



COUNCIL    CONSEIL  
OF EUROPE    DE L'EUROPE

01 March 1999

ACFC/SR(1999)002 rev

---

**REPORT SUBMITTED BY CYPRUS  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

---

## TABLE OF CONTENTS

### PART I

#### INTRODUCTION

- A. SUMMARY OVERVIEW OF HISTORICAL DEVELOPMENT
- B. RECENT POLITICAL HISTORY AND DEVELOPMENTS
- C. THE CONSTITUTIONAL STRUCTURE
- D. POPULATION
- E. ECONOMY AND SOCIO-ECONOMIC INDICATORS
- F. STATUS OF INTERNATIONAL LAW IN THE DOMESTIC LEGAL ORDER

### PART II

Article 1

Article 2

Article 3

Article 4

Article 5

Article 6

Article 7

Article 8

Article 9

Article 10

Article 11

Article 12

Article 13

Article 14

Article 15

Article 16

Article 18

Article 19

Article 20

Article 21

Article 22

Article 23

Article 30

## **PART I**

### **INTRODUCTION**

#### **A. SUMMARY OVERVIEW OF HISTORICAL DEVELOPMENT**

1. 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.
2. Cyprus was well-known to the ancients for its copper mines and forests. Its geostrategic/geographic position, placed at the cross-roads 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.).
3. During the fifth century B.C., there was considerable interaction between Athens and Cypriot city-states, particularly Salamis.
4. On the partition of the empire of Alexander the Great, who liberated the island from 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 colonised Cyprus as part of the Roman Empire, until the 4<sup>th</sup> century A.D..
5. 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 Roman rule.
6. In 330 A.D., Cyprus became part of the Eastern Section of the Roman Empire, and later (395 A.D.) of the Byzantine Empire, until the 12<sup>th</sup> century A.D..
7. During the period of the Crusades, Cyprus was conquered by Richard the Lionheart 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). Cyprus 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.
8. After a long but unsuccessful peaceful political and diplomatic effort, which included a referendum for self-determination in 1950, the Greek Cypriots in 1995 rebelled against the colonial regime, and fought for their freedom.
9. During the anticolonial 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, gave rise inevitably, to serious incidents between the two communities.

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

## B. RECENT POLITICAL HISTORY AND DEVELOPMENTS

1. The Republic of Cyprus was set up on 16 August 1960, with the coming into force of its Constitution and three main Treaties, which have their origin in the Zurich Agreement of 11 February 1959 between Greece and Turkey, and the United Kingdom. The Constitution of the Republic together with the three Treaties afforded the legal framework for the existence and functioning of the new State.

The three Treaties are:

2. The Treaty of Establishment. It was signed by Cyprus, Greece, Turkey and the United Kingdom. It provides for the establishment of the Republic of Cyprus and, inter alia, for the creation and operation of two sovereign British military bases in Cyprus; the co-operation of the Parties for the common defence of Cyprus; and the recognition and respect of human rights to 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).

3. The Treaty of Guarantee. It was signed by Cyprus, the United Kingdom, Greece and Turkey, whereby 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).

4. The Treaty of Alliance. It was 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).

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

6. 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 submission of constitutional amendments submitted by the President of the Republic, and which were immediately rejected by the Turkish Government, and subsequently by the Turkish Cypriot community.

7. Turkey, in furtherance to its designs, based on territorial aggrandisement, instigated the Turkish Cypriot leadership to resort to insurrection against the state, thus forcing 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.

8. As a result of the above, and the intercommunal violence that ensued, the Security Council of the United Nations was seized-of the situation, and by resolution 186 of 4 March 1964 a Peace Keeping Force (UNFICYP) was sent to Cyprus and a Mediator was appointed. In

his Report (S/6253, A/6017, 26 March 1965), the Mediator, Dr Gala Plaza, criticized the 1960 legal framework, and proposed necessary amendments which were again forthwith 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, necessitating a series of UN Resolutions calling, inter alia, for respect of the sovereignty, independence and territorial integrity of Cyprus.

9. 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"* (Report S/6426 10.6.65).

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

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

12. As a result, approximately 37% of the territory of the Republic was and remains occupied. Many thousand of people amounting to 40% of the Greek Cypriot population, representing 82% of the total population of the occupied part of Cyprus, were forcibly expelled. Thousands of people, including civilians, were wounded, ill treated or killed. Moreover, the fate of hundreds of Greek Cypriote, including women and children and other civilians, many of whom were known to have been captured by the Turkish army, is still unknown.

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

14. 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 colonization. To this extent. Turkey has allowed the settlement until the end of 1996 of about 109.000 of its citizens to the area under its military occupation.

