



## International Covenant on Civil and Political Rights

Distr.: General  
19 August 2014

Original: English

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### Human Rights Committee

#### List of issues in relation to the fourth periodic report of Cyprus\*

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

1. Please provide information on the extent to which the Commissioner of Administration (the Ombudsman) has the necessary technical and human resources and financial autonomy for the effective exercise of the mandate, in full compliance with the principles relating to the status of national institutions (Paris Principles) (General Assembly resolution 48/134, annex).
2. Please indicate the measures taken to avoid a human rights protection gap on the entire island of Cyprus as a result of the protracted conflict, in particular in relation to the rights of individuals in both the northern and southern parts of the island. Please provide information on the way in which human rights concerns and, in particular, gender perspectives are incorporated into the peace process.

##### **Non-discrimination, equality between men and women (arts. 2, 3 and 26)**

3. Please provide information on the allegation that nationality laws are applied in a discriminatory manner in relation to individuals from particular groups, such as persons of Southeast Asian origin.
4. Please indicate the measures taken to prevent and combat discrimination — including racially motivated verbal and physical abuse by right-wing extremists and neo-Nazi groups — against persons of foreign origin, members of the Roma community, human rights defenders and Turkish Cypriots. Please provide information on measures taken to investigate all allegations of racially motivated verbal abuse and physical attacks — including the setting on fire of the Koprulu Haci Ibrahim Aga mosque in Limassol on 14 April 2012 —, prosecute and punish, as appropriate, those responsible and provide reparation to victims. Please also provide information on measures taken to curb racist discourse and hate speech by politicians and the media.
5. Please provide detailed information about the participation of women in Government, Parliament, local and municipal councils, including as mayors, and in decision-making positions in public administration, and on remaining wage gaps between

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\* Adopted by the Committee at its 111th session (7–25 July 2014).



men and women. In that context, please describe the implementation status of the National Action Plan on Gender Equality. In addition, please provide information on measures taken to: (a) strengthen dialogue with non-governmental and women's organizations to promote and encourage civil society and community-level participation in the peace process; and (b) fully involve women in all stages of the peace process, including in decision-making, in accordance with Security Council resolution 1325 (2000) on women, peace and security.

6. Please indicate the measures taken to ensure that children of women with internally displaced status are given the same status and benefits as children of men with internally displaced status, including with regard to voting rights, social benefits and housing assistance.

**Right to life, prohibition of torture and cruel, inhuman or degrading treatment, family life and effective remedy (arts. 2, 6, 7 and 23)**

7. Please provide information on measures taken to ensure effective, transparent, independent and impartial investigations into all outstanding cases of missing persons, including those resulting from the intercommunal fighting in 1963 and 1964, the 1974 conflict and afterwards, as well as steps taken to provide redress to relatives of victims. In that regard, please provide information on measures taken to ensure that the Committee on Missing Persons receives all information and has access to all relevant places, and on the steps taken to encourage access by the Committee to all relevant military and other areas in the northern part of Cyprus.

8. What measures has the State party introduced to ensure that effective, transparent, prompt, independent and impartial investigations are undertaken in relation to all allegations of torture and ill-treatment by police officers and to provide appropriate protection to complainants? Please provide detailed information on the penalties imposed on police officers convicted of committing acts of ill-treatment (CCPR/C/CYP/Q/4, para. 96 and annex B). Please also provide information on any other measures taken to reduce ill-treatment of detainees, in particular individuals with a foreign nationality.

9. Please provide information on investigations into incidents that occurred in 2013, which involved the excessive use of force, including the use of chemical restraints by police officers during acts of arrest and detention, the arrest, detention and deportation of migrants and asylum seekers, as well as on any measures to prevent such acts.

10. Please provide information on measures taken to ensure that asylum seekers are not extradited, deported or expelled to a country where there are substantial grounds for believing that there is a risk of irreparable harm for the person. In that regard, please indicate: (a) the process for screening asylum seekers in order to identify victims of torture and trafficking; (b) the methodology for assessing probable risk of persecution or abuse; (c) the avenues for appealing a deportation decision; and (d) the countries to which asylum seekers have been expelled or deported. Please provide information on the deportation of Baha'is and others seeking asylum from the Islamic Republic of Iran who have allegedly been deported to their country of origin, despite a serious risk of religious persecution. Please also explain how the 2014 amendments to the Refugee Law, which allegedly limit family reunification rights and allow for the expulsion of individuals who should be entitled to temporary group protection, are compatible with the Covenant.

