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I. LAND AND PEOPLE

A. Geography

1. Cyprus is the third largest island in the Mediterranean Sea with an area of 9251 sq. km 33° east of Greenwich and 35° north of the Equator.
2. It is situated at the north eastern end of the Mediterranean basin at a distance of approximately 360 km east of Greece, 300 km north of Egypt, 105 km west of Syria and 75 km south of Turkey.
3. Cyprus is a mainly mountainous country with two mountain ranges. Pentadaktylos in the north and Troodos in the south-west culminating in the peak of Mount Olympus (1953 m). The largest plain, Mesaoria, is situated between them.
4. The climate is temperate (Mediterranean) with its typical seasonal rhythm strongly marked in respect of temperature, rainfall and weather generally. The average annual rainfall is 500 mm, with the fall from December to February being nearly two-thirds of the yearly total. From time to time the country suffers from drought.

B. Historical background

5. Cyprus has played an important part in the history of the Eastern Mediterranean. Its history spans nine millennia. In the second millennium B.C., the Achaean Greeks established city-kingdoms in the island on the Mycenaean model. They introduced the Greek language and culture, which are preserved to this day despite the vicissitudes of history.
6. Cyprus was well known to the ancients for its copper mines and forests. Its geostrategically significant geographical position, placed at the crossroads of three continents and its wealth, accounted for a succession of conquerors such as 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 Cypriot city-states, particularly Salamis.
8. On the partition of the empire of Alexander the Great, who liberated the island from the Persian rule, Cyprus became a significant part of the empire of the Ptolemies of Egypt. The Hellenistic period ended in 58 B.C. when the Romans came and remained until the 4th century A.D. making Cyprus part of the Roman Empire.
9. The introduction of Christianity to Cyprus by apostles Paul and Barnabas, the latter being a Cypriot, in 45 A.D. was the most important event during the period of the Roman rule.
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 and remained so until the 12th century A.D.
11. During the period of the Crusades it was conquered by Richard the Lion heart of England (1191) who sold the island to the Knights Templar. They were followed by the Frankish Lusignans who established a Kingdom on the western feudal model (1192-1489). It then came

under the rule of the Republic of Venice until 1571, when it was conquered by the Ottoman Turks. 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 its annexation to Britain, already proclaimed by the British Government in 1914.

12. After a long but unsuccessful peaceful political and diplomatic effort, which included a referendum for self-determination in 1950, the Greek Cypriots took up arms in 1955 against the colonial power to attain freedom.

13. During the anti-colonial struggle, Turkey encouraged the Turkish Cypriot leaders to identify themselves with the colonial government in an effort to thwart the struggle for self-determination of the people of Cyprus. The “divide-and-rule” policy of the colonial government made serious incidents between the two communities inevitable.

14. British rule lasted until August 1960 when, on the basis of the Zurich-London Agreements, the island became independent and was proclaimed a Republic.

C. Population

15. The population of Cyprus (end of 2002) was 802,500.

16. Population distribution by ethnic group: 80.1 per cent Greek Cypriots; 10.9 per cent Turkish Cypriots; 0.3 per cent Armenians; 0.6 per cent Maronites; 0.1 per cent Latinos; and 9.0 per cent others, i.e., foreign residents and workers, mainly British, Greek, other Europeans, Arabs and Southeast Asians. (Note: These figures do not, of course, include the settlers, approximately 118,000 illegally, transferred from Turkey since the 1974 Turkish invasion in order to alter the demographic structure of Cyprus, in contravention to international law, and the Turkish occupation forces (approximately 35,000 troops). An estimated 57,000 Turkish Cypriots have emigrated since 1974.)

17. As a result of the Turkish invasion and continuing occupation of 37 per cent of the northern territory of the Republic of Cyprus the Greek Cypriots were forcibly expelled by the invading army from the area it occupied and are now living in the Government controlled area. On the other hand, almost all the Turkish Cypriots who lived in the latter area were forced by their leadership to move to the area occupied by Turkish troops, whereas prior to the invasion the two communities lived together in roughly around the same proportion of four Greeks to one Turk in all the six administrative districts. 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. By November 2001 their numbers had dwindled to a mere 592, mostly elderly, Greek (427) and Maronite (165) Cypriots.

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

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

19. Population in the Government controlled area (2001 census): 703,529
males: 345,322
females: 358,207
20. Population distribution by age (2001 census):
0-14 years: 21.5 per cent
15-64 years: 66.8 per cent
65 + years: 11.7 per cent
21. Percentage of population (2001) in:
urban areas: 69 per cent
rural areas: 31 per cent
22. Working population as a percentage of the total population (2001): 46.9 per cent
23. 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

24. 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.
25. 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 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 the refugees were temporarily re-housed, pending their return to their ancestral homes.
26. In more recent years (1990-1999) the economy has been growing at an average rate of 4 per cent in real terms. During 2001 GDP reached the C£5.880 million mark while the rate of inflation during 2003 stood at 4.0 per cent. Near full employment conditions have prevailed consistently for the past few years with 4.1 per cent of the economically active population registered unemployed in 2003.
27. The per capita income is today one of the highest in the region with US\$ 15,188 (2002).

28. In the post-1974 period the economy underwent major structural changes. The manufacturing sector became one of the major motors of growth during the second half of the 1970s and early 1980s, whereas this role was undertaken by tourism in the late 1980s and by other service sectors beyond tourism 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. Summing up, Cyprus has gradually been converted from an underdeveloped country, in which the importance of the primary sectors was dominant, into a service oriented economy.

29. 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 the import of such inputs. 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 member countries, the neighbouring Middle-East countries and the countries of central and Eastern Europe.

30. 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.

F. Socio-economic indicators

31. Life expectancy (2000/01):

males: 76.1

females: 81.0

32. Infant mortality per 1000 live births (2002): 4.7

33. Total fertility rate (2002): 1.49

34. Literacy rate for ages 15 and over (2001 census):

both sexes: 97 per cent

males: 99 per cent

females: 95 per cent

35. Gross National Product (2001): C£ 5.89 billion

36. Rate of inflation (2003): 4.0 per cent

37. External public debt (2002): C£ 849 million

38. Unemployment rate (2003):

both sexes: 4.1 per cent

males: 3.8 per cent

females: 4.6 per cent

39. Persons per doctor (2001): 381
40. Persons per hospital bed (2001): 229
41. Telephone lines per 1000 population (2000): 657
42. Passenger cars per 1000 population (2000): 399

Note: because of the presence of the Turkish army, the Government of the Republic of Cyprus has no access to the occupied area and therefore official figures in respect of the occupied part of Cyprus are not available.

II. GENERAL POLITICAL STRUCTURE

A. Recent political history and developments

43. The Republic of Cyprus was set up 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 three treaties provided the legal framework for the existence and functioning of the new state. The three treaties are:

44. The Treaty concerning the Establishment of the Republic of Cyprus signed by Cyprus, Greece, Turkey and the United Kingdom. It 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 co-operation 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).

45. 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).

46. 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).

47. The Constitution of Cyprus, whilst establishing an independent and sovereign Republic, was in the words of de Smith, an authority of 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).

48. Therefore it was no surprise that, within less than three years, abuse of safeguards by the Turkish Cypriot leadership led to total unworkability of the Constitution which necessitated the

proposals for constitutional amendments submitted by the President of the Republic and which were immediately rejected by the Turkish Government and subsequently by the Turkish Cypriot leadership.

49. Turkey, in furtherance of its designs based on territorial *aggrandisement*, instigated the Turkish Cypriot leadership's resort to insurrection 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.

50. As a result of the above and the inter-communal violence that ensued, the Security Council was seized with the situation and by resolution 186 of 4 March 1964 a Peace Keeping Force (UNFICYP) was sent to Cyprus and a Mediator appointed. In his report (S/6253, A/6017) the Mediator, Dr Galo Plaza, criticized the 1960 legal framework and proposed necessary amendments which were again immediately rejected by Turkey; a fact which resulted in serious deterioration of the situation with constant threats by Turkey against the sovereignty and territorial integrity of Cyprus which necessitated a series of United Nations resolutions calling, inter alia, for respect of the sovereignty, independence and territorial integrity of Cyprus.

51. The Secretary-General of the United Nations in 1965 described the policy of the Turkish Cypriot leaders in this way: The Turkish Cypriot leaders have adhered to a rigid stand 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 (S/6426).

52. 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.

53. 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 Charter of the United Nations, the Treaties of Guarantee, Establishment and Alliance and the relevant principles and norms of international law.

54. As a result, approximately 35.83 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, were forcibly expelled. Thousands of people, including civilians, were wounded, ill treated or killed. Moreover, the whereabouts 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, are still unknown.

55. The Turkish occupation authorities resorted to a policy of systematic destruction of the cultural and religious heritage of Cyprus.

56. Since the Turkish occupation army has assumed effective control of the northern part of the territory of Cyprus, Turkey has pursued a systematic state policy of illegal colonization, resulting in a drastic demographic change, whereby a substantial portion of the population now consists of settlers. Today 115,000 settlers reside in the occupied part of Cyprus, 110,000 of whom come from Turkey and are of Turkish nationality and the rest form an assortment of various nationalities. There is of course, also, a permanent presence of 35,000 Turkish occupation troops.

57. 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 gone down from 116,000 in 1974 to 88,000 at present. A natural population increase would have brought this figure up to 153,578.

58. A series of General Assembly and Security Council resolutions condemned the invasion of Cyprus; the continuing military occupation; the colonization; the secessionist acts that followed; demanded the return of the internally displaced persons to their homes in safety, as well as the tracing of the missing persons; urged the speedy withdrawal of all foreign troops; and called for respect of the human rights of the Cypriots (see , inter alia, General Assembly resolutions: 3212 (XXIX), 1 November 1974; 3395 (XXX), 20 November 1975; 31/12(1976), 12 November 1976; 32/15 (1977), 9 November 1977; 33/15(1978), 9 November 1978; 34/30 (1979), 20 November 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 December 1974; 365(1974), 13 December 1974; 367(1975), 12 March 1975; 370(1975), 13 June 1975; 414(1977), 15 September 1977; 440(1978), 27 November 1978; 541(1983), 18 November 1983; 550(1984), 11 May 1984; 649(1990), 12 March 1990; 716(1991), 11 October 1991; 750(1992), 10 April 1992; 774(1992), 26 August 1992; 789(1992), 25 November 1992; 939(1994), 29 July 1994; 969(1994), 21 December 1994; 1000 (1995), 23 June 1995; 1032(1995), 19 December 1995; 1062(1996), 28 June 1996; 1092(1996), 23 December 1996; 1117(1997), 27 June 1997; 1146(1997), 22 December 1997; 1178(1998), 29 June 1998; 1179(1998), 29 June 1998; 1217(1998), 22 December 1998; 1218(1998), 22 December 1998; 1250(1999), 26 June 1999; 1251(1999), 29 June 1999; 1283 (1999), 15 December 1999; 1303 (2000), 14 June 2000; 1331 (2000), 13 December 2000; 1354 (2001), 12 June 2001; 1384 (2001), 13 December 2001.

