



**International Human Rights  
Instruments**

Distr.: General  
2 September 2011

Original: English

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**Core document forming part of the reports of  
States parties**

**Cyprus\***, \*\*

[23 May 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the Secretariat.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Land and people .....	1–48	3
A. Geography .....	1–4	3
B. Historical background .....	5–15	3
C. Population .....	16–19	4
D. Area under the effective control of the Government of the Republic .....	20–24	4
E. Economy .....	25–36	5
F. Socio-economic indicators .....	37–48	6
II. General political structure .....	49–94	7
A. Recent political history and developments .....	49–74	7
B. Constitutional structure .....	75–94	10
III. General legal framework within which human rights are protected .....	95–112	13
IV. Information and publicity .....	113–115	16
V. Latest developments concerning the Cyprus question .....	116–126	16

The core document on Cyprus was prepared in accordance with General Assembly resolution 45/85 and the consolidated guidelines for the initial part of the reports of States parties (document HRI/991/1).

(June 2010)

## **I. Land and people**

### **A. Geography**

1. Cyprus is the third largest island in the Mediterranean Sea with an area of 9,251 sq. km, 33° east of Greenwich and 35° north of the Equator.
2. It is situated in the North-Eastern Mediterranean, approximately 360 km east of Greece, 300 km north of Egypt, 105 km west of Syria and 75 km south of Turkey.
3. Cyprus has mainly mountainous terrain, with the Pentadaktylos mountain range in the north and the Troodos mountain range in the south-west. Cyprus' highest peak is Mount Olympus (at 1,953 m) in the Troodos range. The largest plain, Mesaoria, is situated in between the two ranges.
4. The climate is temperate (Mediterranean). Two thirds of the average annual rainfall of 500 mm occurs between December and February. Periodically, the country suffers from drought.

### **B. Historical background**

5. Cyprus' history spans nine millennia. In the second millennium B.C., the Achaean Greeks established city-kingdoms based on the Mycenaean model, introducing the Greek language and culture, preserved to this day despite the vicissitudes of history.
6. Cyprus was well known in the ancient world for its copper mines and forests. Its geostrategic position, at the crossroads of three continents, as well as its wealth, accounted for a succession of conquerors, including the Assyrians (673–669 B.C.), the Egyptians (560–545 B.C.) and the Persians (545–332 B.C.).
7. During the fifth century B.C., there was considerable interaction between Athens and the Cypriot city-states, particularly Salamis.
8. After the breakup of the empire of Alexander the Great, who had liberated the island from Persian rule, Cyprus became a part of the Ptolemaic empire of Egypt. The Hellenistic period ended in 58 B.C. with the arrival of the Romans.
9. In 45 A.D., Christianity was introduced to Cyprus by the Apostles Paul and Barnabas, a Cypriot.
10. In 330 A.D., Cyprus became part of the Eastern Section of the Roman Empire, and later (395 A.D.) of the Byzantine Empire until the 12th century A.D.
11. During the Crusades, Cyprus was conquered by Richard the Lionheart of England (1191) who then sold the island to the Knights Templar. Between 1192 and 1489, the Frankish Lusignans established a kingdom introducing the western feudal model. Cyprus was then ruled by the Republic of Venice until 1571, when the island was conquered by the Ottomans. The Ottoman occupation lasted until 1878 when Cyprus was ceded to Britain. In 1923, under the Treaty of Lausanne, Turkey relinquished every right to Cyprus and recognized Cyprus' annexation to Britain, already proclaimed by the British Government in 1914.
12. After a long, but unsuccessful, peaceful political and diplomatic effort, which included the 1950 referendum for self-determination, in 1955 the Greek Cypriots took up arms against the colonial power.

13. During the anti-colonial struggle, the colonial government's "divide-and-rule" policy caused for the first time, severe fractures between the Greek Cypriot community and the Turkish Cypriot community on the island.

14. On 16 August 1960, on the basis of the Zurich-London Agreements, Cyprus became an independent Republic.

15. On 1 May 2004, the Republic of Cyprus became a Member State of the European Union.

### **C. Population**

16. The total population of Cyprus (end 2008) was 885,600.

17. Population distribution by ethnic group: 75.5 per cent Greek Cypriot; 10 per cent Turkish Cypriot; 0.3 per cent Armenian; 0.5 per cent Maronite; 0.1 per cent Latin; and 14.5 per cent others, i.e., foreign residents, mainly British, Greek, other Europeans, Arab and Southeast Asian. (Note: These figures do not, of course, include the settlers – approximately 160,000 to 170,000 illegally transferred from Turkey since the 1974 Turkish invasion, in order to alter the demographic structure of Cyprus, in contravention of international law, nor the Turkish occupation forces of approximately 40,000 troops). It is estimated that more than 57,000 Turkish Cypriots have emigrated since 1974.

18. Prior to the Turkish invasion, the two communities lived together in roughly around the same proportion of four Greeks to one Turk in all six administrative districts. As a result of the Turkish invasion and continuing occupation of 36.2 per cent of the territory of the Republic of Cyprus, the Greek Cypriots were forcibly expelled by the invading army from the north-eastern area they occupied and are now living in the Government-controlled area. Almost all the Turkish Cypriots in the south-east were forced by their leadership to move to the area occupied by Turkish troops. The vast majority of the 22,000 Greek and Maronite Cypriots who remained enclaved in the area occupied by the Turkish army were subsequently expelled. Despite the Vienna III Agreement of 2 August 1975, which stipulated that "Greek Cypriots at present in the north of the island are free to stay and that they will be given every help to lead a normal life ...", the Turkish Cypriot side never honoured its own humanitarian obligations, and instead implemented a policy of forced expulsion. By September 2010, the number of the enclaved Greek Cypriots had dwindled to a mere 456, mostly elderly Greek (344) and Maronite (112) Cypriots.

19. The policies and practices pursued by Turkey in the occupied area since its invasion of Cyprus constitute one of the first examples of ethnic cleansing in post World War II Europe.

