



**CHECK AGAINST DELIVERY**

**UNITED NATIONS HUMAN RIGHTS COUNCIL  
18<sup>th</sup> SESSION OF THE UPR WORKING GROUP**

**UNIVERSAL PERIODIC REVIEW  
OF THE  
REPUBLIC OF CYPRUS**

**OPENING STATEMENT BY THE LAW COMMISSIONER  
OF THE REPUBLIC OF CYPRUS, MS. LEDA KOURSOUNBA,  
HEAD OF THE CYPRUS DELEGATION**

**GENEVA**

**04 February, 2014**

**Mr. President,**  
**Excellencies,**  
**Distinguished Delegates,**  
**Ladies and Gentlemen**

1. It is an honor and a privilege for me and the delegation of the Republic of Cyprus to participate in the second cycle of the Universal Periodic Review. Cyprus attributes great significance to the UPR process, as the principal human rights protection mechanism. We strongly believe that, this process of review is a critical element in our efforts towards achieving our common goal and, in this context; we look forward to engaging with you in the constructive dialogue, which will follow.
2. Allow me first to introduce the members of our Delegation:  
Myself, the Law Commission of Cyprus, an independent State Official, directive responsible to the President of the Republic, with a mandate, inter alia, to advice on human rights issues  
H.E. the Permanent Representative of Cyprus in Geneva, Mr. Andreas Ignatiou  
Ms. Maro Michaelides, Ministry of Interior  
Dr. Andreas Tsiakkiros, Ministry of Education and Culture  
Ms. Myrianthi Spathi, Ministry of Foreign Affairs  
Ms. Natalia Andreou-Panagiotou, Ministry of Labour and Social Insurance  
Ms. Athena Demetriou, Ministry of Justice and Public Order
3. As you might have noticed, due regard is paid to the gender perspective in the composition of our Delegation.

**Mr. President,**

4. The national Report prepared by the Law Commissioner of Cyprus, in cooperation with the Ministry of Foreign Affairs, was based on information supplied by the competent government departments, independent authorities and monitoring mechanisms established by law, and following open consultations with civil society. An invitation was sent to this effect to all relevant registered NGOs, and all comments and observations received were duly taken into account. The National Report has been made available to the public and posted on the official website of the Office of the Law Commissioner.

5. In 2009, Cyprus was affected by the world financial turmoil, the economic impact of which gradually spread over all areas of life. Despite this, we are determined to continue our coordinated efforts to ensure full compliance with all International Human Rights Treaties to which Cyprus is a party, and safeguard the human rights of all people in our country. This is duly noted by the OHCHR Regional Office for Europe in its Annual Report of 2012.
6. Since our first review cycle, there were significant positive developments regarding Cyprus' compliance with human rights instruments. Numerous laws were enacted and policies adopted, while several National Action Plans (NAPs) were initiated. Independent control mechanisms were established by law, such as: the National Independent Authority for Human Rights, the Independent Mechanism for the Promotion, Protection and Monitoring of the Convention on the Rights of Persons with Disabilities (IMPPMCRPD) and the National Mechanism for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (NMPTCIDTP). Independent authorities were created, such as, the Commissioner for Humanitarian Issues (CHI); whereas existing mechanisms, such as: the Commissioner for Children's Rights (CCR), the Anti-Discrimination Body (ADB), the National Machinery of Women's Rights (NMWR) and the Police Office for Combating Discrimination (POCD), further promoted their scope and actions. Specialized training of the Police was further adapted to international standards. The reform and restructuring of the educational system were further developed, as an ongoing process, aiming at promoting respect of human rights.
7. Cyprus has consistently worked towards improving its human rights situation and track record, by promoting a number of legislative measures, initiatives and policies, as outlined in our National Report. Further legislation has been enacted or is in the process of enactment, international treaties have been ratified and EU Directives have been transposed into national law.