59. On 15 November 1983 the regime installed by Turkey in the part of Cyprus occupied by Turkish troops, issued a declaration by which it purported to create an independent state ("TRNC"). Turkey immediately accorded recognition to the secessionist entity, which, however, 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 purported state and not to facilitate or in any way assist it.

60. Moreover, the European Commission of Human Rights found the Governments of Turkey responsible for gross, massive and continuing violations of human rights in Cyprus, including murders, rapes, expulsions 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 No. 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).

61. The European Court of Human Rights in the case of *Cyprus v. Turkey* (application No. 25781/94) has pronounced on the overall legal consequences of Turkey's invasion and continued military presence in Cyprus. The Court's decision of 10 May 2001, has set out a number of basic principles the most important of which are the following:

(a) That the Government of the Republic of Cyprus is the sole legitimate Government of Cyprus;

(b) That in the opinion of the international community and of the Court the "TRNC" is not a state under international law;

(c) That the local administration in northern Cyprus survives by virtue of Turkish military occupation and other support;

(d) That Turkey, having "effective overall control over northern Cyprus" is responsible for all human rights violations by her own soldiers, officials or the local administration.

62. The European Court of Human Rights has also pronounced important judgements upon individual applications of Cypriots. On 18 December 1996 the Court, in its judgement in the case of *Loizidou v. Turkey*, found that the applicant, Mrs Titina Loizidou, a Cypriot citizen, remained the legal owner of her property in the town of Kyrenia, in the area of Cyprus occupied by the Turkish forces and that Turkey is and continues to be in breach of Article 1 of Protocol No. 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms by her complete negation of the applicant's rights in the form of total and continuous denial of access and purported expropriation without compensation.

63. On 29 July 1998 the European Court of Human Rights ordered Turkey to pay pecuniary damages of C£300,000 to Mrs Loizidou, a further C£20,000 for non-pecuniary damage and C£137,084 for her costs and expenses. Turkey refused to comply with the Court's ruling for a number of years, and despite paying the damages in December 2003 she has yet to comply with the judgement that grants full enjoyment and access to the applicant's property.

64. From the above, 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. The European Commission of Human Rights Reports, "Cyprus against Turkey notes inter alia: The Commission concludes that Turkey's jurisdiction in the north of the Republic of Cyprus, existing by reason of the presence of her armed forces there which prevents exercise of jurisdiction by the applicant Government, cannot be excluded on the ground that jurisdiction in that area is allegedly exercised by the Turkish Federated State of Cyprus".

65. In its search for a peaceful solution, the Cyprus Government, despite the continuing illegal occupation, agreed to inter-communal talks being held on the basis of the aforesaid

United Nations resolutions. These talks are continuing until today. Success has not been possible, thus far, because of the Turkish intransigence and partitionist designs. In the words of the Secretary-General of the United Nations: “For the present, the Security Council finds itself faced with an already familiar scenario: the absence of agreement due essentially to a lack of political will on the Turkish Cypriot side” (Security Council resolution S/1994/629, para. 53).

66. The Cyprus Government hopes that Turkey and the Turkish Cypriots will show the necessary commitment, goodwill and respect for international law and will fully co-operate so that the talks held at present, under the auspices of the United Nations Secretary-General’s good offices, will yield results. The Cyprus Government aims 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 which would ensure full respect of human rights and fundamental freedoms for all Cypriots, irrespective of ethnic origin or religion.

B. The constitutional structure

67. 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 (art. 1).

68. The President and the 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 (art. 54).

69. A unicameral House of Representatives is provided for by the Constitution as the legislative organ of the Republic composed of 50 representatives, 35 elected by the Greek Community and 15 by the Turkish Community for a five year term with a Greek Cypriot President and a Turkish Cypriot Vice President elected separately.

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

71. 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 bodies and institutions under the control of the Chamber (arts. 86 to 90).

72. The Constitution provided for a Supreme Constitutional Court consisting of a neutral President and 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.

73. 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.

74. The independent officers of the Republic are the Attorney General and his/her Deputy, the Auditor-General and his/her Deputy and the Governor and Deputy-Governor 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.

75. 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 (art. 108).

76. 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 (arts. 63 and 94) and separate voting (arts. 1, 39, 62, 86, 173 and 178). Elections are now based on the proportional representation principle.

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

78. 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 fled abroad.

79. 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 the Turkish Cypriot, most senior judge of the High Court. The same Law reconstituted the Supreme Council of the Judicature which is the organ that ensures the independence of the judiciary.

80. The constitutionality of the Administration of Justice (Miscellaneous Provisions) Law, 1964 was challenged before the Supreme Court which, in the case of the Attorney General of the *Republic v. Mustafa Imbrahim* (1964) (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.

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

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

82. 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.

83. 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.

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

85. 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. For an updated list of International Human Rights Instruments to which Cyprus is a party, see appendix below.

86. 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.

87. 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 upon the Universal Declaration and the European Convention on Human Rights.

88. 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.

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

90. 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. The Supreme Constitutional Court in the case of *Fina Cyprus Ltd v. The Republic* (RSCC, vol. 4, p. 33) 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.

91. Wherever positive action was 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.

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

- (a) Right of petition and hierarchical recourse;
- (b) Recourse to the Supreme Court for the annulment of any decision, act or omission of an organ or authority (both original and revisional jurisdiction);
- (c) 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;
- (d) Civil action for compensation, restitution and declamatory judgment. In case of possible irreparable damage an injunction may be granted;
- (e) Private criminal prosecution;
- (f) Right of appeal in both civil and criminal cases;
- (g) The prerogative writs of habeas corpus, certiorari, prohibition, mandamus and *quo warranto*;
- (h) Courts exercising criminal jurisdiction may award compensation to victims of crimes up to, in the case of Assize Courts, C£ 3000;
- (i) 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;
- (j) 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;
- (k) 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;

(l) 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;

(m) 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 mal-administration;

(n) 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 has also the prerogative to conduct ex officio investigations without prior complaint if s/he should decide that there is sufficient ground;

(o) 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 (ICERD); 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;

(p) 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.

93. In case of war or public danger threatening the life of the Republic or any part thereof, certain 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 laid forthwith before the House of Representatives which has the power to reject it. The rights that may be suspended are the following:

- (a) Prohibition of forced and compulsory labour;
- (b) The right to liberty and security of person;
- (c) Freedom of movement;
- (d) Inviolability of dwelling house;
- (e) Interference with correspondence;
- (f) Freedom of speech and expression;
- (g) The rights of assembly and freedom of association;

(h) Right to property, only in so far as prompt payment of compensation for requisitioning is concerned;

- (i) Right to practice any profession or to carry on any business; and
- (j) Right to strike.

94. 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.

95. 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 (of Decision of the Supreme Court in civil appeal number 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.

96. 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.

97. 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 a 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 the equality of sexes.

98. 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 the one for the Promotion and Protection of Women's Rights, the tripartite Labour Advisory Board and the Prices and Incomes Board.

99. 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

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

101. 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 prevention of abuses, is pursued mainly through education by including the teaching of human rights in the curricula at all levels of education, at teachers' and police training academies, parents' guidance and other similar institutions.

102. The Government, the media and the private sector publish books and pamphlets on the issue of the protection of human rights, as well as on the question of their 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 covering both local and international developments, including conferences, seminars, lectures, colloquies 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 Organizations.

V. LATEST DEVELOPMENTS CONCERNING THE CYPRUS QUESTION

103. The latest effort for the solution of the Cyprus problem was initiated following Security Council Resolution 1250 (1999), which requested the United Nations Secretary-General to convene negotiations according to United Nations resolutions.

104. Within the framework of this initiative, the former President of the Republic of Cyprus, Mr. Glafcos Clerides, in his capacity as leader of the Greek Cypriot Community, and the Turkish Cypriot leader, Mr. Rauf Denktash, took part in five rounds of proximity talks as follows:

New York, 3-14 December 1999
Geneva, 31 January-12 February 2000
Geneva, 5-12 July 2000, 24 July-4 August 2000
New York, 12-20 September 2000
Geneva, 1-10 November 2000.

105. The Greek Cypriot side agreed to the principles defined by the Security Council resolution and negotiated in good faith aiming to achieve a solution on the basis of the relevant United Nations resolutions and the 1977 and 1979 High Level Agreements, providing for a bi-communal, bi-zonal federation with a single sovereignty, international personality, and a single citizenship.

106. However, no progress was achieved during these talks due to the insistence of the Turkish Cypriot leader, Mr. Denktash, not to engage in substantial negotiations on the core issues of the Cyprus problem unless his demands pertaining to the so-called "acknowledgement of realities" in Cyprus were accepted. In fact Mr. Denktash demanded that the solution called for by the United Nations resolutions on Cyprus, for a bi-zonal and bi-communal federation be abandoned in favour of a confederation.

107. The extent in which each side was in fact dedicated to the efforts for finding a just and viable solution to the Cyprus question was demonstrated at the fifth round of proximity talks held in Geneva, from 1 to 10 November 2000. The Secretary-General of the United Nations

submitted, during this round of talks, a non-paper in which he outlined his preliminary thoughts on the procedure to be adopted in the future and also on the four main issues of substance that is those pertaining to the constitution, territory, security and property.

108. The Turkish side reacted very negatively to these developments. On 24 November 2000, a conference on Cyprus was held at the Presidential Palace in Ankara, under the Presidency of the President of the Turkish Republic Mr. Ahmed Sezer, with the participation of Turkey's military and political leadership and of Mr. Denktash. At the conclusion of the conference, Mr. Denktash made a statement to the press according to which he saw no point in continuing with the talks because the Secretary-General non-paper was not leading to a confederal solution. Ankara fully supported the stance of Mr. Denktash. Following the conference at the Presidential Palace, the Prime Minister of Turkey Mr. Bulent Ecevit stated that Turkey supported Mr. Denktash's position to withdraw from the talks.

109. From November 2000, intense efforts were undertaken by the international community in order to achieve the resumption of the talks. President Clerides expressed on several occasions his readiness to accept an invitation of the Secretary-General for the resumption of the talks. The Turkish side, however, adopted a hostile attitude towards these efforts insisting on the recognition of two states in Cyprus. On 12 December 2000, at the Nice Summit the European Council reiterated the European Union's support towards the efforts of the Secretary-General and called for a solution of the Cyprus problem in accordance with the resolutions of the Security Council.

110. The sustained efforts of the Secretary-General Special Adviser Mr. Alvaro De Soto and other foreign envoys, for the resumption of the talks failed to produce any results. Mr. Denktash, following his meeting with Mr. De Soto during the second half of January 2001, stated, "the new round of talks was not necessary". Furthermore, the Foreign Minister of Turkey, Mr. Ismail Cem, during a visit to the occupied north of Cyprus between 16 and 18 April 2001 warned against Cyprus accession to the European Union and went as far as to threaten against the European Union by stating that in such a case Turkey's reaction "will have no limits".

