



# International Covenant on Civil and Political Rights

Distr.: General  
9 August 2019

Original: English  
English, French and Spanish only

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## Human Rights Committee

### List of issues prior to submission of the fifth periodic report of Cyprus\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please provide information on measures taken to implement the recommendations contained in the Committee's previous concluding observations (CCPR/C/CYP/CO/4). Please indicate which procedures are in place for the implementation of the Committee's Views under the Optional Protocol and whether measures have been taken to raise awareness of its existence among those who believe that their human rights under the Covenant may have been violated.

2. Please report on any other significant developments in the legal and institutional framework within which human rights are promoted and protected that have taken place since the adoption of the previous concluding observations, including specific examples of cases in which the provisions of the Covenant have been referred to by national courts.

#### B. Specific information on the implementation of articles 1–27 of the Covenant, including with regard to the previous recommendations of the Committee

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

3. In connection with the previous concluding observations (para. 5),<sup>1</sup> the Committee's evaluation of the first follow-up report to concluding observations (CCPR/C/118/2) and the information provided by the State party in its second follow-up report to concluding observations (CCPR/C/CYP/CO/4/Add.1, paras. 1–2), please provide information on recent activities of the Commissioner for Administration and Human Rights and report on any recent measures taken to: (a) empower the Office of the Commissioner for Administration and Human Rights to appoint its own staff; (b) include Turkish speakers among its staff; and (c) ensure that it has the personnel and the financial and technical resources necessary to perform its functions effectively. Please also provide information on any other steps taken to bring the Office of the Commissioner into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including measures taken to address the recommendations

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\* Adopted by the Committee at its 126th session (1–26 July 2019).

<sup>1</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to the Committee's previous concluding observations.



made by the Sub-Committee on Accreditation of the Global Alliance of National Human Rights Institutions in relation to the process for the selection and appointment of the Commissioner.

**Non-discrimination, gender equality and prohibition of advocacy of national, racial or religious hatred (arts. 2, 3, 20, 24 and 26)**

4. In relation to the previous concluding observations (para. 6), please provide information on any measures taken during the reporting period to ensure that nationality legislation is not applied in a discriminatory manner and that decisions on applications for citizenship are issued within a reasonable period of time. Please also report on measures taken to ensure that children born in the State party to parents who are beneficiaries of international protection, asylum seekers or are stateless themselves, can enjoy their right to acquire a nationality.

5. With reference to the previous concluding observations (para. 7), please provide updated information about measures taken and progress made with regard to: (a) preventing and eradicating all forms of discrimination, including against Turkish Cypriots, Roma, migrants and lesbian, gay, bisexual, transgender and intersex persons; (b) tackling racist stereotypes and hate speech in the public sphere; (c) facilitating and encouraging the reporting of cases of discrimination, including by raising awareness about anti-discrimination laws among the general population; and (d) investigating reports of hate crimes, bring perpetrators to justice and provide reparations to victims. In addition, please provide statistical data for the reporting period on the number of cases of discrimination received, investigations carried out and their outcome, and reparations provided to victims. Please also clarify whether national legislation explicitly addresses and prohibits multiple discrimination and provide information about activities carried out by the Anti-Discrimination Body and the Equality Authority during the reporting period and their impact.

6. In connection with the previous concluding observations (para. 8), please provide updated information on the implementation and results of measures, including temporary special measures, to:

(a) Increase the representation of women in political and public life, particularly in high-level decision-making positions. Please include updated statistical information;

(b) Increase the participation of women in all stages of the peace process, including in decision-making, and to ensure the inclusion of a gender perspective in the negotiations, in line with Security Council resolution 1325 (2000) on women, peace and security. Please include information about the work of the technical committee on gender equality, including the impact of its recommendations, and progress made in adopting the first national action plan on women, peace and security (2019–2022), which was being prepared by the commissioner for gender equality;

(c) Close the wage gap between men and women for work of equal value, in both the public and private sectors. In this respect, please include information about implementation of Law No. 177 of 2002 on equal pay between men and women for the same work or for work of equal value.

7. Please provide information on progress made in addressing the concern expressed by the Committee in its previous concluding observations (para. 9) that legislation did not give children of women who had been internally displaced access to the same rights, in particular electoral rights, as children of internally displaced men.

**Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and domestic violence (arts. 2, 3, 6, 7 and 26)**

8. With reference to the previous concluding observations (para. 16), please provide information relating to the reporting period on measures taken and progress achieved to effectively prevent and combat domestic violence, including measures to: (a) encourage and facilitate reporting of cases of domestic violence, including among foreign nationals; (b) address the root causes of the low prosecution and conviction rates and ensuing lenient

penalties for cases involving domestic violence; (c) provide sufficient and adequate victim support services, including shelters and sexual violence support centres, throughout the country; (d) provide periodic training to State officials, in particular judges, prosecutors and police officers, to ensure that they are able to respond effectively to all forms of domestic violence; and (e) adopt the bill criminalizing all forms of gender-based violence against women, which aims at fully integrating the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence into domestic law. Please also include statistical data relating to the reporting period, disaggregated by age, nationality and ethnic origin of the victim, on the number of complaints received by the relevant authorities with regard to domestic violence, investigations carried out and sentences handed down, indicating whether they resulted in acquittal or conviction, and on reparation provided to victims.

