



General Assembly

Distr.: General
15 March 2010

Original: English

Human Rights Council
Thirteenth session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Cyprus

Addendum

**Views on conclusions and/or recommendations, voluntary commitments
and replies presented by the State under review**

* The present document was not edited before being sent to the United Nations translation services.

Views of the Government of the Republic of Cyprus on the conclusions and/or recommendations, voluntary commitments and replies related to the report of the 6th session of the Working Group on the Universal Periodic Review (30 November to 11 December 2009) of the Human Rights Council, A/HRC/13/7

A. Introduction

The participation of Cyprus in the UPR process, through providing responses to the recommendations as contained in the report of the Working Group on the Universal Periodic Review (A/HRC/13/7 dated 4 January 2010) is without prejudice to its declared position towards the report as was adopted by the UPR Working Group, and cannot be interpreted as endorsing in any way the content of paragraph 38 of the said document concerning the unacceptable, from the procedural and substantive point of view, political statement of Turkey.

Cyprus considers that the remarks contained in the said paragraph are not relevant to the UPR process, since they are political in nature, factually incorrect and do not comply with the basis of the review as stipulated in Human Rights Council resolution 5/1 "Institution-building of the United Nations Human Rights Council" and 8/PRST/1 on the modalities and practices for the Universal Periodic Review process. They also contravene the United Nation relevant position as reflected in General Assembly and Security Council Resolutions, in particular SC Res 541 (83) and 550 (84), to which the Human Rights Council, as a subsidiary body of the General Assembly of the United Nations, fully adheres. Cyprus's official position on the matter is clearly stated in the letter by the Permanent Representative of the Republic of Cyprus to the President of the Human Rights Council, dated 21 December 2009 (A/HRC/G/2, dated 20 January 2010).

The Government of the Republic of Cyprus welcomed the recommendations made in the course of its Universal Periodic Review (UPR) on 30 November 2009. It has given them a thorough and careful consideration and its responses are as follows:

B. Cyprus accepts all recommendations, except those mentioned in section D, subject to the comments mentioned in section C and E

Recommendations:

- No. 1 (Greece)
- No. 2 (Argentina), except the parts concerning ICRMW and CED for the reasons cited below in Section D and E respectively.
- No. 6 (Serbia, Slovenia, Italy, Bulgaria)
- No. 7 (Chile), except the part concerning CED for the reasons cited below in Section E.
- No. 8 (Czech Republic)
- No. 9 (Mexico)
- No. 10 (Egypt)
- No. 11 (Mexico)

- No. 12 (Argentina)
- No. 13 (India)
- No. 14 (Mauritius)
- No. 15 (Venezuela)
- No. 16 (Israel)
- No. 17 (Sweden)
- No. 18 (Netherlands)
- No. 19 (Morocco)
- No. 20 (Italy)
- No. 21 (Brazil)
- No. 22 (Algeria)
- No. 23 (Canada)
- No. 24 (Mauritius)
- No. 26 (Netherlands)
- No. 27 (France)
- No. 28 (Australia)
- No. 29 (France)
- No. 30 (Czech Republic)
- No. 31 (United States of America)
- No. 32 (Canada)
- No. 33 (Netherlands)
- No. 34 (Italy)
- No. 35 (Sweden)
- No. 36 (Spain)
- No. 37 (Australia)
- No. 38 (Chile)
- No. 39 (Israel)
- No. 40 (United States of America)
- No. 41 (United States of America)
- No. 42 (Norway)
- No. 43 (Argentina)
- No. 44 (Algeria)
- No. 45 (Slovenia)
- No. 46 (Italy)
- No. 47 (Canada)
- No. 48 (Netherlands)