111. An important development was the publication on 10 May 2001 of the judgment of the European Court of Human Rights in the fourth inter-state recourse of Cyprus against Turkey (application 2578/94). The Court has found Turkey in violation of fourteen articles of the European Convention of Human Rights and Fundamental Freedoms and its Protocols. These concern the rights of Greek Cypriot persons missing as a result of Turkey's invasion, the rights of their families, the rights of persons displaced from their homes and properties and the rights and freedoms of Greek Cypriots and Turkish Cypriots living in the occupied areas. Beyond these findings, the Court has elaborated on a number of key issues of principle and has pronounced the following:

(a) That the Government of the Republic of Cyprus is the sole legitimate government of Cyprus;

(b) That in the opinion of the international community and of the Court the "TRNC" is not a state under international law;

(c) That the subordinate local administration of Turkey in northern Cyprus survives by virtue of Turkish military occupation and other support;

(d) That Turkey, having “effective overall control over northern Cyprus” is responsible for all human rights violations by her own soldiers, officials or its subordinate local administration.

112. The international community’s commitment to a solution within the framework of the United Nations was reiterated by the communiqué of the G-8 Foreign Ministers who, on 19 July 2001 issued a statement reiterating their support to the efforts of the United Nations Secretary-General for the resumption of the talks. Working towards this end the European Union Commissioner for enlargement Mr. Gunter Verheugen arranged a meeting with Mr. Denktash in Geneva, on 27 August 2001. The efforts for the resumption of the talks culminated in the arrangement of a meeting between the United Nations Secretary-General and Mr. Denktash in Salzburg on 28 August 2001. Both Mr. Verheugen and Mr. Annan tried to convince Mr. Denktash to return to the negotiating table. Unfortunately, all this effort was to no avail. Following the meeting in Salzburg Mr. Alvaro De Soto, the Secretary-General’s Special Adviser on Cyprus, embarked on a mission to Cyprus, from 28 August to 5 September 2001 Mr. De Soto, at the end of his consultations with President Clerides and Mr. Denktash, extended to each of them, on behalf of the Secretary-General, an invitation to go to New York on 12 September, in order to resume negotiations. President Clerides immediately accepted the invitation. Mr. Denktash, nevertheless, rejected the invitation. The Turkish Cypriot leader insisted on placing preconditions before he returned to the negotiating table. All of his preconditions demanded the acceptance of a confederal solution between two equal and sovereign states in Cyprus, despite the fact that these preconditions are contrary to all United Nations Resolutions, and in particular Security Council resolutions 541(1983), 550 (1984) and 1250 (1999).

113. On 6 September 2001 in a written statement from Brussels, European Union Commissioner for Enlargement, Mr. Gunter Verheugen, expressed his disappointment, that Mr. Denktash has not accepted the Secretary-General’s invitation to talks on 12 September.

114. Due to the temporary halt in the United Nations activities, as result of the events of 11 September in the United States, the Security Council was only briefed on the outcome of the talks on 26 September 2001. That day the President of the Security Council made a statement to the press which commended the Secretary-General and his Special Adviser for their efforts to move the process forward, including an invitation to the leaders to resume the search for a comprehensive settlement in New York. The President of the Security Council added “Council members expressed disappointment at the unjustified decision by the Turkish side to decline that invitation”.

115. The President of the European Commission, Mr. Romano Prodi, accompanied by Commissioner Verheugen, visited Cyprus between 25-26 October 2001 and held talks with President Clerides. This was the first ever visit by the President of the European Commission to Cyprus. In a speech before a special plenary session of the House of Representatives, President Prodi referred, inter alia, to the Cyprus problem and, alluding to the Helsinki European Council Decision of December 1999, reiterated that, although the European Union would be delighted if the efforts of the United Nations to find a solution to the Cyprus problem were to bear fruit before enlargement, this is not a precondition for Cyprus’ accession. The President of

the European Parliament, Mrs. Nicole Fontaine, during an official visit to Cyprus on 22-23 November 2001, gave the same unequivocal message concerning Cyprus accession to the European Union, in even stronger terms.

116. The unequivocal stance of the European Union at all levels and the consistent attitude of all major actors involved in the efforts for the promotion of a solution to the problem of Cyprus, led to the meeting between the leaders of the two communities on 4 December 2001 and the subsequent decision for the resumption of talks on 16 January 2002.

117. The members of the United Nations Security Council on 13 December 2001 welcomed “this and other positive developments” and expressed the “hope that progress will be achieved at the negotiating table resulting in a comprehensive settlement”. The President of the Security Council said that Council members gave their full support to the Secretary-General’s mission of good offices, conducted pursuant to Security Council resolution 1250.

118. The Greek Cypriot side engaged in the resumed talks willing to reach a solution to the problem the soonest possible and prior to the conclusion of the negotiations for the accession of the Republic of Cyprus to the EU.

119. On 26 February 2002 the Security Council heard a briefing from Mr. Alvaro De Soto on the series of direct talks from 16 January to 19 February 2002. In a statement by the President, the members of the Security Council welcomed the commencement of regular negotiating sessions under the auspices of the Secretary General and indicated that it should be the objective to reach agreement by June 2002.

120. On 4 April 2002 the President of the Security Council issued a press statement after the Council members heard an interim report from Mr. Alvaro De Soto. The statement reiterated the June target date for agreement, and urged for a comprehensive settlement, which would take full consideration of relevant United Nations resolutions and treaties.

121. A further interim report was submitted by Mr. Alvaro De Soto, to the Security Council on 2 May 2002. In a press statement by the President of the Security Council the Council members reiterated their support for a comprehensive settlement, which would take full consideration of relevant United Nations resolutions and treaties, and urged both sides and in particular the Turkish side to cooperate fully with the Secretary General in such an effort.

122. In an effort to expedite the process the Secretary-General, Mr. Kofi Annan, arrived in Cyprus, on 14 May 2002, where he held meetings with the leaders of the two communities. Upon his departure on 16 May 2002, he expressed the conviction that until the end of June 2002, the two leaders could resolve all the core issues, provided they would go about their task decisively and with the necessary political will. By 2 July 2002, four rounds of talks had been held without achieving substantial progress, despite the fact that the target date set for reaching an agreement was the end of June 2002.

123. On 9 July 2002, the Security Council reviewed the whole process since the initiation of direct talks on 16 January. Following a briefing by Mr. Alvaro De Soto the President of the Council issued a press statement expressing disappointment for not meeting the target date for agreement which was June 2002 and noting that the Turkish Cypriot side had been less

constructive in its approach so far and had declined to support the goal of resolving the core issues by the end of June. The statement went on urging for a comprehensive settlement, which would take full consideration of relevant United Nations resolutions and treaties and strongly underscoring the need for the Turkish side in particular to move in this direction. The Council finally invited the Secretary-General to submit a further report in early September 2002.

124. On 6 September 2002, the Secretary-General held a meeting in Paris, with the leaders of the two communities. In a statement after the meeting he announced a new meeting with the two leaders on 3-4 October 2002 in New York and expressed his belief that though serious differences still existed, the gaps dividing the parties could be bridged.

125. From 3 to 4 October 2002, the Secretary-General held two days of intensive consultations with the leaders of the two communities in New York. In a press statement on 4 October 2002 the Secretary-General announced the establishment of two ad-hoc bilateral technical committees with the purpose of making recommendations on technical matters and focus on treaties and future [common state] laws. Whereas the Greek Cypriot side immediately appointed the members of the committees the Turkish delayed in doing so. As stated in the Secretary-General latest Report on his Mission of Good Offices in Cyprus: "This led to a debilitating delay in the work of the committees, which began only in mid-January 2003: more than three of the five months available were lost".

126. On 11 November 2002, the Secretary-General conveyed to the two sides a detailed plan for a comprehensive settlement of the Cyprus problem, asking the two leaders to give an initial response to the plan within a week. On 18 November 2002, President Clerides handed the reply of the Greek Cypriot side to Mr. Alvaro De Soto, expressing his readiness to start negotiations without any delay on the basis of the document that was before the two sides. The Turkish Cypriot side, replied belatedly on 27 November 2002 indicating it wished to negotiate the plan of the Secretary-General while stating that certain of its provisions constituted a source of grave concern and should therefore be taken up and clarified.

127. On 10 December 2002, Mr. Alvaro De Soto delivered to the two sides a revised version of the United Nations proposed 'Basis for Agreement on a Comprehensive Settlement of the Cyprus Problem'. In his accompanying letter the Secretary-General asked the two leaders to give the revised version their most urgent consideration with a view to reaching a decisive conclusion so that a reunited Cyprus could accede to the European Union. The Secretary-General also asked the two sides to be available for talks in Copenhagen, where the European Council would convene.

128. In response to the Secretary-General's request the Greek Cypriot side presented itself in Copenhagen in full composition (the President of the Republic accompanied by the negotiating team and the leaders of most political parties). On the contrary the Turkish Cypriot leader did not respond to the pleas of the Secretary-General. At the last moment Mr. Ertugruloglu presented himself as Mr. Denktash's representative only to inform the Secretary-General's Special Adviser that he was not prepared to sign an agreement as, in any case, he had no authorization to that effect so by the Turkish Cypriot leader.

129. The European Council at Copenhagen decided, on 13 December 2002, that Cyprus together with nine other candidate countries would accede to the European Union on 1 May 2004. On the same day, the Spokesman of the UN Secretary-General Mr. Fred Eckhard, stated, inter alia, "An opportunity remains, particularly until 28 February, to resolve this problem and achieve a comprehensive settlement, which would allow a reunited Cyprus to accede to the European Union".

130. On 18 December the President of the Security Council, Mr. Alfonso Valdivieso of Colombia, issued a press release in which the members of the Council regretted that the Turkish Cypriot leadership had not responded in a timely way to the initiatives of the Secretary-General and called for its constructive efforts to reach a settlement in conformity with the timetable proposed by the Secretary-General.

131. The stance taken by the Turkish Cypriot leader proved to be in contrast to the will of the Turkish Cypriots. On 26 December 2002, a mass rally was organized in the Turkish occupied part of Nicosia, in which around 30,000 Turkish Cypriots called for the acceptance of the Annan Plan, so that a solution of the Cyprus problem could be reached by 28 February 2003 and criticized Mr. Denktash for his negative approach during the negotiations. In his address to the participants, the Turkish Cypriot politician Mr. Mustafa Akinci accused Mr. Denktash of dragging Cyprus into permanent division. A declaration issued at the end of the rally said: "We are announcing to the world that Denktash does not represent the Turkish Cypriots. The struggle will continue until we reach lasting peace."

132. Moreover, on 14 January 2003, more than 50,000 Turkish Cypriots took to the streets of occupied Nicosia, for the second time in 20 days, demonstrating in favour of a solution to the Cyprus problem and accession to the EU, and urging Mr. Rauf Denktash, to negotiate on the basis of the revised Annan plan, with a view to reaching a solution by 28 February. The demonstration was dominated by slogans such as: "Denktash has to resign", "We do not want to live in an open prison", "Denktash, sign the plan by 28 February or resign", "We want peace", "No one can obstruct peace", "This country is ours", and "Denktash will go, Peace will come".

