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FACULTY OF LAW

INTERNATIONAL  
HUMAN RIGHTS  
PROGRAM

# Cyprus

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Country Report for use in refugee claims based on persecution relating to sexual orientation and gender identity

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## Introduction

Identified in 2012 as being the least gay-friendly country in the EU, Cyprus’s difficulty in protecting LGBT rights derives, at least in part, from its complicated status as a divided state. Historic conflicts between Turkish Cypriots in the north and Greek Cypriots in the south led to an attempted coup by the Greek Cypriots in 1974. This attempt to force unification of the island resulted in a legal status of the Republic of Cyprus as a unified state. In reality, the northern portion of Cyprus is partitioned and calls itself the Turkish Republic of Northern Cyprus. Only Turkey has recognized the Turkish Republic, whereas the rest of the international community treats it as Turkish-occupied Cypriot territory. Tensions and conflicts arising from this partition continue to the present day and necessarily complicate attempts to govern the island in a uniform manner.

This problematic history is reflected in Cyprus’s legislative history regarding LGBT rights. Though their accession to the EU in 2004 led to a number of mandatory human rights reforms on paper, these rights are not actively enforced. Marriage is still legally defined as being between a man and a woman, and same-sex partners and spouses from marriages and civil partnerships performed elsewhere are not recognized. The Ombudsman, an appointed officer tasked with addressing human rights complaints, has very little formal power and has been limited to making recommendations for legal reforms on LGBT issues. Scholarship on this issue indicates that, in addition to institutional difficulties, societal pressures also work against substantive reform. Both the Greek and Turkish Cypriot communities follow fairly conservative religions (Eastern Orthodox and Islam, respectively) and maintain very conservative views on gender roles, which often translate to an unwillingness to accept LGBT persons.

International involvement in promoting change has been limited. The USA and the Council of Europe have commended southern Cyprus for its implementation of antidiscrimination laws, but are generally critical of the systemic social stigma that still prevents many LGBT individuals from openly presenting their identities. NGOs echo the concerns of governments about the

stigma and the largely unreported discrimination based on sexual orientation in the country. While international pressure, particularly from the European Union, has led the Cypriot government to support and fund several domestic awareness campaigns and activist groups, the legalization of same-sex partnerships remains a pressing issue. It remains to be seen whether northern Cyprus will adopt similar protections to the south.

That being said, there are signs of change coming from both halves of Cyprus. Section 171 of the penal code in northern Cyprus, which prohibited “sexual intercourse against the order of nature” (understood as same-sex relations) was repealed on January 27, 2014, making northern Cyprus the last European territory to decriminalize same-sex relations. Draft legislation proposing civil partnerships for same-sex couples is currently working its way through Parliament, and will hopefully be debated in late spring 2014. In May 2014, Cyprus’s first ever Pride parade will be held in Nicosia.

## II. Legislation

To access full text of Cyprus Criminal Code (Greek only) see:

<http://www.cylaw.org/index.html>

To access the Cyprus Government Gazette (Greek only) see:

<http://www.cygazette.com/Gazette.dll/%7B983567ED-E39D-4BC7-83E9-DF5757964079%7D>

1. *Constitution of 1960*

Online (official English translation):

[http://www.presidency.gov.cy/presidency/presidency.nsf/dmlindex\\_en/dmlindex\\_en?OpenDocument](http://www.presidency.gov.cy/presidency/presidency.nsf/dmlindex_en/dmlindex_en?OpenDocument)

- **The text of the Constitution was amended after accession to the European Union to give supremacy to EU law in Cyprus. A new article stated that nothing in the Cyprus constitution shall nullify EU laws that must be followed in order for Cyprus to meet its obligations as a member state. This change was important because before, the Cyprus constitution was interpreted to prohibit all positive measures taken in favour of a vulnerable group but the EU obliges member states to take these positive measures. The supremacy of EU law does not mean all EU laws are complied with at a national level, only that specific obligations required by the EU of Cyprus will trump existing national laws and interpretations.<sup>1</sup>**
- **Article 15 guarantees the right to respect in private and family life; it further guarantees that there shall be no interference with the exercise of this right “except such as is in accordance with the law,” meaning that there may be limitations for a number of public policy grounds, including ‘public morals.’**

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<sup>1</sup> Nicos Trimikliniotis and Corina Demetriou, “Evaluating the Anti-Discrimination Law in the Republic of Cyprus: A Critical Reflection” (Fall 2008) 20:2 *The Cyprus Review* 79 at 86.