- No. 49 (Ukraine)
- No. 50 (Israel)
- No. 51 (Australia)
- No. 52 (Norway)
- No. 53 (Argentina)
- No. 55 (Armenia)
- No. 56 (Algeria)
- No. 57 (Norway)
- No. 58 (United States of America)
- No. 59 (Sweden)
- No. 60 (Sweden)
- No. 61 (Brazil)
- No. 62 (Brazil)
- No. 63 (United Kingdom)
- No. 64 (Chile)
- No. 65 (Slovakia)
- No. 66 (Armenia)
- No. 67 (Norway)
- No. 68 (Chile)
- No. 70 (United Kingdom)

C. Cyprus offers the following comments for the recommendations below, which have been accepted in section B

Recommendations No.10 (Egypt), No. 11 (Mexico), No. 12 (Argentina), No. 13 (India), No. 14 (Mauritius):

By decision of the Council of Ministers dated 6 October 2009, the Minister of Justice and Public Order in cooperation with the Law Commissioner of the Republic, were authorised to prepare a bill for the establishment of a National Human Rights Institution (NHRI) fully compatible with the Paris Principles.

Recommendation No. 26 (Netherlands):

The relevant legislation against discrimination in employment is considered as fully taking care of the issues raised.

Recommendation No. 27 (France):

This is already in place.

Recommendation No. 32 (Canada) and 35 (Sweden):

Cyprus has already adopted and implements a strategy to combat domestic violence through:

- The existing Violence in the Family (Prevention and Protection of Victims) Law L.119(I)/2000.
- Several programmes such as the Programme “Prevention and Treatment of Violence in the Family”, which provides to the minor and adult victim the right to help, support and protection.
- The Manual of Interdepartmental Cooperation on Domestic Violence (a cooperation between government agencies and NGOs), approved by the Council of Ministers in 2002, and is currently under revision.
- The mobilization of NGOs concerning the prevention and handling of violence in the family. Through the Grants-in-Aid Scheme, financial and technical support is provided to the Association for the Prevention and Handling of Violence in the Family (in 2009, €107.000, 00 for the support of the Crisis Centre, the Shelter and the Training Seminars).
- The Advisory Committee for the Prevention and Combating of Violence in the Family, established in 1996, aims at creating a data bank on family violence and has prepared a National Action Plan for the Prevention and Combating of Violence in the Family for the period 2008-2013, including the promotion of a Code of Ethics concerning children victims of family violence.

Recommendations No. 37 (Australia) and No. 38 (Chile):

Cyprus fully supports the mission and the progress in the work of the CMP, and continuously emphasizes the need for speeding up the relevant process. Within this context, following the initiative of Cyprus, additional exhumation teams have been set up. It should be stressed however that the ECHR stated in its judgement in the case of Cyprus v. Turkey (application No 25781/94 of 10 May 2001) that «Although the CMP’s procedures are undoubtedly useful for the humanitarian purpose for which they were established, they are not of themselves sufficient to meet the standard of an effective investigation required by Article 2 of the Convention, especially in view of the narrow scope of that body’s investigations (para. 135 of the judgment) and its territorial jurisdiction, which is limited to the island of Cyprus (para. 27 of the judgment)».

Recommendations No. 49 (Ukraine), No. 50 (Israel), No. 51(Australia) and No. 53 (part) (Argentina):

The implementation of the new system of working permits for performing and creative artists, is under continuous evaluation in order to safeguard the proper and effective application of the new policy.

The Law for Combating Trafficking and Exploitation of Human Beings and for the Protection of Victims [L.87(I)/2007] came into force on 13 July 2007 in order to fully harmonize the national legislation with the European acquis, as well as to better implement the UN and Council of Europe relevant instruments..

The National Action Plan on Trafficking implemented since 2005, and the Manual for the Interdepartmental Coordination are currently under review.

Recommendation No. 55 (Armenia):

Political representation as provided for by the Constitution is fully granted to all three religious groups. In that constitutional context each of the three religious groups has

an elected representative attending the work of the House of Representatives. In addition, it is noted that the current President of the House of Representatives, a member of the Armenian religious group, was elected as a member of the House of Representatives at General Parliamentary Elections.