15. The policy of the Turkish Government also led to the shrinking of the Turkish Cypriot population mainly through emigration, from 120.000 in 1974, to approximately 89.200 by the end of 1996 (pl. refer also to the report of the Parliamentary Assembly of the Council of Europe on "The demographic structure of Cypriot communities" of 27 April 1992 (Doc. 6589). The net emigration of Turkish Cypriote between 1974 - 1996 was, in accordance with Turkish Cypriot sources, approximately 48.600.

16. A series of United Nations General Assembly and Security Council Resolutions condemned the invasion of Cyprus, the continuing military occupation, its colonization, and the secessionist acts that followed and, demanded the return of the refugees to their homes in safety, as well as the tracing of missing person, they also urged the speedy withdrawal of all foreign troops, and called for respect of the human rights of the Cypriots (pl. see inter alia **General Assembly res.** 3212 (XXIX) 1 Nov. 1974; 3395 (XXX) 20 Nov. 1975; 31/12 (1976)12 Nov. 1976; 32/15 (1977) 9 Nov. 1977; 33/15 (1978) 9 Nov. 1978; 34/30 (1979) 20 Nov. 1979; 37/253 (1983)13 May 1983; - **Security Council res.** 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; 36KI974) 30 August 1974; 364(1974) 13 Dec. 1974; 365(1974) 13 Dec. 1974; 367(1975) 12 March 1975; 370(1975) 13 June 1975; 414(1977) 15 Sept. 1977; 440(1978) 27 Nov 1978; 541(1983) 18 Nov. 1983; 550(1984) 11 May 1984; 649(1990) 12 March 1990; 716(1991) 11 Oct. 1991; 750(1992) 10 April 1992; 774(1992) 26 Aug 1992; 789(1992) 25 Nov. 1992; 939(1994) 29 July 1994; 969(1994) 21 Dec 1994; 1000(1995) 23 June 1995; 103211995) 19 Dec. 1995; 1062(1996) 28 June 1996; 1092(1996) 23 Dec. 1996; and 1117(1997) 27 June 1997).

17. Moreover, the European Commission of Human Rights found the Government 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 (pl. see Report of 10 July 1976 on Applications on 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).

18. On 15 November 1983, in the middle of yet another United Nations initiative, 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. Turkey immediately accorded recognition to the secessionist entity which, however, has not been recognized by any other state. Further secessionist acts followed. United Nations 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.

19. In its search for a peaceful solution, the Cyprus Government, despite the continuing illegal occupation, agreed to intercommunal talks being held in line with the aforesaid UN resolutions. No success was so far achieved, because of the Turkish intransigence and partitionist designs. In the words of the UN Secretary General: *"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"* (para 53, doc. S/1994/629 of 30 May 1994).

20. The Cyprus Government hopes that Turkey and the Turkish Cypriote will show the necessary commitment, goodwill and respect for international law, and will fully co-operate. 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 the occupation troops and illegal settlers; a solution which would secure full respect of human rights and fundamental freedoms for all Cypriots, irrespective of ethnic origin or religion.

21. From the above, it is evident that the Government of the Republic of Cyprus is prevented by armed force from exercising authority and control and ensuring implementation and respect of human rights in the occupied area (pl. see inter alia European Commission of Human Rights Reports, Cyprus against Turkey, op.cit. "*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"*". pl. also see Judgement of European Court of Human Rights, "Case of Loizidou v. Turkey (Merits) (40/1993/435/514) Judgment, 18 December 1996."

### C. THE CONSTITUTIONAL STRUCTURE

1. The Constitution provides for a presidential system of government, with a president who has to be Greek and a Vice-President who has to be a Turk, elected by the Greek and Turkish Communities of Cyprus respectively for a fixed five-year term (Article 1).
2. 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 7 Greek and 3 Turkish Cypriot ministers nominated by the President and the Vice-President respectively, but appointed by them co-jointly, exercises executive power in all matters other than those which, under express provisions of the Constitution, are within the competence of the President and Vice-President and the Communal Chambers (Article 54).
3. 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.
4. The House of Representatives exercises legislative power in all matters, except those expressly reserved to the Communal Chambers under the Constitution (Article 61).
5. Two Communal Chambers were also envisaged by the Constitution to exercise legislative and administrative power on certain matters, such as religious affairs, educational and cultural matters, and communal taxes and charges levied to provide for the needs of, bodies and institutions under the control of the Chamber (Articles 86 to 90).
6. The Constitution provides 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.
7. The Supreme Constitutional Court was vested with jurisdiction in all matter pertaining to 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, mandamus, prohibition, quo wan-ante and certiorary. 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.