- **Though Article 22 guarantees the right to marry, this guarantee is limited by regular statutory law since Cyprus defines marriage as between a man and a woman.**
- **This limitation on marriage is consistent with EU law because the Charter of Fundamental Rights of the European Union states that “the right to marry . . . shall be guaranteed in accordance with the national laws governing the exercise of these rights.”**
- **Article 28(1) provides that all persons are equal before the law and Article 28(2) guarantees freedom from discrimination on a number of grounds. Sexual orientation is not specifically listed, despite the fact that it is a ground for prohibiting discrimination in the EU Charter.**

**Article 15:**

1. Every person has the right to respect for his private and family life.
2. There shall be no interference with the exercise of this right except such as is in accordance with the law and is 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 the public morals or for the protection of the rights and liberties guaranteed by this Constitution to any person.

**Article 22:**

1. Any person reaching nubile age is free to marry and to found a family according to the law relating to marriage, applicable to such person under the provisions of this Constitution.
2. The provisions of paragraph 1 of this Article shall, in the following cases, be applied as follows: -
  - (a) if the law relating to marriage applicable to the parties as provided under Article 111 is not the same, the parties may elect to have their marriage governed by the law applicable to either of them under such Article;
  - (b) if the provisions of Article 111 are not applicable to any of the parties to the marriage and neither of such parties is a member of the Turkish Community, the marriage shall be governed by a law of the Republic which the House of Representatives shall make and which shall not contain any restrictions other than those relating to age, health, proximity of relationship and prohibition of polygamy;
  - (c) if the provisions of Article 111 are applicable only to one of the parties to the marriage and the other party is not a member of the Turkish Community, the marriage shall be governed by the law of the Republic as in sub-paragraph (b) of this paragraph provided: Provided that the parties may elect to have their marriage governed by the law applicable, under Article 111, to one of such parties in so far as such law allows such marriage.
3. Nothing in this Article contained shall, in any way, affect the rights, other than those on marriage, of the Greek-Orthodox Church or of any religious group to which the provisions of paragraph 3 of Article 2 shall apply with regard to their respective members as provided in this Constitution.

**Article 28:**

1. All persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby.
2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution.

## 2. *Criminal Code*

- **Northern Cyprus was the last European state to decriminalize same-sex sexual activity between consenting adults by repealing the law against it on January 27, 2014.**<sup>2</sup>
- **Consensual same-sex sexual activity in Southern Cyprus was decriminalized in 1998, as a result of the ECHR case *Modinos v Cyprus*.**<sup>3</sup>
- **In 2002, Southern Cyprus raised the age of consent for opposite-sex sexual activity to 17 years of age in order to avoid lowering the age of consent for same-sex sexual activity to 16. The age of consent is now 17 years of age for both same-sex and opposite-sex sexual activity. The amendment was brought about largely as a result of pressure from the European Union.**<sup>4</sup>

**\*Note:** unable to find official English translation or even Article of bill/Criminal Code reflecting new age of consent.

## 3. *Law No. 42(I) of 2004 implementing Directive 2000/43/EC of 2000-06-29 to combat racial and other kinds of discrimination*

Online: [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_isn=72857](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=72857)  
(Citation for text of new Cypriot in government gazette, in Greek only)

- **Entered into force: May 1, 2004**
- **Prohibits discrimination on the basis of race, sex, origin, ethnicity, language, colour, religion, age, sexual orientation and political or other opinion in both the public and private sectors.**
- **Enforcement procedures provide direct recourse to redress and provides for penalties in the event of violation.**
- **Application and enforcement of the law rests with the Commissioner of Administration/Ombudsman.**
- **This legislation has the effect of appointing the Ombudsman as the “Equality Body,” the specialized body empowered to investigate complaints of discrimination.**

## 4. *Legislation Implementing the Office of the Commissioner for Administration, the Authority against Racism Discrimination, and the Authority for Equal Treatment in*

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<sup>2</sup> “Northern Cyprus votes to legalise gay sex,” *The Guardian*, online:

<http://www.theguardian.com/world/2014/jan/27/northern-cyprus-ban-gay-sex-repeal-homosexual>