### **D. Area under the effective control of the Government of the Republic**

20. Population in the Government controlled area (end 2008 end): 796,900, of which males: 395,000 and females: 401,900.

21. Population distribution by age (end 2008): 0–14 years: 17.1 per cent; 15–64 years: 70.2 per cent; 65+ years: 12.7 per cent.

22. Percentage of population distribution (end 2008): urban areas: 70 per cent; rural areas: 30 per cent.

23. Working population as a percentage of the population aged 15+ (2008): 84.6 per cent.

24. The official languages of the country are Greek and Turkish. Nearly all Greek Cypriots are Christian Orthodox; Turkish Cypriots are Moslems; members of the Armenian, Maronite and Latin minorities adhere to their own Christian denominations and under Article 2, paragraph 3, of the Constitution, have opted to belong to the Greek community of Cyprus.

## **E. Economy**

25. The Cyprus economy is based on the free-market system. The private sector is the backbone of economic activity. The government's role is basically limited to safeguarding a transparent framework for the operation of the market mechanism, the exercise of indicative planning and the provision of public utilities and social services.

26. Although the blow inflicted on the economy by the Turkish invasion of 1974 was devastating (the occupied part at that time accounted for almost 70 per cent of GDP), recovery was remarkable. The decline in the volume of production experienced during 1974 was quickly reversed and by 1977, it had surpassed its pre-1974 level. Business confidence returned followed by a sharp upturn of investment. By 1979, conditions of full employment were restored. The rate of unemployment, which approached 30 per cent of the economically active population during the second half of 1974, had been virtually eliminated (1.8 per cent) and refugees were temporarily rehoused, pending their return to their ancestral homes.

27. In more recent years (1999–2008), the economy has been growing at an average rate of 3.4 per cent in real terms. During 2008, GDP was expected to reach the 17,247.8 million-euro mark, while the rate of inflation during 2008 stood at 4.7 per cent. Near full employment conditions have prevailed consistently for years up to 2008, with 3.7 per cent of the economically active population registered unemployed in 2008. The international financial crisis has affected Cyprus as well, and as a result the economy went into recession. The two first quarters of 2010 have shown positive growth results of around 0.5 per cent and officially, the economy came out of the recession. The growth for 2010 will be around 0.6 per cent. The unemployment rate reached almost 7.0 per cent in 2010 and the Government has taken a multitude of measures aiming at reducing it; it is expected to go down to 6.5 per cent by next year. Inflation is ranged around 3.0 per cent, and by the end of 2010 it could even be lower by around 0.5 per cent.

28. The per capita GDP at purchasing power standards for 2008 stands at 95.9 per cent of the EU average (27 countries). The per capita income today is one of the highest in the region at US\$ 29,904.

29. In the post-1974 period, the economy underwent major structural changes. The manufacturing sector accounted for growth during the second half of the 1970s and in the early 1980s, overtaken by the tourism sector in the late 1980s, and by other service sectors in the early 1990s. These structural changes were reflected in a corresponding differentiation of the above-mentioned sectors regarding their contribution to GDP and gainful unemployment. Cyprus has gradually been transformed from an underdeveloped country, in which the importance of the primary sectors was dominant, into a service-oriented economy.

30. International trade is of considerable importance to the economy of Cyprus. On the production side, the lack of raw materials, energy resources and heavy industry for the production of capital goods necessitates their import. On the demand side, because of the small size of the domestic market, exports are vital in supplementing aggregate demand for Cypriot agricultural, manufactured products and services. The main economic partners of Cyprus are the European Union, neighbouring Middle East countries and Eastern Europe.

31. The main characteristic of the balance of payments position is a wide deficit in the trade balance, which in several years was more than offset by invisible earnings from tourism, international transportation, offshore activities and other services.

32. On 1 May 2004, Cyprus became a full member of the European Union. Compliance with the *acquis communautaire*, which included, among other things, the liberalization of the capital account, was accomplished very smoothly. The political uncertainty which prevailed in Cyprus in April 2004, just before and after the Annan Plan referendum, together with the full capital account liberalization upon accession were the main reasons for the outbreak of rumours of a possible devaluation of the Cyprus pound. The Central Bank of Cyprus reacted to these rumours, which caused limited but persistent capital outflows, by issuing comments by the Governor intended to send appropriate signals, as well as by increasing interest rates by 100 basis points. Following these measures, capital outflows returned to normal levels.

33. During the second half of 2004, the Cyprus economy showed signs of recovery, while the rate of inflation rose moderately due to a significant increase in the price of oil. In February 2005, the Monetary Policy Committee (MPC) decided to cut interest rates by 25 basis points following further fiscal consolidation.

34. On 2 May 2005, the Cyprus pound joined ERM II, at the pre-existing central parity of CY£1 = €1.7086 (€1 = CY£0.585274) and at the pre-existing fluctuation margins of  $\pm 15$  per cent. The participation of the pound in ERM II confirmed its sustainability, therefore satisfying the appropriate prerequisite for interest rate convergence. Indeed, in two consecutive meetings of the Monetary Policy Committee, in May and June 2005, interest rates were reduced by 50 basis points in each case.

35. On 10 July 2007, the EU Council of Finance Ministers approved Cyprus' adoption of the euro as from 1 January 2008 and decided that the Cyprus pound exchange rate vis-à-vis the euro would be fixed at the central parity of €1 = CY£0.585274. This decision was the result of Cyprus' commitment to a prudent exchange rate policy framework along with disciplined monetary and fiscal policies.

36. Hence, on 1 January 2008, the Cyprus pound was replaced by the euro as the legal tender money of Cyprus, at the irrevocable fixed exchange rate €1 = CY£0.585274.