8. The independent officers of the Republic are, the Attorney-General and his Deputy, the Auditor-General and his Deputy and, the Governor and Deputy-Governor of the Central Bank. They are all appointed by the President and Vice-President on a community basis. The public service of the Republic should be composed of 70% Greek Cypriote and 30% Turkish Cypriote with a Public Service Commission similarly composed, responsible for appointments, promotions, discipline etc.
9. 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 to obtain and employ schoolmasters, professors or clergymen provided by the Greek or Turkish Government (Article 108).
10. The entrenched communal character of the Constitution was confirmed by the voting system. All elections were to be conducted on the basis of separate communal electoral lists (Articles 63 and 94) and separate voting (Articles 1, 39, 62, 86, 173 and 178). Elections are now based on the proportional representation principle.
11. The withdrawal of Turkish Cypriot officials, and their refusal to exercise their functions, rendered impossible the governing of the Republic, in accordance with the provisions of the Constitution.
12. Matters came to a head, when the neutral President 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 their posts, whereupon half of them fled abroad.
13. The above situation necessitated the introduction of remedial legislative measures. Thus the Administration of Justice (Miscellaneous Provisions) Law of 1964 was enacted, creating thus a new Supreme Court which took over the jurisdiction of both the Supreme Constitutional Court and the High Court. The same Law restructured the Supreme Council of Judicature, which is the organ ensuring the independence of the judiciary.
14. 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), held that the said Law was justified under the doctrine of necessity, in view of the abnormal situation prevailing in Cyprus. Thereafter the administration of justice returned to normality.
15. On the basis of the same doctrine, legislative action remedied similar situations concerning the Communal Chamber, the Public Service Commission and membership of the House of Representatives.



## D. POPULATION

1. The population of Cyprus, (end of 1996) was 741.000 (males: 369.500; females 371.500).
2. Population distribution by ethnic group: 83.9% or 621,800 Greek Cypriots; 12.0% or 89,200, Turkish Cypriote; 0.4% or 2,500, Armenians; 0.6% or 4,500, Maronites; 0.1% or 700, Latins, and 3.0% or 22,300 foreign nationals i.e., foreign residents, mainly British, Greek, other Europeans and Arabs. (Note: settlers, approximately 109,000, transferred from Turkey since the 1974 Turkish invasion in order to alter the demographic structure of Cyprus, in contravention to international law as well as the Turkish occupation forces (approximately 30,000 troops), are not included.).
3. By virtue of Article 2 (paras 1. and 2.) of the Constitution, all Cypriot citizens are deemed to belong to either the Greek Community, if they are of Greek origin, share the Greek cultural traditions or are members of the Greek Orthodox Church or, to the Turkish Community, if they are of Turkish origin, share the Turkish cultural traditions or are Moslems. The above mentioned three religious groups of Armenians, Maronites and Latins, were given three months to exercise the option of becoming, for constitutional purposes, and as a group, a member of either the Greek or the Turkish Community. In exercising this option, the said religious groups elected to belong to the Greek Community, obviously, due to the fact that they were Christians, albeit of different denominations.
4. It is emphasised that, the option given by Article 2 of the Constitution, to Maronites, Armenian and Latin religious groups to become members of either the Greek or the Turkish Communities, was so given only for constitutional purposes, and that the end result is, that Communities in Cyprus were divided according to their religious beliefs and not according to their ethnic origin.
5. Although it may be true that what distinguishes the communities is not only the factor of religious but also their ethnic origin, the fact is that whatever the discription given by the drafters of the Constitution, this discription cannot be changed, and that the gist of the matter is not how the groups are discribed, but whether their rights are safeguarded.
6. As a result of the Turkish invasion and continuing occupation of 37%of the northern territory of the Republic of Cyprus, the Greek Cypriote were forcibly expelled by the invading army from the area occupied by the army, and are now living in the Government controlled area. On the other hand, almost all Turkish Cypriote who lived in this area, were forced by their leadership to move to the area occupied by Turkish troops. It is to be noted that, prior to the invasion, the two Communities had been living together in roughly the same proportion of 4 Greeks to 1 Turk in all six administrataive districts. Twenty-two thousand Greek and Moronite Cypriote who remained enclaved in the area occupied by the Turkish army, were subsequently and gradually expelled. In June 1997, there were in the occupied area 673 elderly Greek and Maronite Cypriote.
7. The policies pursued by Turkey in the occupied area since Its Invasion of Cyprus constitute the first example of ethnic cleansing in post-World-War 11 Europe.

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

8. Population in the Government controlled area (1996): 651800

males: 325000

females: 326800

9. Population distribution by age (1996):

0-14 years

24.6%

15-64 years

64.3%

65 + years

11.1%

10. Percentage of population (1996) in:

urban areas:

68.9%

rural areas:

31.1%

11. Working population as a percentage of the total population (1996): 47.3%.

## **E. ECONOMY AND SOCIO-ECONOMIC INDICATORS**

1. 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 market mechanism, the exercise of indicative planning, and the provision of public utilities.

2. 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% of GDP), recovery was remarkable. The decline in the volume of production experienced during 1974, was quickly reversed, and by 1977, this surpassed its pre-1974 level. Business confidence returned, and was followed by a sharp upturn of investment. By 1979 conditions of full employment were restored. The rate of unemployment, which approached 30% of the economically active population during the second half of 1974, had been virtually eliminated (1,8%), and the refugees were rehoused temporarily, pending return to their homes.

