



NGO: EUROPEAN CENTRE FOR LAW AND JUSTICE (ECLJ)

**UNIVERSAL PERIODIC REVIEW
46TH SESSION**

**STATUS OF HUMAN RIGHTS IN THE REPUBLIC OF CYPRUS
FOR THE 46TH SESSION OF THE
UNIVERSAL PERIODIC REVIEW**

www.ECLJ.org
4, quai Koch
67000 Strasbourg, France
Phone: +33 (0)3.88.24.94.40

Status of Human Rights in Cyprus for the 46th Session of the Universal Periodic Review

Introduction

1. The European Centre for Law and Justice (ECLJ) is an international, non-governmental organization dedicated to promoting and protecting human rights around the world. The ECLJ also holds Special Consultative status before the United Nations Economic and Social Council. This report discusses the status of human rights in the Republic of Cyprus (Cyprus) for the 46th session of the Universal Periodic Review.

Background

2. Cyprus is an island republic located in the Mediterranean Sea.¹ In 1960, the Republic of Cyprus became a Member State of the United Nations.² In 1974, in violation of the U.N. Charter, Turkey invaded northern Cyprus based on a false premise that the Greek government wanted to annex Cyprus. These tensions led to the “Green Line” that divides the nation to this day.³ The Republic of Cyprus is the internationally recognized government that controls the southern two-thirds of the island, and a Turkish-backed government, known officially as the Turkish Republic of Northern Cyprus (TRNC), controls the northern third of the island.⁴ Only Turkey recognizes the TRNC as “a separate political entity.”⁵ This report will focus on the internationally-recognized Republic of Cyprus.

3. Cyprus has an estimated population of 1,308,120.⁶ The country is predominantly Eastern Orthodox Christian with 89.1% of the population identifying as Eastern Orthodox.⁷ 2.9% identify as Roman Catholic, 2% as Protestant/Anglican, 1.8% as Muslim, 1% as Buddhist, 1.4% as other, and 0.6% as none/atheist.⁸

4. Cyprus was last reviewed on January 29, 2019.⁹ Cyprus supported 163 of 188 recommendations.¹⁰ Particularly, numerous countries, including Bahrain, Egypt, Georgia, Viet Nam, Israel, and Nicaragua, recommended that Cyprus adopt a new national action plan to fight human trafficking, which Cyprus supported.¹¹ There were no recommendations regarding abortion.

Legislative Framework

Human Trafficking

5. Cyprus’s Constitution expressly prohibits slavery and forced servitude.¹² Article 11 of the Constitution further provides that “[e]very person has the right to liberty and security of person.”¹³

6. Article 251 of the 1998 Cypriot Criminal Code provides:

Whoever seizes or abducts or unlawfully deprives any person of his liberty for the purpose of subjecting, or receiving such treatment as to be in danger of being

subjected to, grievous harm, or sexual abuse by any person or knowing that the person is likely to be that is subjected to such submission or treatment, is guilty of a felony and is liable to imprisonment for fourteen (14) years and to a fine.¹⁴

The government further affirmed its opposition to human trafficking with the Anti-Human Trafficking Law of 2019, in which Article 6 increased the penalty for human trafficking to twenty-five years imprisonment.¹⁵

7. Additionally, Cyprus is a party to the International Covenant on Civil and Political Rights (ICCPR).¹⁶ Article 8 of the ICCPR provides that “[n]o one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited. No one shall be held in servitude.”¹⁷

8. Also, Cyprus is a party to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹⁸ Under Article 9, Section 1 of this Protocol:

1. States Parties shall establish comprehensive policies, programmes and other measures:

(a) To prevent and combat trafficking in persons; and

(b) To protect victims of trafficking in persons, especially women and children, from revictimization.¹⁹

Abortion

9. Since 2018, Cypriot women have access to abortion on request during the first twelve weeks of pregnancy.²⁰ In cases of rape or incest, women can get an abortion through the nineteenth week of pregnancy.²¹ The time limit extends to the twenty-fourth week in the case of significant fetal abnormalities.²² A woman may get an abortion at any stage of pregnancy if her “physical or mental health is at risk due to the pregnancy,” and if two doctors have given medical certifications confirming the risk.²³ Further, Article 169A of the Penal Code recognizes that both having an abortion and remaining pregnant can harm the mother’s mental health; therefore, the mental harm of being pregnant must outweigh the mental harm of having an abortion for this exception to apply.²⁴ The exception can also apply if the mental harm will be to one of the mother’s existing children.²⁵

10. Article 6 of the ICCPR states that “[e]very human being has the inherent right to life. This right shall be protected by law.”²⁶

