

CYPRUS

Follow-up - State Reporting Action by State Party

CESCR, E/C.12/CYP/CO/5/Add.1 (2009)

Comments by the Government of Cyprus on the concluding observations (E/C.12/CYP/CO/5)

1. The Government of the Republic of Cyprus has taken note of the concluding observations of the Committee on Economic, Social and Cultural Rights ("the Committee"), concerning the consideration of the fourth and fifth periodic report of Cyprus (E/C.12/CYP/5) on the implementation of the Covenant, adopted at the 18th meeting of its forty second session held in Geneva on 18 May 2009, and contained in document E/C.12/CYP/CO/5.
2. The Committee's concluding observations will receive careful attention by the State party and its institutions.
3. The State party does however consider it important to note some essential facts which are related to several concerns and recommendations dealt with in the aforementioned document.
4. First, it should be clarified that the partition of the country that resulted from the 1974 Turkish invasion and subsequent continued military occupation is not merely "a major difficulty which hinders the ability of the state party to ensure the implementation of the Covenant throughout the country" (para. 8) but also generates new obstacles to its effective implementation.
5. In this regard it should be noted that approximately 99 per cent of illegal immigrants and asylum-seekers arrive to the Government controlled area, through the part of the Republic that is under occupation by another State party to the Covenant, Turkey. The Declarations and Reservation made by the latter when ratifying the Covenant does not exonerate it from its obligations under the Charter of the United Nations and the provisions of the Covenant, the Geneva Conventions and international law. In addition, the continuing presence of its occupation army on the territory of the Republic of Cyprus is by itself the source of systematic violations of the human rights of the population of the island.
6. With regards to the context of paragraph 10 of the Committee's concluding observations, the State party would like to point out that the term "national minorities" is understood to designate those national minority groups who have a historical presence on the island, at the time of the establishment of the Republic of Cyprus in 1960, and have Cypriot citizenship. Hence by definition, Pontian Greeks, though a minority, are not considered a national minority.
7. Regarding the Committee's concern expressed in the same paragraph, about Turkish Cypriots continuing to face administrative and linguistic obstacles in obtaining official documents, it should be reiterated, that bilingual staff and interpreters are posted at crossing points, administrative services, hospitals and where needed, in order to accommodate Turkish Cypriots and Turkish speakers in general. Furthermore, all official documents are available in the official languages

(Greek and Turkish) as was stated in the written responses of the State party to the list of issues (E/C.12/CYP/Q/5 and Add.1).

8. With regards to paragraph 14 of the Committee's concluding observations, it should be noted that the State party is in the process of implementing integration measures based on European funding programmes. In addition, the employment terms covering the full spectrum of economic activity, including the farming and agricultural sectors, are agreed in the collective employment agreements and are a result of thorough consultations between the social partners. These terms apply to both local and third country workers.

9. Concerning paragraph 18 of the Committee's concluding observations, it should be specified that matters concerning asylum-seekers, such as, medical care, family reunification and access to employment are regulated by the European Union *acquis communautaire* within the framework of a Common European Union immigration policy.

10. As far as the context of paragraph 24 is concerned, in which the Committee expresses concerns about the limited opportunities for Cypriot Turkish-speaking children to receive instruction in their native language, it should be indicated that the Ministry of Education and Culture of the State party has taken all necessary measures so that the curriculum and teaching personnel at the school where these children attend, address their needs. It was by choice of the families themselves, that Cypriot Turkish-speaking children are attending a joint, and not separate, primary school, as this was considered by them the best way for avoiding segregation and promoting better integration of the children in society.