3. In more recent years (1990-1996), the economy has been growing at an average rate of 4% in real terms. GDP has surpassed the C£4,0 billion mark, and the rate of inflation has been contained to relatively low levels (2.6% in 1995, 3.0% in 1996). Full-employment conditions prevail (unemployment rate 2-3%) during the 1996 period.

4. The per capital income is one of the highest in the region with USD13.650 (1996).

5. In the post-1974 period, the economy underwent major structural changes. The manufacture sector became one of the major motors of growth during the second half of the 1970s and early 1980s, and this role was undertaken by tourism in the late 1980s, and by other services sectors in addition to tourism in the early 1990s. These structural changes were reflected in a corresponding differentiation of the above-mentioned sectors, as their contribution to GDP and gainful employment. Summing up, Cyprus has gradually been converted from an underdeveloped country by which the importance of the primary sectors dominant, into a services oriented economy.

6. 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, and manufactured products and for 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.

7. 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.

8. Life expectancy  
(1996):

males: 75.3  
females: 79.8

9. Infant mortality (1996): 8 per 1000 live births

10. Total fertility rate (1996): 2.1

11. Literacy rate for ages 15 and  
over:

Both sexes:  
94%  
males: 97%  
females: 90%

12. Estimated per capita income (1996): USD. 13.650

13. Gross National Product (1996): C£ 4.1 billion

14. Rate of inflation (1996): 3%

15. External public debt (1996): C£ 407,7  
million

16. Unemployment rate  
(1996):

Both sexes:  
3.1%  
males: 2.3%  
females: 4.3%

17. Persons/doctor (1995): 404

18. Persons/hospital beds (1995): 195

19. Telephone lines/1000 population(1996): 562

20. Passenger cars/1000 population(1995): 387

(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 that part of Cyprus are not available).

## F. STATUS OF INTERNATIONAL LAW IN THE DOMESTIC LEGAL ORDER

1. It was natural for Cyprus, a country with a long history and tradition of civilisation and culture, to accord, immediately after independence from colonial rule, vital importance to international law and particularly to human rights norms.

2. Cyprus has thus-ratified almost all international legal instruments relevant not only in the context of the Framework Convention for the Protection of National Minorities (which was ratified by Cyprus by Law 28(III) of 1995), but also in the context of human rights, in general, and has accepted the compulsory jurisdiction of the European Court of Human Rights, and the optional clause of Article 36(2) of the Statute of the International Court of Justice.

3. By virtue of the express provisions of Article 169 of the Constitution of Cyprus, all of the said international legal instruments are, as from the date of their publication in the Official Gazette of the Republic, incorporated into the Republic's municipal law and have, as from the said date, superior force to any municipal law. Such Instruments, being directly applicable in the Republic, they can, and are in fact, Invoked before, and directly enforced by the Courts and administrative authorities (Judgement of the Supreme Court of Cyprus in Civil Appeal No. 6616, Malachtou v. Aloneftis, 20 January 1986). When an International Convention contains non-self- executing provisions, the Legislature has a legal obligation to enact appropriate legislation in order to harmonise municipal law with the Convention, and make the latter fully enforceable. The Law Commissioner, an independent Officer, now a former senior judge, who is responsible for the updating of legislation, has also been 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 current international law standards in the field of human rights, and proposing necessary action.

4. Part II of the Constitution of Cyprus, which sets out the Fundamental Rights and Liberties, incorporates verbatim, and expands upon, the rights and liberties safeguarded by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

5. The constitutional structure of Cyprus embodies all norms necessary for the promotion of human rights and secures the separation of powers, particularly the independence of the judiciary.

6. 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, and the totally independent judiciary is the ultimate protector of human rights and liberties.

7. 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, were, upon a finding of inconsistency, declared by the Supreme Court unconstitutional.

8. Any restrictions or limitations of 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 restriction should be interpreted strictly. The Supreme Constitutional Court in the case of Fina Cyprus Ltd v. The Republic (RSCC, vol. 4, p33), 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"*.

9. An individual, having exhausted all 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 (CERD), the European Convention of Human Rights, the (first) Optional Protocol to the International Covenant on Civil and Political Rights, and the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

10. In the conduct of international relations of Cyprus, of dominating importance is the recognition of the predominance of international law, the purposes and principles of the UN Charter, and particularly the peaceful settlement of disputes based on respect of human rights and fundamental freedoms. 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. This came about, as a result of the policy of the Republic to examine treaties extended to it by Britain and notify as appropriate succession thereto, whilst examinig existing human rights regional and universal instruments, and ratifying or acceding to nearly all of them, a policy that continues to date.