11. Additionally, the Universal Declaration of Human Rights (UDHR) states that “recognition of the inherent dignity and of the equal and inalienable rights of *all* members of the human family is the foundation of freedom, justice and peace in the world,”²⁷ and that “[e]veryone has the right to life.”²⁸

12. Cyprus is also a party to the Convention on the Rights of the Child (CRC),²⁹ which under Article 6 states:

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.³⁰

Human Trafficking

13. Cyprus is a destination country for human trafficking victims.³¹ Continued division between the Republic of Cyprus and TRNC creates special challenges to the country's widespread human trafficking problem, both due to lack of information sharing between the two regions and the impossibility of a nationally enforceable policy at the Green Line.³² Despite improvements in anti-human trafficking measures in recent years,³³ human trafficking remains a concern in Cyprus.

14. Perpetrators of human trafficking conceal their movements throughout the country by crossing the Green Line at unpoliced locations.³⁴ Given that human trafficking finds the greatest success in countries that demonstrate “an inability, or unwillingness, of state authorities to understand how victims are moved and exploited,” the inherent difficulties of policing the 180-kilometer Green Line makes it easy for traffickers and their transported victims to move undetected.³⁵ With only twenty-two victims of human trafficking identified in 2021, Cypriot police face serious problems in identifying victims and prosecuting offenders.³⁶ These problems are further evidenced by the number of referred cases of presumed victims being much higher than the number of formally identified victims—2019 saw 162 reported victims but only 36 were identified.³⁷

15. As mentioned, a significant aggravating factor of human trafficking in Cyprus is the lack of communication and collaboration between the Republic of Cyprus and the TRNC in responding to the problem.³⁸ With no meaningful open channels for information sharing, “the law enforcement bodies on one side of the Green Line are for the most part in the dark about the ways in which humans are trafficked in the other.”³⁹ Furthermore, the country's legislative progress has not translated to practical success in terms of implementing a transparent system for combating human trafficking, with the government still lacking regular reporting, victim or offender statistics, and even publicly accessible human trafficking court cases.⁴⁰

16. Civilians not recognizing and even unintentionally contributing to instances of human trafficking further exacerbate the problem. These inadvertent offenders perpetuate labor and sexual exploitation by not knowing that some people they deal with are trafficking victims who are not freely offering their services.⁴¹

17. Additionally, increases in domestic sexual exploitation—where struggling families force women in the family to sell sex in order to alleviate financial burdens—and in surging sexual exploitation schemes perpetrated through social media are extremely concerning.⁴²

18. In 2023, Cyprus's justice system made some progress in responding to trafficking offenses.⁴³ For example, in June 2023, the Nicosia Criminal Court presided over its first known

conviction of a trafficking customer, sentencing a man to three years in jail for paying to have sex with a trafficked victim.⁴⁴ The same court also “convicted the first person for sex trafficking of a minor.”⁴⁵

19. The Cypriot government has implemented some improvements to the region’s anti-human trafficking apparatus.⁴⁶ In March 2021, the government installed a victim hotline.⁴⁷ In September 2022, it launched an online platform for reporting trafficking crimes.⁴⁸ The government also runs a shelter for female trafficking victims.⁴⁹ Further, many sexually trafficked women seek asylum in the Republic-controlled region after escaping from the TRNC.⁵⁰

Abortion

20. Cyprus has room to improve its stance on life, joining the majority who value and protect the life of preborn babies and care about the lives of mothers as well. Currently, Cyprus’s liberal abortion laws fall in the minority of countries, as 109 U.N. Member States have strict limits on abortion.⁵¹ And although abortion regulations vary across the world, the one thing that almost every country agrees on is that the state maintains an interest in protecting life for all its citizens, including preborn babies.

21. Regarding preborn babies and their inherent value, Cyprus may believe that it is doing what is best for babies who have significant abnormalities; but in fact, its twenty-four-week exception devalues human life. Babies born with disabilities, such as Down syndrome, are not less deserving of life than healthy babies simply because of their disability nor are they less capable of living a happy fulfilling life. In 2007, the average age of a person born with Down syndrome was forty-seven years old with the overwhelming majority living past twenty years old.⁵² Additionally, even the tests used to detect these abnormalities are not consistently reliable.⁵³ For instance, studies found that a prenatal screening for Prader-Willi syndrome, a genetic multisystem disorder, returned an incorrect positive result 90 percent of the time.⁵⁴