## **F. Socio-economic indicators**

37. Life expectancy (2006/2007): males: 78.3 years; females: 81.9 years.

38. Infant mortality per 1000 live births (2008): 3.5.

39. Total fertility rate (2008): 1.46.

40. Literacy rate for ages 15 and over (2001 census): both sexes: 97 per cent; males: 99 per cent; females: 95 per cent.

41. Gross National Product (2008): 16,125.0 million euro.

42. Rate of inflation: (2008): 4.7 per cent; (2009): 0.3 per cent; (2010): 3.0 per cent.

43. External public debt (2009): 3,984.47 million euro.

44. Unemployment rate (2008): both sexes: 3.7 per cent; males: 3.2 per cent; females: 4.2 per cent. Unemployment rate in 2010 was around 7.0 per cent.

45. Persons per doctor (2008): 358.

46. Persons per hospital bed (2008): 266.

47. Telephone lines per 1000 population (2008): 490.
48. Passenger cars per 1000 population: (2008): 559; (2009): 576.

*Note: Due to the presence of the Turkish army, the Government of the Republic of Cyprus is prevented from exercising effective control in the occupied areas, and therefore official figures in respect of the occupied areas of Cyprus are not available.*

## II. General political structure

### A. Recent political history and developments

49. The Republic of Cyprus was established on 16 August 1960, with the coming into force of three main treaties and its Constitution, which have their origin in the Zurich Agreement of 11 February 1959 between Greece and Turkey, and the London Agreement of 19 February 1959 between Greece, Turkey and the United Kingdom. The Constitution of the Republic, together with the treaties, provided the legal framework for the existence and functioning of the new state. The three main treaties are as follows:

50. The Treaty concerning the Establishment of the Republic of Cyprus signed by Cyprus, Greece, Turkey and the United Kingdom. This provided for the establishment of the Republic of Cyprus and, inter alia, for the creation and operation of two British military base areas in Cyprus; the cooperation of the Parties for the common defence of Cyprus; and the recognition and respect of human rights of everyone within the jurisdiction of the Republic, comparable to those set out in the European Convention of Human Rights (UN Treaty Series, vol. 382 (1960) No. 5476).

51. The Treaty of Guarantee signed by Cyprus, the United Kingdom, Greece and Turkey, by which the independence, territorial integrity and security of the Republic of Cyprus, as well as the state of affairs established by the Basic Articles of its Constitution, are recognized and guaranteed (UN Treaty Series, vol. 382 (1960) No. 5475).

52. The Treaty of Alliance signed by Cyprus, Greece and Turkey, aiming at protecting the Republic of Cyprus against any attack or aggression, direct or indirect, directed against its independence or its territorial integrity (UN Treaty Series, vol. 397 (1961) No. 5712).

53. The Constitution of Cyprus, whilst establishing an independent and sovereign Republic was, in the words of de Smith, an authority in constitutional law, "Unique in its tortuous complexity and in the multiplicity of the safeguards that it provides for the principal minority, the Constitution of Cyprus stands alone among the constitutions of the world" (S.A. de Smith, *The new Commonwealth and its constitutions*, London, 1964, p. 296).

54. Therefore it was no surprise that, within less than three years, abuse of safeguards by the Turkish Cypriot leadership led to the total dysfunction of the Constitution, and thus dictated the proposals for constitutional amendments submitted by the President of the Republic, which were however, immediately rejected by the Turkish Government and subsequently by the Turkish Cypriot leadership.

55. Turkey, in furtherance of its designs based on territorial aggrandizement, instigated the insurrection of the Turkish Cypriot leadership against the State, forced the Turkish Cypriot members of the executive, legislature, judiciary and the civil service to withdraw from their posts and created military enclaves in Nicosia and other parts of the island.

56. As a result of the above situation and the intercommunal violence that ensued, the Security Council of the United Nations was seized of the situation and by resolution 186 of

4 March 1964. A peacekeeping force (UNFICYP) was deployed to Cyprus and a Mediator was appointed. In his report (S/6253, A/6017 of 26 March 1965) the Mediator, Dr. Galo Plaza, criticized the 1960 legal framework and proposed necessary amendments which were again immediately rejected by Turkey. This resulted in serious deterioration of the situation with constant threats by Turkey against the sovereignty and territorial integrity of Cyprus, culminating in a series of UN resolutions calling, inter alia, for respect of the sovereignty, independence and territorial integrity of Cyprus.

57. The Secretary-General of the United Nations in 1965 described the policy of the Turkish Cypriot leaders as being rigidly against any measures which might involve having members of the two communities live and work together, or which might place Turkish Cypriots in situations where they would have to acknowledge the authority of Government agents. Indeed, since the Turkish Cypriot leadership is committed to physical and geographical separation of the communities as a political goal, it is not likely to encourage activities by Turkish Cypriots which may be interpreted as demonstrating the merits of an alternative policy. The result has been a seemingly deliberate policy of self-segregation by the Turkish Cypriots (document S/6426 of 10 June 1965).

58. Despite this policy, a certain degree of normality gradually returned to Cyprus and by 1974, with the active encouragement of the Government, a large proportion of Turkish Cypriots were living and working alongside with their Greek Cypriot fellow citizens.

59. Using as a pretext the coup d'état of 15 July 1974, instigated by the then Greek military junta against the Cyprus Government, Turkey invaded the island on 20 July 1974. 40,000 Turkish troops landed on the island, in violation of the United Nations Charter, the Treaties of Guarantee, Establishment and Alliance and the relevant principles and norms of international law.

60. As a result, approximately 36.2 per cent of the territory of the Republic remains occupied. 40 per cent of the Greek Cypriot population, representing 82 per cent of the population of the occupied part of Cyprus, was forcibly expelled. Thousands of people, including civilians, were wounded, ill-treated or killed. Moreover, the fate of hundreds of Greek Cypriots, including women and children and other civilians, many of whom were known to have been captured by the Turkish army, remains unaccounted for.

61. As part of the concerted Turkish policy of changing the character of the areas of the island under its occupation, a systematic destruction of the cultural and religious heritage of Cyprus in the occupied area started taking place and still continues today.