<sup>3</sup> <http://www.gaylawnet.com/laws/cy.htm#sodomy>

<sup>4</sup> <http://www.gaylawnet.com/laws/cy.htm>

*Employment (Ombudsman)*

Online:

[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/legislation\\_en/legislation\\_en?OpenDocument#](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/legislation_en/legislation_en?OpenDocument#) (unofficial English translation)

- **The Cyprus Ombudsman is a non-judicial official charged with protecting constitutionally guaranteed human rights in Cyprus.**
- **The office was established in 1991, with the functions of acting as Authority against Racism Discrimination and Authority for Equal Treatment in Employment being added in 2004 upon accession to the EU.**
- **While the Ombudsman is theoretically able to address discrimination on the basis of sexual orientation since 2004, this function does not give rise to the right to pursue an action in court except for in specific circumstances as outlined in Law 50(I) of 2007, above.**

**Appointment of the Commissioner:**

**3 (1)** For the purposes of the exercise of the functions and of the conduct of the investigations provided by this Law, there shall be appointed by the President, on the recommendation of the Council of Ministers and with the prior consent of the majority of the House of Representatives, a citizen of the Republic of at least thirty five years of age, with a high level of education and experience and with the highest integrity, as Commissioner for Administration.

**Powers of the Commissioner:**

**5 (1)** Subject to the provisions of this Law and without prejudice to the provisions of any other law, the Commissioner shall have the power to:

- (a) investigate complaints against any service or officer exercising an executive or administrative function that an action of such service or officer violates human rights or was taken in violation of the law or the rules of proper administration and correct behaviour towards the administered, provided that a person is directly and personally affected by such action. The complaint is submitted within twelve months since the complainant became aware of the act or omission complained of;
- (b) investigate, upon order by the Council of Ministers, any matter which concerns the functioning of any service, in order to ascertain whether it functions efficiently and in accordance with the laws and the principles of proper administration;
- (c) Investigates ex proprio motu matters of general interest.

**5 (3)** The Commissioner shall decide at his own discretion and subject to the provisions of this Law, whether to initiate or to continue or discontinue an investigation in relation to a complaint submitted in accordance with paragraph (a) of subsection (1).

**5 (7)** Where after the completion of an investigation carried out under paragraph (a) of subsection (1) of section 5, the Commissioner concludes that harm or injustice has been done to the interested person, he shall include in his report a suggestion or recommendation to the competent authority for the redress of the harm or injustice, and may at his discretion prescribe the time within which the said harm or injustice must be redressed.

5. *Law No. 50(I) of 2007 amending the Equal Treatment in Employment and Occupation*

*Law of 2004, Law No. 58(1) 2004.*

Online: [http://www.ilo.org/dyn/natlex/natlex\\_browse.details?p\\_lang=en&p\\_isn=84138](http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=84138)  
(PDF of amended text, in Greek)

- Adapts national legislation to the Directive 2000/78/EC of the Council of 27 November 2000, amending Articles 11 and 14 of the basic law of 2004.<sup>5</sup>
- The previous Article 11 required that the person claiming discrimination prove facts from which discrimination could be inferred and allowed the accused to be absolved if they could prove the violation had no negative impact on the claimant. The amended law requires the claimant only to introduce facts from which discrimination could be inferred; the potential absolution of liability no longer exists.
- Article 14 extends the rights included under the law to trade unions and other organizations with legal standing, which are now permitted (with permission from the victim) to either sue the accused in court or submit a complaint to the Ombudsman.
- The grounds for discrimination continue to be the grounds developed in 2004, prohibiting discrimination on the basis of race, sex, origin, ethnicity, language, colour, religion, age, sexual orientation and political or other opinion in both the public and private sectors.

**\*Note:** official English translations of these Articles could not be found to include in this report.

6. *Law 104(1)/2003 – Marriage Law*

Online: <http://www.ucm.org.cy/DocumentList-Legislation,35,English> (Official Greek text and unofficial English translation)

- Section 3(1) specifically defines marriage as “the agreement for a union into matrimony contracted between a woman and a man.”
- There are no provisions for civil unions or other legally recognized same-sex relationships.
- In 2013 the parliament in Southern Cyprus accepted a draft bill for the creation of same-sex civil partnerships. It is expected the bill will be voted on in 2014, once it has gone through requisite procedural stages for drafting and been reviewed in the House.<sup>6</sup>

**Definition of Marriage (unofficial translation)**

**Article 3(1):**

Marriage means the agreement for a union into matrimony contracted between a woman and a man and celebrated by a Marriage Officer, pursuant to the provisions of this Law or by a registered minister of religion according to the Canons of the Greek Orthodox Church or the doctrines of the denominations recognized by the Constitution.

