

# Institute on Statelessness and Inclusion & Research Team from Maastricht University

## Joint Submission to the Human Rights Council at the 32<sup>nd</sup> Session of the Universal Periodic Review

### Republic of Cyprus

#### Introduction

1. The Institute on Statelessness and Inclusion and a research team from Maastricht University make this joint submission to the Universal Periodic Review (UPR) in relation to the right to nationality and subsequent access to human rights (including children's rights) in the Republic of Cyprus (RoC).
2. The Institute on Statelessness and Inclusion<sup>1</sup> is an independent non-profit organisation dedicated to promoting an integrated, human rights based response to the injustice of statelessness and exclusion. Established in August 2014, it is the first and only global centre committed to promoting the human rights of stateless persons and ending statelessness. The Institute has made over 30 country specific UPR submissions on the human rights of stateless persons, and also compiled summaries of the key human rights challenges related to statelessness in all countries under review under the 23<sup>rd</sup> to the 30<sup>th</sup> UPR Sessions.<sup>2</sup>
3. The research team from Maastricht University<sup>3</sup> has conducted field and desk research on the subject of the child's right to nationality in the Republic of Cyprus, from August 2017 to May 2018. The research focused on the northern part of the island, also referred to as either "occupied area" or "Turkish Republic of Northern Cyprus [TRNC]". The research included three periods of field research, around 175 qualitative interviews with: experts (researchers and NGO employees), politicians, parents, children and young adults, and around 30 observations. Most people interviewed were Turkish Cypriot and/or living on the north side of the island, yet also a few visits and interviews were done in the South with Greek Cypriot experts. Because a large number of the respondents were adults, who both looked back at their childhood experience as well as reflected on their current situation, the research findings go beyond specifically children's rights issues only. The results will be published in a forthcoming report on the child's right to nationality in the TRNC, working title "*Deleted off the map: the child's right to nationality in northern Cyprus*", expected September 2018.<sup>4</sup>
4. This submission draws heavily on the field research of the team from Maastricht University, and therefore focuses specifically on the large issue of discrimination of Cypriot people living on the

---

<sup>1</sup> For more information about ISI, please see [www.institutesi.org/](http://www.institutesi.org/)

<sup>2</sup> For more information on the Institute's UPR advocacy, see <http://www.statelessnessandhumanrights.org/upr-universal-periodic-review/resources-database>.

<sup>3</sup> The research team for this case study consists of 6 young researchers and is led by PhD researcher Marieke Hopman. For more information, see [www.childrensrightsresearch.com](http://www.childrensrightsresearch.com).

<sup>4</sup> The research and upcoming report will be referred to in this submission as "Hopman et al. (forthcoming)".

northern part of the island, in particular their right to access to nationality and subsequent, related access to basic human rights. It also raises concern over the lack of a statelessness determination procedure in the country. However, it does not go into depth into any other human rights challenges related to statelessness, which may exist in the country.

## **The Universal Periodic Review of the Republic of Cyprus under the First and Second Cycle (2009 and 2014)**

5. The Republic of Cyprus was subject to the UPR under the first cycle in November 2009, and under the second cycle in February 2014. In both cycles, minimal information has been supplied and discussed regarding the Turkish Cypriot community, and/or the population living in the northern area of the island. Despite this, certain countries and UN bodies have made observations and recommendations regarding this part of the population.
6. In the first cycle, under the National Report and Compilation of UN Information Report, a paragraph was included to state that research concerning the rights of the population living in the northern part of the island has been limited due to the current political situation.<sup>5</sup>
7. The Compilation prepared by the Office of the High Commissioner for Human Rights presented the relevant concluding observations and recommendations that had been made to the RoC within the review period. Accordingly, in relation to the right to nationality and statelessness, it was recorded that the Committee on the Rights of the Child (CRC) had expressed in its Concluding Observations, concern regarding *“discriminatory attitudes”* in the acquisition of nationality of *“Cypriot children of Turkish origin.”*<sup>6</sup> The CRC recommended that the Republic of Cyprus review its legislation so that *“all children are accorded equal rights without discrimination based on their ethnic origin.”*<sup>7</sup> At the first cycle review, the CRC’s previous recommendation was reinforced by Slovakia, which recommended that the Republic of Cyprus does *“its utmost to guarantee that children, regardless of their descent status, are treated equally in law and in practice.”*<sup>8</sup> The RoC was silent on this recommendation, neither accepting nor rejecting it.
8. During the second cycle, in the initial national report of the Republic of Cyprus, there was no mention of the Turkish Cypriot community or any mention of the population in the north side of Cyprus, and whether their access to rights are being upheld and respected.<sup>9</sup>
9. The compilation prepared by the Office of the High Commissioner for Human Rights, in relation to the second cycle UPR of the RoC reflected that this issue had continued to be addressed by various UN treaty bodies during the review period. Accordingly, the UN Committee on the Elimination of Racial Discrimination (CERD) had in its Concluding Observations:<sup>10</sup>