133. Commenting on these developments the Secretary-General stated: "First of all I am pleased that the people are out in the streets promoting peace and demanding peace and demanding the unification. I think that this is something that we have worked very hard on and many people in the region had hoped for" while at the same time he urged the two leaders to listen to the "voices of the ordinary people about their desire for peace".

134. In addition, the US State Department's Spokesman, Mr. Richard Boucher, noted, that "there are very large demonstrations in Cyprus that show that Turkish Cypriots understand the significant benefits of achieving that kind of comprehensive settlement and achieving it now. Obviously we couldn't agree more". On the same issue, the US State Department's Special Coordinator on Cyprus, Mr. Thomas Weston, stated: "There can be no doubt that this is an expression of the will of the Turkish Cypriots. We obviously support democratic expressions of the will of the people and we obviously support what they are saying".

135. On 15 January 2003 President Clerides and Mr. Denktash met at the United Nations protected area of the Nicosia airport, in the presence of Mr. Alvaro De Soto, and reiterated their commitment to negotiate on the basis of the Secretary-General's revised proposal

of 10 December 2002. At the same time the Governments of Greece and Turkey were asked to focus on reaching an agreement on the security aspects of the plan. Unfortunately, due to the Turkish government's unwillingness there was no progress on this issue as well. Meanwhile Presidential elections took place in Cyprus, on 16 February 2003, and a new government was voted in. Newly elected President Tassos Papadopoulos reaffirmed the continuation of the policy of the Greek Cypriot side on the United Nations process and expressed his willingness to immediately engage in the negotiations.

136. During the last week of February 2003 the Secretary-General visited Turkey, Greece and Cyprus and formally presented a third version of his plan on 26 February 2003. In a move to indicate the continuity in the approach of the Greek Cypriot side regarding the talks acting President Mr. Clerides and President-elect Mr. Papadopoulos met together with the Secretary-General and the Turkish Cypriot leader Mr. Denktash. The following day Mr. Annan extended an invitation to the leaders of the two communities to meet him at The Hague on 10 March 2003, in order to inform him whether or not they were prepared to sign a commitment to put the United Nations plan to separate simultaneous referenda on 30 March 2003.

137. On the same day, the Turkish Cypriots held their biggest rally to date, demanding a solution to the Cyprus problem in accordance with the United Nations plan and accession of Cyprus to the EU. On 28 February 2003 both President Papadopoulos and Turkish Cypriot leader Mr. Denktash responded positively to the invitation of the Secretary-General to meet him at The Hague on 10 March 2003. At the same time though, Mr. Denktash engaged in a series of public statements claiming that he couldn't undertake any commitment as regards the holding of referenda while following the Secretary-General's departure from the island withdrew Turkish Cypriot participation in the work of the technical committees.

138. At The Hague, the Greek Cypriot side once again acted in a constructive and positive manner by responding to the Secretary-General that it was prepared to put the plan to referendum as long as the whole legal framework was in place, and in particular the legislation related to the common state and its common government. President Papadopoulos also indicated that "as long as the plan had the question of security as an indispensable prerequisite, the governments of Greece and Turkey as the main interested parties had to reach an agreement so that when the referendum would be put to the people they would fully understand what they were called upon to vote on, especially as regards the issue of security".

139. The Turkish Cypriot leader, once again, with the support of the hardliner military and diplomatic bureaucracy of Turkey, turned down the proposal to put the plan to referendum, and wanted to make basic and radical changes to the plan and to change its philosophy. This stance was clearly manifested by the Secretary-General himself in his statement of 11 March 2003, which noted that Mr. Denktash "had fundamental objections to the plan on basic points. He believed that further negotiations were only likely to be successful if they began from a new starting point and if the parties agreed on basic principles. He added that Turkey was in any case not in a position to sign the statement requested of the guarantors because this first required the authorization of parliament".

140. Following the collapse of the talks at The Hague, President Papadopoulos expressed his sadness and disappointment and reiterated the Greek Cypriot side's desire to seek a settlement within the framework of the Secretary-General's plan even after the Republic of Cyprus joins

the EU. In his words “We do not intend, because of Cyprus’ accession to the EU, to turn our backs on a speedy and viable solution. We shall continue to make persistent efforts to secure this solution”. Addressing himself to the Turkish Cypriots he expressed “the hope that wiser views will prevail and that both sides will be able to create the foundation for a viable solution so that both sides may enjoy the benefits of the accession of a reunited Cyprus in the EU”.

141. Various statements made by foreign governments and international organizations as appear below reflected the disappointment that an agreement was not reached and at the same time, expressed frustration because once again we were confronted with the same old scenario: the absence of an agreement due to the lack of political will on the part of the Turkish and Turkish Cypriot sides.

142. In this respect the Special Representative of the United Kingdom Lord David Hannay blamed Mr. Denktash for the failure of the negotiations at The Hague by recognizing that “Mr. Denktash did not leave the Secretary-General with any other alternative.” U.S. State Department Spokesman, Mr. Richard Boucher, pointed out “We find it regrettable that Mr. Denktash has denied Turkish Cypriots the opportunity to determine their own future and to vote on such a fundamental issue.” The Spokesperson of the EU Enlargement Commissioner, Mr. Jean Christofe Filori upon being asked whether the EU would consider part of its territory under illegal occupation after Cyprus’ accession, replied: “Yes, we can look at things in that way. The international community, including the EU, has always considered this occupation illegal. Nothing changes there”.

143. Facing staunch criticism not only by the international public opinion, but also by the Turkish Cypriot opposition, and just a few days before the release of the UN report analysing the negotiation process, of the latest United Nations initiative and two weeks before Cyprus signs the European Union accession treaty, Mr. Denktash sent a letter to President Papadopoulos in which he proposed a series of what he called “ideas and suggestions” that “would bring about a positive climate to the island and to our region”. Denktash’s proposals were based on his so-called vision of “two separate states and peoples” and were a clear attempt to bypass the United Nations and take himself out of the corner.

144. President Papadopoulos, in his reply, stressed that if any resumption of the talks is to be meaningful, giving hope for a solution of the Cyprus problem on a comprehensive basis in the very near future, Mr. Denktash has to accept (a) the continuation of the good offices mission of the Secretary-General as provided for in the relevant Security Council resolutions and (b) accept the United Nations plan as a basis for a further negotiating process. On the same issue, the European Commission said that a solution to the Cyprus issue could only be found within the framework of the United Nations.

145. On 7 April 2003, the United Nations Secretary-General’s report on his mission of good offices in Cyprus was officially released. The report objectively demonstrated the negative attitude of the Turkish Cypriot leader throughout the three-year negotiating process since 1999 and the constructive approach adopted by the Greek Cypriot side.

146. The following abstracts of the Secretary-General's report suffice to show the familiar pattern of the negative attitude of the Turkish Cypriot leader:

“In the case of the failure of this latest effort, I believe that Mr. Denktash, the Turkish Cypriot leader, bears prime responsibility. ... Except from a very few instances, Mr. Denktash by and large declined to engage in negotiation on the basis of give and take.” (para. 130)

“Notwithstanding the considerable efforts... to accommodate the interests of the Turkish Cypriots, Mr. Denktash, at The Hague, rejected my appeal to send the plan to a referendum so that his people could decide on it. ... Faced with Mr. Denktash's adamant opposition to consider credible ways to meet that deadline, I was left with no alternative but to terminate the process.” (para. 134)

On the other hand, the report demonstrates the positive attitude of the Greek Cypriot side during the process of negotiations:

“... Mr. Clerides sought to find ways to address the interests and concerns of the Turkish Cypriot side... he was quite prepared to explore approaches different from his own... Throughout the process, Mr. Clerides showed a capacity to accept that his side bore its share of responsibility for the bitter experiences of the past.” (para. 137)

“Mr. Papadopoulos, although thrown into the leadership of the Greek Cypriot side at a very late stage, accepted that continuity existed with his predecessor”. (para. 139). “... at The Hague, Mr. Papadopoulos agreed conditionally to my request that the plan be submitted to referendum, and he expressed the willingness not to reopen negotiations on the plan itself if Mr. Denktash reciprocated in kind.” (para. 140)

147. On 14 April 2003, the Security Council unanimously adopted resolution 1475 on Cyprus which, inter alia, stated “The Security Council, ... regrets that, as described in the Secretary-General's report, due to the negative approach of the Turkish Cypriot leader, culminating in the position taken at the 10-11 March 2003 meeting in The Hague, it was not possible to reach agreement to put the plan to simultaneous referenda as suggested by the Secretary-General ...”.

148. The resolution also calls on all concerned to negotiate within the framework of the Secretary-General's Good Offices, using the plan to reach a comprehensive settlement as set forth in the Secretary-General's Report.

149. On 16 April 2003 the Republic of Cyprus signed in Athens, along with nine other acceding countries, the Treaty of Accession to the European Union. President Papadopoulos, in a statement he delivered during the signing ceremony, expressed “regret that the artificial walls of division and the line of separation that was imposed by force prevent our Turkish Cypriot compatriots from proceeding with us, within the framework of a reunited Cyprus, on the way to Europe”. While reiterating his “firm commitment to exert every effort to achieve a peaceful, workable and viable solution to the Cyprus problem, which will reunite the people and the country” he expurgated that accession does not mean, “that we shall give up our sincere efforts to resolve the problem. On the contrary, we now feel that it is all the more imperative to multiply

our efforts to achieve a workable solution that will allow the implementation of the *acquis communautaire* throughout the territory of the Republic of Cyprus, and will reverse the tragic division of our country in a united Europe”.

150. At the fifty-eighth session of the United Nations General Assembly, President Papadopoulos announced the initiative of the Cyprus Government “to clear all minefields in the buffer zone laid by the National Guard immediately after the Turkish invasion of Cyprus. With the technical support of the United Nations and funding by the European Union, the Government has decided to unilaterally start demining in the buffer zone as well as unilaterally proceed with the destruction of an appreciable amount of stockpiled anti-personnel mines”. The latter initiative would be fulfilling the Republic’s obligations under the Ottawa Convention, which came into force in Cyprus in 2003.

151. Regrettably, since the collapse of the talks in The Hague a lot of valuable time had been lost in expectation of a change of attitude of the Turkish side. Since then, President Papadopoulos reiterated on a number of occasions the readiness and the commitment of the Greek Cypriot side to engage in substantive negotiations, under the good offices of the Secretary-General of the United Nations on the basis of the Annan Plan, with a view to reaching a comprehensive settlement of the Cyprus problem before 1 May 2004. President Papadopoulos, in his letter of 11 December 2003, to the United Nations Secretary General, stressed the urgency for the resumption of the inter-communal talks if a settlement was to be reached by 1 May 2004.

152. At the same time, the European Council of 12 December 2003, “underlined the importance of Turkey’s expression of political will to settle the Cyprus problem” and confirmed that, “in this respect a settlement of the Cyprus problem would greatly facilitate Turkey’s membership aspirations”.

