



**Submission to the Committee on Economic, Social and Cultural Rights for the upcoming 76<sup>th</sup> pre-sessional working group session (09 Sep 2024 - 27 Sep 2024) in particular to the adoption of the LOIs.**

**International Communities Organisation (ICO)  
Cyprus Peace and Dialogue Centre (CPDC)**

**12<sup>th</sup> August 2024**

This submission is a joint submission of International Communities Organisation (ICO) and the Cyprus Peace and Dialogue Centre (CPDC). ICO has held accreditation with ESOSOC since 2021. ICO is independent, neutral and dedicated to the protection of human rights. ICO recognises that most of today's conflicts are intrastate, often involving the violation of human rights of minority groups. The organisation strives to build sustainable peace through reconciliation, minority rights protection and fostering intercommunal cooperation. In Cyprus, ICO has been supporting the work of the Cyprus Peace and Dialogue Centre.

The Cyprus Peace and Dialogue Centre (CPDC) is a Cypriot led NGO comprising both Turkish Cypriot and Greek Cypriot members who believe that a comprehensive solution to the Cyprus problem, based on the Bi-zonal, Bi-communal Federation (BBF) model, is urgently needed to secure the island's future.

This submission is facilitated by the data during the first phase of a bi-communal project titled '*Addressing Discriminatory Human Rights Violations in Cyprus Arising from the Conflict as a Vehicle for Reconciliation.*' The project is implemented by CPDC with its Greek Cypriot partner organisation Interdisciplinary Centre for Law, Alternative and Innovative Methods (ICLAIM) and funded by the European Commission's Aid Programme for the Turkish Cypriot Community as part of the Cypriot Civil Society in Action VIII grant, with additional funding from ICO. This project represents a pioneering bi-communal civil society partnership aimed at addressing how the ongoing Cyprus Question exacerbates discriminatory human rights violations on both sides of the divide.

The initial phase of the project involved collecting human rights complaints from both Turkish Cypriot and Greek Cypriot communities through an online complaint registry form available on the CPDC's website. Complaints relevant to request for additional information by the Committee have been included in this submission with all identifiable data removed. ICO and CPDC hopes that this submission will provide a more comprehensive picture of the human rights implications of the continuing division in Cyprus with respect to violation of the Rights Enshrined within the Covenant.

## **ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT**

### ***Article 2: Non-Discrimination***

#### *Discrimination in Citizenship Applications*

- Multiple complaints were received regarding the prolonged delays and frequent denials of citizenship applications for children of Turkish Cypriots married to Turkish citizens. Despite support from civil society organisations such as the Mixed Marriage Victims Association, complainants highlighted a lack of response from the Civil Registry and Migration Department and the Ministry of Interior despite years of attempts to resolve these issues. Spouses of Republic of Cyprus citizens of Turkish origin also face denial of citizenship.

#### *Language Discrimination in Legal Proceedings*

- Complainants highlighted that during legal proceedings, Turkish Cypriots are not permitted to use the Turkish language fully and are required to have documents translated into Greek by

approved translators. This creates a significant access barrier, complicating their ability to advocate for their rights.

#### *Travel Restrictions and Discrimination at Crossings*

- There are reported travel restrictions imposed on residents of Turkey by the Republic of Cyprus. Additionally, discrimination is alleged at border crossings, particularly affecting children from mixed marriages. Further, entry into the RoC from the north is only legally permitted through recognised ports of entry (Larnaca and Paphos airports). According to the U.S. Department of State (2021), the Republic of Cyprus maintains that any entry into Cyprus through ports not under its control (e.g., Ercan Airport) is illegal<sup>1</sup>, further exacerbating restrictions on free movement of people.

#### *Equal Treatment in Employment and Occupation Law of 2004*

- The Ombudsman - which has a mandate to the national specialised equality body to combat discrimination on the grounds of race, community, language, colour, religion, political and other belief and national or ethnic origin - is reportedly is reluctant to properly deal with cases that are considered to touch upon the “doctrine of necessity” or the Cyprus Question.