22. The dignity, value, and rights of preborn children have also been enshrined in numerous international documents and this fact should encourage countries like Cyprus that making their laws consistent with international human rights law will enable them to fulfil their international obligations rather than violating them. In fact, Cyprus should note that the 1994 Cairo Conference on Population and Development, affirmed that U.N. Member States have an affirmative commitment to “reduce the recourse to abortion”⁵⁵ and to “take appropriate steps to help women avoid abortion, *which in no case should be promoted as a method of family planning.*”⁵⁶ The UDHR, a universally accepted human rights document provides that “[e]veryone has the right to life.”⁵⁷ Article 6 of the ICCPR, another fundamental document, likewise states that “[e]very human being has the inherent right to life. This right shall be protected by law.”⁵⁸ Cyprus’s current laws, however, do not meet the standard established under these sources of international law. Notably, these important and fundamental human-rights instruments require protection of human life, and none of them contain a “right” to abortion. Cyprus should consider these international documents when examining its twenty-four-week exception for significant fetal abnormalities. Even with an ailment, a preborn baby is a human being with a right to life.⁵⁹ The baby has human dignity and deserves equal protection.⁶⁰ In both the early and later stages of the pregnancy, Cyprus is disregarding human life and dignity by permitting abortions under this exception.

23. In addition to protecting the lives of preborn babies, Cyprus also has a responsibility to protect women. Cyprus's exception for rape and incest is an attempt to show compassion toward women, but it should consider the devastating consequences abortion can have on a woman not only at that moment, but for the rest of her life.⁶¹ Abortion can deprive women of the health benefits that come from continuing a pregnancy, such as the protective effect a full-term pregnancy has against breast and ovarian cancer.⁶² Moreover, abortion can mask the dangerous symptoms of an undiagnosed ectopic pregnancy.⁶³ Notwithstanding the fact that abortion ends the life of an innocent preborn baby, the risks of physical harm that abortion creates for women should cause Cyprus to reconsider its liberalized abortion laws.

24. In addition to physical harm, women who have undergone abortions often experience negative psychological harm—from shame to drug abuse to suicidal thoughts.⁶⁴ In fact, the World Health Organization acknowledges the complications of abortion in its 2022 “Abortion care guideline.”⁶⁵ Women who have suffered from rape and incest have already undergone mental turmoil. Allowing them to have abortions, especially while in this vulnerable state, may only add to that turmoil. Cyprus should consider the further trauma inflicted on these women when evaluating its nineteen-week exception for rape and incest.

25. Ironically, while Article 169A of Cyprus's Penal Code acknowledges that abortion can cause mental injury to the mother, the law also places no time limitation for having an abortion in case of a mental harm to the mother.⁶⁶ These two positions are completely contradictory, and such a mental health exception can be very broadly interpreted.⁶⁷ Even worse, the law places no time limit on this exception, allowing for abortion up until birth. All of the above reasons show why Cyprus must make it a priority to protect both women and preborn children from the devastating effects of abortions.

Recommendations

26. Cyprus has made significant improvements in combatting human trafficking through reforms like its hotline, reporting platform, and victim shelter. Cyprus should continue to improve its methods and means of identifying trafficking victims. This would include adopting a plan to limit trafficking across the Green Line. Cyprus should continue its efforts to prosecute more offenders, provide victim services, and adopt the most efficient reporting methods.

27. By having some restrictions on abortion in place, Cyprus shows some value for human life, but it should do more. Cyprus should remove the twenty-four-week exception for significant fetal abnormalities. It should also consider whether the rape and incest exception are in the best interest of the mother, particularly when they are not in the best interests of the preborn child. Cyprus should also remove the mental-health exception to its abortion laws. In addition to the harm abortion does to the child, abortion poses a mental-health risk to the mother, as Cyprus's own law acknowledges. Furthermore, it is unreasonable for this exception to be so unrestrained, both in how it lacks a cutoff date and in the ways it can be so broadly interpreted.

¹ *Cyprus*, THE WORLD FACTBOOK, <https://www.cia.gov/the-world-factbook/countries/cyprus/> (last updated Sept. 6, 2023).

² *History*, UNITED NATIONS PEACEKEEPING FORCE IN CYPRUS, <https://unficyp.unmissions.org/history> (last visited Aug. 14, 2023).

³ *Cyprus Country Profile*, BBC NEWS (April 7, 2023), <https://www.bbc.com/news/world-europe-17217956>.

⁴ *Id.*

⁵ *Id.*

⁶ *Cyprus*, *supra* note 1.

⁷ *Id.*

⁸ *Id.*

⁹ *Universal Periodic Review - Cyprus*, OHCHR, <https://www.ohchr.org/en/hr-bodies/upr/cy-index> (last visited Sept. 12, 2023).

