRPD/C/CYP/CO/1](#)

15. The Committee is deeply concerned about the precarious situation of refugees and asylum-seeking persons with disabilities in the State party and also notes with concern that the refugee status determination procedures are not accessible. While noting the indication of the State party delegation that refugees with disabilities are entitled to the same disability support schemes and benefits — including wheelchairs, care and information — as Cypriot citizens with disabilities, the Committee notes with concern that equal access to these support schemes and benefits is not available for all refugees and asylum seekers. The Committee furthermore notes with concern that, in the Refugees Law, refugees with disabilities are referred to as “persons with special needs”, a subcategory of “vulnerable persons”, which constitutes an approach that may hamper the application of a human rights-based approach.

16. **The Committee recommends that the State party:**

- (a) **Ensure the accessibility of all refugee status determination procedures;**
- (b) **Ensure an adequate standard of living, including access to disability support**

- schemes and allowances in law and in practice for all non-nationals with disabilities residing in the State party on an equal basis with Cypriot citizens;
- (c) Incorporate disability, and a human-rights-based approach to disability, in the Refugees Law and all other relevant refugee and asylum legislation, policies and programmes;
 - (d) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and endorse the 2016 Charter on Inclusion of Persons with Disabilities in Humanitarian Action.

Committee on Economic, Social and Cultural Rights

Concluding Observations, (28 October 2016), [E/C/12/CYP/CO/6](#)

Legal aid

9. The Committee is concerned that, despite the measures taken by the State party, disadvantaged and marginalized individuals and groups still find it difficult to claim their economic, social and cultural rights owing to the limited access to free legal aid. It notes the lack of detailed information on legal aid programmes in the State party, including the number of beneficiaries of, and the budget allocated to, those programmes.

10. The Committee recommends that the State party step up its efforts to provide free legal aid to persons who need it, particularly women, persons with disabilities, migrant workers and asylum seekers, and to ensure that the coverage, eligibility and services provided are adequate.

Non-discrimination

13. The Committee is concerned at the persistent discrimination against non-European Union migrants (third country migrants), Turkish Cypriots and members of ethnic minorities, especially Roma. While noting the legal and institutional measures taken by the State party to combat discrimination, the Committee is concerned at the remaining discriminatory provisions in existing legislation, such as section 5 of the Equal Treatment in Employment and Occupation Law of 2004, which does not cover discrimination based on nationality, the legal protection gap regarding multiple discrimination or the limited scope of anti-discrimination jurisprudence, reportedly owing to the lack of awareness of the anti-discrimination laws (arts. 2 (2) and 3).

14. The Committee recommends that the State party further strengthen its anti-discrimination legislative framework, including by reviewing the existing anti-discrimination laws. In this context, the Committee urges the State party to review the existing legislation with a view to removing all discriminatory provisions. The Committee recommends that the State party adopt a comprehensive anti-discrimination law that prohibits all direct, indirect and multiple forms of discrimination on any grounds and that provides for effective remedies for victims of discrimination, including within judicial and administrative proceedings. It also recommends that the State party intensify its efforts to raise awareness of the anti-discrimination legal framework among the public, particularly rights holders and judicial and law enforcement officials. In this regard, it draws the State party's attention to its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

Asylum seekers

15. While noting the efforts made by the State party to improve the situation of asylum seekers, the Committee is concerned at:

- (a) The inadequate conditions of, and services provided at, the reception centres for asylum seekers, particularly for women and children, and the use of the emergency

facility for an extended period;

- (b) The insufficient amount of the social assistance benefits provided to asylum seekers, which is less than half of the guaranteed minimum income;
- (c) The very limited range of employment opportunities for asylum seekers, which are mostly offered in remote areas without adequate transport or accommodation provided;
- (d) The new detention policy concerning asylum seekers, which allows for the detention of asylum seekers who have a judicial recourse pending before the Supreme Court and does not provide for the release of asylum seekers who are under deportation orders and subsequently apply for asylum during detention (arts. 2 (2), 3, 6 and 11).