9. In relation to the previous concluding observations (para. 10), the Committee's evaluation of the first follow-up report to concluding observations (CCPR/C/118/2) and the information provided by the State party in its second follow-up report to concluding observations (CCPR/C/CYP/CO/4/Add.1, paras. 3–9), please provide information about recent progress in the investigation of all outstanding cases of missing persons, ensuring that alleged perpetrators are brought to justice and, if found guilty, punished in accordance with the gravity of their acts, and in guaranteeing that the families of victims receive full reparation. Please include statistical data. Please also provide information about support provided to the Committee on Missing Persons during the reporting period, including in relation to requests for information and for access to relevant areas.

10. Taking into consideration the previous concluding observations (paras. 11–12), please provide statistical information for the reporting period, disaggregated by sex, age and nationality of the complainant, on: (a) the number of complaints received by relevant authorities concerning ill-treatment or torture by law enforcement officials, including prison personnel; (b) investigations carried out and their outcome, including sentences handed down; and (c) reparation provided to victims. Please also provide updated information on measures taken, including education and training activities, to prevent incidents of torture and/or ill-treatment by law enforcement officials and to guarantee that investigations are carried out promptly and efficiently, including by ensuring that the Independent Authority for the Investigation of Allegations and Complaints against the Police has the necessary financial and staffing resources.

11. Please provide information on the legal standards applied in the State party for the appropriate use of force and firearms by law enforcement officials and on the source of those standards in domestic law. Please also report on measures taken to ensure that such standards are respected in practice.

12. With reference to the previous concluding observations (para. 13), please provide updated information about the implementation and results of measures to guarantee strict compliance with the principle of non-refoulement, including by ensuring that new evidence substantiating a risk of irreparable harm is thoroughly reviewed even when a decision on extradition, deportation or expulsion has already been adopted. Please also clarify whether the State party's legal framework provides for an effective remedy with suspensive effect to challenge decisions of extradition, deportation or expulsion.

#### **Trafficking in persons (art. 8)**

13. Please provide information about the measures taken in the reporting period to prevent, prosecute and eradicate human trafficking and the impact of such measures. Please include statistics, disaggregated by sex, age and country of origin of the victim, on the number of complaints of human trafficking received, the investigations conducted and their results, including sentences handed down to the perpetrators, and the number of trafficking victims identified, indicating how many of them received some form of assistance and/or reparation. Please also provide updated information on: (a) the status of implementation of the national action plan on trafficking and its impact; (b) steps taken to ensure that men, women and children victims of trafficking have access to adequate measures of protection, support and reparation, including rehabilitation; and (c) training activities for professionals involved in implementing the State party's measures against trafficking, including judges,

prosecutors and officials responsible for the investigation of cases of trafficking and identification of victims.

**Liberty and security of person, treatment of persons deprived of their liberty and right to a fair trial (arts. 9, 10 and 14)**

14. With reference to the previous concluding observations (paras. 15 and 20), please report on measures taken and progress in relation to: (a) improving conditions of detention; (b) reducing overcrowding, including by the resorting to alternatives to detention; and (c) preventing, investigating, prosecuting and adequately sanctioning all incidents of inter-prisoner violence, including rape. Please include statistical information about the accommodation capacity of places of deprivation of liberty and the actual occupancy rate in each facility.

15. Please provide updated statistical data on the number of pretrial detainees, including those held in police stations and the percentage they represent of the total number of persons deprived of their liberty, and the average and maximum duration of pretrial detention during the reporting period. Please also report on measures taken to ensure that persons are not deprived of their liberty in police stations for prolonged periods and the results of those measures.

16. Please provide information on recent measures taken to implement the Committee's recommendation that juvenile offenders be tried before a specialized court for juveniles (para. 20) and to ensure in practice the effective protection of juveniles in conflict with the law, including by guaranteeing that juvenile offenders are not questioned without the presence of their lawyer, parents or other trusted adults and that their deprivation of liberty is used as a measure of last resort. Please also provide information about progress on the adoption of the comprehensive draft law to establish a child-friendly justice system for children in conflict with the law.

**Freedom of movement (art. 12)**

17. With regard to the previous concluding observations (para. 17), please report on efforts to open new crossing points and to facilitate access by residents of the northern part of the island to the southern part and the progress achieved. Please also clarify whether beneficiaries of international protection with resident permits issued by the State party are allowed to cross to the northern part of the island. In addition, please comment on allegations of instances where tourists with valid travel documentation have been detained and deported after indicating, upon arrival, that they intended to travel to the northern part of the island.