11. Please provide information on the steps taken to ensure that the Children's Law (1956) (CCPR/C/CYP/Q/4, para. 249), which provides for "the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment to him", is amended and applied consistently with the Operation of Public Secondary Education Schools (Amending) Regulations (2011) and the Violence in the Family (Prevention and Protection of Victims) Law (2000) that prohibit corporal punishment.

Please provide information on awareness-raising and public-education campaigns encouraging alternative forms of non-violent punishment.

**Right to liberty and security and the treatment of persons deprived of their liberty, including conditions of detention, rights of migrants, refugees and asylum seekers (arts. 8, 9 and 10)**

12. (a) Please respond to the allegation that the State party has a regular practice of detaining migrants and asylum seekers awaiting deportation for long periods of time in poor conditions, regardless of the actual deportation prospects. Please also respond to the allegation that migrants released from detention are often re-detained shortly thereafter, and that legal proceedings to review the lawfulness of the detentions of migrants, which are conducted while they are in detention, are excessively long. Describe any measures taken to provide non-custodial alternatives to detention for migrants and asylum seekers and to minimize the detention of minors;

(b) Please respond to claims that detainees are not informed in writing and in a language that they understand of the reasons for their arrest and deportation, the anticipated duration of their detention or their right to apply for legal aid to contest detention and deportation orders.

(c) Please provide information on the measures taken to implement the recommendations of the May 2013 report of the Ombudsman/National Preventive Mechanism (NPM) following a visit to the Menogeia Detention Centre

13. Please provide statistics on the number and age of the migrants and asylum seekers currently held in detention while awaiting deportation, and the time that they have spent in detention. Please provide information as to whether complainants have access to legal aid. Please explain the considerations underlying the recent decisions to separate very young children from their detained parents.

14. Please respond to reports that places of detention, including the Central Prison and immigration detention centres, are still overcrowded — despite recent improvements in that area —, short- and long-term detention facilities do not meet international standards and detained minors and migrants are not always segregated from the rest of the detained population. In that regard, please provide information on measures taken to prevent and, where relevant, investigate and prosecute cases of deaths in custody, especially suicides; inter-prisoner violence, including gang rape; the reasons for the use of solitary confinement for long periods; and any steps taken to avoid such practices.

**Violence against women and children, including domestic violence (arts. 7 and 23)**

15. Please provide information on: (a) the number of cases of domestic violence recorded on an annual basis for the last five years; (b) investigations carried out; (c) prosecutions undertaken; (d) convictions and sanctions imposed; and (e) remedies, rehabilitation and other support provided to victims, including the availability of shelters for victims of domestic violence. Please provide information on whether legal aid is provided to victims of domestic violence and on training programmes for judges, prosecutors and lawyers. Please indicate what special prevention and protection measures have been taken with regard to victims of domestic violence who are migrants or members of ethnic minorities. Please also provide information on steps taken to implement the recommendations contained in the Ombudsman's report on domestic violence in Cyprus, the implementation, including any evaluation, of the National Action Plan on Prevention and Combatting of Domestic Violence (2010-2013) and any future plan to replace the action plan.

**Elimination of slavery, servitude and forced labour (art. 8)**

16. Please provide information on steps taken to protect domestic workers and agricultural workers from abuse, including sexual abuse, exploitation and forced labour, inter alia, by ensuring that the working conditions of domestic workers are monitored by the labour inspectorate and meet relevant international standards; that domestic workers may change employers during the validity of their residence permits; and that respect for human rights, including freedom of association, is incorporated into the standard work contract of domestic workers.

17. Please provide information on: (a) the number of cases of trafficking that have been reported; (b) investigations undertaken; (c) prosecutions initiated and actual criminal convictions and related penalties; and (d) remedies awarded to victims, including the duration of their stay in shelters. Please also provide information on assistance provided to victims of trafficking, including support for rehabilitation; the steps taken to ensure that victims, in particular migrants, are aware of their legal rights and have access to legal aid, irrespective of nationality or resident status; and on training provided to the police, prosecutors and judges as well as immigration officers and social workers on the anti-trafficking law and identification of victims of trafficking. Please indicate whether the State party is considering expanding the definition of victim under Law 87(I)/2007 and how it deals with the activities of private employment agencies that are allegedly involved in trafficking in persons.