¹⁰ *Cyprus Infographic*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/CY/Infographic_Cyprus.pdf (last visited Sept. 12, 2023).

¹¹ *UPR of Cyprus (3rd Cycle – 32nd Session): Thematic List of Recommendations*, OHCHR, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session32/CY/UPR32_Cyprus_Thematic_List_Recommendations.docx (last visited Sept. 12, 2023).

¹² CONSTITUTION OF THE REPUBLIC OF CYPRUS 1960, Part 02, art. 10, [http://www.law.gov.cy/law/law.nsf/1D2CDD154DCF33C9C225878E0030BA5E/\\$file/The%20Constitution%20of%20the%20Republic%20of%20Cyprus.pdf](http://www.law.gov.cy/law/law.nsf/1D2CDD154DCF33C9C225878E0030BA5E/$file/The%20Constitution%20of%20the%20Republic%20of%20Cyprus.pdf)

¹³ *Id.* art. 11.

¹⁴ CRIMINAL CODE LAW [CRIMINAL CODE] art. 251 (Cyprus), <https://antislaverylaw.ac.uk/country/cyprus/>.

¹⁵ L. No. 117(I), *The Prevention and Combating of Trafficking and Exploitation of Victims and the Protection of Victims*, 2019 (E.E. Παρ. I(I) /Ap. 4722, 26.7.2019) (Cyprus), <https://antislaverylaw.ac.uk/country/cyprus/>.

¹⁶ *Ratification Status for Cyprus*, OHCHR, https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?Lang=en (last visited Sept. 12, 2023).

¹⁷ *International Covenant on Civil and Political Rights* art. 8, *adopted* Dec. 16, 1966, 999 U.N.T.S. 171, <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights> [hereinafter ICCPR].

¹⁸ *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime*, *adopted on* Nov. 15, 2000, 2237 U.N.T.S. 319.

¹⁹ *Id.* art. 9, § 1.

²⁰ *Cyprus Abortion Law*, GLOB. CITIZEN SOLS., <https://www.globalcitizensolutions.com/cyprus-abortion-law/> (last visited Sept. 13, 2023).

²¹ *Id.*

²² *Abortion Laws in Cyprus: A Comprehensive Overview*, CHAMBERS & CO. (Mar. 19, 2023),

<https://www.chambersandco.com/abortion-laws-in-cyprus-a-comprehensive-overview/>.

²³ *Id.*

²⁴ PENAL CODE art. 169A (Cyprus), <https://cyber.harvard.edu/population/abortion/Cyprus.abo.html>.

²⁵ *Id.*

²⁶ ICCPR art. 6, *supra* note 17 (emphasis added).

²⁷ G.A. Res. 217 (III) A, *Universal Declaration of Human Rights*, pmbl. (Dec. 10, 1948) (emphasis added).

²⁸ *Id.* art. 3 (emphasis added).

²⁹ *Ratification Status for Cyprus*, *supra* note 16.

³⁰ *Convention on the Rights of the Child* art. 6, *adopted* Nov. 20, 1989, 1577 U.N.T.S. 3, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

³¹ Louisa Borg Haviara, *Human Trafficking: The Fastest Growing Crime*, CYPRUS MAIL (July 31, 2022), <https://cyprus-mail.com/2022/07/31/human-trafficking-the-fastest-growing-crime/>.

³² *Id.*

³³ *Id.*

³⁴ NASIA HADJIGEORGIOU, *HUMAN TRAFFICKING IN CYPRUS: THE CRIME, VICTIMS, PERPETRATORS, AND THEIR CONNECTION TO THE ISLAND'S FROZEN CONFLICT* 3-4 (2022).

³⁵ *Id.* at 5.

³⁶ *Cyprus Upgraded to Tier 1 in US Trafficking in Persons Report*, KNEWS (July 20, 2022, 5:44 P.M.), <https://knews.kathimerini.com.cy/en/news/cyprus-upgraded-to-tier-1-in-us-trafficking-in-persons-report>.

³⁷ GRETA, *EVALUATION REPORT – CYPRUS* 8 (2020).

³⁸ HADJIGEORGIOU, *supra* note 34, at 5.

³⁹ *Id.*

⁴⁰ *Id.* at 7-8.

⁴¹ *Id.* at 8-9.

⁴² *Id.* at 23-24.