---

<sup>5</sup> National Report 2009, para. 41 Compilation of UN Information Report, para. 56.

<sup>6</sup> CRC/C/15/Add.205.

<sup>7</sup> Compilation of UN information 2009.

<sup>8</sup> Report of the Working Group 2009, para. 45.

<sup>9</sup> A/HRC/WG.6/18/CYP/1.

<sup>10</sup> CERD/C/CYP/CO/17-22.

*“recommended that Cyprus respect the right to nationality without discrimination and ensure that no particular groups of non-citizens are discriminated against with regard to access to naturalisation. CERD also requested the State party to include in its next periodic report information on how nationality laws and regulations were applied to those who were in the occupied territories.”*<sup>11</sup>

10. The OHCHR Compilation Report also referred to the concluding observations of the Human Rights Committee, which raised many concerns regarding the discrimination of Turkish Cypriots in the Southern part of the island, as follows:

- The Office of the Commissioner of Administration (the Ombudsman) does not have Turkish-speaking staff and reports generated by the office are not published in Turkish<sup>12</sup>
- The nationality laws of the Republic of Cyprus are applied *“in a discriminatory manner in relation to individuals from particular groups, particularly children of Turkish Cypriots [...]”*<sup>13</sup>
- *“certain restrictions on crossing the Green Line — notably the State party’s policy concerning the passage of Turkish settlers and their descendants who were born in occupied areas — unduly interfere with the enjoyment of the right to the freedom of movement conferred upon all residents of the island by article 12 of the Covenant.”*<sup>14</sup>
- There are concerns about allegations that a significant number of Turkish Cypriots were unable to vote during the European Parliament elections held on 25 May 2014 because their correct residential addresses had not been entered in the Government’s database.<sup>15</sup>

11. Accordingly, the Human Rights Committee recommended that:

*“The State party should take immediate steps to ensure Turkish Cypriots have the same rights and obligations as all other Cypriot citizens, both in law and in fact, to vote and stand for elections so as to be in full compliance with articles 25 and 26 of the Covenant”,*<sup>16</sup> and

*“The State party should take adequate measures to ensure that the nationality laws are applied indiscriminately on the basis of clearly defined criteria. It should ensure that applicants have access to information concerning the requirements of citizenship and that they receive a decision on their application for citizenship within a reasonable period of time.”*<sup>17</sup>

12. However, as set out in the Report of the Working Group, *“the Government (of Cyprus) was not in a position to ensure the application of human rights instruments in the area that was not under its effective control.”*<sup>18</sup>

---

<sup>11</sup> Compilation of UN Information 2014, para. 68.

<sup>12</sup> Ibid., para. 5.

<sup>13</sup> Ibid., para. 6.

<sup>14</sup> Ibid., para. 17.

<sup>15</sup> Ibid., para. 22.

<sup>16</sup> Ibid., para 6.

<sup>17</sup> Ibid., para 22.

<sup>18</sup> Report of the Working Group 2014, para 18.

13. Furthermore, the Republic of Cyprus formally stated that:

*“Turkish Cypriots were entitled to the full enjoyment of human rights by dint of being citizens of the Republic of Cyprus. The Government took special measures to ensure that those rights, including the rights of employment, education and religious freedom, were properly implemented. Thousands of Turkish Cypriot commuted daily to the Government-controlled area where they worked. They were entitled to social insurance benefits, provided that they made the necessary contributions in accordance with the law. The Government took a series of important measures to support the daily life of Turkish Cypriots.”<sup>19</sup>*

Additionally, it noted that *“Turkish Cypriot students could attend any public or private school of their choice in the Government-controlled areas; their fees for private schools were fully subsidized by the Government.”<sup>20</sup>*

