

Council of Europe contribution for the 32nd UPR session (October-November 2019) regarding Cyprus

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Prevention of torture (CPT)

The 'European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment' organises country visits in order to visit places of detention to assess how persons deprived of their liberty are treated. After each visit, the CPT sends a detailed report to the State concerned. This report includes the CPT's findings, and its recommendations, comments and requests for information.

2017 periodic visit

The [CPT's report](#)



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[Executive summary of the report](#)



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[The Government's response](#)



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News flash on the publication of the report and response for a brief summary:

<https://www.coe.int/en/web/cpt/-/anti-torture-committee-publishes-report-on-its-visit-to-cyprus>

Council of Europe Commissioner for Human Rights

The Commissioner for Human Rights is an independent and impartial non-judicial institution established by Council of Europe to promote awareness of and respect for human rights in the 47 Council of Europe member States.

On 10 November 2016, the Commissioner published a [letter](#) he had sent on 26 October 2016 to Mr Costas Clerides, Attorney General of Cyprus, concerning the protection of the human rights of unaccompanied migrant children. The Commissioner noted that guardianship and legal representation of unaccompanied migrant children is provided by the Social Welfare Services, which lack the necessary expertise for providing proper legal advice. Therefore, if there is a need for legal assistance in these cases this is requested from the Attorney General's Office, which, as the sole legal adviser of all government departments, also represents state services in court. The Commissioner stressed that this practice raises serious issues of independence and impartiality of legal assistance and representation, especially in cases where unaccompanied migrant children seek judicial review of decisions issued by state services such as the Asylum Service or the Refugee Reviewing Authority.

The Commissioner welcomed the fact that, further to the adoption of a recent amendment to the Refugee Law, there is now also a possibility for these children to be represented before courts by the Commissioner for Children's Rights. However, the involvement of the Commissioner for Children's Rights in the legal representation of unaccompanied migrant children concerns only court proceedings, excluding non-judicial asylum proceedings. In addition, the decision whether or not to involve the Commissioner for Children's Rights in the representation of unaccompanied migrant children before courts is taken by the Social Welfare Services who retain a general discretionary power.

On 31 March 2016, the Commissioner published a [report](#) following his visit to Cyprus from 7 to 11 December 2015. The report focused on the protection of the human rights of immigrants and asylum seekers, and on the impact of the economic crisis on the enjoyment of human rights, in particular by women, children and older persons.

As regards the first issue, the Commissioner stressed that, despite some progress made in immigration law and policy, the asylum system in Cyprus still suffers from a number of shortcomings that need to be urgently redressed. Whilst welcoming some positive developments, such as the increase of refugee status recognition rates and the end of the practice of detaining Syrian asylum seekers, the Commissioner recommended remedying the long-standing problems of the asylum system, including lengthy procedures, limited access to legal aid and the risk of deportation before the final determination of asylum claims.

The Commissioner expressed his concern about the widespread use of lengthy detention for failed asylum seekers and for other migrants and the practice of re-arresting and re-detaining them and urged the Cypriot authorities to end the practice of detaining migrants, including asylum seekers, for whom there is no reasonable prospect of deportation. Cyprus was also called on to improve the identification procedure of particularly vulnerable migrants, such as unaccompanied children, adopt a multidisciplinary approach to determining the age of migrants, ease family reunification rules and improve the reception system for asylum seekers with families and children.

Concerned about the existence of many obstacles to migrants' integration, the Commissioner invited Cyprus to invest more in the social cohesion and integration of migrants by enhancing, in particular, their access to education, employment, health services and political participation. He highlighted the importance, in this context, of effectively fighting and sanctioning hate speech and other forms of hate crime targeting migrants and called on Cyprus to prevent statelessness and improve migrants' access to citizenship.

As regards trafficking in human beings, the Commissioner welcomed Cyprus' efforts and progress made in this domain. However, he underscored the need to take more resolute action in this field and invited Cyprus to continue the supervision of private employment agencies, to improve the identification of trafficked people and to provide more adequate accommodation and social aid to these persons.