62. Most worrying, since 1974, Turkey has pursued a systematic State policy of illegal colonization in the Turkish-occupied area, resulting in a drastic demographic change, whereby a substantial portion of the population now consists of settlers. Today, approximately 160,000 to 170,000 settlers reside in the occupied part of Cyprus, 110,000 of whom are of Turkish nationality. In addition, there is a permanent presence of approximately 40,000 Turkish occupation troops.

63. Over the same period, a total of 57,000 Turkish Cypriots emigrated from Cyprus. In fact the number of Turkish Cypriots in the occupied part of Cyprus has actually decreased from 116,000 in 1974 to about 88,000 at present. A natural population increase would have brought this figure up to 153,578.

64. General Assembly and Security Council resolutions repeatedly called for the respect of the sovereignty, independence and territorial integrity of the Republic of Cyprus and for the withdrawal of all foreign military forces. Moreover, the United Nations condemned all secessionist acts and called on all States not to recognize, facilitate or in any way assist the illegal entity; demanded the return of the internally displaced persons to their homes in

safety, as well as the tracing and accounting of the missing persons; and called for respect of the human rights of the Cypriots.<sup>1</sup>

65. Despite repeated calls by the international community, Turkey refused to abide by its international obligations.

66. On 15 November 1983, the illegal subordinate local administration of Turkey in the occupied part of Cyprus issued a unilateral declaration purporting to create an independent state ("TRNC"). Turkey immediately accorded recognition to the secessionist entity. However, this entity has not been recognized by any other State. Further secessionist acts followed. Security Council resolutions 541 (1983) and 550 (1984) condemned the unilateral declaration and all subsequent secessionist acts, declared them illegal and invalid, and called for their immediate withdrawal. The resolutions also called on all States not to recognize the secessionist entity and not to facilitate or in any way assist it.

67. The European Commission of Human Rights, also seized with the situation, found the Government of Turkey responsible for gross, massive and continuing violations of human rights in Cyprus, including murder, rape, expulsion and refusal to allow more than 180,000 Greek Cypriot refugees, almost one third of the entire population, to return to their homes and properties in the occupied part of Cyprus (see report of 10 July 1976 on Applications of Cyprus against Turkey Nos. 6780/74 and 6950/75, and report of 4 October 1983 on Application of Cyprus against Turkey No. 8007/77 of the European Commission of Human Rights).

68. In addition, The European Court of Human Rights in the case of *Cyprus v. Turkey* (application No. 25781/94) pronounced on the overall legal consequences of Turkey's invasion and continued military presence in Cyprus. The 10 May 2001 decision of the Court reiterated a number of basic principles, namely that:

- The Government of the Republic of Cyprus is the sole legitimate Government of Cyprus
- The international community and the Court do not consider the "TRNC" as a State under international law
- Turkey's subordinate local administration in northern Cyprus survives by virtue of Turkish military occupation and other support

<sup>1</sup> See inter alia General Assembly resolutions 3212 (XXIX) 1 Nov. 1974; 3395 (XXX) 20 Nov. 1975; 31/12 (1976) 12 Nov. 1976; 32/15 (1977) 9 Nov. 1977; 33/15(1978) 9 Nov. 1978; 34/30 (1979) 20 Nov. 1979; 37/253 (1983) 13 May 1983; Security Council resolutions 353 (1974) 20 July 1974; 354 (1974) 23 July 1974; 355 (1974) 1 August 1974; 357 (1974) 14 August 1974; 358 (1974) 15 August 1974; 359 (1974) 15 August 1974; 360 (1974) 16 August 1974; 361 (1974) 30 August 1974; 364 (1974) 13 Dec. 1974; 365 (1974) 13 Dec. 1974; 367 (1975) 12 March 1975; 370 (1975) 13 June 1975; 414 (1977) 15 Sept. 1977; 440 (1978) 27 Nov. 1978; 541 (1983) 18 Nov. 1983; 550 (1984) 11 May 1984; 649 (1990) 12 March 1990; 716 (1991) 11 Oct. 1991; 750 (1992) 10 April 1992; 774 (1992) 26 Aug. 1992; 789 (1992) 25 Nov. 1992; 939 (1994) 29 July 1994; 969 (1994) 21 Dec. 1994; 1000 (1995) 23 June 1995; 1032 (1995) 19 Dec. 1995; 1062 (1996) 28 June 1996; 1092 (1996) 23 Dec. 1996; 1117 (1997) 27 June 1997; 1146 (1997) 22 Dec. 1997; 1178 (1998) 29 June 1998; 1179 (1998) 29 June 1998; 1217 (1998) 22 Dec. 1998; 1218 (1998) 22 Dec. 1998; 1250 (1999) 26 June 1999; 1251 (1999) 29 June 1999; 1283 (1999) 15 December 1999; 1303 (2000) 14 June 2000; 133 (2000) 13 December 2000; 1354 (2001) 12 June 2001; 1384 (2001) 13 December 2001; 1416 (2002) June 2002; 1442 (2002) December 2002; 1475 (2003) 14 April 2003; 1486 (2003) June 2003; 1517 (2003) December 2003; 1548 (2004) 11 June 2004; 1568 (2004) December 2004; 1604 (2005) June 2005; 1642 (2005) December 2005; 1687 (2006) June 2006; 1728 (2006) December 2006; 1758 (2007) June 2007; 1789 (2007) December 2007; 1818 (2008) June 2008; 1847 (2008) December 2008; 1873 (2009) June 2009; 1898 (2009) December 2009; 1930 (2010) June 2010.

- Turkey, having “effective overall control over northern Cyprus” is responsible for all human rights violations by its own soldiers, officials or the local administration

69. The European Court of Human Rights has also pronounced important judgments on individual applications by Cypriots. In the landmark case of *Loizidou v. Turkey*, a case which marked a new departure in the case law of the European Court of Human Rights, the Court ordered the Government of Turkey to compensate the applicant for the period of deprivation of use of her property and to provide full access and allow peaceful enjoyment of her property in Kyrenia.