14. In their “views on conclusions and/or recommendations, voluntary commitments and replies presented by the States under review”, the Republic of Cyprus did not mention the Turkish Cypriot population and/or the people living in Northern Cyprus.<sup>21</sup> Neither did they reply to the recommendations by the UN Committee on the Elimination of Racial Discrimination (CERD) on discrimination related to the Turkish Cypriots’ right to nationality<sup>22</sup> (see para. 9), or to the issues raised by the Human Rights Committee that are mentioned under paras. 10 and 11.<sup>23</sup> The Human Rights Committee, in reply, only asked for extra information on the issue of Turkish-speaking staff at the Ombudsman office, to which the Republic of Cyprus replied that they lack financial and human resources, although the website was updated to include information in Turkish also.<sup>24</sup>

15. Ultimately, at the second UPR of the Republic of Cyprus, Uruguay and Hungary, recommended that the Republic of Cyprus ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.<sup>25</sup> Cyprus accepted these recommendations and stated that *“the ratification process of the 1954 Convention relating to the Status of Stateless Persons is at the final stages, awaiting approval by Parliament.”<sup>26</sup>*

## **International obligations of the Republic of Cyprus**

16. The Republic of Cyprus is a party to several international human rights instruments that guarantee the right to nationality, and other related human rights, such as the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the

---

<sup>19</sup> Report of the Working Group 2014, para. 86.

<sup>20</sup> Report of the Working Group 2014, para. 107.

<sup>21</sup> A/HRC/26/14/Add.1.

<sup>22</sup> CERD/C/CYP/CO/23-24/Add.1.

<sup>23</sup> CCPR/C/CYP/CO/4/Add.1.

<sup>24</sup> KF/fup-118.

<sup>25</sup> Report of the Working Group 2014, para. 114.7 and para. 114.12 respectively.

<sup>26</sup> A/HRC/26/14/Add.1, Para 17.

Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the Convention on the Rights of the Child (CRC).

17. Many of these treaties guarantee the right to a nationality for all on a non-discriminatory basis. These include Article 24 of the ICCPR, Articles 7 and 8 of the CRC, Article 9 of the CEDAW, and Article 5 of the CERD.<sup>27</sup> Of particular significance is Article 7 of the CRC, which enshrines every child's right to be registered immediately after a birth and to acquire a nationality and protects all children from statelessness. Similarly, the CERD sets out in relation to the right to nationality that:

*“States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law”.*

18. Despite the RoC accepting recommendations under the previous UPR cycle to accede to the two statelessness conventions, and claiming that *“the ratification process of the 1954 Convention relating to the Status of Stateless Persons is at the final stages, awaiting approval by Parliament,*” it is still not a party to the 1954 Convention on the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.
19. At the regional level, the RoC is party to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHR, 1950), the 1952 Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, the 1963 Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, the 2000 Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union (CFREU, 2007). It is not a party to the 2000 European Convention on Nationality.
20. Although the RoC has committed itself to upholding the rights of people living in their territory, they exclude ‘approximately 160.000-170.000 settlers<sup>28</sup> transferred from Turkey in order to alter the demographic structure of Cyprus [...]’.<sup>29</sup> In practice, this means that anyone living in North Cyprus who has Turkish ethnicity (either through a Turkish parent and/or grandparent) is excluded from enjoying certain human rights, such as the right to acquire RoC nationality from the RoC parent, and the right to freedom of movement.<sup>30</sup> In addition, RoC nationals who live in

---

<sup>27</sup> Acceded to 25 May 1983.

<sup>28</sup> For the Republic of Cyprus authorities, anyone who is Turkish and who moved to north Cyprus after 1974 is considered a settler.

<sup>29</sup> As stated in *Cyprus OHCHR common core documents forming part of the reports of States Parties* (HRI/CORE/CYP), which are submitted by the Republic of Cyprus. These numbers change over time, throughout the different versions of the core document; it concerned 109.000 settlers in 1993; 118.000 in 2007; 150.000-160.000 in 2009; 160.000-170.000 in 2011, 2012, 2014 and 2017. Research shows that in fact, although Turkey did offer/motivate many Turkish nationals to move to north Cyprus between 1974-1979, this practice has since ceased. In fact, these days Turkish people sometimes move to north Cyprus hoping to find work and better living circumstances for their families. They are regular migrants as are migrants from other countries to north Cyprus. In contrast to the 1974-79 migrants who received “TRNC nationality” upon arrival in Cyprus, recent Turkish migrants generally have a very hard time acquiring “TRNC nationality”. See Hopman et al. (forthcoming); Hatay, M. (2017) *Population and Politics in north Cyprus: An overview of the ethno-demography of north Cyprus in the light of the 2011 census*. Oslo: Peace Research Institute Oslo.