## PART II

### Article 1

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.**

A. Article 1

1. Cyprus has ratified the following international legal instruments:

(a) The European Convention for the Protection of Human Rights and Fundamental Freedoms (Ratified by Law 39/62) and see also Law 52/89).

(b) The International Convention on the Elimination of All Forms of Racial Discrimination (Ratified by Law 12/67 as amended by Laws 11/92 and 6(III)/95).

(c) The International Convention on Civil and Political Rights (Ratified by Law 14/69 - see also Law 17(III)/92).

(d) The European Social Charter (Ratified by Law 64/67 and see also Laws 17(II)/92), 5/75, 3/88, 203/91 and 10 (III)/95)

(e) Discrimination (Employment and Occupation) I.L.O. (Ratified by Law 3/68).

(f) The International Covenant on Economic, Social and Cultural Rights (Ratified by Law 14/69).

(g) The United Nations Convention for the Protection of the World Cultural and Natural Heritage (Ratified by Law 23/75).

(h) Convention on the Protection and Punishment of the Crime of Genocide (Ratified by Law 59/80).

(i) The European Charter for Regional and Minority Languages (Ratified by Law 39(III)/93).

(j) The European Cultural Convention (Ratified by Law 48/68).

(k) Convention Relating to the Status of Refugees and its Protocol (1967) (Ratified by Law 37/68).

(l) The European Convention for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (Ratified by Law 24/89, and see also Law 235/90).

(m) Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

2. The Fundamental Rights and Liberties of Part II of the Constitution (see under Para. F. 4 of Part I of this Report), are expressly guaranteed to "everyone" or, to "all persons" or, to "every person", without making any distinction or differentiation on grounds of community or religion or nationality, or on other grounds. This stand of the Constitution finds direct expression in Article 28.2 thereof, which specifically affords the right to every person to enjoy the said rights and liberties, without any direct or indirect discrimination on the ground of his "community, race, religion, language, sex, political or other conviction, national or social descent, birth, colour, wealth, social class, or any ground whatsoever, unless there is express provision to the contrary in the Constitution. The right of access to Court therefore, which is guaranteed by Article 30 of the Constitution, is afforded to everyone, including the Turkish Cypriote, Maronites, Armenians and Latins. No Law exists which deprives, or limits the right of access to Court on any of the above grounds, and even if such a Law had existed, its constitutionality could have been challenged not only as amounting to a breach of the said Articles 30 and 28.2, but also as a breach of Article 6, by virtue of which no Law shall discriminate against any of the two communities or any person as a person or by virtue of being a member of a Community.

## Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding' and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

### B. Article 2

(information will be submitted later on)

## Article 3

**1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**

**2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.**

### Article 3

1. Other than the Constitution of Cyprus, which refers to "Communities" and "religious groups" (see Para D of Part I of this Report), and which does not in any event refer to them as "minorities" or "national minorities", there is no domestic Law which purports to give a definition of the term "national minority", or which enumerates groups as "national minorities".

2. For the reasons given in para B of Part I of this Report, the provisions of the Framework Convention are applied to all ethnic groups referred to in para. D.

3. There is no legal or other restriction on the exercise by the said groups, of the rights, and enjoyment of the freedoms, whether individually or as a group, flowing from the principles of

the Framework Convention. As already explained under para. F.3 of Part I, the Convention is directly applicable, has superior force to municipal Law, and can be invoked by any person belonging to the said groups and can be enforced by the Courts.

#### Article 4

**1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

**2. The parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.**

**3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.**

#### C. Article 4 Paragraphs 1 and 2

1. In addition to the protection afforded by the Constitutional provisions referred to in para. A. 2 hereinabove, it is to be noted that:

(a) Article 28.1 of the Constitution affords to all persons the right of equality before the Law, the administration and justice and of equal protection thereof and treatment thereby;

(b) A member of a religious group or community who complains of breach of constitutional provisions or of provisions of the Framework Convention, by any decision, act or omission of the administration, has the right of filing a recourse to the Supreme Court under Article 146 of the Constitution, for the purpose of obtaining a judgment of the Court, declaring that such decision, or act is null and void and of no effect whatsoever, or that the omission ought not to have been made, and that whatever has been omitted should have been performed;

(c) A person obtaining a judgement as per para. (b) above, is afforded the right by the said Article, to institute civil proceedings for the recovery of just and equitable damages, if his claim is not met to his satisfaction by the administration;

(d) By virtue of the provisions of S. 5(1) of the Commissioner for Administration Law (Law 3/91 as amended by Law 98(1)/94). the Commissioner for Administration is vested specifically with the power of investigating into complaints that the administration has acted in violation of human rights.