70. Turkey refused to comply with the Court’s ruling for a number of years, and despite paying the damages in December 2003, Ankara has yet to comply with the judgment that grants full enjoyment and access to the applicant’s property. The right of displaced owners to their properties has since been repeatedly reconfirmed in a multitude of cases brought by Greek Cypriots owners of property in the occupied part against Turkey, the most recent ones having been decided in late 2009.

71. After accession of Cyprus to the European Union on 1 May 2004, the entire territory of the Republic of Cyprus acceded to the EU, but by virtue of Protocol 10 of the Accession Treaty 2003, “The application of the *acquis* shall be suspended in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control.” The European Court of Justice, in its judgment in the case *Meletios Apostolides v. David Charles Orams and Linda Elizabeth Orams* (28/4/2009), reaffirmed the territorial integrity of the Republic in the sense that it recognized the jurisdiction of the Republic and its courts in the areas of the Republic not under the effective control of the Government. Greek Cypriots, who own properties in the occupied areas of the Republic, remain the legal owners of such properties, despite the illegal Turkish occupation and these owners have the possibility of recourse to justice in order to prevent any unlawful exploitation of their property.

72. Due to the continuing Turkish occupation, it is evident that the Government of the Republic of Cyprus is prevented by armed force from exercising its authority and control, and ensuring implementation and respect of human rights in the occupied area.

73. In its search for a peaceful solution, the Cyprus Government, despite the continuing illegal occupation, agreed to intercommunal talks being held on the basis of the aforesaid United Nations resolutions and through the good offices mission of the United Nations Secretary-General. Such efforts are still being exerted in that direction. However, to date, success has not been possible because of Turkish partitionist policies.

74. The Cyprus Government is aiming at a just, viable, comprehensive and functional solution under a bizonal, bicomunal federal structure that will guarantee the independence, territorial integrity, unity and sovereignty of Cyprus, free from occupation troops and illegal settlers – a solution that will reunify the island and ensure full respect of human rights and fundamental freedoms for all Cypriots, irrespective of ethnic origin or religion.

## **B. Constitutional structure**

75. The Constitution provides for a presidential system of government with a President who has to be Greek and a Vice-President who has to be a Turk, elected by the Greek and Turkish Communities of Cyprus respectively for a fixed five-year term (Article 1).

76. The President and Vice-President of the Republic ensure the exercise of the executive power by the Council of Ministers or of the individual ministers. The Council of Ministers, which comprises seven Greek and three Turkish Cypriot ministers, nominated by

the President and the Vice-President respectively, but appointed by them jointly, exercises executive power in all matters other than those which, under express provisions of the Constitution, fall within the competencies of the President and Vice-President and the Communal Chambers (Article 54).

77. A unicameral House of Representatives is provided for by the Constitution as the legislative body of the Republic, and composed of 80 representatives, 56 elected by the Greek Community and 24 by the Turkish Community for a five-year term. A Greek Cypriot President and a Turkish Cypriot Vice-President shall be elected separately.

78. The House of Representatives exercises legislative power in all matters, except those expressly reserved for the Communal Chambers under the Constitution (Article 61).

79. Two Communal Chambers were also envisaged by the Constitution to exercise legislative and administrative power in certain restricted subjects, such as religious affairs, educational and cultural matters, as well as over communal taxes and charges levied to provide for the needs of organs and institutions under the control of the Chamber (Article 86 to 90).

80. The Constitution provided for a Supreme Constitutional Court consisting of a neutral President, a Greek and a Turkish judge appointed by the President and the Vice-President of the Republic, and a High Court consisting of two Greek judges, one Turkish judge and one neutral President, all similarly appointed.

81. The Supreme Constitutional Court was vested with jurisdiction in all constitutional and administrative law matters. The High Court is the highest appellate court, it has revisional jurisdiction and the power to issue orders in the nature of habeas corpus and other prerogative writs. Ordinary civil and criminal jurisdiction in the first instance is vested in the Assize and District Courts. The Constitution prohibits the setting up of judicial committees or exceptional or special courts under any guise.

82. The independent officers of the Republic are the Attorney General and Deputy, the Auditor-General and Deputy and the Governor and Deputy of the Central Bank. All are appointed by the President and Vice-President on a community basis. The public service of the Republic should be composed of 70 per cent Greek Cypriots and 30 per cent Turkish Cypriots, with a Public Service Commission similarly composed, responsible for appointments, promotions, discipline, etc.

83. Both communities were given the right to maintain a special relationship with Greece and Turkey, including the right to receive subsidies for educational, cultural, athletic and charitable institutions and of obtaining and employing schoolmasters, professors or clergymen provided by the Greek or Turkish Government (Article 108).

84. The entrenched communal character of the Constitution was confirmed by the voting system. All elections were to be conducted on the basis of separate communal electoral lists (Articles 63 and 94) and separate voting (Articles 1, 39, 62, 86, 173 and 178). Elections are now based on the proportional representation principle.

85. The withdrawal of the Turkish Cypriot officials and civil servants and their refusal to exercise their functions rendered governance, in accordance with certain constitutional provisions, impossible.

86. Matters came to a head when the neutral Presidents of the Supreme Constitutional and High Courts resigned in 1963 and 1964 respectively and, therefore neither Court could function. It should be noted that the Turkish Cypriot judges in both the superior and district courts remained in their posts until 1966 when they were forced by the Turkish Cypriot leadership to leave the bench, whereupon half of them emigrated abroad.

87. The above situation necessitated the introduction of remedial legislative measures. Thus a new Administration of Justice (Miscellaneous Provisions) Law of 1964 was enacted creating a new Supreme Court, which took over the jurisdiction of both the Supreme Constitutional Court and the High Court. The first President of the Supreme Court was a Turkish Cypriot, the most senior judge of the High Court. The same law reconstituted the Supreme Council of the Judicature, which is the body that ensures the independence of the judiciary.