#### **Cooperation with Treaty Bodies**

8. Cyprus intensified its efforts for closer cooperation with human rights treaty bodies, as well as to meet its international obligations; and we are now up-to-date with all our treaty reporting obligations. Cyprus has, inter alia, ratified the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OP CAT)* and the

*Convention on the Rights of Persons with Disabilities and its Optional Protocol (OP CRPD)*; and is promoting the ratification of the 1954 Convention relating to the Status of Stateless Persons and the Council of Europe 2011 Convention on Preventing and Combating Violence against Women and Domestic Violence.

### **Independent Authorities**

9. In order to safeguard the effective implementation of human rights, a number of independent national monitoring bodies have been established, entrusted with the monitoring of proper implementation of relevant international instruments and national legislation and the mandate of existing ones was reinforced:
- The **Ombudsman** was appointed as a NHRI, with extensive competence for the promotion and protection of human rights, in accordance with the Paris Principles and is in the process of applying during the year to the OHCHR for accreditation. The Ombudsman also acts as the Independent Mechanism for the Promotion, Protection and Monitoring of the Convention on the Rights of Persons with Disabilities and the National Mechanism for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
  - A **Commissioner for Humanitarian Issues (CHI)** was appointed in 2013, as an independent State Official accountable to the President of the Republic, with a mandate to promote and protect the rights of the national religious minority groups recognized by the Constitution and international human rights instruments. The CHI focuses on the development and adoption of a structured policy on issues and concerns raised by national religious minority groups.
  - As a response to recommendations made by national and international bodies, including treaty bodies, a new upgraded detention centre for irregular immigrants subject to deportation operates since January 2013 at Menoyia. There are two Committees for the purpose of ensuring its smooth operation, namely, (1) the **Committee for the Supervision**, and (2) the **Complaints Committee**.
  - The **Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACAP)**, is now vested by law with power to investigate complaints against members of the Police concerning corruption, bribery or unlawful enrichment, violation of human rights.

## Children's Rights

10. Another important internal monitoring mechanism for the promotion and protection of children's rights is the Commissioner for Children's Rights (CCR). The CCR operates as a NHRI and plays an active role, not only in monitoring the acts and the decisions of the State, but also in the introduction and promotion of new legislation in compliance with international human rights instruments on children's rights, particularly the UNCRC. For example, the CCR promoted:
- a. The introduction of a new legislative framework for children, replacing the outdated Children Law, (Cap.352) and regulating i) the Welfare, Care and Protection of Children and ii) The Child Day-Care and Residential Care.
  - b. A new law regulating adoption, fully harmonized with relevant international human rights instruments.
11. The CCR is very active in awareness raising of professionals and the society at large on children's rights and empowerment of children themselves so as to be aware of their rights. In this context, seminars and workshops are organized by the CCR in collaboration with the competent Government authorities (e.g. MOEC, Social Welfare Services), organized groups of children (such as pupils' councils, the Commissioner's Young Advisors Team), media, NGOs and the civil society.
12. Educating children on human rights issues is of paramount importance. In this respect, several Action Plans and projects have been undertaken, such as, multicultural education projects, measures to combat school violence, (including bullying) and in-service training for teachers. School curricula have been revised to include concrete actions for the prevention and eradication of discrimination practices, by promoting the empowerment of individuals and the development of a sense of collective responsibility in a diverse society, within the context of Human Rights Education.

## Women's Rights

13. Regarding women's rights, the Government has launched a wide consultation with women's organizations for the restructuring and strengthening of the National Machinery for Women's Rights. The Gender Equality Unit, is in the process of preparing the **new Strategic Plan on**

**Equality between Women and Men 2014-2017**, in close collaboration with all government departments, women's organizations, NGOs, academic institutions, and human rights bodies.