Lastly, as regards austerity measures, the Commissioner recommended paying more attention to the impact that these measures have had on large strata of society, in particular children, women, older persons, single-parent households and migrant families. Whilst welcoming the Guaranteed Minimum Income scheme, he called on the authorities to improve its implementation and to take

more effective measures to reverse the worrying increase in child poverty. He also stressed the need for a thorough human rights impact assessment of budgetary restrictions, making sure that these cuts do not adversely affect access to vital sectors of life, such as education, employment and health care.

The report is available on the Commissioner's website, along with the authorities' [comments](#).



Fight against racism and intolerance (ECRI)

The European Commission against Racism and Intolerance (ECRI) is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, antisemitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language. It prepares reports and issues recommendations to member States, in which its findings, along with recommendations are published. These reports are drawn up after a contact visit to the country in question and a confidential dialogue with the national authorities. The country monitoring takes place in five-year cycles. As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

As part of ECRI's ongoing country monitoring work, ECRI adopted its Fifth report on Cyprus on 17 March 2016:

<https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Cyprus/CYP-CbC-V-2016-018-ENG.pdf>



Protection of minorities

Framework Convention for the Protection of National Minorities

The monitoring procedure for this convention requires each state party to submit a report within one year following the entry into force of the Framework Convention and additional reports every five subsequent years. State reports are examined by the [Advisory Committee](#), a body composed of 18 independent experts responsible for adopting country-specific opinions. These opinions, on which States Parties have an opportunity to comment, are meant to advise the Committee of Ministers in the preparation of its resolutions, containing conclusions and recommendations to the State concerned.

The Advisory Committee on the Framework Convention adopted the 4th Opinion in respect of Cyprus on 18 March 2015

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680483b48>



ACFC_Cyprus.pdf

Resolution CM/ResCMN(2016)8 on the implementation of the Framework Convention for the Protection on National Minorities by Cyprus was adopted by the Committee of Ministers on 11 May 2016 at the 1256th meeting of the Ministers' Deputies

https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168064ecd7



Res_CMN_2016_6.pdf

European Charter for Regional or Minority Languages

The [Charter's monitoring procedure](#) is based on state reports, as each State Party is required to present its first report within the year following the entry into force of the Charter with respect to the Party concerned. The subsequent reports are presented at three-yearly intervals. A committee of independent experts examines the state's periodical report and addresses an evaluation report to the Committee of Ministers, including proposals for recommendations.

Cyprus submitted its 5th periodical [report](#) in January 2017. The Committee of Experts adopted its [evaluation report](#) on Cyprus in November 2017 and the corresponding Committee of Ministers' [recommendations](#) were adopted in April 2018.

The Charter applies, in Cyprus, to the Armenian and Cypriot Maronite Arabic languages. The Committee of Experts' evaluation report highlights that the overall atmosphere in Cyprus with regard to these minority languages is very positive. Despite budgetary constraints, the implementation of the Charter has improved. Cultural activities in Armenian and Cypriot Maronite Arabic show that there is an interest from the speakers in promoting their languages. In general, the authorities support these activities. The authorities have also taken measures to raise awareness in Cypriot society about the Armenian and Maronite minorities. Both minorities have a Representative seat in the parliament.

The Committee of Experts confirms its readiness to work together with Cyprus to ensure the application of the Charter in all areas where there are sufficient numbers of speakers of regional or minority languages and appreciates the Cypriot authorities' willingness to work on further developments in this field.



ECRML_Cyprus.pdf



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Ad hoc Committee of Experts on Roma and Traveller Issues (CAHROM)

Following the High-Level meeting, intergovernmental work on Roma issues has been upgraded: on 16 February 2011 the Ministers Deputies adopted terms of reference for a new Committee of Experts (CAHROM) to be answerable directly to the Committee of Ministers. The [terms of reference](#) - which have been renewed by the Ministers Deputies for the years 2018-2019 - place emphasis on the analysis and evaluation of the implementation of national policies and thematic exchanges of experience and good practices. European Union institutions, international organisations, the European Roma and Travellers Forum and other relevant (Roma and Traveller) organisations are associated as observers to the CAHROM.