153. On 4 February 2004, the United Nations Secretary-General called for the resumption of the negotiations. After four days of intensive discussions in New York, it was agreed, on 13 February 2004, that the two sides would begin negotiating in good faith on the basis of the Secretary General’s Plan seeking to agree on changes that fall within the parameters of the Plan with a view to achieving a comprehensive settlement of the Cyprus problem before 1 May 2004. In the absence of such an agreement, the Secretary-General would convene a meeting of the two sides with the participation of Greece and Turkey, in order to lend their collaboration in a concentrated effort to agree to finalize the text of the agreement. In case of a continuing deadlock and the absence of agreement, the Secretary-General, as a last resort and with the greatest of reluctance, would proceed to make any indispensable suggestions to finalize the agreement that was to be submitted to separate simultaneous referenda. Such suggestions, it was believed, would have taken full account of the Charter of the United Nations and the Organization’s purposes and principles, as well as promote universal respect for and observance of human rights. It was further believed that these suggestions would have been within the parameters of the Plan.

154. Unfortunately, the prospect of the finalization of the Plan by the Secretary-General, at the end of the agreed procedure in New York, had proved to be a counter-incentive for substantive and serious negotiations in Cyprus and in Switzerland (where the two first stages of the negotiations took place) as provided for by the New York agreement.

155. The Greek Cypriot side expected serious and substantial negotiations to take place during the first phase in Nicosia. The Greek Cypriot side meticulously kept its proposed changes within the parameters of the Plan. It presented its analytical and detailed proposals on all clusters of issues, taking particular care to remain within the parameters of the Annan Plan and not to disturb its balance and basic “trade-offs”. Moreover, the Greek Cypriot side demonstrated its desire for substantive negotiations and for a functional solution by its considerable contribution to the work of the Technical Committees. It was the Greek Cypriot side which drafted almost in their entirety the Federal Laws, as a result of the unwillingness of the Turkish Cypriot side to cooperate. The Greek Cypriot side worked in full cooperation with the United Nations teams, which in several respects were clearly unable to resolve substantial differences in a fair manner. Moreover, many of the Laws were only “finalized” in the days immediately preceding the referenda. Major changes were not clarified until the afternoon prior to the referenda.

156. Regrettably, the Turkish side tabled proposals which did not allow for real negotiations, as these proposals were not within the parameters of the Plan, while many of them were contrary to its fundamental principles, or to important, earlier agreed “trade-offs”. Indeed, the changes sought by the Turkish side undermined not only the procedure agreed in New York, but also the delicate balances of the Plan seeking to legitimize ethnic cleansing and land confiscation, while virtually completely abandoning refugees’ rights.

157. The Turkish Cypriot side demanded massive EU derogations and sought the legalization of all Turkish settlers. In essence, the Turkish Cypriot side did not engage in negotiations except in only two occasions to dilute important proposals by the Greek Cypriot side. The first was the size of the Federal Executive and its representation in the EU and the second on the creation of a First Instance Court. On all other vital aspects there was no real negotiation.

158. Non-negotiation was to continue at Bürgenstock, where the second phase of talks was to start on 24 March with the Turkish and Greek Foreign Ministers present to lend their collaboration. The leader of the Turkish Cypriot side, Mr. Rauf Denktaş, refused to attend the meetings and ultimately conferred negotiating authority on Messrs Talat and Serdar Denktaş who attended in his place.

159. It was only at the last two days of the second phase at Bürgenstock that the United Nations tried to produce a list of priorities to enable “tradeoffs”, especially when Turkey’s Under-Secretary, Ambassador Ziyal, conveyed a list of final demands of the Turkish Government. These Turkish demands were to be fully met and incorporated in the finalized text submitted to the two sides by the Secretary-General on 31 March 2004.

160. On the other hand, most of the proposals submitted by the Greek Cypriot side during the final stage of the negotiations were not satisfied. Proposals of major importance to the Greek Cypriot community, such as the reduction of the number of Turkish mainland settlers, were not even considered, while issues of grave concern relating to security and the safeguarding of the implementation of the commitments undertaken by the Turkish side, under the Plan, were ignored. In essence, through the final text of the Plan, the Greek Cypriots were asked to fulfil their commitments within 24 hours, while the Turkish side commitments were to be implemented in lasting stages, some of which were not to take effect until after 15-19 years.

161. On 29 March the Secretary-General presented Annan IV. This marked the third phase of the procedure in which he was to finalize the text. The Secretary-General gave the parties involved one day to examine the voluminous text and communicate to him their views on Annan Plan IV so that he could present the final Plan that would be submitted to separate simultaneous referenda.

162. Therefore, the Secretary-General on 31 March 2004 presented the final text of his Plan (Annan Plan V) to the parties concerned. Unfortunately, all Turkish demands were satisfied in Annan Plan V while, in stark contrast, basic proposals of the Greek Cypriot side, which did not alter either the balance or the basic trade-offs of the Plan and that fell exclusively within the parameters of the Plan, were disregarded.

163. Some of the legitimate concerns that were continuously expressed by the Greek Cypriot side during the negotiations and which were not satisfied, and in fact ignored by the Secretary-General's final Plan were, inter alia, the following:

(a) The permanent presence of Turkish troops in Cyprus: According to Annan Plan V, Turkish troops would remain in Cyprus in perpetuity and even after Turkey's eventual accession to the European Union.

(b) The continuation of the intervention rights for the Guarantor Powers for an indefinite period of time:

Annan Plan V provided for the continuation of the Treaty of Guarantee for an indefinite period of time, with an expanded scope when compared to the 1960 Agreement following the independence of Cyprus. It should be noted that it is this very treaty that Turkey used as a pretext, in violation of the Charter of the United Nations, to justify its 1974 invasion of Cyprus. It was, therefore, not possible for the Greek Cypriot side to accept the indefinite continuation of Turkey's Guarantor status over a country, which has suffered an invasion and subsequent occupation by this Guarantor power.

(c) Ironclad provisions and safeguard measures for the implementation of the agreement:

Annan Plan V did not contain ironclad provisions for the implementation of the agreement, especially for those provisions where Turkey's cooperation was necessary. The demands of the Greek Cypriot side for additional guarantees and other safeguarding measures regarding the gradual reduction of Turkey's occupying troops and the territorial adjustment, were ignored, thus increasing the feeling of insecurity for the Greek Cypriots.

(d) Turkish Settlers:

Annan Plan V provided for the vast majority of more than 120,000 Turkish settlers, that were illegally transplanted in Cyprus by Turkey, to be given Cypriot citizenship and thus stay in Cyprus "legitimately", significantly altering the demographic structure of the island with dire political ramifications.

(e) Permanent flow of Turkish nationals in Cyprus:

The Plan provided for the permanent flow of Turkish nationals in Cyprus which in the long-run could also significantly alter the demographic structure of the island with significant political ramifications.

(f) Permanent Restrictions on Basic Human Rights and Fundamental Freedoms:

The Annan Plan provided for very complex and restrictive provisions regarding the right of “displaced persons” to return to their properties that inevitably limited their right of return to the absolute minimum. Moreover, certain provisions of the Plan were clear violations or long-term suspensions of the enjoyment of fundamental rights. These provisions institutionalized a divisive structure in the political sphere, on questions of residency, in the exercise of the right to property and even the right to conduct business. In essence, the Plan denied to the majority of refugees the right of return to their homes in safety. Moreover, the proposed complex mechanism, relevant to the exercise of the property rights of refugees, with the numerous conditions attached to reinstatement of property, failed to convince that it would effectively function. In addition, the scheme for compensation was fraught with ambiguities that raised serious concerns about its future economic viability.

(g) Territory - Right of Return:

The Annan Plan significantly limited the number of Greek Cypriots who would have been able to live in the Turkish Cypriot Constituent State. Moreover, while the Plan provided that the phasing of territorial adjustment would take from six months to three and a half years to materialize, it did not contain the necessary guarantees regarding the timely return of territories under the control of the Greek Cypriot Constituent State, thus making their return dependent upon the goodwill of Turkey and the Turkish Cypriots.

164. Faced with all the aforementioned legitimate concerns, the people of Cyprus was asked to approve or reject the Secretary General’s proposal for a Comprehensive Settlement of the Cyprus Problem (Annan Plan V), through separate simultaneous referenda on 24 April 2004. A clear majority of 75.8 per cent of Greek Cypriots rejected the Annan Plan (in the Turkish Cypriot side 64.9 per cent voted in favour). It should be emphasized that the Greek Cypriots have not rejected the solution of the Cyprus problem but the specific Plan of the Secretary-General that was put before them, and was considered unfair and unbalanced.

165. The disappointment of the international community for not arriving at a settlement is fully understandable. The Republic of Cyprus is the first to feel this disappointment, since an acceptable solution would serve its own vital interests as well as those of all Cypriots. Nevertheless, it should be noted that the international community should aim at finding and securing viable, just and lasting solutions to international problems. The solution, to be viable and to withstand the test of time, must be just and perceived as such by the people who have to live with it.

166. Though this particular effort did not succeed in resolving the Cyprus problem, the international community should persist in its efforts to solve the problem and remain committed

in addressing its root causes. These are none other than the illegal invasion and occupation of part of the Republic of Cyprus by Turkey and the forcible separation of Greek Cypriots and Turkish Cypriots imposed by 30 years of Turkish military occupation.

167. The government of the Republic of remains committed to a bizonal, bicomunal federation in accordance with the High Level Agreements, the United Nations resolutions, the international law and the *acquis communautaire*. Addressing the sixtieth session of the United Nations General Assembly in September 2005, President Papadopoulos reaffirmed that the “Cyprus Government remains committed to holding negotiations under the umbrella of the United Nations and to working for the creation of those conditions that will render fruitful negotiations feasible. However, revival of the talks for a comprehensive settlement of the Cyprus problem requires “thorough preparation and an honest assessment that the prospect of success is at least credible”.

168. Furthermore, a confirmation is needed that the Turkish political aims have changed and that “Turkey has reconciled itself with the fact that achieving a settlement is synonymous with the concept of a single, reunified state”. The prospect of a radical shift in Ankara’s mentality, as a result of its European Union accession course, would mark the single biggest development on the Cyprus problem in decades.

169. Cyprus is in favour of Turkey’s European prospect and has hence consented to the opening of Turkey’s accession negotiations with the European Union, in October 2005, provided of course that Turkey fulfills the criteria imposed by the Negotiating Framework, including the obligation to extend the Ankara Agreement to Cyprus and to assist and reinforce the efforts for finding a solution to the Cyprus problem, on the basis of United Nations resolutions and the principles on which the EU is founded.

170. In February 2006, President Papadopoulos met the United Nations Secretary-General in Paris, where they discussed the re-commencement of negotiations on the Cyprus problem. They agreed that the resumption of the negotiating process within the framework of the Secretary-General’s Good Offices must be timely and based on careful preparation. To that end, the Secretary-General was pleased to note that the leaders of both communities have agreed that bi-communal discussions on a series of issues, agreement on which are needed for the benefit of all Cypriots, will be undertaken at the technical level. The Secretary-General and President Papadopoulos expressed their common hope that these discussions would help restore trust between the two communities, as well as prepare the way for the earliest full resumption of the negotiating process. The Secretary-General noted that he had received assurances from the leader of the Turkish Cypriot community, Mr. Talat, that he shared the same aspirations.