16. The Committee recommends that the State party continue its efforts to:

- (a) **Expand the reception capacity of the existing reception centre in Kofinou and consider creating additional capacity elsewhere, and ensure that the emergency facility is used only for its initial purpose;**
- (b) **Improve the services provided to asylum seekers at the reception centre, including health-care services, social and psychological counselling and language and vocational training, and make transportation to asylum seekers' workplaces available;**
- (c) **Ensure that all the specific needs of women, children and persons with disabilities are fully recognized in the policies and programmes concerning asylum seekers;**
- (d) **Increase the amount of the social assistance benefits provided to asylum seekers to the level of the guaranteed minimum income to ensure an adequate standard of living;**
- (e) **Expand the range of jobs and employment opportunities that asylum seekers can access;**
- (f) **Review its asylum detention policy with a view to limiting the detention of asylum seekers only to situations in which it is absolutely necessary and shortening the time that rejected asylum seekers spend in detention to an indispensable minimum, and apply, as a rule, measures and alternatives to detention.**

Migrant workers

27. The Committee reiterates its concern that non-European Union migrants continue to experience labour exploitation and social isolation, especially those working in the farming and agricultural sector. It is concerned at the precarious situation of domestic workers, the majority of whom are non-European Union migrant women, and at the absence of labour inspections to monitor their working conditions. The Committee regrets the State party's intention not to regularize the situation of undocumented migrant workers and the lack of information on their situation in the State party (arts. 2 (2), 6 and 7).

28. The Committee recommends that the State party:

- (a) **Ensure that the terms of employment and working conditions of migrant workers are adequately and regularly regulated and inspected;**
- (b) **Ensure that the Equal Treatment of Men and Women in Employment and Vocational Training (Amendment) Law of 2002 and the Safety and Health at Work (Amendment) Law of 2011 are applied to domestic work;**
- (c) **Expedite the adoption of the national action plan on the integration of migrants legally residing in Cyprus, originally envisaged for 2014-2016, and fully implement it once it has been adopted;**
- (d) **Reconsider its position on the regularization of undocumented migrants and provide, in its next periodic report, information on the situation of undocumented migrants and on the measures taken to protect their economic, social and cultural rights.**

Trafficking in human beings

33. The Committee is concerned at the low number of convictions for trafficking in human beings, despite the high number of identified trafficking victims. It is also concerned at the prevalence of trafficking in migrant workers for the purposes of sexual and labour exploitation, the insufficient enforcement of the regulatory framework and the lack of monitoring of private recruitment agencies (art. 10).

34. The Committee calls upon the State party to step up its efforts to effectively investigate acts of trafficking and to prosecute and punish perpetrators with penalties commensurate with the gravity of the offences. It recommends that the State party take effective measures to strictly enforce existing legislation pertaining to private employment agencies and monitor their activities with a view to preventing trafficking in migrant workers, particularly women.

Right to health

39. The Committee is concerned at the low level of public spending on health-care services, which has decreased during the economic crisis, and the high share of household spending on health care. It is also concerned at the limited range of health-care services provided by the public health system and long waiting lists. It is further concerned that asylum seekers and undocumented migrants are reportedly limited in their access to health-care services, despite the measures taken by the State party (art. 12).

40. The Committee recommends that the State party take all measures necessary to improve the public health system, including through the substantial increase of funding allocated to the system, with a view to ensuring that a wider range of good quality health-care services are provided in a timely manner. In this regard, it calls upon the State party to introduce the universal national health system as planned for 2017 and to ensure its effective functioning thereafter. It recommends that the State party take the steps necessary to remove the obstacles facing asylum seekers and undocumented migrants in accessing health-care services.

Human Rights Committee—CCPR

Concluding Observations, (30 April 2015), [CCPR/C/CYP/CO/4](#)

Discrimination on the basis of nationality

6. The Committee is concerned about reports that the nationality laws are applied in a discriminatory manner in relation to individuals from particular groups, particularly children of Turkish Cypriots and persons of South-East Asian origin, and that members of the latter group encounter obstacles in attaining Cypriot citizenship, despite meeting the legal requirements to acquire it (arts. 2 and 26).