88. The constitutionality of the Administration of Justice (Miscellaneous Provisions) Law of 1964 was challenged before the Supreme Court which, in the case of *the Attorney General of the Republic v. Mustafa Ibrahim* (1964) (see Cyprus Law Reports p. 195) decided that the Law was justified under the doctrine of necessity in view of the abnormal situation prevailing in Cyprus. Thereafter the administration of justice reverted to normal.

89. Other main areas where, on the basis of the same doctrine, legislative action remedied similar situations were the Communal Chamber, the Public Service, Commission and membership of the House of Representatives.

90. Due to the refusal of one of the two Communities of Cyprus to participate, the Executive and the Legislature are in fact not bicomunal (see paragraphs 53–56 concerning the events during the period 1963–64). However, in 1985, the number of seats in the House of Representatives was increased from 50 to 80 and 24 seats were allotted to Representatives to be elected by the Turkish Community under Article 62 of the Constitution. Those seats currently remain vacant. Thus, the Greek Community actually elects Representatives for only 56 seats.

91. A special law was enacted in 2006 — Law on the Exercise of the Right to Vote and be Elected by Members of the Turkish Community with Ordinary Residence in the Free Areas of the Republic (Temporary Provisions) [L. 2(I)/2006] — by virtue of which Turkish Cypriots residing in the government-controlled area are given the right to vote and stand for election in all national elections (municipal, parliamentary and presidential). As regards parliamentary elections, this relates to filling the 56 seats allotted to the Greek Community. By virtue of the Election of a Member of the European Parliament Law of 2004 [L. 10(I)/2004, as amended] Turkish Cypriots have the right to vote and stand for election in the elections for the members of the European Parliament, irrespective of their place of residence in Cyprus.

92. In purporting to safeguard the rights of certain groups of people who were otherwise entitled to be citizens of the State, but could not fall into the constitutional definition of either of the two Communities (Greek/Turkish) of Cyprus (viz. Article 2), the Constitution defined them as religious groups, that is, “a group of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction thereof, the number of whom, on the date of the coming into operation of the Constitution, exceeds one thousand, out of which, at least five hundred become on such date citizens of the Republic”. In 1960, the Cypriot Maronites, Armenians and Latins fell within the definition of religious groups and were recognized as citizens of the State.

93. The said groups were then given the option to belong to one of the two Communities so that they could enjoy the political rights within the concept of the power-sharing arrangement between the two Communities (see paragraph 24 above). All opted to belong to the Greek Community.

94. Each religious group has the additional right to elect one representative to represent it in the House of Representatives, exercising advisory functions in relation to legislation concerning the respective group.

### III. General legal framework within which human rights are protected

95. The basis of the legal system of Cyprus is the common law and the principles of equity applicable at the time of independence as amended or supplemented thereafter by the Republic's statutes and case law. Independence also saw the introduction and development of the continental administrative and constitutional law.

96. It was natural for Cyprus, a country with a long history and tradition of civilization and culture, to accord, immediately after independence from colonial rule, vital importance to international law and particularly to human rights norms. Given the superior force of international instruments, international human rights law enriched and reinforced the body of municipal law that protects human rights and liberties. One of the first tasks of the new Republic was, therefore, to examine treaties extended to it by Britain and notify as appropriate succession thereto, whilst examining existing human rights regional and universal instruments and ratifying or acceding to nearly all of them, a policy that continues to date.

97. Central in the conduct of international relations of Cyprus is the recognition of the predominance of international law, the purposes and principles of UN Charter and particularly the peaceful settlement of disputes based on respect of human rights and fundamental freedoms.

98. Cyprus has become a party to the majority of the core and other international instruments relating to human rights adopted at the universal and European regional level. The standards and obligations arising from these instruments are part of the legal framework of Cyprus. An updated List of International Human Rights Instruments to which Cyprus is a party is appended hereto (See Appendix).

99. The constitutional structure of Cyprus, whilst embodying all norms necessary for the promotion of human rights and securing the separation of powers particularly the independence of the judiciary, is permeated by communalism leading to separatism even to polarization.

100. The 1960 Constitution, the supreme law of the Republic, is the main instrument that recognizes and protects human rights. Part II of the Constitution entitled "Fundamental Rights and Liberties" incorporates and expands on the Universal Declaration of Human Rights and the European Convention on Human Rights.

101. Although the legislative, executive and judicial authorities are all enjoined by Article 35 of the Constitution to secure, within the limits of their respective competence, the efficient application of human rights, it is the totally independent judiciary that is the ultimate protector of human rights and liberties.

102. All laws, and especially Criminal Law and Procedure, must and do protect fundamental rights. Any law that violates human rights in any way will. In many instances, such laws or provisions, upon a finding of inconsistency, have been declared unconstitutional by the Supreme Court.

103. Any restrictions or limitations of the human rights guaranteed under the Constitution have to be provided by law and have to be absolutely necessary only in the interests of the security of the Republic or the constitutional order or the public safety or the public order or the public health or for the protection of the rights guaranteed by the Constitution to any person. Provisions relating to such limitations or restrictions should be interpreted strictly. In the case of *Fina Cyprus Ltd v. The Republic* (RSCC, vol. 4, p. 33) the Supreme Constitutional Court decided that legislation involving interference with the Fundamental Rights and Liberties safeguarded under the Constitution and their construction is governed

by the settled principle that such provisions should be construed in case of doubt in favour of the said rights and liberties.

104. Wherever positive action is contemplated by the Constitution or other instruments in respect of certain, mainly social, economic or cultural rights, such action should be taken within reasonable time.