14. The Government, in collaboration with the Multidisciplinary Group against Trafficking in Human Beings and the NMWR launched, through the Media, an awareness-raising campaign against trafficking in human beings for sexual and labour exploitation (November-December 2013).
15. Pursuant to the relevant Recommendations within the 2013 review of Cyprus by the CEDAW, additional efforts have been made to increase the participation of women in public life. Today, there are more voices of young women politicians in key positions in political parties and more women have been appointed at the decision making level, for instance the Commissioner for the Environment, the Commissioner for the Reform of the Civil Service the Commissioner for Humanitarian Issues. Further, the number of women at the Supreme Court has reached up to one third of the Plenary.
16. The gender pay gap in Cyprus is within the EU average of 16,2%. Intensive training on the enforcement of the equal pay and equal treatment provisions of the employment legislation is regularly provided for those responsible for supervising the implementation. It is expected that 1000 such inspections will have taken place by the end of 2015, aiming to monitor and further reduce the gender pay gap.
17. The Department of Labour Relations is currently implementing the project "Actions for reducing the gender pay gap", launched in July 2010 and running through 2015. The measures undertaken involve all stakeholders (the Government, the industry, the Trade Unions and the society at large). Its actions, implemented through public contracts, include the improvement of the inspection mechanisms for the equal pay legislation, the establishment of a Gender Equality Certification Body and the examination of the collective agreements for the identification and eradication of any discriminatory provisions regarding pay.

### **Domestic Violence**

18. Preventing and combating domestic violence is a priority for Cyprus. The Advisory Committee on the Prevention and Combating of Domestic Violence, (composed of

representatives of different government departments and NGOs), adopted the NAP on the Prevention and Combating of Domestic Violence for the period 2010-2013 which aimed to promote relevant measures and policies on a holistic, integrated and systematic basis by defining specific goals and measures, and prescribing bodies for their implementation.

### **Migration Policy**

19. Migration is a major challenge for Cyprus. In the framework of improving the immigration policy, a series of policy oriented measures to address these issues were undertaken.

- In December 2012, Cyprus signed a Cooperation Agreement with IOM, which includes provisions on special programmes, capacity building, technical support and exchange of best practices in the fields of healthcare, international immigration law, trafficking and voluntary repatriation.
- The staff of the Asylum Service and of the Reviewing Refugee Authority receive regular training by the UNHCR and the European Asylum Support Office (EASO), on issues of sexual orientation and gender identity, as well as train the trainers programmes.
- The Kofinou Reception Centre is now adequately staffed. It is further supported by a social worker and a psychologist. Cyprus participates in relevant pilot projects under the European Refugee Fund. If there is an allegation of torture in the country of origin, the alleged victim is referred to a Medical Council, which was reinforced with a psychologist in 2012.
- Following a recommendation to that effect by the CCR, persons belonging to vulnerable groups, including children, pregnant women, asylum seekers, irregular immigrants and prisoners, receive medical care free of charge. The Government, despite the budgetary constraints, aims to maintain free access to healthcare treatment, particularly for vulnerable groups.
- Migrant children, irrespective of theirs or their parents status, are entitled to free public education.
- The mandate of the NAP for the Integration of Third Country Nationals Legally Residing in Cyprus, was extended to cover the years 2013-2015. An Advisory Committee is vested with the power to monitor and assess the integration policies.

### **Anti- trafficking policy**

20. There have been increased efforts to combat Trafficking in Human Beings (THB), particularly through the relevant legislation and the National Action Plan Against Trafficking in Human Beings 2010-2012 (NAPATHB), the abolition of the so called "artist visa", the training of Government Officers and international cooperation with other EUMS and third countries. A Bill transposing the 2011 EU Directives on trafficking in human beings, is now under discussion in Parliament. Through this law, it is expected that prosecution will be more effective as the offences have been re-defined explicitly and sentences have been increased. There are special provisions for child victims.
21. An awareness raising campaign on trafficking was launched by the Government in November - December 2013, on the nationwide radio stations. Another campaign will be launched in March 2014.
22. The authorities co-operate with their counterparts in the country of origin of the person at risk to be trafficked on an ad-hoc basis, by exchanging information and coordinating in various issues, depending on the case.
23. The Social Welfare Services provide services to victims of trafficking (male or female) for as long as necessary under the specific circumstances.

### **Treatment of Detainees**

24. The Police is vigilant to issues regarding ill-treatment and use of force by its members. Specialized courses on human rights issues, relating to police duties, are provided to all staff members, by the Police Academy and through participation in seminars, conferences and projects in Cyprus and abroad.
25. There are several mechanisms and procedures within the Police that ensure prompt and impartial investigation of allegations about police misconduct and ill-treatment. Administrative investigations, disciplinary procedures, criminal procedures, the Police Audit and Inspection Unit and the Police Standards Directorate. There are also several independent bodies for the investigation of such cases: the IAICAP, the Attorney General with the appointment of independent criminal investigators, the Ombudsman and the CCR.