171. The Secretary-General and Mr. Papadopoulos also agreed that it would be beneficial for all concerned, and would greatly improve the atmosphere for further talks, if progress could be achieved on further disengagement of forces and demilitarization on the Island, on the complete de-mining of Cyprus, and on the issue of Famagusta. They took note of the recent decision by the European Union to release the much awaited funds for the benefit of the Turkish Cypriot community. They furthermore agreed to continue their ongoing dialogue with the expressed aim at accelerating the search for a comprehensive, fair and mutually acceptable solution to the Cyprus problem.

172. At the moment, there is anticipation of the response of the Turkish Cypriot Community on those agreed by the Secretary General and President Papadopoulos.

173. Meanwhile, the Government has unilaterally adopted a package of measures for the benefit of the Turkish Cypriots, which have been described as generous by the international community and have led to tangible economic and other benefits to the Turkish Cypriots, is being implemented by the Republic of Cyprus since last year.

174. Following the signing of the Accession Treaty on 16 April 2003, the Government of the Republic of Cyprus announced on 30 April 2003, and is now implementing, a "Set of Measures" in the framework of its "Policy vis-à-vis the Turkish Cypriots". This package includes a wide range of political, social, humanitarian, educational, and economic measures aimed at providing our Turkish Cypriot compatriots, with the opportunity to acquire, have access to, 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.

175. In April 2003 the occupation regime partially lifted the restrictions it imposed on the movement of persons to and from the occupied areas. Since then more than 10,000,000 crossings have been registered from both sides of the divide bearing witness to the bankruptcy of the Turkish policy of separation.

176. More than 10,000 Turkish Cypriots cross over every day to work in the area under the effective control of the Government of the Republic of Cyprus (a figure representing more than 12 per cent of the population of Turkish Cypriots living in the occupied areas), earning about \$150 million per year. There are equally a significant number of daily visits of Turkish Cypriots to the competent authorities of the Republic, to acquire birth certificates, identity cards, passports and to deal with other administrative matters.

177. Many thousands of Turkish Cypriots have visited the medical facilities in the area controlled by the Government (of whom a large number receive free of charge specialized treatment on a regular basis at the Cyprus Oncology Center and the Cyprus Institute of Neurology and Genetics). Compared to April 2003, the monthly number of Turkish Cypriots treated in these medical facilities increased by 506 per cent. The number of Turkish Cypriots visiting the medical centers in the areas under the control of the Government is currently at about 1,350 per month.

178. The Government of the Republic of Cyprus published in the Official Gazette of the Republic (12 March 2003) the list containing the names of the Turkish Cypriots whose cases have been submitted to the Committee on Missing Persons. On 14 June 2003 the list was published in most of the Turkish Cypriots newspapers informing Turkish Cypriots of missing persons and inviting their relatives to contact the relevant authorities in order to obtain and give information about the fate of their loved ones. The response by the families of missing Turkish Cypriots has been very encouraging and a number of relatives have already visited the competent authorities of the Republic, where they have received all available information about the fate of their loved ones and have also given blood samples and ante-mortem data in order to help in the establishment of the identity of the remains through DNA processes.

179. The Government of the Republic of Cyprus is the first to support the economic development of Turkish Cypriots in a way that will promote the ultimate aim of facilitating the reunification of our country. To this end it should be emphasized that during the General Affairs Council of the European Union on 26 April 2004, the Republic of Cyprus announced to the European Union its intention to expand the trade, subject to the procedures and rules of the European Union, of wholly obtained goods (agricultural, mining and fishery products) as well as the intra-island trade of the manufactured goods produced in the occupied area. Furthermore, the Government of the Republic of Cyprus has advocated that the 259 million euros for the years 2004-2006, earmarked by the European Union for the Turkish Cypriots in the event of a Cyprus settlement, be made available as from now. Turkish Cypriots will be given the opportunity to enjoy, to the extent possible, the benefits of Cyprus's European Union accession. Due to Turkey's insistence to acquire political recognition for the illegal regime, it has only recently been possible to adopt the Resolution for the Financial Assistance to the Turkish Cypriot Community.

180. Unfortunately, due to political considerations, such far-reaching measures are not being made use of, due to the insistence of the occupation regime that there must be "direct trade" through illegal ports and airports in violation of international law. Such insistence was in fact encouraged by the proposal made by the European Commission for the adoption of a regulation for "direct trade". Such a measure cannot be accepted by the Government of the Republic of Cyprus since it entrenches upon the sovereign right of the Republic of Cyprus, albeit being the sole authority responsible for defining the points of entry to and exit from its territory. The said regulation presupposes the use of illegal ports and airports in the areas not under the effective control of the Government of the Republic and allows for the recognition of "public authorities" of the secessionist entity in the occupied areas of the island.

181. It is more than evident, in this respect, that Turkey and the Turkish Cypriot leadership is not genuinely interested in the economic development of the Turkish Cypriot community, but primarily seeks the upgrading and ultimate recognition of the secessionist entity, i.e. to secure purely political advantages.

182. With a view to using all means possible for the facilitation of the economic development of the Turkish Cypriots with a view to the economic integration of the island and the promotion of cooperation among the two communities, the Government of the Republic of Cyprus communicated to the Presidency of the EU, three proposals that if implemented will facilitate the conduct of trade by the Turkish Cypriots, to the rest of the Community. These proposals consisted of:

- (a) The return of the town of Varosha to its lawful inhabitants;
- (b) The re-opening of the port of Famagusta under the aegis of the European Commission and co-management by Greek Cypriots and Turkish Cypriots; and
- (c) The use of a part of the port of Larnaka by Turkish Cypriots, for purposes of trade.

183. It was to the Government's disappointment that none of these proposals was acted upon. Instead, a number of players, both within and outside the European Union, continue to insist on

the adoption of the “direct trade” regulation. Such mentality illustrates the motives behind the proposal which do not concentrate on the economic development of the Turkish Cypriot community but rather aim at the upgrading of the secessionist entity in the occupied areas.

184. It should also be noted that in June 2004, despite the negative stance of the Turkish side on this issue, the Government of the Republic of Cyprus took the unilateral decision to clear eight minefields laid by the National Guard within the buffer zone and a relevant agreement was reached with UNFICYP. The EU funded demining programme commenced on 16 November 2004 and is estimated to be completed in just over a year. The Government of the Republic of Cyprus expects Turkey to respond positively to the provisions of the relevant United Nations resolutions and in line with its international obligations emanating from the Ottawa Convention to agree to UNFICYP’s proposal for the clearance of the twenty-seven minefields laid by the Turkish occupation forces in the buffer zone.

185. In light of anticipated political manoeuvres of the Turkish side to take advantage of the result of the referenda, the Government of the Republic of Cyprus will continue to do everything possible to maintain the conviction of the international community that it is genuinely interested in a functional and viable settlement of the Cyprus problem on the basis of the Security Council resolutions and the *acquis communautaire*.

186. The Government of the Republic of Cyprus will not stop searching for a solution of the Cyprus problem which will allow all Cypriots, Greek Cypriots and Turkish Cypriots alike, to fully enjoy the benefits and advantages of European Union membership. A settlement must allow Cyprus to function effectively within the EU and must ensure respect of the human rights and fundamental freedoms for all Cypriots and a peaceful, prosperous and secure future for all the lawful citizens of Cyprus.

Appendix

OFFICE OF THE LAW COMMISSIONER

**List of international instruments that relate to human rights
to which Cyprus is a party**

Abbreviations

CETS	Council of Europe Treaty Series
COG	Republic of Cyprus Official Gazette
Law No.	Republic of Cyprus Law Number in the Cyprus Official Gazette
OJ	Official Journal of the European Community/European Union
S.	Supplement to the Cyprus Official Gazette
LNTS	League of Nations Treaty Series
UNTS	United Nations Treaty Series

A. Universal instruments

General instruments

1. **International Covenant on Economic, Social and Cultural Rights
New York, 16 December 1966**
Cyprus ratified the Covenant on 2 April 1969
Source: COG S.I 711, 28.02.1969, p. 113; Law No. 14/1969
2. **International Covenant on Civil and Political Rights
New York, 16 December 1966**
Cyprus ratified the Covenant on 2 April 1969
Source: COG S.I 711, 28.02.1969, p. 113; Law No. 14/1969
- 2.1 **Optional Protocol to the International Covenant on Civil and Political Rights
New York, 16 December 1966**
Cyprus ratified the Protocol on 15 April 1992
Source: COG S.I(III) 2694, 26.03.1992, p. 33; Law No. 17(III)/1992
- 2.2 **Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
New York, 15 December 1989**
Cyprus became a party to the Protocol by accession on 10 September 1999
Source: COG S.I(III) 3337, 09.07.1999, p. 76; Law No. 12(III)/1999; COG S.I(III) 3699, 21.03.2003, p. 429; Law No. 10(III)/2003

Instruments concerning specific issues

Prevention of discrimination

3. **International Convention on the Elimination of All Forms of Racial Discrimination
New York, 7 March 1966**
Cyprus ratified the Convention on 21 April 1967
Source: COG S.I 566, 30.03.1967, p. 417; Law No. 12/1967; COG S.I(III) 2682, 21.02.1992, p. 21; Law No. 11/1992; COG S.I(III) 3378, 31.12.1999, p. 473; Law No. 28(III)/1999

**Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination
New York 15 January 1992**
Cyprus accepted the Amendment on 28 September 1998
Source: COG S.I(III) 2963, 24 March 1995, p. 11; Law No 6(III)/1995
4. **Convention (No. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value
Geneva, 29 June 1951**
Cyprus ratified the Convention on 19 November 1987
Source: COG S.I 2269, 30.10.1987, p. 1375; Law No. 213/1987

5. **Convention against Discrimination in Education**
Paris, 15 December 1960
Cyprus accepted the Convention on 9 June 1970
- 5.1 **Protocol Instituting a Conciliation and Good Offices Commission to be Responsible for Seeking the Settlement of any Dispute which may arise between States Parties to the Convention**
Paris, 10 December 1962
Cyprus accepted the Protocol on 9 June 1970
Source: COG S.I 786, 10.04.1970, p. 424; Law No. 18/1970
6. **Convention (No. 111) concerning the Discrimination in Employment and Occupation**
Geneva, 25 June 1958
Cyprus ratified the Convention on 2 February 1968
Source: COG S.I 623, 12.01.1968, p. 5; Law No. 3/1968