#### **Article 3: Equal Rights of Men and Women**

##### *The Under-representation of Women in Public Decision-Making*

- In February 2024 report of the Office of the United Nations High Commissioner for Human Rights for Cyprus’s UPR in the Forty-sixth session [29 April–10 May 2024] the Human Rights Committee noted specific concerns regarding ‘the underrepresentation of women in decision-making positions, including in senior positions in the public and private sectors, and about the high rate of unemployment among women compared with men’ (OHCHR Cyprus UPR 2024). Recommendations to address this included: adopting a statutory quota and a gender parity system for nominations to government bodies, and renewed calls for reducing the wage gap and the unemployment rate of women.
- The RoC’s current work towards supporting women’s ability to actively, freely and meaningfully participate in development is encompassed by its National Strategy and National Action Plan (2023–2028)<sup>2</sup> in addition to ‘new strategy for Gender Equality 2024-2026 and a National Action Plan on Women Peace and Security 2020 - 2025.’<sup>3</sup> which builds on the work of previous national plans.<sup>4</sup> Whilst the creation of the National plan signals impetus towards the participation of women in decision making, the intangible and unmeasurable nature of targets to achieve that goal has received ample criticism. It is clear that the planning for implementation has not been integrated into the initial drafting of the targets.

##### *Effectiveness of Law 86(I)/2021 on sexual harassment*

- Regarding, Law 86(I)/2021, on sexual harassment, report by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) states that CSOs ‘confirm that conviction rates in the area of gender-based violence are extremely low and the penalties imposed are not dissuasive’, ‘lack of mandatory initial and in-service training for judges and prosecutors on all forms of violence against women’, concerns that some judges

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<sup>1</sup> U.S. Department of State. (2021). Cyprus 2021 Human Rights Report. Retrieved from <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/cyprus/>

<sup>2</sup> OHCHR Cyprus UPR 2024

<sup>3</sup> Press and Information Office, Ministry of Interior, Republic of Cyprus (2024)

<sup>4</sup> National Action Plan on Gender Equality (2007-2013), Strategic Action Plan on Equality between Women and Men 2014-2017, The National Action Plan for Equality between Women and Men (2019–2023)

and prosecutors have displayed sexist and misogynist attitudes towards women victims of domestic violence and sexual violence/rape.<sup>5</sup>

#### *Gender Indexes*

- Cyprus' Gender Development Index 'measures gender gaps HDI in three basic dimensions of human development: health, knowledge and living standards...Cyprus' female HDI was 0.895 in 2022 in contrast with 0.916 for males, resulting in a GDI value of 0.977' (UNDP 2024).
- Cyprus' Gender Inequality Index (GII) which 'measures inequalities in three key dimensions – reproductive health, empowerment, and labour market...[was] 0.253, ranking it 62 out of 166 countries in 2022' (UNDP 2024).
- Cyprus' Gender Social Norms Index 'assesses the impact of social beliefs on gender equality across four dimensions, including political, educational, economic, and physical integrity. Higher GSNI values indicate higher biases against gender equality and women's empowerment. Cyprus' GSNI is 80.48%, the breakdown of this is as follows: political gender bias (49%), educational gender bias (15.82%), economic gender bias (52.74%), physical integrity gender bias (57.59%)' (UNDP 2024).

#### **Article 6: Right to Work**

##### *Confusion in Visa and Work Permit Procedures*

- One specific complaint noted the confusing nature of the visa and work permit procedures, which hinders individuals' ability to legally work in the Republic of Cyprus. The RoC considers some of the TRNC citizens as its own citizens but does not recognise TRNC-issued documents, leading to confusion over acceptable identification and residency proofs (U.S. Department of State Cyprus 2021 Human Rights Report). The criteria for proving residency in RoC controlled areas and the validity of TRNC educational and professional qualifications are also often unclear. This bureaucratic rigidity results in prolonged delays and often outright rejections of applications. Furthermore, regulations governing the movement across the Green Line for work purposes and employment rights in the RoC are not well-defined, contributing to legal uncertainties and potential discrimination.
- These ambiguities complicate the ability of TRNC citizens with RoC ID cards to secure employment in the RoC. Employers may be hesitant to hire TRNC citizens due to unclear legal guidelines and potential risks. Additionally, TRNC citizens might face difficulties in obtaining RoC identity documents, proving their residency, and ensuring their qualifications are recognised. The lack of applications and forms in Turkish, despite its official status, adds to the challenges, making it harder for TRNC citizens to navigate the process (Council of Europe, 2018). The lack of clear legal protections against discrimination further exacerbates these issues, creating a complex and often inconsistent landscape for work permit applications and employment for TRNC citizens in the RoC (European Commission 2021)

