



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND
www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

REFERENCE:KF/fup-118

6 December 2016

Excellency,

In my capacity as Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee, I have the honour to refer to the follow-up to the recommendations contained in paragraphs 5, 10, and 23 of the concluding observations on the report submitted by Cyprus (CCPR/C/CYP/CO/4), adopted at the 113th session in March 2015.

On 29 April 2016, the Committee received the reply of the State party. At its 118th session, held in October-November 2016, the Committee evaluated this information. The assessment of the Committee and the additional information requested from the State party are reflected in the Report on follow-up to concluding observations (CCPR/C/118/2). I hereby attach a copy of the advanced unedited version of the relevant section of the said report.

The Committee considered that the recommendations selected for the follow-up procedure have not been fully implemented and decided to request additional information on their implementation. The Committee would appreciate receiving the requested information by **6 March 2017**. The State party is kindly requested, when submitting its reply to the Committee, not to reiterate information that has already been provided to the Committee.

The reply should be sent in Microsoft Word electronic version to the Secretariat of the Human Rights Committee (Kate Fox: kfox@ohchr.org and ccpr@ohchr.org). In accordance with the Note by the Human Rights Committee on the procedure for follow-up to concluding observations (see CCPR/C/108/2), the follow-up report should not exceed a maximum of 3,500 words.

The Committee looks forward to pursuing its constructive dialogue with the State party on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Sarah Cleveland
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee

H.E. Mr. Andreas Ignatiou
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Fax: 022 791 00 84
Email: cyprus@cyprusmission.ch

Assessment of replies

Reply/action satisfactory

- A** Response largely satisfactory

Reply/action partially satisfactory

- B1** Substantive action taken, but additional information required
B2 Initial action taken, but additional information and measures required

Reply/action not satisfactory

- C1** Response received but actions taken do not implement the recommendation
C2 Response received but not relevant to the recommendation

No cooperation with the Committee

- D1** No response received within the deadline, or no reply to a specific question in the report
D2 No response received after reminder(s)

The measures taken are contrary to the Committee's recommendations

- E** Response indicates that the measures taken are contrary to the Committee's recommendations
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Concluding observations:	CCPR/C/CYP/CO/4, 31 March 2015
Follow-up paragraphs:	5, 10 and 23
First reply:	29 April 2016
Committee's evaluation:	Additional information required on paragraphs 5 [B2], 10 [C1] and 23[C1][C2]

Paragraph 5:

The Committee is concerned that the Office of the Commissioner of Administration (the Ombudsman) lacks the necessary financial, technical and human resources to fulfil its very broad mandate, that it cannot appoint its own staff and it lacks financial autonomy. In addition, the Committee is concerned about the absence of Turkish-speaking staff and that the reports generated by the Office are not published in Turkish (art.2).

The State party should ensure that the Ombudsman has the financial and technical resources and personnel necessary to perform its task effectively on a fully independent basis, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (General Assembly resolution, 48/134, annex).

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Summary of State party's reply:

The State party recognized that the Office of the Ombudsman lacks financial and human resources and repeated information provided in its Replies to the List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 4) on budget restrictions due to the financial crisis.

It also repeated information from its Replies to List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 4) that the Ombudsman requested additional staff and the ability to appoint his/her own staff. In this respect, the State party clarified that, pursuant to article 122 of the Cyprus Constitution, the staffs of the Ombudsman, the Judiciary and the Legislature are deemed to be "civil servants" who are appointed, promoted and dismissed by the Public Service Commission and, as such, are subject to the provisions of the Public Service Law (L.1/1990, as amended).

The State party elaborated on the information provided in its Replies to List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 4) regarding accreditation. Furthermore, in July 2015, the Office of the Ombudsman submitted an application to the ICC Sub-Committee on Accreditation (SCA) for accreditation as NHRI under the Paris Principles. The Ombudsman has been informed that the SCA considered the application during its session from 16 to 20 November 2015 and recommended that the Office be accredited with B Status.

Regarding the absence of Turkish speaking staff in the Office of the Ombudsman, the State party replied that the Public Service Law (L.1/1990, as amended) requires the knowledge of Greek. Reports are only translated into Turkish when they evolve around an issue that concerns the Turkish Cypriot community. Finally, the State party mentioned that the website has been updated and now includes all relevant information in Turkish, Greek and English.

Committee's evaluation:

[B2]: The Committee welcomes the State party's efforts to accredit the Office of the Ombudsman, as well as the updating of the website. It notes that the Office of the Ombudsman was accredited by the ICC Sub-Committee on Accreditation (SCA) with B status in November 2015 (see <http://nhri.ohchr.org/EN/AboutUs/ICCAccreditation/Documents/SCA%20FINAL%20REPORT%20-%20NOVEMBER%202015-English.pdf>, p. 7-10). However, the Committee regrets the State party's failure to allow the Ombudsman to appoint its own staff and to include Turkish speakers among its staff and requests further information on concrete measures to deal with the lack of financial and human resources. The Committee reiterates its recommendations in this regard.