**Treatment of aliens, including refugees and asylum seekers (arts. 9, 13, 14 and 24)**

18. In relation to the previous concluding observations (para. 14), please report on the implementation and impact of measures to ensure that the detention of migrants and asylum seekers is a measure of last resort, is applied for the shortest possible period and is reasonable, necessary and proportionate in the light of the circumstances and, when detention is unavoidable, that alternatives to such detention are duly assessed and, when possible, applied. In this respect, please include statistical information for the reporting period, disaggregated by sex, age and nationality, on the number of migrants and asylum seekers in detention, the average and maximum time of detention and the use of alternatives to detention.

19. Please provide information on the implementation and results of steps to ensure:

(a) That adequate free legal support is provided from the beginning of asylum determination procedures, including during the administrative stages, to all asylum seekers, including unaccompanied minors;

(b) That migrants and asylum seekers are promptly provided with information about their legal situation, and any changes thereto, in an appropriate manner and in a language they understand;

(c) The effective early identification and referral of, and assistance and support for, vulnerable asylum seekers, including victims of trafficking in persons, torture, rape or other forms of psychological, physical or sexual violence, and that they are not discriminated against;

(d) The provision of adequate reception conditions for asylum seekers and refugees, in particular unaccompanied children, and that all foreign nationals with disabilities residing in the State party, including asylum seekers, have access without distinction to disability-related support schemes and benefits.

#### **Freedom of thought, conscience and religion (art. 18)**

20. With reference to the previous concluding observations (paras. 18–19), please report on measures taken during the reporting period to guarantee that religious minorities can exercise their freedom of religion in practice. In this respect, please include information on:

(a) Measures taken to guarantee that there are no undue restrictions on access to places of worship by religious minorities. Please indicate whether access to all mosques in the State party, including those located in heritage sites, is permitted and whether the opening hours of the Hala Sultan Tekke mosque have been extended. Please also report on measures taken to provide a suitable place of worship in Paphos for the Muslim community during the Ramadan period;

(b) The implementation and impact of measures to ensure that students have the freedom to participate or not in religious education in schools, that exemptions from attending religious classes are easily available, not subject to burdensome bureaucratic procedures and are fully respected once granted and that students from non-orthodox communities have access to alternative religious education on a voluntary basis.

#### **Freedom of expression (art. 19)**

21. Please provide information on measures taken to repeal the criminal provisions of the Law on Procedure for Standardization of Geographical Names of the Republic, as recommended by the Committee in its previous concluding observations (para. 21). In addition, please comment on the compatibility with the Covenant with the provisions in the Criminal Code criminalizing insult of the armed forces (art. 50D), insult of foreign Heads of State (art. 68), deliberate offence of a person's religious sentiments (art. 141), publication of books, pamphlets, letters or articles in magazines and newspapers with the intent of humiliating a religion or insulting those who follow it (art. 142) and libel of the memory of a deceased person (art. 202A). Please provide information on the current status of the draft freedom of information law. Please also comment on the implementation and results of measures to investigate and prosecute the alleged threats against the co-authors of the trilingual glossary of sensitive words and phrases entitled "Words That Matter", which was published on 10 July 2018 for voluntary consideration by journalists from both communities.

#### **Right to participate in public life (art. 25)**

22. Taking into consideration the previous concluding observations (para. 22), please report on measures taken during the reporting period to guarantee, promote and facilitate the right to vote and stand for election of Turkish Cypriots and the results of such measures. Please indicate whether consideration has been given to remove the restriction to run for president or vice-president on the basis of ethnicity.

23. Please provide information about measures taken to ensure in law and in practice that persons with disabilities, including persons with intellectual and/or psychosocial disabilities, can exercise their rights under article 25 of the Covenant.

#### **Rights of minorities (art. 27)**

24. In connection with the previous concluding observations (para. 23), the Committee's evaluation of the first follow-up report to concluding observations (CCPR/C/118/2) and the information provided by the State party in its second follow-up report to concluding

observations (CCPR/C/CYP/CO/4/Add.1, paras. 10–11), please provide information about any recent efforts undertaken to eradicate the economic, linguistic and cultural barriers facing Turkish Cypriots and other minorities and, in particular, please:

(a) Provide additional information about measures taken, including special temporary measures, to integrate Turkish Cypriots into the civil service and indicate whether those measures have resulted in an increase in participation of Turkish Cypriots in the civil service;

(b) Provide additional information about the special provisions ... introduced in the relevant legislations, making the knowledge of the Turkish language, at the corresponding level of knowledge with the Greek language, available (CCPR/C/CPY/CO/4/Add.1, para 11);

(c) Indicate whether any progress has been made in establishing a Turkish school in Limassol and whether additional surveys among Turkish Cypriot parents on the proposal to establish a separate Turkish school in Limassol have been conducted since 2005.

25. In relation to the previous concluding observations (para. 24), please report on any measures taken during the reporting period to ensure in law and in practice that all religious communities enjoy equal recognition. In particular, please indicate whether any measures are envisaged to review article 2 of the Constitution of 1960, which only recognizes those religious groups with a membership of over 1,000 on the date the Constitution came into force.

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