(e) a party to any judicial proceedings can raise the issue of unconstitutionality of any Law;

(f) 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;



- (g) - the House of Representatives and its Committees, in the exercise of their functions, including parliamentary control, can, and do consider, any allegations or situations that may involve violation of human rights;
- (h) - the Attorney-General of the Republic has a special responsibility to ensure the observance of legality and the rule of law, and may often ex- proprio motu or, at the instance of a complaint, order inquiries or advise on remedies;
- (i) By virtue of Law 11 (III)/1992 which amended the Convention on the Elimination of all Forms of Racial Discrimination (Ratification) Law of 1967 (Law 13/67), a number of offences have been created in relation to acts amounting to incitement to discrimination, hostility, hatred or violence on account of ethnic, or racial origin or for religious reasons;
- (j) The Council of Minister has recently established a National Institution for the Protection of Human Rights. It is an independent body composed of members from both the public and private sectors. One of the functions of this Institution is to hear complains regarding the violation of humans rights.

## Article 5

- 1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, languages, traditions and cultural heritage.**
- 2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.**

### D. Articles 5 – Paragraphs 1 and 2

1. By virtue of Article 3 of the Constitution, the official languages of the Republic are Greek and Turkish. Citizens of the Republic speak in fact at least one of these languages.
2. There is no State religion in Cyprus, and there is no Law which enumerates or makes any distinction between religions which are recognised and not recognised. Article 18 of the constitution, affords the right of freedom of religion, (with the exception of religions whose doctrines or rites are secret), and of equality of all religions before the law, prohibiting the administration from discriminating against any religion or religious institution. Article 18 also affords the right to every person, whether individually or collectively, and whether in private or in public, to profess his faith and to manifest his religion or belief, in worship, teaching practice, or observance, and to change his religion or belief. Article 18 prohibits the use of both physical and moral compulsion, for the purpose of making a person change, or preventing him from changing his religion.
3. There is no policy of assimilation. Integration is to a large extent achieved, through the openness of the existing social, cultural, educational and economic system of Cyprus and through Constitutional provisions.

4. The right to education is safeguarded by Article 20 of the Constitution and Articles 86-109, which refer to the establishment and functioning of the communal Assembly, the powers of which were transferred in 1965 to the Ministry of Education and Culture.
5. Primary and Secondary education is compulsory and free for all persons, irrespective of their financial condition, race, colour, religion or group-origin.
6. The right to establish and operate private schools is also safeguarded, and along with the public educational system there functions the private one, which covers all stages of education.
7. Children belonging to the relevant religious groups or communities, such as Turkish-Cypriote, Maronites, Armenians and Latins, are assisted by the State to attend private schools of their choice. The State thus covers all fees and expenses of Turkish-Cypriot pupils whose families reside in the areas controlled by the Government, and who attend private schools of elementary and secondary education, grants the amount of £120.00 per year to every Maronite or Latin student that attends primary education at the private schools of Terra Santa and St. Mary's, and grants an annual amount of £450.00 to each Armenian, Maronite and Latin student who attends a private secondary education school.
8. The right of religious groups or communities to set up and operate their own schools, is safeguarded, and such schools are financially assisted by the State. For example, Armenians have Primary schools of their own, which are fully funded by the State. Maronites lost their educational establishments as a result of the Turkish invasion, but the State has recently decided to establish an elementary school for them.
9. Higher Education is offered by the University of Cyprus to which admission is open to all, depending on examination results. The teaching languages of the University are Greek and Turkish.
10. Religious instruction of Maronite children who attend public schools is taught by Maronite priests who receive a monthly stipend by the State in relation thereto.
11. Great assistance is provided by the State as far as the practice of religion is concerned. The Republic gives financial assistance of about US\$ 140.000,00 per annum to churches of religious groups or communities. Land, as well as public grants, have been given to them for construction of their churches and cemeteries. For example, as recently as June 1998, the Council of Ministers approved the grant of an amount of US\$ 60.000,00, for the construction of a cemetery by the Latins. Grants are also given by the State over and above annual grants, for repairs to existing churches and monasteries. Furthermore, as from 1.1.1999, the State has begun to pay salaries to the priests of religious groups.
12. The members of all religious groups and communities, use their own language in private and in public, they learn their mother tongue and are free to receive instruction in their mother tongue. The Ministry of Education and Culture subsidizes cultural activities, which include book publishing, performances, libraries, etc.

Financial assistance is given to social and athletic clubs, which further helps in maintaining other elements of identity. For example, a new athletic stadium is being planned for the Maronite religious group.

## Article 6

**1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take-effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

### E. Article 6- Paragraphs 1 and 2

In addition to what has already been stated under para D above:

(a) The Government assigns public educational officers to Armenian Schools and private schools attended by Maronites, for the purpose of teaching the Greek language. Also Maronite priests are paid £110 per month for teaching religion to Maronite children.

(b) Efforts are being made in the fields of education and research, so as to further knowledge of the culture, language and religion, for example by including more references about religious groups-in school text books.

(c) In promoting participation in cultural life, there is access to the State media, in the form of daily radio programmes broadcasted in the language of the community or group.