105. The remedies available to an individual who claims that his rights have been violated are the following:

- Right of petition and hierarchical recourse.
- Recourse to the Supreme Court for the annulment of any decision, act or omission of an organ or authority (both original and revisional jurisdiction).
- Raising by a party to any judicial proceedings of the question of unconstitutionality of any law or decision whereupon the Court is obliged to reserve the question for the decision of the Supreme Court and stay the proceedings.
- Civil action for compensation, restitution and declaratory judgment. In case of possible irreparable damage an injunction may be granted.
- Private criminal prosecution.
- Right of appeal in both civil and criminal cases.
- The prerogative writs of habeas corpus, certiorari, prohibition, mandamus and quo warranto.
- Courts exercising criminal jurisdiction may award compensation to victims of crimes up to, in the case of Assize Courts, CY£ 3,000.
- The Republic is also liable for any wrongful act or omission causing damage committed in the exercise or purported exercise of the duties of its officers or authorities.
- The Council of Ministers may set up a Commission of Inquiry to investigate and report on serious allegations of misconduct including violations of human rights.
- The House of Representatives and its Committees in the exercise of their functions, including parliamentary control, consider, in many occasions, allegations or situations that involve abuse of human rights.
- The Attorney General of the Republic has a special responsibility to ensure the observance of legality and the rule of law and may often, proprio motu, or at the instance of a complainant, order inquiries or advise on remedies.
- The Commissioner for Administration (Ombudsman) has, inter alia, competency to investigate complaints by an individual whose rights have been violated by the Administration or where the latter has acted contrary to law or in circumstances amounting to maladministration. In addition, due to the expansion of his competences, the Commissioner for Administration investigates complaints of gender discrimination.
- The Independent Commission for Examining Complaints Against Members of the Police Force has authority to investigate and examine cases addressed against police officers. The Commission is independent and consists of members with high morals and qualifications, appointed by the President of the Republic.
- The National Institution for the Protection of Human Rights is mandated with investigating complaints submitted by individuals with regard to violations of human rights and reporting to the authorities directly concerned. Specific remedial

action is also recommended to the competent authorities on each occasion. The President of the said Institution also has the prerogative to conduct ex officio investigations without prior complaint if he/she should decide that there is sufficient ground.

- An individual, having exhausted local remedies, may have recourse or submit a communication under the optional procedures of various international human rights instruments such as the International Convention on the Elimination of all Forms of Racial Discrimination; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women; the European Convention on Human Rights; the (first) Optional Protocol to the International Covenant on Civil and Political Rights; the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- Cyprus has also accepted the compulsory jurisdiction of the European Court of Human Rights and the optional clause of compulsory jurisdiction of article 36 (2) of the Statute of the International Court of Justice.

106. In case of war or public danger threatening the life of the Republic or any part thereof, some of the fundamental rights guaranteed under and specified by the Constitution may be suspended during the period of the emergency by a proclamation of emergency issued by the Council of Ministers. Such proclamation must be presented before the House of Representatives which has the power to reject it. The rights that may be suspended are the following:

- Prohibition of forced and compulsory labour
- The right to liberty and security of person
- Freedom of movement
- Inviolability of dwelling house
- Interference with correspondence
- Freedom of speech and expression
- The rights of assembly and freedom of association
- Right to property, only in so far as prompt payment of compensation for requisitioning is concerned
- Right to practice any profession or to carry on any business
- Right to strike

107. It should be noted that Cyprus has never proclaimed a state of emergency since independence, not even when the country was invaded by Turkey, and part of it was and continues to be occupied.

108. International Conventions ratified or acceded to by the Republic are incorporated into the Republic's municipal law and have, as from their publication in the Official Gazette, superior force to any municipal law. Such conventions are directly applicable in the Republic and can be, and are in fact, invoked before, and directly enforced by the Courts and administrative authorities (see decision of the Supreme Court in civil appeal No. 6616, *Malachtou v. Aloneftis*, 20 January 1986). When an international convention contains non-self-executing provisions, the Legislature has a legal obligation to enact appropriate legislation in order to harmonize the municipal law with the convention and make the latter fully enforceable.

109. Furthermore, the Law Commissioner, an independent officer responsible for the updating of legislation (the present holder of the post is the former Head of the EU Department of the Law Office of the Republic), is also charged with ensuring compliance of Cyprus' reporting obligations under human rights international instruments as well as identifying areas of inconsistency of municipal law and administrative practice with such instruments and international law standards in the field of human rights and proposing necessary action.

110. Cyprus is a practicing pluralist democracy with absolute respect for the rights and freedoms of the individual. It continuously strives to achieve more progress in the field of human rights by overcoming difficulties – chief of which is the continued foreign occupation of more than one third of its territory. Through instruction and education and other positive action by the state it combats the remnants of prejudice, especially in respect of equality of the sexes.

111. There are several non-governmental organizations covering all sectors of life, including human rights associations. There are also a number of statutory bodies, such as for the Promotion and Protection of Women's Rights, the tripartite Labour Advisory Board and the Prices and Incomes Board.

112. The role of the mass media in the promotion and protection of human rights is considerable. The Press is entirely free and the several daily, weekly and other newspapers and periodicals are privately owned. The same applies to radio and television broadcasting, where only one radio and television station is State-owned, but is run by an independent corporation.

#### **IV. Information and publicity**

113. All international conventions and treaties to which Cyprus becomes party are published in the Official Gazette. Appropriate publicity is accorded to them in the media, printed and electronic press, including the acceptance of the right, under optional procedures, to petition or address communications to human rights organs.

114. Human rights are considered a particularly important issue and special action is always taken to promote awareness among the public, and the relevant authorities, of the rights contained in the various human rights instruments. Awareness, as the necessary precondition to, inter alia, claiming ones' rights and the prevention of abuses, is pursued mainly through education by including the teaching of human rights in the curricula at all levels of education, in teacher and police training, parental guidance and other similar institutions.

115. The Government, the media and the private sector publish books and pamphlets on the issue of protection of human rights, as well as on violation of human rights. Posters and brochures are distributed to public establishments, schools, youth centres and organizations. Special press releases regarding human rights are issued as necessary and cover both local and international developments, including conferences, seminars, lectures, colloquia and other similar events. Articles on human rights frequently appear in the newspapers and in specialized publications, including those of the Bar Association and Human Rights Organisations.