The State party should take adequate measures to ensure that the nationality laws are applied indiscriminately on the basis of clearly defined criteria. It should ensure that applicants have access to information concerning the requirements of citizenship and that they receive a decision on their application for citizenship within a reasonable period of time.

Racial discrimination

7. Despite the efforts taken by the State party to combat racial discrimination, the Committee is concerned about reports of a rise in incidents of racially motivated verbal and physical abuse by right-wing extremists and neo-Nazi groups against persons of foreign origin, human rights defenders and Turkish Cypriots. It is also concerned that members of the Roma community still face de facto discrimination and social exclusion in the areas of housing, education and employment (arts. 2, 20 and 26).

The State party should strengthen its efforts to eradicate racial discrimination against Turkish Cypriots, Roma and other minorities by, inter alia, conducting public awareness-raising campaigns to promote tolerance and respect for diversity. The State party should ensure that cases of racially motivated violence are promptly investigated, that perpetrators are prosecuted and, where appropriate, punished, and that compensation is awarded to victims.

Internally displaced persons

9. While welcoming the State party's decision to recognize children of women who have been internally displaced, the Committee remains concerned that the amendment applies only to certain housing schemes and benefits and does not give such children access to the same rights as children of internally displaced men, in particular the right to participate in elections in due course (arts. 2, 3, 25 and 26).

The State party should amend its legislation to ensure that children of women who have been internally displaced have the same benefits as children of internally displaced men, without any kind of distinction.

Excessive use of force

12. The Committee is concerned about reports of excessive use of force by police officers during acts of arrest and detention, including the use of tear gas against migrants and asylum seekers held at the Menoyia detention facility, in 2013. It is also concerned that no information has been provided on subsequent measures taken to investigate those incidents and prosecute and punish those responsible (arts. 2, 6 and 7).

The State party should establish effective investigative procedures to ensure that the law enforcement officers who were found responsible for excessive use of force during the 2013 incidents are punished. The State party should take effective measures to prevent future incidents of abuse and ill-treatment by the police.

Non-refoulement

13. While the Committee notes that article 4 of the Refugee Law (L.6(I)/2000, as amended) prohibits non-refoulement, the Committee is concerned about reports alleging that some asylum seekers have been deported to countries where there are substantial grounds for believing they would be at a real risk of torture. The Committee is also concerned that the screening process to identify victims of torture and trafficking among asylum seekers does not appear to meet international standards (arts. 6, 7 and 13).

The State party should respect the principle of non-refoulement by ensuring that asylum seekers are not extradited, deported or expelled to a country where there are substantial grounds for believing there is a real risk of irreparable harm, such as that set out in articles 6 and 7 of the Covenant.

Detention of migrants and asylum seekers

14. While the Committee welcomes the measures taken by the State party to prevent the detention of migrants and asylum seekers, it remains concerned that large numbers of migrants and asylum seekers, including women who have been separated from their young children, continue to be detained for lengthy periods of time while awaiting deportation. It is also concerned that asylum seekers are unable to obtain access to legal advice during all administrative stages of the refugee status determination process (arts. 9 and 13).

The State party should:

- (a) Ensure that persons awaiting deportation are detained for the shortest period of time necessary, in accordance with the standards set out in the Committee's general comment No. 35 (2014) on liberty and security of person, and that mothers with young children are not detained, unless in very exceptional**

circumstances;

- (b) **Adopt alternatives to detaining migrants and asylum seekers whenever possible;**
- (c) **Consider amending the Refugee Law and the Legal Aid Law in order to guarantee access, in appropriate cases, to legal advice throughout all stages of the asylum process.**

Conditions of detention and violence in prison

15. While noting efforts made by the State party to reduce overcrowding and improve conditions of detention, the Committee remains concerned at reports of inter-prisoner violence, including gang rape, the use of solitary confinement for excessive periods of time and of minors and migrants not always being segregated from the rest of the detained population (arts. 6, 7 and 10).