⁴³ See, e.g., Gina Agapiou, *Man Sentenced to Jail for Buying Sex from Human Trafficking Victim*, CYPRUS MAIL (June 30, 2023), <https://cyprus-mail.com/2023/06/30/man-sentenced-to-jail-for-buying-sex-from-human-trafficking-victim/>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ See generally HADJIGEORGIOU, *supra* note 34, at 11.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.* at 12.

⁵¹ The countries with “strict limits” consist of the 23 where abortion is prohibited altogether, the 42 where it is allowed only to save the mother’s life, and the 47 where it is allowed to preserve the mother’s health. See *The World’s Abortion Laws*, CTR. FOR REPROD. RTS. (Sep. 27, 2022), https://reproductiverights.org/wp-content/uploads/2022/09/WALM_20220927_V1.pdf.

⁵² *Data and Statistics on Down Syndrome*, CTR. FOR DISEASE CONTROL & PREVENTION, <https://www.cdc.gov/ncbddd/birthdefects/downsyndrome/data.html> (last visited Sept. 30, 2023).

⁵³ See, e.g., Sarah Kliff & Aatish Batia, *When They Warn of Rare Disorders, These Prenatal Tests Are Usually Wrong*, N.Y. TIMES (Jan. 1, 2022), <https://www.nytimes.com/2022/01/01/upshot/pregnancy-birth-genetic-testing.html>.

⁵⁴ *Id.*

⁵⁵ International Conference on Population and Development, *Report of the International Conference on Population and Development*, ¶ 8.25, U.N. Doc. A/CONF/F.171/13/Rev.1 (1994), https://www.un.org/development/desa/pd/sites/www.un.org.development.desa.pd/files/icpd_en.pdf.

⁵⁶ *Id.* ¶ 7.24 (emphasis added).

⁵⁷ G.A. Res. 217 (III) A art. 3, *supra* note 27 (emphasis added).

⁵⁸ ICCPR art. 6, *supra* note 17 (emphasis added).

⁵⁹ See, e.g., *Stinnett v. Kennedy*, 232 So. 3d 202, 221 (Ala. 2016) (Parker, J., concurring) (“An unborn child is a unique individual human being from conception, and, therefore, he or she is entitled to the full protection of law at every stage of development.”).

⁶⁰ *Id.*; see also Michael Stokes Paulsen, *The Plausibility of Personhood*, 74 OHIO STATE L.J. 14 (2012) (arguing that preborn humans meet the definition of persons in the United States Constitution; therefore, those preborn humans deserve the guarantee of equal protection under the law); Joshua J. Craddock, Note, *Protecting Prenatal Persons: Does the Fourteenth Amendment Prohibit Abortion?*, 40 HARV. J.L. & PUB. POL’Y 539 (same).

⁶¹ See LA. DEP’T OF PUB. HEALTH, ABORTION: WOMAN’S RIGHT TO KNOW 22-23 (2014) (listing as physical abortion risks: pelvic infections, incomplete abortions, blood clots in the uterus, heavy bleeding, a cut or torn cervix, a perforated uterus wall, anesthesia-related complications, and rh immune globuline therapy). These complications can lead to long-term medical risks. *Id.* at 23-24 (listing infertility and an increased risk of breast, ovarian, and endometrial cancer as long-term health risks that abortion may cause).

⁶² *Id.*

⁶³ See generally *Physical Effects of Abortion: Fact Sheets, News, Articles, Links to Published Studies & More*, THE UNCHOICE, www.theunchoice.com/physical.htm (last visited Sept. 18, 2023) (combining a list of sources, including peer-reviewed studies that explain the risks of abortion).

⁶⁴ Priscilla K. Coleman et al., *Women Who Suffered Emotionally from Abortion: A Qualitative Synthesis of Their Experiences*, 22 J. AM. PHYSICIANS & SURGEONS 113, 116-17 (2017), <https://www.jpands.org/vol22no4/coleman.pdf>; see also LA. DEP’T OF PUB. HEALTH, *supra* note 61 at 24 (listing more potential harmful emotional effects from abortion).

⁶⁵ WORLD HEALTH ORG., ABORTION CARE GUIDELINE 79, 85 (Mar. 8, 2022).

⁶⁶ PENAL CODE art. 169A (Cyprus).

⁶⁷ For example, the United States Supreme Court once interpreted a health exception to abortion as encompassing a woman’s age and all physical, emotional, psychological, and familial factors. *Doe v. Bolton*, 410 U.S. 179, 192 (1973). The Court gave physicians broad discretion to considering these factors, even if that meant allowing abortion when it would otherwise be restricted. *Id.* The United States Supreme Court has since overruled the reading of unenumerated abortion rights into the United States Constitution. *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228, 2284 (2022).