#### **Article 10: Protection of the Family and Children**

##### *Marriage Law (L.104 (I)/2003) by the enactment of Civil Union Act 184(I)/2015A*

- Concerns have been raised by members of the Turkish Cypriot community regarding the Republic of Cyprus (RoC) government's handling of citizenship applications for children from mixed marriages. It is alleged that these children face systematic and arbitrary obstacles in obtaining citizenship, often influenced by the citizenship status of their parents. Despite over

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<sup>5</sup> Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2022) 'Baseline Evaluation Report: Cyprus,' Secretariat of the monitoring mechanism of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, Council of Europe

4,000 applications for RoC citizenship from these children, the actual number is believed to be higher as not all have applied.

- As of 2024, 150 individual applications are pending in the Family Court, with some children remaining stateless due to the lack of citizenship from any recognised state. RoC citizenship is considered crucial for the opportunities it affords in travel, education, healthcare, and employment, which are significantly more advantageous than those available to Turkish Cypriots through their existing identification.
- Concerns about family unity have also been highlighted, as differing citizenship statuses within families can lead to disparities in the opportunities available to family members, such as travelling through the same airport.
- A 2007 decision by the Council of Ministers has reportedly compelled pregnant women to travel to Turkey or other countries to give birth, which has been criticised as a violation of women's rights. Numerous legal cases have been brought forward, but the courts have been accused of deferring decisions to lower courts, preventing the exhaustion of domestic legal avenues and thus stalling potential appeals to the European Court of Human Rights (ECHR).
- On January 26, 2024, the president of the RoC announced a package of Confidence-Building Measures (CBMs) aimed at addressing various issues faced by Turkish Cypriots, including the citizenship matter. This package included a commitment to review all pending applications in accordance with the 2007 Council of Ministers' decision. However, concerns about transparency in the implementation of this initiative have compounded existing concerns.

#### **Article 11: Right to an Adequate Standard of Living**

##### *Difficulty in Accessing Personal Finance*

- Significant challenges have been reported for individuals residing in the Northern part of Cyprus when attempting to open bank accounts in the Republic of Cyprus. Although new initiatives were introduced in 2023 and announced in 2024 to address these issues, local banks have yet to implement them effectively.

#### **Article 13-14: Right to Education**

##### *Non-Discrimination in Public Education Institutions*

- The existing gaps in the national public education sector especially in regards to non-discrimination policies has prompted the involvement of civil society organisations and international institutional mechanisms under the auspices of the UN. 'Imagine,' an educational programme centred on anti-racism education launched in 2017 was implemented by the Association for Historical Dialogue and Research (AHDR) and the Home for Cooperation under the auspices of the Bicomunal Technical Committee on Education aimed to strengthen public education sector on a non-discriminatory basis. The project aimed to increase contact and collaboration between the communities. Since 2022, the programme has not resumed due to the lack of political will of leaders on the island. Moreover, the work of the UN Technical Committee on Education, one of the primary mechanisms for addressing discrimination as a result of the ongoing crisis, has not resumed its activities.
- CSOs continue to mobilise resources to fill this gap, CPDC and the Bilingual Association worked together on language exchange activities. The programme, teaching Turkish to Greek Cypriot students and Greek to Turkish Cypriot students aimed to increase interaction and offered students the cultural and humanist values to engage participants in meaningful inter-communal dialogue. Such programmes seek to tackle the misinformation and ethnically motivated antagonism within their communities, some of which continues to be promulgated within the curriculum.



## **Article 15: Right to Participate in Cultural Life**

### *Exclusion of Turkish Language in Public Services*

- Despite Turkish having official language designation, it is often not possible to conduct transactions or communications in Turkish within public institutions. Moreover, even English - a commonly understood language - is not consistently accommodated, further alienating Turkish-speaking individuals from full participation in public and cultural life.