#### **V. Latest developments concerning the Cyprus question**

116. Despite the changes in the international landscape since the 1974 Turkish invasion and occupation of 36.2 per cent of Cyprus, the nature of the political problem remains

intact. It is a problem of use of force against a sovereign state, invasion, forcible division resulting from foreign aggression and occupation, massive and persistent violations of human rights, destruction of religious and cultural property, unlawful colonization and change of demography, usurpation and illegal exploitation of property, forcible segregation of the population, and continuing secessionist efforts to project the existence of a separate illegal entity in the occupied area.

117. Cyprus' accession to the European Union in 2004 is a new dimension in the efforts to reach a settlement. Although the overall framework remains within the United Nations, the contribution of the EU has become, more than ever before, essential. EU principles and values should be fully integrated in a future political settlement and the *acquis communautaire* should safeguard the smooth functioning of the State, protect the human rights of all citizens and ensure the quality of life that all European citizens enjoy today.

118. It was in this context that Cyprus consented to the commencement of EU accession talks in December 2004 with Turkey, a key player in any settlement to the Cyprus problem, since it continues to occupy over one third of Cyprus, an EU Member State. The Government was prompted in that decision by the belief that this process would serve the bona fide interests of Cyprus, as well as the mutual benefit of all parties involved, namely Turkey and the EU. The Government's inclination was that Turkey's accession course to the EU would elicit a catalytic effect producing the necessary political will on Ankara's behalf, and change its perception of Cyprus from that of an adversary to that of a partner, a valuable neighbour and a potential ally in the EU. This change in attitude would render anachronistic those considerations that have led Turkey to maintain its occupation army in Cyprus, and which have stoked its confrontational approach.

119. On 3 September 2008, fully fledged negotiations on the Cyprus problem, under the auspices of the United Nations, commenced between the leaders of the two communities, the President of the Republic, Demetris Christofias, and the then leader of the Turkish Cypriot community, Mehmet Ali Talat. At the outset of the process, it was agreed with the United Nations Secretary-General that there would not be any artificial deadlines or outside interventions, in the form of arbitration, or submission of ready-made solutions. It was also reaffirmed that the reunification of Cyprus is to be based on a bizonal, bicomunal federation, as envisaged by the 1977 and 1979 High-Level Agreements, with a single sovereignty, single citizenship, single international personality, territorial integrity and political equality, as defined by the relevant Security Council resolutions. Such a solution must be compatible with the principles on which the EU is founded, and in accordance with international law, including the United Nations resolutions on Cyprus.

120. Two years into the process, direct negotiations have not yet produced the result anticipated. Unfortunately, progress has been recorded only with regard to governance and power sharing, EU matters and the economy. No progress has been achieved in other areas (property, territory, security, guarantees, settlers) which are of crucial importance. The proposals submitted by the Turkish side during the negotiations fell outside the scope of the agreed parameters and therefore did not allow further progress.

121. Following the change of leadership in the Turkish Cypriot community in April 2010, direct negotiations between the leaders of the two communities resumed on 26 May 2010. Unfortunately, the positions put forward by the new Turkish Cypriot leader, Dervis Eroğlu, on the property issue do not leave much room for optimism.

122. Motivated by a desire to decisively promote the efforts for a solution, President Christofias submitted in July 2010 a three-part package proposal which, if accepted by Turkey and the Turkish Cypriot side, will give new impetus to the negotiation process. The first part of the proposal aims at linking the discussion of three negotiating chapters, namely properties, territorial adjustments and citizenship, aliens, immigration and asylum (settlers).

The second part concerns Famagusta and provides for the handing over of the fenced area of Famagusta to the United Nations. The Republic of Cyprus would undertake to restore this area in order for its lawful inhabitants to be able to return. At the same time, it would undertake the responsibility of restoring the walled city of Famagusta, which constitutes a common heritage for both communities, and would authorize the legal operation of the port of Famagusta under the auspices of the European Union so that Turkish-Cypriots could conduct commercial transactions. Thirdly, the President proposed the holding of an international conference to discuss the international aspects of the problem once an agreement on the internal aspects of the problem is imminent. Such conference would be held under the auspices of the United Nations Secretary-General and convened with the participation of the permanent members of the United Nations Security Council, the guarantor powers, the European Union, the Republic of Cyprus and the two communities. These proposals would benefit all sides and create the necessary political climate to push forward the entire process. Unfortunately, the Turkish Cypriot leader and the Turkish leadership have rejected these proposals.

123. Meanwhile, the Government of Cyprus has unilaterally adopted, since 2003, several packages of measures for the benefit of the Turkish Cypriots that have led to tangible economic and other benefits to that community. These measures, totalling 35 million euros per annum, include, inter alia, free medical and pharmaceutical care and other social benefits for the Turkish Cypriots, who have the opportunity to acquire, access and make full use of their rights as citizens of the Republic of Cyprus, as well as the benefits arising from the accession of Cyprus to the European Union.

124. The “Green Line” Regulation coupled with the benefits accrued by the Turkish Cypriots through the Financial Aid Regulation and the multiple and repeated policy initiatives already being implemented by the Government of Cyprus for the benefit of the Turkish Cypriot community are leading to substantial economic and social advancement and prosperity for the Turkish Cypriots, as well as increased cooperation between the two communities, which facilitates the process of reconciliation and restoration of confidence among the people. All these measures have led the per capita income of the Turkish Cypriot community to almost quadruple from 3,693 euros in 2002 to about 12,000 euros in 2008.

125. The partial lifting of restrictions on movement by the Turkish occupation army and the series of measures taken by the Government have contributed to the creation of a vibrant civil society on both sides of the divide which cooperates on a multiplicity of issues. Since April 2003, there have been more than 15 million incident-free crossings across the ceasefire lines, bearing witness to the bankruptcy of the Turkish policy of separation.

126. More than 10,000 Turkish Cypriots cross every day to work in the area under the effective control of the Government of Cyprus (a figure representing more than 12 per cent of the population of Turkish Cypriots living in the occupied areas), earning a total of about \$150 million per year.

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