No information. Cyprus has appointed a CAHROM member but has not participated in any CAHROM plenary meetings or CAHROM thematic visits.

Action against trafficking in human beings (GRETA)

The Council of Europe Convention on Action against Trafficking in Human Beings was adopted by the Committee of Ministers of the Council of Europe on 3 May 2005, following a series of other initiatives by the Council of Europe in the field of combating trafficking in human beings. The Convention entered into force on 1 February 2008, following its 10th ratification. While building on existing international instruments, the Convention goes beyond the minimum standards agreed upon in them and strengthens the protection afforded to victims.

The Convention has a comprehensive scope of application, encompassing all forms of trafficking (whether national or transnational, linked or not linked to organised crime) and taking in all persons who are victims of trafficking (women, men or children). The forms of exploitation covered by the Convention are, at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

The main added value of the Convention is its human rights perspective and focus on victim protection. Its Preamble defines trafficking in human beings as a violation of human rights and an offence to the dignity and integrity of the human being. The Convention provides for a series of rights for victims of trafficking, in particular the right to be identified as a victim, to be protected and assisted, to be given a recovery and reflection period of at least 30 days, to be granted a renewable residence permit, and to receive compensation for the damages suffered.

Another important added value of the Convention is the monitoring system set up to supervise the implementation of the obligations contained in it, which consists of two pillars: the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Committee of the Parties.

The Convention is not restricted to Council of Europe member states; non-members states and the European Union also have the possibility of becoming Party to the Convention.

GRETA's page on Cyprus: <http://www.coe.int/en/web/anti-human-trafficking/cyprus>

In the context of the 2nd evaluation round, the following documents are available on Cyprus:

- [Government's Reply to GRETA's Questionnaire](#), published 11 February 2015
- [GRETA Report and Government's Comments](#), published 6 November 2015
- [Recommendation of the Committee of the Parties](#), adopted 30 November 2015
- [Government's Reply to Committee of the Parties Recommendation](#), received 12 December 2016



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Preventing and combating violence against women and domestic violence

The Council of Europe Convention on preventing and Combating violence against women and domestic violence ([Istanbul Convention](#), CETS No. 210) provides for two types of monitoring procedures: a country-by-country evaluation procedure and a special inquiry procedure in exceptional cases where action is required to prevent a serious, massive or persistent pattern of any acts of violence covered by the Convention. [GREVIO](#), the Group of Experts on Action against violence against women and domestic violence, is the independent body responsible for monitoring the implementation of CETS No. 210. GREVIO launched its first evaluation procedure in spring 2016, after adopting a questionnaire on legislative and other measures giving effect to the Istanbul Convention.

Cyprus deposited its instrument of ratification of the Istanbul Convention on 10 November 2017. Following the evaluation order established by GREVIO, the evaluation process in respect of Cyprus is planned to start on 2020, when GREVIO's questionnaire will be sent to the authorities of this country.

Protection of children against sexual abuse ([Lanzarote Convention](#))

The Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse, also known as "[the Lanzarote Convention](#)", requires criminalisation of all kinds of sexual offences against children. It sets out that states in Europe and beyond shall adopt specific legislation and take measures to prevent sexual violence, to protect child victims and to prosecute perpetrators.

The "Lanzarote Committee" (i.e. the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse) is the body established to monitor whether Parties effectively implement the Lanzarote Convention. To do so, the Committee evaluates the information which has been provided by the national authorities and other sources in their replies to questionnaires developed by the Committee itself. This monitoring procedure is divided by rounds, each round concerning a theme; starting with sexual abuse in the circle of trust.

As to the 1st monitoring round on the "Protection of children against sexual exploitation and sexual abuse in the circle of trust", Cyprus was not assessed as it was not yet a Party to the Convention when the round was launched.