(d) Special programmes are broadcasted over the radio. In the Greek and Turkish languages as well as in the Armenian and English languages.

(e) Wide publicity is given by the mass media to all relevant United Nations Resolutions as well as those emanating from international conferences, condemning the policy of racial discrimination.

(f) Decisions taken by the Committee Against Racial Discrimination are given to the Press and Information Bureau for publication and dissemination to the Mass Media.

(g) Since the Turkish invasion of 1974 and the forceful eviction of almost all Greek Cypriote living in the occupied area of Cyprus, the possibilities of economic interaction between the two major communities are practically non-existent. The Turkish occupation forces pursue a conscious and systematic policy of keeping the two communities apart. Repeated efforts by the Government of Cyprus, including the latest offer by the President of the Republic of Cyprus Mr. Clerides for T/C participation, in the Cyprus negotiating team, involved in the accession negotiations between Cyprus and the E.U., have always been scorned by the Turkish side.

The same attitude has also been exhibited by the Turkish side to third party proposals for rapprochement between the two communities. Having said that, it should be stressed that on its part the Government of Cyprus has continued throughout the years to exhibit the behaviour that

one would expect from any responsible Government towards its citizens, and has been providing the T/C community with electricity - in fact free of charge -, as well as with medical facilities. Also, it has maintained the payment of pensions to T/Cs entitled to such. In relation to the T/C living in the Government controlled area, special care is taken by the Government in order for them to lead a normal, like any other Cypriot citizen life.

In his relevant report No. E/CN 4/1998/55 of 9.3.1998 to the Human Rights Commission, the U.N. Secretary General states that the Government of Cyprus, and I quote, *"has implemented all the recommendations made by UNFICYP in the 1995 Humanitarian Review with regard to T/C living in the Government controlled area. Indicative of the positive situation of these T/C is fact that they have made no use, as the Secretary General states, of the UNFICYP Liaisons Office opened in December 1996, for receiving possible T/C complaints and dealing with any problems they may face"*.

The same, unfortunately, cannot be said about the Greek and Maronite Cypriote living in the occupied area.

(h) On February 28th 1998, the President of the Republic, appointed a Presidential Commissioner for Religious Groups, Overseas Cypriote and Repatriates. This appointment shows the serious commitment of the State towards the strengthening of religious groups. For example, through meetings held with Representatives of religious groups, problems are identified and every effort is made to facilitate their solution with the relevant governmental and non- governmental organisations involved. Areas are also identified where further strengthening of the participation and or representation of the religious groups is warranted, and every effort is made towards strengthening and expanding this participation.

### Article 7

**The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

#### F. Article 7

1. Article 21 of the Constitution, affords to every person the right of freedom of peaceful assembly and of association with others, including the right to form and join trade unions for the protection of his interests.
2. The right of association also applies to the formation of companies, societies and other associations functioning for profit (Article 21.6).
3. No person can be compelled to join any association or to continue to be member thereof (Article 21.2).

## Article 8

**The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.**

### G. Article 8

In relation to this Article see under para. D.

## Article 9

**1. The Parties undertake to recognise that the right to freedom of expression of every person' belonging to a national minority includes freedom to hold opinions and to receive and impart information and Ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2. Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

### H. Article 9 Paragraphs 1,2,3 and 4

In addition to what has been stated under in paras E(c) and (d) above, please note the following:

(a) One of the conditions for granting a radio or television station license is the respect of democracy and human rights.

(b) Only one radio and television station is state owned, and this is run by an independent corporation.

(c) There are several daily, weekly and other-newspapers and periodicals, all of which are privately owned.

(d) Article 19 of the Constitution affords to every person the right of freedom of speech and expression in any form, which expressly includes the right of freedom to hold opinions, and

impart and receive information and ideas, without interference by any public authority and regardless of frontiers.

### Article 10

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**
- 3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.**

#### J. Article 10 - Paragraphs 1,2 and 3

1. There are no restrictions on the use of the language of the relevant groups, and communities, whether in public or in private and whether orally or in writing.
2. By virtue of Article 12.5 of the Constitution, every person charged with an offence, has the right to be informed promptly and in a language which he understands, and in detail of the nature and grounds of the charge preferred against him, and to have the free assistance of an interpreter if he cannot understand or speak the language used in Court.

### Article 11

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.**
- 2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**
- 3. In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

J. Article 11 -Paragraphs 1,2 and 3

Answer will be submitted later on.

**Article 12**

- 1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**
- 2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities,**
- 3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

**Article 13**

- 1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**
- 2. The exercise of this right shall not entail any financial obligation for the Parties.**

K. Articles 12 and 13

See under paragraphs D and E above.

**Article 14**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.**
- 2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.**

L. Article 14

See under paragraphs D and E above.

## Article 15

**The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

### M. Article 15

In addition to what has already been stated the following should be noted:

1.