Genocide, war crimes, crimes against humanity

7. **Convention on the Prevention and Punishment of the Crime of Genocide**
New York, 9 December 1948
Cyprus acceded to the Convention on 29 March 1982
Source: COG S.I 1640, 24.10.1980, p. 1205; Law No. 59/1980
8. **Rome Statute of the International Criminal Court**
Rome, 17 July 1998
Cyprus ratified the Statute on 7 March 2002
Source: COG S.I(III) 3585, 11.03.2002, p. 241; Law No. 8(III)/2002; COG S.I(III) 4074, 28.07.2006, p. 405; Law No. 23(III)/2006
- 8.1 **Agreement on the Privileges and Immunities of the International Criminal Court**
New York, 9 September 2002
Cyprus ratified the Agreement on 18 August 2005
Source: COG S.I(III) 3927, 26.11.2004, p. 4340; Law No. 56(III)/2004

Terrorism

9. **International Convention for the Suppression of Terrorist Bombings**
New York, 15 December 1997
Cyprus ratified the Convention on 24 January 2001
Source: COG S.I(III) 3415, 30.06.2000, p. 291; Law No. 19(III)/2000
10. **International Convention for the Suppression of the Financing of Terrorism**
New York, 10 December 2000
Cyprus ratified the Convention on 30 November 2001
Source: COG S.I(III) 3551, 30.11.2001, p. 2019; Law No. 29(III)/2001; COG S.I(III) 4015, 22.07.2005, p.1103; Law No. 18(III)/2005

Signed, in process of ratification

International Convention for the Suppression of Acts of Nuclear Terrorism

New York, 13 April 2005

Cyprus signed the Convention on 15 September 2005

Torture and other cruel, inhuman or degrading treatment or punishment

11. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

New York, 10 December 1984

Cyprus ratified the Convention on 18 July 1991

Source: COG S.I 2565, 21.12.1990, p. 2845; Law No. 235/1990; COG S.I(III) 2842, 10.12.1993, p. 373; Law No. 35(III)/1993; COG S.I(III) 3661, 13.12.2002, p. 1197; Law No. 36(III)/2002

11.1 Amendments to articles 17(7) and 18(5) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

New York, 8 September 1992

Cyprus accepted the Amendments on 22 February 1994

Source: COG S.I(III) 2842, 10.12.1993, p. 373; Law No. 35(III)/1993; COG S.I(III) 3661, 13.12.2002, p. 1197; Law No. 36(III)/2002

Note: Cyprus has made a Declaration recognising the competence of the Committee Against Torture under Articles 21 and 22 of the Convention (to receive and consider communications by one state party against another or presented from or on behalf of individuals).

Signed, in process of ratification

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

New York, 18 December 2002

Cyprus signed the Optional Protocol on 26 July 2004

Slavery, traffic in persons, forced labour

12. Convention (No. 29) concerning Forced or Compulsory Labour, as modified by the Final Articles Revision Convention, 1946

Geneva, 28 June 1930

Cyprus ratified the Convention on 23 September 1960

Source: UNTS vol. 39, p. 55 and vol. 381, p. 370

13. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

Lake Success, New York, 21 March 1950

Cyprus acceded to the Convention on 5 October 1983

Source: COG S.I 1875, 22.07.1983, p. 835; Law No. 57/1983

14. **Slavery Convention, signed at Geneva on 25 September 1926 and amended by the Protocol
New York, 7 December 1953**
Cyprus became a party to the Convention by succession on 21 April 1986
Source: LNTS vol. LX p. 253; UNTS vol. 212, p. 17 and vol. 1424, p. 365
15. **Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
Geneva, 7 September 1956**
Cyprus became a party to the Convention by succession on 11 May 1962
Source: UNTS vol. 266, p. 3 and vol. 429, p. 298
16. **Convention (No. 105) concerning the Abolition of Forced Labour
Geneva, 25 June 1957**
Cyprus ratified the Convention on 23 September 1960
Source: UNTS vol. 320, p. 291 and vol. 349, p. 347

Freedom of Information

17. **Convention on the International Right of Correction
New York, 31 March 1953**
Cyprus ratified the Convention on 13 November 1972
Source: COG S.I 966, 06.10.1972, p. 847; Law No. 68/1972

Instruments relating to the protection of particular groups

Aliens, refugees, stateless persons

18. **Convention relating to the Status of Refugees
Geneva, 28 July 1951**
Cyprus became a party to the Convention by succession 16 May 1963
Source: UNTS vol. 189, p. 137 and vol. 466, p. 388
- 18.1 **Protocol relating to the Status of Refugees
New York, 31 January 1967**
Cyprus acceded to the Protocol on 9 July 1968
Source: COG S.I 663, 05.07.1968, p. 560; Law No. 73/1968

Workers

19. **Convention (No. 11) concerning the Rights of Association and Combination of Agricultural Workers, as modified by the Final Articles Revision Convention, 1946
Geneva, 12 November 1921**
Cyprus ratified the Convention on 8 October 1965
Source: COG S.I. 439, 16.09.1965, p. 643; Law No. 54/1965

20. **Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organize**
San Francisco, 9 July 1948
Cyprus ratified the Convention on 24 May 1966
Source: COG S.I 494, 12.05.1966, p. 342; Law No. 17/1966
21. **Convention (No. 98) concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, as modified by the Final Articles Revision Convention, 1961**
Geneva, 1 July 1949
Cyprus ratified the Convention on 24 May 1966
Source: COG S.I 494, 12.05.1966, p. 347; Law No. 18/1966
22. **Convention (No. 122) concerning Employment Policy**
Geneva, 9 July 1964
Cyprus ratified the Convention on 28 July 1966
Source: COG S.I 509, 14.07.1966, p. 421; Law No 39/1966
23. **Convention (No. 135) concerning Protection and Facilities to be Afforded to Workers' Representatives in the Undertaking**
Geneva, 23 June 1971
Cyprus ratified the Convention on 3 January 1996
Source: COG S.I(III) 3022, 08.12.1995, p. 1529; Law No. 30(III)/1995; COG S.I(III) 4060, 23.12.2005, p. 2428; Law No. 46(III)/2005
24. **Convention (No. 141) concerning Organizations of Rural Workers and their Role in Economic and Social Development**
Geneva, 23 June 1975
Cyprus ratified the Convention on 28 June 1977
Source: COG S.I 1360, 24.06.1977, p. 617; Law No. 34/1977
25. **Convention (No. 143) concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers**
Geneva, 24 June 1975
Cyprus ratified the Convention on 28 June 1977
Source: COG S.I 1360, 24.06.1977, p. 631; Law No. 36/1977
26. **Convention (No. 151) concerning Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service**
Geneva, 27 June 1978
Cyprus ratified the Convention on 6 July 1981
Source: COG S.I 1643, 14.11.1980, p. 1231; Law No. 65/1980

Women, children, family

27. **Convention on the Political Rights of Women**
New York, 31 March 1953
Cyprus ratified the Convention on 12 November 1968
Source: COG S.I 689, 25.10.1968, p. 635; Law No. 107/1968
28. **Convention on the Nationality of Married Women**
New York, 20 February 1957
Cyprus became a party to the Convention by succession 26 April 1971
Source: UNTS I-4468, vol. 309
29. **Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages**
New York, 10 December 1962
Cyprus acceded to the Convention on 30 July 2002
Source: COG S.I(III) 3612, 21.06.2002, p. 559; Law No. 16(III)/2002
30. **Convention (No. 138) concerning Minimum Age for Admission to Employment**
Geneva, 26 June 1973
Cyprus ratified the Convention on 2 October 1997
Source: COG S.I(III) 3158, 27.07.1997, p. 883; Law No. 17(III)/1997
31. **Convention on the Elimination of All Forms of Discrimination against Women**
New York, 18 December 1979
Cyprus acceded to the Convention on 23 July 1985
Source: COG S.I 2064, 12.07.1985, p. 2131; Law No. 78/1985
- 31.1 **Amendment to article 20, paragraph 1 of the Convention of the Elimination of All Forms of Discrimination against Women**
New York, 22 December 1995
Cyprus accepted the Amendment on 30 July 2002
Source: UN Doc. CEDAW/SP/1995/2
- 31.2 **Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**
New York, 6 October 1999
Cyprus ratified the Protocol on 26 April 2002
Source: COG S.I(III) 3580, 01.03.2002, p. 1; Law No. 1(III)/2002
32. **Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour**
Geneva, 17 June 1999
Cyprus ratified the Convention on 27 November 2000
Source: COG S.I(III) 3449, 17.11.2000, p. 713; Law No. 31(III)/2000

33. **Convention on the Rights of the Child**

New York, 20 November 1989

Cyprus ratified the Convention on 7 February 1991

Source: COG S.I 2566, 28.12.1990, p. 2893; Law No. 243/1990

33.1 **Amendment to article 43(2) of the Convention on the Rights of the Child**

New York, 12 December 1995

Cyprus: 20 September 2001 acceptance

Source: COG S.I(III) 3388, 18.02.2000, p. 153; Law No. 5(III)/2000

33.2 **Optional Protocol to the Convention on the Rights of the Child on the sale of Children, child prostitution and child pornography**

New York, 25 May 2000

Cyprus ratified the Protocol on 6 April 2006

Source: COG S.I(III) 4067, 10.03.2006, p. 102; Law No. 6(III)/2006

Instrument to be signed

Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

New York, 25 May 2000

Persons with disabilities

Signed, in process of ratification

Convention on the Rights of Persons with Disabilities and Optional Protocol to the Convention

New York, 13 December 2006

Cyprus signed the Convention and Optional Protocol on 30 March 2007

Protection from enforced disappearance

Signed, in process of ratification

International Convention for the Protection of All Persons from Enforced Disappearance

New York, 20 December 2006

Cyprus signed the Convention on 6 February 2007

Combatants, prisoners and civilians

34. **Conventions for the Protection of War Victims:**

I. Convention for the Amelioration of the Condition of Wounded and Sick in Armed Forces in the Field (First Convention)

II. Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention)

III. Convention relative to the Treatment of Prisoners of War (Third Convention)

IV. Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention)

Geneva, 12 August 1949

Cyprus acceded to the Convention on 23 May 1962

Source: COG S.I 510, 18.07.1966, p. 425; Law No. 40/1966

34.1 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), with Annexes, Final Act and Resolutions

Geneva, 8 June 1977

Cyprus ratified the Protocol on 1 June 1979

Source: COG S.I 1518, 12.05.1979, p. 669; Law No. 43/1979

Note: On 14 October 2002, Cyprus made a Declaration provided for under Article 90 of Protocol I (Preliminary acceptance of the competence of the international Fact-Finding Commission)

34.2 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), with Annexes, Final Act and Resolutions

Geneva, 8 June 1977

Cyprus acceded to the Protocol on 18 March 1996

Source: COG S.I(III) 2964, 31.03.1995, p. 13; Law No. 7(III)/1995

Signed, in process of ratification

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the adoption of an Additional Distinctive Emblem (Protocol III)

Geneva, 8 December 2005

Cyprus signed the Protocol on 19 June 2006

B. Regional instruments

General instruments

35. Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 5)

Rome, 4 November 1950

Cyprus ratified the Convention on 6 October 1962

Source: COG S.I 157, 24.05.1962, p. 353; Law No. 39/1962

35.1 Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 9)