<sup>30</sup> In addition to “settlers”, “Turkish occupation forces” are also excluded. The estimated sizes of both groups change over time, in the different versions of the Core Documents. See: HRI/CORE/1/Add.28/Rev.1, para. 8; HRI/CORE/CYP/2007, para. 16 (118,000 settlers, 35,000 Turkish troops); HRI/CORE/CYP/2009, para. 17 (150.000-160.000 settlers, 35.000 Turkish troops); HRI/CORE/CYP/2011, para. 17 (160.000-170.000 settlers, 40.000 Turkish troops); HRI/CORE/CYP/2012 (160.000-170.000 settlers, 40.000 Turkish troops); HRI/CORE/CYP/2014, para. 23 (160.000-170.000 settlers, 40.000 Turkish troops).

the north are also excluded from certain rights in the south, such as the right to vote and the right to free healthcare (see below).

## **Overview: the right to nationality and subsequent access to human rights in the Republic of Cyprus**

21. According to domestic law, any child of at least one parent who has RoC nationality, should also get RoC nationality.<sup>31</sup> Exceptions are made based on gender (if the child was born between 1960 and 1999 only the Cypriot father, and not the mother, can pass on nationality),<sup>32</sup> and if any one of the parents entered and/or stays in Cyprus illegally.
22. In practice, a large group of children of Cypriot parents living in the north are denied their right to RoC nationality based on ethnicity. Only children who are of 100% Cypriot descent can acquire RoC nationality easily. Children of one Turkish parent and one “original Cypriot” parent<sup>33</sup> are denied RoC nationality upon application. Grandchildren who have one Turkish grandparent and three Cypriot grandparents can also not acquire RoC nationality.<sup>34</sup>
23. Although it is difficult to estimate how many people are in this way denied their right to nationality, we estimate that this concerns between 15.000-25.000 people.<sup>35</sup> Officially, these people who apply for RoC nationality are not “denied” by the ministry of interior; their applications are simply “pending”, some for 14 years.<sup>36</sup>
24. For some children in north Cyprus there is a risk of statelessness, if they are only able to obtain TRNC nationality. The international law definition of statelessness, found in Article 1 of the 1954 Statelessness Convention (and considered to be customary international law) is that any person “who is not considered as a national by any state under the operation of its law” is stateless. Accordingly, the provision of nationality by the TRNC, which is not a recognised state, does not constitute a nationality under international law, leaving the children stateless.
25. As elaborated below, based on nationality, ethnicity and place of residence, the RoC grants different access to basic human rights based to different groups of people. Limitations are set among others on the right to healthcare, the right to political participation, the right to freedom of movement, the protection of, and reporting on, human rights.

---

<sup>31</sup> 1967 Republic of Cyprus Citizenship Law (updated in 2000), art. 3.-(1) and 2(a).

<sup>32</sup> The law was changed in 2000 to harmonize national legislation in line with EU standards, as part of the process of Cyprus joining the EU (see <https://www.un.org/press/en/2006/wom1563.doc.htm>).

<sup>33</sup> Referring to anyone who was an RoC national before 1974.

<sup>34</sup> See Hopman et al. (forthcoming).

<sup>35</sup> In a PRIO research report, it is estimated that of the “TRNC citizen population”, 12.000-15.000 are of mixed parentage (one Cypriot parent). See Hatay, M. (2017), p. 32. Taking into account that the issue not only concerns children of mixed parents (here based on birth place), but also the grandchildren of these couples, we estimate that the number of people not able to pass on their RoC nationality is in fact higher. Another factor is that elsewhere it is estimated that there are 17.000 mixed marriages in northern Cyprus. See for example <http://www.tornosnews.gr/en/greek-news/politics/28519-cyprus-denies-id-cards-for-children-of-mixed-marriages-with-turks.html>.