(a) Under Article 109 of the Constitution, each religious group has the right to be represented in the Communal Chamber, in which it opted to belong under Article 2.3 of the Constitution, by the elected members of such group.

(b) Due to the fact that the functions of the Greek Communal Chamber became impossible in 1965, a Law was enacted (Law 12/65), whereby the powers of the Greek Communal Chamber were transferred to a newly constituted Ministry of Education. (Later renamed the Ministry of Education and Culture). The Representatives of the religious groups in the Chamber, despite the dissolution of the Chamber itself, retained, until the expiration of their term of office, the right to state the view of their community on any matter affecting it, and to make the necessary representations before any official body or committee of the House of Representatives or other authority of the Republic. Moreover, the House of Representatives had the obligation to obtain the views of the Representatives on any matter affecting their community. The future representation of the groups in the House of Representatives was reserved for regulation in the future.

(c) In 1970 a Law was enacted, entitled Religious Groups (Representatives) Law (No. 58/1970), providing for the election of Representatives of religious groups in the House of Representatives.

(d) The last elections of Representatives of the religious groups took place on 26.5.1996.

(e) Thus, religious groups elect their own Representatives, in the House of Representatives who attend as observers and have an advisory role on religious and educational matters, which affect their group, but without any legislative powers.

(f) It should be recalled that the Constitution of the Republic of Cyprus is a granted Constitution, the basic articles of which cannot be amended. The said Constitution is based on a system of quota participation of the two major Cypriot Communities in all areas of public life. Seats in Parliament are allocated by the Constitution on a 70% to 30% basis between the Greek and the Turkish Communities.

According to the Constitution, members of the smaller Cypriot Communities, in order to actively participate in the political life of the country and enjoy their political rights freely, exercised their right to opt to which of the two communities they wished to belong. As members of their chosen community, they have the same rights as any other community member. Beyond



that, and outside the said quota distribution, members of the smaller communities elect their own community representative to represent them in Parliament. This representative is additional to any member that a smaller community may elect to Parliament on the quota of the community to which it has opted to belong. This system does not give rise to tensions between political parties and the smaller communities, because they do not contest for the same seats in Parliament. The seats held by representatives of the small communities are additional to the normal Parliamentary seats.

2.

(a) On the basis of legislation and policies in Cyprus, there is no discrimination regarding vocational guidance, training, employment and occupation.

(b) The Ministry of Labour and Social Insurance, mainly through its mediation and conciliation service, encourages and supports equality of pay in all cases, according to Article 28(1) and (2) of the Constitution. As regards conditions of work, equality of treatment in the private sector is almost universal.

(c) The State provides equal opportunity to members of religious groups to be appointed in the public service, without any discrimination. Moreover, equal opportunity for promotion in the public sector is safeguarded by virtue of Article 124(11) of the Constitution.

(d) According to the Public Assistance and Related Services Law 10/75, (as amended by Law 40/76), the right of every citizen to financial assistance for satisfaction of his basic needs (food, clothing, shelter, water, electricity rates), is safeguarded. The Law includes many supplementary provisions, which are intended to offer further social assistance to meet special or urgent needs. In addition, social work services are provided, without any discrimination, for all elderly and disabled persons over the age of eighteen, who are unable to look after themselves. Similar assistance is also provided for children.

## Article 16

**The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by, persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

N. Article 16

In relation to this Article see Part I of the Report.

## Article 18

**1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**

**2. Where relevant, the Parties shall take measures to encourage transfrontier co-operation.**

P. Article 18 Paragraphs 1 and 2

(Information will be submitted later on)

#### **Article 19**

**The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.**

Q. Article 19

No limitations, restrictions or derogations have been made by Cyprus.

#### **Article 20**

**In the exercise of the rights and freedoms flowing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging the majority or to other national minorities.**

#### **Article 21**

**Nothing in the present framework Convention shall be interpreted as implying any right to engage in an activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.**

R. Articles 20 and 21

See Part I of this Report, in relation to violations of human rights, the Constitution, and the fundamental principles of international Law.

#### **Article 22**

**Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any contracting Party or under any other agreement to which it is a Party.**

S. Article 22

The Framework Connection does not limit or derogate from the fundamental rights and freedoms safeguarded by the Constitution of Cyprus.

### Article 23

**The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to conform to the latter provisions.**

T. Article 23

See in this respect para. F of part I of this Report.

### Article 30

**1. Any State may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible to which this framework Convention shall apply.**

**2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this framework Convention to any other territory specified in the declaration. In respect of such territory the framework Convention shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.**

**3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.**

U. Article 30

No use has been made of this Article by Cyprus.

#### Reservation

In an effort to meet the deadline for submitting the report certain topics have not been dealt with or have not been dealt with satisfactorily. This will be done in due course and a supplementary report or a revised report will be submitted soon. The Court of Cyprus expresses its apologies for this.

\*.\*.\*