Paris, 20 March 1952

Cyprus ratified the Protocol on 6 October 1962

Source: COG S.I 157, 24.05.1962, p. 365; Law No. 39/1962

- 35.2 Protocol No. 2 to the Convention for the Protection of Human Rights and Fundamental Freedoms, conferring upon the European Court of Human Rights competence to give advisory opinions (CETS No. 44)
Strasbourg, 6 May 1963**
Cyprus ratified the Protocol on 22 January 1969
Source: COG S.I 693, 22.11.1968, p. 656; Law No. 118/1968
- 35.3 Protocol No. 3 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 29, 30 and 34 of the Convention (CETS No. 45)
Strasbourg, 6 May 1963**
Cyprus ratified the Protocol on 21 January 1969
Source: COG S.I 693, 22.11.1968, p. 657; Law No. 118/1968
- 35.4 Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms, securing certain rights and freedoms other than those already included in the Convention and in the first Protocol thereto (CETS No. 46)
Strasbourg, 16 September 1963**
Cyprus ratified the Protocol on 3 October 1989
Source: COG S.I 2404, 21.04.1989, p. 1593; Law No. 52/1989
- 35.5 Protocol No. 5 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending Articles 22 and 40 of the Convention (CETS No. 55)
Strasbourg, 20 January 1966**
Cyprus ratified the Protocol on 22 January 1969
Source: COG S.I 693, 22.11.1968, p. 658; Law No. 118/1968
- 35.6 Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the Death Penalty (CETS No. 114)
Strasbourg, 28 April 1983**
Cyprus ratified the Protocol on 19 January 2000
Source: COG S.I(III) 3337, 09.07.1999, p. 71; Law No. 11(III)/1999
- 35.7 Protocol No. 7 to the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 117)
Strasbourg, 22 November 1984**
Cyprus ratified the Protocol on 15 September 2000
Source: COG S.I(III) 3415, 30.06.2000, p. 279; Law No. 18(III)/2000
- 35.8 Protocol No. 8 to the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 118)
Vienna, 19 March 1985**
Cyprus ratified the Protocol on 13 June 1986
Source: COG S.I 2133, 11.04.1986, p. 763; Law No. 35/1986

- 35.9 **Protocol No. 9 to the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 140)**
Rome, 6 November 1990
Cyprus ratified the Protocol on 26 September 1994
Source: COG S.I(III) 2721, 03.07.1992, p. 163; Law No. 25(III)/1992
- 35.10 **Protocol No. 10 to the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 146)**
Basel, 25 March 1992
Cyprus ratified the Protocol on 8 February 1994
Source: COG S.I(III) 2844, 17.12.1993, p. 1243; Law No. 41(III)/1993
- 35.11 **Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms, restructuring the control machinery established thereby (CETS No. 155)**
Strasbourg, 11 May 1994
Cyprus ratified the Protocol on 28 June 1995
Source: COG S.I(III) 2966, 14.04.1995, p. 37; Law No. 8(III)/1995
- 35.12 **Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (CETS No. 177)**
Rome, 4 November 2000
Cyprus ratified the Protocol on 30 April 2002
Source: COG S.I(III) 3595, 19.04.2002, p. 471; Law No. 13(III)/2002
- 35.13 **Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances (CETS No. 187)**
Vilnius, 3 May 2002
Cyprus ratified the Protocol on 12 March 2003
Source: COG S.I(III) 3678, 31.01.2003, p. 1; Law No. 1(III)/2003
- 35.14 **Protocol No. 14 to the Convention for the Protection of Human Rights and Fundamental Freedoms, amending the control system of the Convention (CETS No. 194)**
Strasbourg, 13 May 2004
Cyprus ratified the Protocol on 17 November 2005
Source: COG S.I(III) 4048, 04.11.2005, p. 1262; Law No. 31(III)/2005
36. **European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights (CETS No. 67)**
London, 6 May 1969
Cyprus ratified the Agreement on 23 November 1970
Source: COG S.I 833, 30.10.1970, p. 585; Law No. 76/1970

37. **European Agreement relating to Persons participating in Proceedings of the European Commission and Court of Human Rights (CETS No. 161)**
London, 5 March 1996
Cyprus ratified the Agreement on 9 February 2000
Source: COG S.I(III) 3376, 23.12.1999, p. 449; Law No. 26(III)/1999
38. **European Social Charter, with appendix (CETS No. 35)**
Turin, 18 October 1961
Cyprus ratified the Charter on 7 March 1968
Source: COG S.I 603, 20.10.1967, p. 693; Law No. 64/1967; COG S.I 2648, 22.10.1991, p. 1937; Law No. 203/1991
- 38.1 **Protocol amending the European Social Charter (CETS No. 142)**
Turin, 21 October 1991
Cyprus ratified the Protocol on 1 June 1993
Source: COG S.I(III) 2791, 23.04.1993, p. 187; Law No. 10(III)/1993
- 38.2 **Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (CETS No. 158)**
Strasbourg, 9 November 1995
Cyprus ratified the Protocol on 6 August 1996
Source: COG S.I(III) 3071, 28.06.1996, p. 141; Law No. 9(III)/1996
39. **European Social Charter (revised) (CETS No. 163)**
Strasbourg, 3 May 1996
Cyprus ratified the Charter on 27 September 2000
Source: COG S.I(III) 3420, 21.07.2000, p. 641; Law No. 27(III)/2000
40. **Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (CETS No. 108)**
Strasbourg, 28 January 1981
Cyprus ratified the Convention on 21 February 2002
Source: COG S.I(III) 3549, 23.11.2001, p. 1987; Law No. 28(III)/2001
- 40.1 **Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, regarding supervisory authorities and transborder data flows (CETS No. 181)**
Strasbourg, 8 November 2001
Cyprus ratified the Additional Protocol on 17 March 2004
Source: COG S.I(III) 3732, 04.07.2003, p. 1672; Law No. 30(III)/2003
41. **Convention for the protection of Human Rights and Dignity of the Human Being with regard to the application of biology and medicine: Convention on Human Rights and Biomedicine (CETS No. 164)**
Oviedo, 4 April 1997
Cyprus ratified the Convention on 20 March 2002
Source: COG S.I(III) 3563, 28.12.2001, p. 2077; Law No. 31(III)/2001

- 41.1 **Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings (CETS No. 168)**
Paris, 12 January 1998
Cyprus ratified the Additional Protocol on 20 March 2002
Source: COG S.I(III) 3563, 28.12.2001, p. 2103; Law No. 31(III)/2001
42. **Convention on Cybercrime (CETS No. 185)**
Budapest, 23 November 2001
Cyprus ratified the Convention on 19 January 2005
Source: COG S.I(III) 3850, 30.04.2004, p. 2717; Law No. 22(III)/2004

Instruments concerning specific issues

Prevention of Discrimination

- 42.1 **Additional Protocol to the Convention on Cybercrime concerning the Criminalisation of Acts of a Racist and Xenophobic Nature committed through Computer Systems (CETS No. 189)**
Strasbourg, 28 January 2003
Cyprus ratified the Additional Protocol on 23 June 2005
Source: COG S.I(III) 3850, 30.04.2004, p. 2889; Law No. 26(III)/2004; COG S.III(I) 4128, 11.08.2006, p. 2978

Terrorism

43. **European Convention on the Suppression of Terrorism (CETS No. 90)**
Strasbourg, 27 January 1977
Cyprus ratified the Convention on 6 February 1979
Source: COG S.I 1498, 26.01.1979, p. 11; Law No. 5/1979
- 43.1 **Protocol Amending the European Convention on the Suppression of Terrorism (CETS No. 190)**
Strasbourg, 15 May 2003
Cyprus ratified the Convention on 6 August 2004
Source: COG S.I(III) 3850, 30.04.2004, p. 2539; Law No. 18(III)/2004

Signed, in process of ratification

Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)
Warsaw, 16 May 2005
Cyprus signed the Convention on 16 May 2005

Torture and inhuman or degrading treatment or punishment

**44. European Convention for the Prevention of, with Annex (CETS No. 126)
Strasbourg, 26 November 1987**

Cyprus ratified the Convention on 3 April 1989

Source: COG S.I 2385, 24.02.1989, p. 725; Law No. 24/1989

**44.1 Protocol No. 1 to the European Convention for the Prevention of Torture and
Inhuman or Degrading Treatment or Punishment (CETS No. 151)
Strasbourg, 4 November 1993**

Cyprus ratified the Protocol on 10 September 1997

Source: COG S.I(III) 3137, 28.03.1997, p. 681; Law No. 8(III)/1997

**44.2 Protocol No. 2 to the European Convention for the Prevention of Torture and
Inhuman or Degrading Treatment or Punishment (CETS No. 152)
Strasbourg, 4 November 1993**

Cyprus ratified the Protocol on 10 September 1997

Source: COG S.I(III) 3137, 28.03.1997, p. 693; Law No. 8(III)/1997

Trafficking in human beings

Signed, in process of ratification

**Convention on Action against Trafficking in Human Beings (CETS No. 197)
Warsaw, 16 May 2005**

Cyprus signed the Convention on 16 May 2005

Instruments relating to the protection of particular groups

Minorities

**45. European Charter for Regional or Minority Languages (CETS No. 148)
Strasbourg, 5 November 1992**

Cyprus ratified the Charter on 26 August 2002

Source: COG S.I(III) 2842, 10.12.1993, p. 521; Law No. 39(III)/1993

**46. Framework Convention for the Protection of National Minorities
(CETS No. 157)
Strasbourg, 1 February 1995**

Cyprus ratified the Convention on 4 June 1996

Source: COG S.I(III) 3018, 24.11.1995, p. 1471; Law No. 28(III)/1995

Children

**47. European Convention on the Legal Status of Children born out of Wedlock
(CETS No. 85)**

Strasbourg, 15 October 1975

Cyprus ratified the Convention on 11 July 1979

Source: COG S.I 1523, 01.06.1979, p. 845; Law No. 50/1979

48. **European Convention on the Exercise of Children's Rights (CETS No. 160)**
Strasbourg, 25 January 1996
Cyprus ratified the Convention on 25 October 2005
Source: COG S.I(III) 4015, 22.07.2005, p. 1229; Law No. 23(III)/2005

Other instruments

49. **Treaty concerning the Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic to the European Union**
Athens, 16 April 2003
Cyprus ratified the Treaty on 6 August 2003
Sources: COG S.I(III) 3740, 25.07.2003, p. 2061; Law No. 35(III)/2003; OJ L 236, 23.09.2003 and OJ C 227E, 23.09.2003

Note: Through its accession to the European Union, Cyprus is a party to the following Treaties

A. *Treaty Establishing the European Community (EC Treaty)*

B. *The Treaty on European Union (EU Treaty)*

50. **Final Act of the Conference on Security and Cooperation in Europe**
Helsinki, 1 August 1975
Cyprus signed and adopted the Final Act of the Conference on 1 August 1975

Note: OSCE Human Dimension Commitments

List compiled for the Office of the Law Commissioner
Nicosia, July 2007