<sup>36</sup> See Hopman et al. (forthcoming).

## The right to nationality in the Republic of Cyprus

26. According to the 1967 Republic of Cyprus Citizenship Law (updated in 2000), anyone has the right to RoC citizenship by birth, if **a)** they were born in Cyprus after the 15<sup>th</sup> of August 1960 and one of their parents was a citizen of the RoC. (art. 3(1)); **b)** they were born in a foreign country after 15<sup>th</sup> of August 1960, one of their parents was a citizen of the RoC, and their birth was registered “in the prescribed manner within two years from its occurrence” (art. 3(2)).
27. However, provision a) does not apply “to cases where the entry into or stay in Cyprus of any one of the parents of the said person was illegal” (art. 3(1)). Everyone who enters the island on the north side is considered to have entered the country illegally.<sup>37</sup>
28. Both provisions a) and b) do not apply if the person was born between 16<sup>th</sup> August 1960 and the entry into force of the Republic of Cyprus Citizenship (Amendment) Law of 1999, if the father was not a RoC citizen at the time, “unless the said person is of full age and capacity and submits an application to the Minister, in the prescribed manner, to be registered as a citizen of the Republic” (art. 3(3)).
29. In practice, a large group of children of Cypriot parents living in the north are denied their right to RoC nationality based on ethnicity. Only children who are of 100% Cypriot descent can acquire RoC nationality easily. Children from one Turkish parent and one “original Cypriot” parent<sup>38</sup> are denied RoC nationality upon application. Grandchildren who have one Turkish grandparent and three Cypriot grandparents also cannot acquire RoC nationality. These people are considered by the RoC as part of the group of “illegal settlers”.
30. The specific situation of right to nationality for children of other “mixed marriages”, where one “original Cypriot” and one parent of another nationality and/or ethnicity live in north Cyprus and have a child, remains unclear. Some people in this situation seem able to pass on their RoC nationality upon application, and some do not – why exactly is unknown.
31. Due to the length of the conflict, the problem described above of people with a legal right to a RoC nationality who are not able to materialise this right, is growing exponentially. There is now a third generation of children of people who were born in the north after 1974. These are the grandchildren of mixed marriages that were concluded in the 1970s and 1980s. Although it is difficult to estimate how many people are in this way denied their right to nationality, we estimate that this concerns between 15.000-25.000 people.<sup>39</sup>
32. Applications for RoC nationality in these situations are not officially denied, they are “pending”. People are told to come back in a few months, a process that goes on for years (in many cases, since shortly after the opening of the checkpoints between north and south in 2003. This policy is said to have been installed several months after the borders opened). People are told different reasons why their applications are not accepted, such as the fact that their parents got married in north Cyprus after 1974 and therefore their marriage (and their offspring) is not legally

---

<sup>37</sup> <http://www.cyprusvisa.eu/cyprus-admission-restrictions.html>;  
<https://cyprusembassy.fi/main/filemanager/EntryregulationsCyprus.pdf>

<sup>38</sup> Referring to anyone who was a RoC national before 1974.

<sup>39</sup> See footnote 35.

recognized; the child is born in north Cyprus and therefore has no legally valid birth certificate; the application papers got lost, etc.

33. As a consequence, some mixed (TR & RoC) couples decide to get married and/or give birth in Turkey, away from friends and family. In the end this does not help in being able to obtain RoC nationality for their children.
34. For children born in North Cyprus, there is a risk of statelessness. If they are unable to obtain their Republic of Cyprus nationality although this is the nationality of one of their parents, and they cannot obtain any other nationality, they will be effectively stateless. This includes children who obtain (only) “Turkish Republic of Northern Cyprus (TRNC) nationality”, because the TRNC is not an internationally recognized state and so their nationality is not valid from an international legal perspective, nor from the Republic of Cyprus’ perspective.
35. In this light, it is important to refer back to the previous UPR recommendation to Cyprus by Slovakia under the first cycle to “*do its utmost to guarantee that children, regardless of their descent status, are treated equally in law and in practice*”. Equally, the obligations of Cyprus under the CRC and CERD, to ensure the right to nationality and protect against statelessness, and in particular, to not discriminate against the child, including on the basis of the ethnicity or other characteristic of the parent or guardian (CRC article 2) and to always act in the best interests of the child (CRC article 3), must be highlighted.