26. The Police Detention Centers are often inspected by Police officials, national control mechanisms as well as International and European Organizations and Agencies responsible for the monitoring on human rights, such as UNHCR, CPT and LIBE. Moreover, NGOs, both national (KISA, Cyprus Red Cross) and international (Amnesty International) visit regularly police detention centers.

27. The Police, the UNHCR and the Ombudsman will cooperate in drafting a Code of Conduct concerning checks of the residence status of migrants. This initiative was prompted in view of a recent incident concerning allegations of excessive use of force by a member of a special unit of the Police against a recognized refugee during a check for his residence status.

### Prisons

28. The reformation of the operation of the prisons, is a high priority for the Government. It acknowledges that, the prison system has not been effectively reviewed throughout the years, thus requiring immediate and far-reaching reformation, based on international human rights standards and norms. As a result, a program for major reforms and changes in the Prison system has recently been adopted, containing short-, medium- and long-term measures. Prisons are, already, undergoing a considerable restructuring of its leadership and management team, to ensure that, prison conditions are aligned with the basic principles for the treatment of inmates, including respect of their human rights and dignity. All redundant pre-existing control measures have now been terminated and the prison system is currently shifting from an over-controlling approach to a human rights based approach.

29. This shift to the new approach is reflected in recent actions taken by the Government and through the discourses of the President of the Republic, Ministers, and other senior Officials who sent a clear message: We do not tolerate any discriminatory attitudes or behaviour, or any form of abuse of power, ill treatment, corruption, etc.; such behaviour will be severely sanctioned.

### LGBTIs' Rights

30. The Government pays particularly attention to the protection of LGBTIs' rights and aims at improving human rights and mainstreaming equality thereof. A Bill amending the Criminal Code so as to criminalize public incitement of discriminatory, hateful or violent acts against persons because of their **sexual orientation or identity**, is pending before Parliament.

31. A Bill regulating the civil partnership pact for same and opposite sex couples, is at present open for consultation between various Government Services and NGOs, aiming at its enactment before the end of 2014.

### **Xenophobic Speech**

32. With respect to the fight against xenophobia, Cyprus is determined to take concrete measures at all levels.

33. The Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law of 2011 [L.134(I)/2011], criminalizes public incitement to violence or hatred directed against a group of persons or a member of such a group by reference to race, colour, religion, descent, national or ethnic origin, and public condoning, denying or grossly trivializing genocide, crimes against humanity and war crimes. Racist and xenophobic motivation for any offence, constitutes aggravating circumstances. To mention but one indicative example, recently the Cyprus Radiotelevision Authority, acting ex proprio motu, has investigated an incident regarding a programme of the CyBC and imposed an administrative penalty, finding that it amounted to incitement of hatred, based on race, sex, religion or nationality.

34. A "No HATE Speech" campaign was launched on TV, with the participation of well-known Cypriot athletes, including Olympic winners.

35. In the framework of the Council of Europe "NO HATE" campaign, the Cyprus Youth Organization, in cooperation with the ADB drafted a glossary of main terms pertaining to racism and discrimination. The glossary will be disseminated to high school students and youth groups. This initiative will be launched shortly on the International Day against Racism (21 March 2014).

### **Mr. President,**

36. Due to the continuing illegal foreign occupation of 36,2% of the territory of the country since 1974, the Government is, regrettably, not in a position to ensure the application of the Human Rights Treaties in the area not under its effective control. Thus, we cannot present

reliable information regarding the enjoyment of the relevant rights by the population living in the occupied areas of Cyprus. All information and data presented, in the National Report and in my address today, concern the Government-controlled areas.

## **Conclusion**

**Mr. President,**

37. My delegation and I, will do our utmost, given the time constraints, to address your concerns, no matter how challenging, in a constructive, structured, and open, manner in the dialogue that will ensue.

Thank you, Mr. President