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

18. Please provide information on the steps taken by the Government to reach an agreement with Turkish Cypriot leaders on new crossing points. In that regard, please provide information about the meetings of the Committee on Crossings since December 2010.

19. Please provide information about restrictions on crossing the Green Line that have been imposed on settlers from Turkey and their descendants, who were born in the northern part of the island, which are de facto hindrances to their undertaking pilgrimages and visiting Turkish Cypriot prisoners held in the southern part of the island.

**Right to a fair trial and juvenile justice (art. 14)**

20. Please provide information on the steps taken to ensure that the juvenile justice system, including the juvenile courts, have adequate human, technical and financial resources. What measures have been taken to prevent children between the ages of 14 and 18 from being subjected to the adult justice system regardless of the alleged offence?

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

21. Please provide information on steps taken to ensure that individuals, including those from the northern part of the island, have access to mosques in order to worship, undertake pilgrimages and pray, not only on Fridays, but on other days also. Please indicate the measures taken to restore cultural heritage sites of religious significance as well as protect them from vandalism.

22. Please indicate the measures taken to protect the freedom of religion of individuals belonging to religious communities other than those that have been historically present on the island, such as Buddhist, Baha'i, Jehovah's Witness, Protestant Christian and Jewish communities. In that regard, please respond to allegations that licences to construct places of worship and the purchase of land for burial purposes have been refused, leading some communities to repatriate the dead to their countries of origin.

23. Please indicate the steps taken to ensure that schools do not impose religious education that goes against students' or their parents' conviction, that the right to be exempted from religious instruction is available to all students and is not subject to onerous bureaucratic procedures or any penalties. Please specify the measures taken to support the religious education of non-Orthodox communities, including Muslim communities, in the southern part of the island, on the basis of voluntary participation.

24. Please provide information on the number of applications submitted for alternative civilian service or unarmed military service on the grounds of conscientious objection since 2009, and how many have been granted. Please also provide information on whether persons who have commenced military service are permitted to apply for release as conscientious objectors.

#### **Freedom of opinion and expression (arts. 19 and 20)**

25. Please provide information on the July 2013 amendments to the Law on the Procedure for the Standardization of Geographical Names of the Republic of Cyprus, which allegedly criminalizes the use of unrecognized names of regions, cities and villages (art. 6(1) of the Law). Please state how the amendments comply with article 19, paragraph 3, of the Covenant.

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

26. Please provide information on the legislative and policy measures that have been adopted to ensure the right of Turkish Cypriots to vote and to be elected in municipal, national, European and Presidential elections. Please provide specific information on the allegations that a significant number of Turkish Cypriots were unable to vote in the European Parliament elections on 25 May 2014 because their correct residential address was not entered in the government database.

#### **Rights of persons belonging to ethnic, religious or linguistic minorities (art. 27)**

27. Please provide information on any measures taken to revise article 2 of the 1960 Constitution that recognizes only those "religious groups" with a membership of over 1,000 people on the date that the Constitution came into force. Please indicate the measures taken in the 2011 census to ensure the effective implementation of the principle of self-identification, including with respect to Armenians, Latins, Maronites and Roma.

28. Please describe any measures taken to remove economic, linguistic and cultural barriers preventing persons belonging to ethnic minorities, including Turkish Cypriots, from enjoying their culture, professing their religion or using their language in the education system. In that regard, please provide information on any developments regarding the establishment of a Turkish-language school in Limassol. Please also provide information on progress made in adopting a structured policy for the promotion and protection of the Armenian and Cypriot Maronite Arabic languages.

29. Please respond to allegations that the Roma community continues to experience discrimination in access to education, employment and living conditions, including de facto segregation of members of the Roma community.

#### **Dissemination of information relating to the Covenant and the Optional Protocols (art. 2)**

30. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols thereto, the examination by the Committee of the fourth periodic report of the State party and the Committee's concluding observations, as well as training and education on the Covenant and the Optional Protocols to all categories

of public officials. Please also provide information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations and national human rights institutions in the preparation of the fourth periodic report.

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