### **Access to human rights based on nationality, ethnicity and residency**

36. Despite all persons being entitled to human rights protection without discrimination, in the Republic of Cyprus, people face clear discrimination on grounds of nationality, ethnicity and residency, in relation to their ability to access basic human rights.
37. **Right to healthcare** (1948 UDHR, art. 25; 1969 ICERD, art. 5(e)(iv); 1989 UNCRC, art. 24): Although initially healthcare in the Republic was free to all RoC nationals,<sup>40</sup> since 2012 people living in the north are excluded from free healthcare, including people in the possession of an RoC passport. According to the population, the quality of healthcare in the south is much higher than in the north. This policy therefore leads to unequal treatment among RoC nationals. Reports on healthcare in Cyprus only provide data about health care in the southern part of the island.<sup>41</sup>
38. **Right to political participation** (1966 ICCPR, art. 25; 1969 ICERD, art. 5(c); 2000 CFREU, art. 39 and 40): people living on the north side of the island, including those who have RoC nationality, are not allowed to vote or otherwise politically participate in the government of the Republic of Cyprus.

---

<sup>40</sup> [http://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(05\)71122-3/fulltext](http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(05)71122-3/fulltext). Since 2003 the RoC wrote in their UN Human Rights Common Core Documents that they had adopted ‘several packages of measures for the benefit of the Turkish Cypriots that have led to tangible economic and other benefits to that community’, including free medical care and other social benefits. They argued that Turkish Cypriots ‘have the opportunity to acquire, access and make full use of their rights as citizens of the Republic of Cyprus’.<sup>40</sup> However, these remarks are taken out of the core document from the 2014 version onwards.

<sup>41</sup> Health at a Glance: Europe 2016 STATE OF HEALTH IN THE EU CYCLE; <http://www.euro.who.int/en/data-and-evidence/databases/european-health-for-all-family-of-databases-hfa-db>; <http://www.euro.who.int/en/countries/cyprus/data-and-statistics>



39. **Right to freedom of movement** (1948 UDHR, art. 13(1); 1969 ICERD, art. 5(d)(i)): anyone who is on the northern part of the island and who does not have a European identity document or visa, or passport from certain allowed countries,<sup>42</sup> cannot cross to the south side of the island; they will be stopped at the checkpoints by the RoC police. This includes people who were born and raised on the north side of the island, but also international students who are studying at northern universities and have a “TRNC student visa”, and tourists from non-EU countries on a “TRNC tourist visa”. An exception is made for children who have one parent who is a RoC national (who otherwise cannot acquire RoC nationality themselves), or people who are married to an RoC national. These people are allowed to cross. However, they are not allowed to travel from the south side to other countries. They cannot for example take flights from Larnaca airport (which is even more problematic because of the ban on direct travel to/from north Cyprus).
40. Consequently, any non-Turkish person who belongs to this group of people not allowed to cross, is not able to reach their embassy, since there are no embassies in the north (except for the Turkish embassy). This creates different problems. For example, international students who give birth in the north are not able to obtain travel documents for their children; tourists cannot go to their embassy for help and protection; international students cannot prolong their travel documents; etc.
41. **Protection of, and reporting on, human rights:** for people living in the north, including RoC nationals, the Republic of Cyprus does not investigate and/or report on human rights violations. The “occupied territories” are systematically left out of all human rights reporting.<sup>43</sup> Although the RoC does not control the territory in the north, they do claim this territory as their jurisdiction, and at least a part of its population as their population. Seeing as no other state reports on the human rights situation in Northern Cyprus, and political leaders of north and south are involved in a process of peace negotiation, it might be a positive step for the RoC to, in cooperation with the “TRNC political leaders”, do research on, and report on, the human rights situation in North Cyprus.

## The lack of a statelessness determination procedure

42. Related to the challenges around registration, documentation and acquisition of nationality highlighted above, are those of statelessness status determination. The RoC does not have a statelessness determination procedure in place, and this can result in the exclusion and denial of rights, particularly to migrants and failed asylum seekers, who nonetheless are (at risk of) statelessness.
43. While the RoC has an obligation to ensure that all persons who have a right to RoC nationality can exercise this right without any impediment (including those of mixed parentage), it should also implement a dedicated statelessness determination procedure to ensure that all stateless persons who live in the RoC (and who do not have a right to RoC nationality) are identified, protected and offered pathways to facilitated naturalisation.
44. However, the RoC does not at present have a specific procedure for the determination of statelessness. The identification of stateless persons is critical in a country’s ability to guarantee the rights of stateless persons living within its borders. Thus, the RoC has the

---

<sup>42</sup> Nationalities allowed to cross are: USA, Canada, Australia, Switzerland, Israel, Moldova, and Serbia.