The State party should continue to strengthen its efforts to improve detention conditions by taking practical measures to, inter alia:

- (a) **Reduce overcrowding, particularly through the introduction of alternatives to detention;**
- (b) **Prevent incidents of inter-prisoner violence, including through the implementation of effective monitoring mechanisms and training of prison staff on identifying persons vulnerable to inter-prisoner abuse;**
- (c) **Investigate incidents of inter-prison violence, especially those resulting in death, prosecute and punish those responsible with sanctions commensurate with the crime and compensate victims.**

Committee against Torture

Concluding Observations, (16 June 2014), [CAT/C/CYP/CO/4](#)

Trafficking in persons

10. While welcoming the legislative and other measures to address trafficking in persons (paras. 5 (b) and (c) and 6 (b) above), the Committee is concerned at reports indicating that no offender has ever been convicted for the crime of human trafficking; convictions are handed down, rather, under non-trafficking statutes that impose more lenient sentences. The Committee also regrets the lack of information provided on the measures taken to investigate officials who have participated in this crime. The Committee notes further information indicating that the new Law 60(I)/2014 on trafficking does not provide victims with the right to an effective remedy until they are recognized as victims by the Office of Combating Trafficking in Human Beings of the police, on the basis of its own internal determination procedure. The Committee also takes into consideration deficiencies reported in the provision of social services to victims of trafficking (arts. 2, 12, 13, 14 and 16).

The State party should:

- (a) **Vigorously enforce the new legislative framework and promptly, thoroughly, effectively and impartially investigate, prosecute, convict and punish trafficking offenders, including officials involved, with appropriate penalties;**
- (b) **Provide specialized training to the police, prosecutors and judges on the application of the new Law 60(I)/2014 and on the effective investigation, prosecution and punishment of acts of trafficking, and to immigration officers and social workers on the identification of victims of trafficking, including victims of torture among the trafficked persons;**
- (c) **Monitor and assess the new visa regime to prevent its potential misuse by traffickers and urgently activate the national referral mechanism;**
- (d) **Undertake an impact assessment of the national plans, with a view to increasing their efficiency;**
- (e) **Provide an effective remedy to all victims of the crime of trafficking, ensuring prompt and adequate psychological support, medical care, access to welfare**

benefits, adequate shelter and work permits for them, irrespective of their ability to cooperate in the legal proceedings against traffickers.

Identification of victims of torture during the refugee determination process

11. While recognizing that the government medical council that assesses potential victims of torture during the asylum process was reinforced in 2012 with a psychologist, the Committee is concerned about information indicating that the process still does not include as a routine measure a psychological/psychiatric evaluation of victims. The Committee also notes with concern the insufficient interpretation during the medical assessment, which reportedly led to children of torture claimants assuming the role of interpreters, as well as information indicating that none of the medical evaluations determined that torture had been the cause of the findings. The Committee also takes into account information indicating that, to date, there is no procedure in place for the timely identification of victims of torture arriving in the State party (arts. 2, 3 and 16).

The State party should:

- (a) **Urgently improve the screening system introduced by the Asylum Service to ensure that effective measures are in place to identify as early as possible victims of torture and trafficking, and provide them with immediate rehabilitation and priority access to the asylum determination procedure;**
- (b) **Provide a thorough medical and psychological examination and report, in accordance with the procedures set out in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol), by trained independent health experts, with the support of professional interpreters, when signs of torture or traumatization have been detected during the personal interviews before the Asylum Service;**
- (c) **Provide regular and compulsory training on the procedures established in the Istanbul Protocol to asylum officers and health experts participating in the asylum determination procedure, including on training on detecting psychological traces of torture and on gender-sensitive approaches.**

Judicial review with suspensive effect

12. While noting the decision of the State party to establish a new administrative court with competence to look into the merits of appeals filed by rejected asylum seekers, the Committee is concerned that, at present, asylum seekers are not legally protected against refoulement during the judicial review process and that there is no effective judicial remedy with automatic suspensive effect to challenge the deportation of asylum applicants and undocumented immigrants, as indicated by the European Court of Human Rights in its judgement in the case of M.A. v. Cyprus of 23 July 2013 (arts. 2 and 3).