Educational and cultural needs of the religious groups are being addressed as they arise with full involvement of the representatives of the respective groups. A recent example is the commencement in 2009 of preparatory rehabilitation works for the Armenian Church and Monastery of Notre Dame De Tyre in Nicosia, based on a detailed Scheme Design and a technical report, prepared by the UNDP-ACT in consultation and with the approval of the Department of Antiquities.

Recommendation No. 60 (Sweden):

The Department of Labour has issued information leaflets for migrant workers in five languages. Furthermore, workers' unions and employers' organizations, as well as NGOs, are involved and contribute towards the dissemination of information to foreign workers.

Recommendation No. 62 (Brazil):

There is no detention of regular immigrants. As far as irregular immigrants are concerned, pursuant to the relevant law, detention is only permissible on the basis of a deportation and detention order. Irregular immigrants detained in Police Detention Centers enjoy all rights and accommodation facilities, according to the C.P.T. Standards (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment). Improvements to the establishments have already been made and such establishments are constantly enhanced, so as to comply with the C.P.T. Standards of detention centers and to ensure that detainees can enjoy humane and safe conditions of detention. Detainees are expressly informed of their rights in a language they understand. They are immediately handed a leaflet on their rights and are requested to attest, in writing, that they have received such a copy.

Recommendation No. 65 (Slovakia):

The policy regulating the employment of foreign workers as domestic servants is currently under review aiming at further safeguarding fair working conditions, including salary, accommodation, contracts of employment and qualifications.

D. Cyprus does not accept the following recommendations and offers relevant comments

Recommendations No. 3 (Algeria), No. 4 (Mexico), No. 5 (Democratic Republic of Congo) and the part of recommendation No. 2 (Argentina), concerning ICRMW:

This is an issue which requires further consideration among the competent Ministries, bearing also in mind the limitations posed by the European Union jurisdiction with regard to migrant workers, arising from the fact that the Council of the European Union has competency over measures on immigration and on the protection of the rights of third country nationals, in particular with regard to conditions of stay.

E. Cyprus offers the following comments for the recommendations below, which have not been included in sections B, C, and D above

Part of Recommendation No. 2 (Argentina) and part of recommendation No. 7 (Chile) concerning CED:

The issue of ratification of the CED is in the process of thorough examination in view of its repercussions on the existing national legal framework.

Recommendation No. 25 (United Kingdom):

In accordance with the Constitution of the Republic of Cyprus, the Cypriot state is composed of the Greek Cypriot Community and the Turkish Cypriot Community. The Turkish Community constitutes an integral part of the people of Cyprus, together with the Greek Community.

The Government of the Republic of Cyprus is committed to the ongoing negotiating process under the Good Offices mission of the UN Secretary General aimed at finding a durable solution to the Cyprus issue. In the context of this peace process the leaders of the two communities in Cyprus have agreed on a series of confidence building measures aimed at improving the daily life of Cypriots across the entire island while at the same time efforts are exerted for finding a comprehensive settlement that will respect, promote and protect the rights of all Cypriots.

Recommendation No. 54 (Algeria):

The Government of Cyprus is committed in finding a solution that would bring the current division of the island to an end, reunify the country and abolish all restrictions imposed by the occupation forces. The Government, in its efforts to further develop cooperation and confidence among the two Communities, has, particularly since the partial lifting of restrictions on movement by the Turkish side in 2003, adopted and proposed a series of measures encouraging and facilitating the free movement of goods and all persons lawfully residing in Cyprus. These also aim at improving the climate and assisting the efforts for achieving eventual reunification of Cyprus

Recommendation No. 69 (Norway):

In the current negotiating process aimed at finding a solution to the political problem, a number of women have been appointed as members of the Working Groups and Technical Committees. The President of the Republic of Cyprus holds meetings with Cypriot women's NGOs, encouraging their involvement and initiatives in support of the peace process.

Furthermore there exists a Women's Multicultural Center which aims at bringing together women from all communities in Cyprus in the promotion of their participation in the reconciliation and peace process, as well as providing financial support of relevant bi-communal initiatives and activities.