Paragraph 10: The State party should continue to provide support to the Committee on Missing Persons and take immediate steps to investigate all outstanding cases of missing persons from both the Greek and Turkish communities in an effective, transparent, independent and impartial manner. It should also ensure that the families of the victims obtain appropriate redress, including adequate compensation and psychological rehabilitation, and that the perpetrators are prosecuted and punished as appropriate.

Summary of State party's reply:

The Republic of Cyprus is the major donor to the Committee on Missing Persons (CMP) programme (after the EU collective contribution). The State party repeated information provided in its replies to List of Issues (CCPR/C/CYP/Q/4/Add.1, paras. 38-39) on the steps it has taken to support the CMP, and regarding the way in which the CMP identifies missing persons before informing the Attorney General who then investigates each case (para. 40).

The State party replied that the reports stating that investigations of missing persons of Greek Cypriot nationality are prioritized over those relating to missing Turkish Cypriots are unfounded. It communicated that, according to the latest data issued by the CMP, out of a total of 2001 missing persons on the CMP's official list, there were 1428 persons whose

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whereabouts had yet to be determined, of which 1073 were Greek Cypriots and 355 Turkish Cypriots and that such data clearly indicated that there was no discrimination in favour of Greek Cypriot missing persons.

Regarding the families of victims, the Government continues to pay salaries and/or pensions of the Greek-Cypriot missing persons to their families. A stipend is also granted to the families towards the expenses of the burial of the missing persons once they have been identified.

Committee's evaluation:

[C1]: The Committee notes the information provided by the State party, but requests specific information on measures taken after the adoption of the Committee's concluding observations (CCPR/C/CYP/CO/4): (a) to support the Committee on Missing Persons; (b) to investigate cases of missing persons from both the Greek and Turkish communities in an effective, transparent, independent and impartial manner; and (c) to ensure that the families of the victims obtain appropriate redress, including adequate compensation and psychological rehabilitation, and that the perpetrators are prosecuted and punished as appropriate. The Committee reiterates its recommendation.

Paragraph 23: The State party should continue its efforts to eradicate the economic, linguistic and cultural barriers facing Turkish Cypriots and other minorities. In that regard, it should intensify its efforts to integrate Turkish Cypriots into the civil service and the judiciary, including through the introduction of temporary special measures, and consider easing the language requirements for entering the civil service. It should also consider establishing a Turkish school in Limassol.

Summary of State party' reply:

(a) The State party replied that the provisions of the Constitution pertaining to the participation of the Turkish Cypriots in State institutions have been suspended because the Turkish Cypriot community withdrew its participation from the State institutions in 1963. It mentions, however, that relevant positions remain vacant for their return (e.g. Vice President of the Republic, Vice President of the Parliament, members of Parliament) and that they are free to participate in procedures for any post in the civil service as the language requirements have been eased and measures are taken to facilitate participation for those wishing to do so.

The State party notes that the Police is not a part of the Civil Service but of the Security Forces and thus is subject to different regulations in each Community.

Although the Ministry of Education and Culture (MOEC) is taking all necessary measures to guarantee equal access to education, the number of Turkish Cypriot pupils attending the Agios Antonios Primary School has seen a 51% decrease since 2007. Despite this drop, the number of Turkish-speaking teachers and interpreters remains sufficient and two additional teaching assistants were placed at the school during the 2014-2015 school year.

The State party also mentioned free, special courses for Roma children organized by the Adult Education Centres, to teach history and other elements of their cultural heritage in 2013-2014 and 2014-2015. Since January 2016, the school participates in a European funded programme titled "Schools as Learning Communities in Europe: Successful Educational Actions for All (SEAS4ALL).

Finally, the State party elaborated on information provided in its Replies to the List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 196) on the programme "Zones of Educational Priority" that had been implemented fully by MOEC and that has been replaced by the "School and Social Inclusion Actions" programme providing for additional measures of support to pupils in language and mathematics, teaching assistants in all classes, and additional extra-curricular activities. The MOEC also provides extra psychological assistance to the school with a school psychologist.

(b) The State party repeated information provided in its Replies to the List of Issues (CCPR/C/CYP/Q/4/Add.1, para. 194) that, although the Council of Ministers had decided



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in principle to establish a school in Limassol with Turkish as the language of instruction, a survey conducted in 2005 among Turkish Cypriot parents indicated that parents favoured attendance at the public school in their area.

Committee's evaluation:

(a) [C1]: The Committee notes the measures taken by the State party, but expresses regret at the lack of information regarding adoption of temporary special measures. It requests information on measures taken to address the language requirements for entering the civil service since the adoption of the concluding observations, and whether this has resulted in an increase in participation of Turkish Cypriots in the civil service, as well as additional information on the reasons for the sharp drop in Turkish Cypriot pupils attending the Agios Antonios Primary School.

(b) [C2]: The Committee takes note of the information provided by the State party, but requests information on measures taken to establish a Turkish school in Limassol since the adoption of the concluding observations, as well as information on whether additional surveys have been conducted since 2005. The Committee reiterates its recommendations.

Recommended action: A letter should be sent reflecting the analysis of the Committee.

Next periodic report: 2 April 2020.