The State party should abide by its commitment to provide for an effective judicial remedy with automatic suspensive effect of the deportation of asylum seekers and other undocumented immigrants, through a court that satisfies the requirements of due process with competence to look into the merits of appeals.

Non-refoulement

13. The Committee is greatly concerned at the low recognition rates of refugee status and subsidiary protection status, as well as by reports alleging that asylum seekers have been deported to their countries of origin despite serious risks of torture or religious persecution, such as persons of the Baha'i faith deported to the Islamic Republic of Iran. Moreover, the Committee observes with concern that the amended section 19, paragraph 7, of the Refugee (Amending) Law No. 2 of 2013 no longer protects from refoulement persons granted subsidiary protection status, including persons granted such status on account of a real risk of being subjected to torture (arts. 2 and 3).

The State party should amend section 19, paragraph 7, of the Refugee (Amending) Law No. 2 to ensure that beneficiaries of subsidiary protection are protected from unwarranted refoulement. The State party should also ensure that the asylum claims are thoroughly and individually examined and allow sufficient time for asylum seekers to fully indicate the reasons for their application and obtain and present crucial evidence. Beneficiaries of subsidiary protection should be able to have their cases re-examined before the subsidiary protection ceases.

Legal aid for asylum seekers and undocumented immigrants

14. The Committee is concerned that asylum seekers do not have access to legal aid at the first instance administrative level of the asylum process. The Committee also notes with concern that asylum seekers and undocumented immigrants, including unaccompanied minors, can have access to legal aid to challenge their deportation and detention orders only if they are able to argue before a legal aid judge of the Supreme Court that they have good chances of success because of “blatant illegality” or “irreparable damage”. The Committee considers that the criteria for legal aid are overly restrictive for asylum seekers and undocumented immigrants and place them at risk of unwarranted refoulement and illegal detention (arts. 2 and 3).

The State party should amend the Refugee Law and the Law on Provision of Legal Aid in order to guarantee access to independent, qualified and free-of-charge legal assistance for asylum seekers during the entire asylum procedure, at first instance level and during the judicial review, as well as for undocumented immigrants, including unaccompanied minors, in addition to the appointment of a guardian, in order to challenge the lawfulness and duration of their deportation and detention orders.

Detention of asylum seekers

16. The Committee is concerned that, although the Refugee Law permits the detention of asylum seekers only in exceptional cases and for a maximum of 32 days, in the majority of cases asylum seekers are detained under the Aliens and Immigration Law as undocumented immigrants, or for minor offences, and remain detained for protracted periods of time during the whole status determination procedure. The Committee notes further that asylum seekers are also detained when their asylum claims are refused at the administrative level but are pending judicial review. That situation prompted various hunger strikes by Syrian refugees in 2013 and incidents of suicide in protest against their detention (arts. 11 and 16).

The Committee urges the State party to ensure that persons in need of international protection, including those fleeing indiscriminate violence, are not detained or, if at all, only as a measure of last resort, after alternatives to detention have been duly examined and exhausted and for as short a period as possible. The State party should also refrain from applying the Aliens and Immigration Law to asylum seekers.

Detention of unaccompanied children and families

19. While acknowledging the efforts of the State party, through a ministerial decision communicated on 5 May 2014, to limit detention for the purpose of the deportation of unaccompanied children and families with children, the Committee notes with concern that such detention is still permitted if a mother with minor children “refuses to cooperate” or during the age verification process for an unaccompanied minor. In both cases, the families or minors will be detained “in suitable establishments that will be created in due time with [European Union] Solidarity Funds”. The Committee also notes with concern that children over the age of 8 can be forcibly separated from their parents and placed under the care of the Director of the Social Welfare Services (arts. 11 and 16).

The State party should ensure that unaccompanied children and families with children are not detained except as a measure of last resort and, in the latter case, after

alternatives to detention have been duly examined and exhausted and in the best interest of the child, and for as short a period as possible. The right of children not to be forcibly separated from their parents should be respected, no matter what the age of the child. The State party in such instances should refrain from detaining unaccompanied children and families with children if there are no suitable places to host them.