As regards the urgent monitoring round on "Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse", Cyprus (as well as the other 39 parties covered by the round) received the following 5 "urge recommendations":

- urges Parties in line with Article 5 of the Convention to effectively screen all persons who, by their professions, have regular contact with children affected by the refugee crisis for convictions of acts of sexual exploitation or sexual abuse of children in line with their internal law (R18);

- since examining the family situation is important where there are suspicions of child sexual exploitation or abuse, urges Parties to take the necessary measures to avoid risks that the child may be abused or exploited in case of family reunification (R27);
- urges Parties that have not yet done so to take the necessary legislative or other measures to ensure that child victims of sexual exploitation and sexual abuse affected by the refugee crisis may benefit from therapeutic assistance, notably emergency psychological care (R29);
- urges Parties to encourage the co-ordination and collaboration of the different actors who intervene for and with children affected by the refugee crisis to ensure that appropriate support may be provided immediately after the disclosure of sexual exploitation and sexual abuse (R30);
- urges Parties to make use, within the context of the refugee crisis, of the specific co-operation tools already available in the framework of Europol/Interpol which are specifically aimed at identifying victims of sexual exploitation and sexual abuse (R33).

Fight against corruption (GRECO)

The 'Group of States against Corruption' ([GRECO](#)) monitors all its members through a "horizontal" evaluation procedure within thematic evaluation rounds. The evaluation reports contain recommendations aimed at furthering the necessary legislative, institutional and practical reforms. Subsequently, the implementation of those recommendations is examined in the framework of a "compliance procedure", assessing whether they have been implemented satisfactorily, partly or have not been implemented 18 months after the adoption of the evaluation report.

On 27 July 2016, GRECO published Cyprus' 4th round Evaluation Report. It is available here: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c2fb1>. The compliance procedure is ongoing and an update will be available in the course of 2018.



[GRECO_Cyprus.pdf](#)

Execution of judgments and decisions of the European Court of Human Rights

Statistical data

At 31 December 2017, there were 8 (9 cases at 31.12.2016) cases against Cyprus pending before the Committee of Ministers for supervision of their execution. Among these cases, 4 cases were "leading cases" evidencing more or less important general problems (5 "leading" cases at 31.12.2016).

In 2017, the CM was seized by 1 new leading case (3 leading cases in 2016) and there was no just satisfaction awarded in 2017 (€ 6 000 awarded in 2016). In 2018¹, the CM was seized by 2 new leading cases and the sums awarded in 2018 as just satisfaction amount to € 17 800.

In 2017, 2 cases (2 closed cases in 2016) were closed by the adoption of a Final Resolution.

Main cases / groups of cases under the Committee of Ministers' supervision

¹ Statistical data at 14th June 2018.

The main cases presently under the Committee of Minister's supervision cover notably the issues presented below. For fuller overview of the situation see the [Country Factsheets](#) available on the website of the Department for the Execution of Judgments of the European Court of Human Rights and in the [Committee of Ministers' Annual Reports](#) on its supervision activity. More detailed information on the status of execution in individual cases can be found through [Hudoc-EXEC](#).

[Lawfulness of asylum seekers detention](#)

Deportation and detention ordered notwithstanding pending asylum applications; absence of an effective remedy with automatic suspensive effect to challenge deportation; absence of effective and speedy review of the lawfulness of detention.

[M.A.](#), application No. 41872/10, judgment final on 23/10/2013, enhanced supervision.

[Conditions of detention - solitary confinement](#)

Degrading treatment on account of solitary confinement; limitation on visiting rights and monitoring of correspondence; lack of effective remedy in this regard.

[Onoufriou](#), application No. 24407/04, judgment final on 07/04/2010, enhanced supervision.

[Social and Economic Rights \(ECSR\)](#)

The European Committee of Social Rights (ECSR) monitors compliance with the [European Social Charter](#) under two procedures: the national periodic reporting system and the collective complaints procedure. Following a decision taken by the Committee of Ministers in 2006, the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

[Cyprus and the Social Charter](#)



[ESC_Cyprus.pdf](#)

[Venice Commission](#)

The [European Commission for Democracy through Law](#) (Venice Commission) is the Council of Europe's advisory body on constitutional matters. It provides States and international organisations working with it (EU, OSCE/ODIHR) with legal advice in the form of opinions.