<sup>43</sup> See also: Prologue Consulting Ltd. (2015) *North Cyprus: Child Rights Situation Analysis (CSRA) 2015*. A study commissioned by SOS children’s village: p. 8-9.

obligation to 'identify stateless persons in order to accord them appropriate standards of treatment under the Convention.'<sup>44</sup> A formal statelessness determination procedure would offer the most effective means to protect the rights of stateless persons who do not have the right to RoC nationality, and would assist the State in its implementation of a statelessness safeguard.<sup>45</sup> It would also allow the RoC to better understand the extent of statelessness on its territory and to better monitor the status and treatment of stateless persons.<sup>46</sup> A statelessness determination procedure should, according to the UNHCR Handbook on Protection of Stateless Persons, be simple, accessible to everyone within the territory, and be fair and efficient.<sup>47</sup>

## Recommendations

45. Based on the above information, the co-submitting organisations urge reviewing States to make the following recommendations to the Republic of Cyprus:

- I. Take all necessary active measures to respect and ensure human rights for every person within their jurisdiction, without discrimination of any kind; irrespective of the person's race, language, religion, political or other opinion, national, ethnic or social origin, birth or other status, in accordance with UDHR article 2 and other human rights treaty provisions.
- II. Review and amend relevant legal provisions and ensure non-discriminatory application of the law to guarantee the right of all persons who have one RoC parent to obtain RoC nationality, irrespective of the other parent's ethnicity or gender as well as the place of residence and/or means of entering the country.
- III. Guarantee equal access without discrimination (in law and practice) to fundamental rights for all people on their territory, irrespective of place of residence, mixed parentage, documentation or citizenship status, including primary and secondary education, healthcare and work.
- IV. Implement all recommendations previously made by UN treaty bodies, including those made by the Human Rights Committee to: a) take immediate steps to ensure Turkish Cypriots have the same rights and obligations as all other Cypriot citizens, both in law and in fact, to vote and stand for elections so as to be in full compliance with articles 25 and 26 of the Covenant', and b) 'take adequate measures to ensure that the nationality laws are applied indiscriminately on the basis of clearly defined criteria. It should ensure that applicants have access to information concerning the requirements of citizenship and that they receive a decision on their application for citizenship within a reasonable period of time.'

---

<sup>44</sup> UNHCR, Statelessness Handbook, para 144.

<sup>45</sup> UNHCR, *Good Practices Paper – Action 6: Establishing Statelessness Determination Procedures to Protect Stateless Persons*, 11 July 2016, available at: <http://www.refworld.org/docid/57836cff4.html>, p. 2.

<sup>46</sup> UNHCR, *Global Action Plan to End Statelessness, Action 6*, 4 November 2014, available at: <http://www.refworld.org/docid/545b47d64.html>; UNHCR, *Mapping Statelessness in Austria*, January 2017, available at: <http://www.refworld.org/docid/58b6e5b14.html>, para 125.

<sup>47</sup> UNHCR, Statelessness Handbook, paras. 63, 68 and 69.

- V. Guarantee the full political participation of all RoC nationals, protecting their right to vote and the right to run for office, irrespective of their place of residence within the borders of Cyprus.
- VI. Protect without discrimination, the freedom of movement of all persons within their territory, including the right to cross from the north to the south, and equal access to the right to travel internationally from the airport and harbours in South Cyprus, irrespective of their place of residence within the borders of Cyprus.
- VII. Reinststate the policy of allowing equal access to free healthcare, irrespective of a person's place of residence within the borders of Cyprus.
- VIII. Accede to the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 2000 European Convention on Nationality.
- IX. Establish in law a statelessness determination procedure and status in line with the 1954 Convention, UNHCR guidance and best practice.
- X. Take all possible measures to, in cooperation with the "TRNC authorities", provide data, report on and subsequently protect the human rights, including children's rights, of people living in the north of their territory.