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<sup>5</sup> For full text of Directive 2000/78/EC, the European Union directive which formed the basis of the Cypriot amendment: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:en:HTML>

<sup>6</sup> <http://cyprus-mail.com/2013/11/19/civil-partnership-bill-will-go-ahead/>

7. *Directive 2004/38/EC – The Right to Family Reunification*

Online: [http://eur-](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF)

[lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF](http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF)

- **This EU directive requires member states to allow entry of spouses of EU citizens performed in other EU states, including civil partnerships and same-sex marriages. The purpose of the directive is to facilitate reunification of family members, particularly when EU citizens have married third-country nationals (citizens from countries outside of the EU).**
- **The requirement to allow entry of spouses is limited by Article 2(2)b by mandating recognition of same-sex relationships “if the legislation of the host Member State treats registered partnerships as equivalent to marriage.”**
- **As a result, same-sex partners and spouses of EU citizens in Cyprus are not permitted to take advantage of family reunification laws and must instead follow generic immigration and visa laws as independent applicants. This runs counter to the purpose of the Directive in facilitating family reunification and denies the same-sex partners of EU citizens in Cyprus their rights under Article 3(2) and Article 5 of the Directive.**

**Directive 2004/38/EC**

**Article 2 (Definitions)**

"Family member" means:

- (a) the spouse;
- (b) the partner with whom the Union citizen has contracted a registered partnership, on the basis of the legislation of a Member State, if the legislation of the host Member State treats registered partnerships as equivalent to marriage and in accordance with the conditions laid down in the relevant legislation of the host Member State;

**Article 3(2) (Beneficiaries of the Directive)**

Without prejudice to any right to free movement and residence the persons concerned may have in their own right, the host Member State shall, in accordance with its national legislation, facilitate entry and residence for the following persons:

- (a) any other family members, irrespective of their nationality, not falling under the definition in point 2 of Article 2 who, in the country from which they have come, are dependents or members of the household of the Union citizen having the primary right of residence, or where serious health grounds strictly require the personal care of the family member by the Union citizen;

- (b) the partner with whom the Union citizen has a durable relationship, duly attested.

The host Member State shall undertake an extensive examination of the personal circumstances and shall justify any denial of entry or residence to these people.

**Article 5(1) (Right of Entry)**

Without prejudice to the provisions on travel documents applicable to national border controls, Member States shall grant Union citizens leave to enter their territory with a valid identity card or passport and shall grant family members who are not nationals of a Member State leave to enter their territory with a valid passport.



No entry visa or equivalent formality may be imposed on Union citizens.

8. *Military Law in Cyprus*

Summary of military service obligations online:

[http://www.mfa.gov.cy/mfa/highcom/highcom\\_london.nsf/DMLArmy\\_en/DMLArmy\\_en?OpenDocument](http://www.mfa.gov.cy/mfa/highcom/highcom_london.nsf/DMLArmy_en/DMLArmy_en?OpenDocument)

- **Cyprus requires all male citizens to engage in mandatory military service.**
- **The military does not accept openly gay service members. Those who choose to disclose their sexual orientation are discharged, with the official grounds typically being listed as ‘psychological problems.’**
- **See homophobia report by Nicos Trimikliniotis and Stavros Karayanni in Scholarship section, below.**

### 3. Canadian Jurisprudence

No relevant reported Canadian court or tribunal jurisprudence was found.

Sources investigated include:

1. LexisNexis Quicklaw

*Tribunal Cases, Immigration and Refugee Board Decision*

Search terms: Cyprus! AND LGBT OR gay OR lesbian OR bisexual! OR homosexual! OR sexual orientation OR sexual identity

*Court Cases, Federal Court of Canada, Group Source*

Search terms: Cyprus! AND LGBT OR gay OR lesbian OR bisexual! OR homosexual! OR sexual orientation OR sexual identity

2. The Michigan-Melbourne Refugee Caselaw Site - [www.refugeecaselaw.org](http://www.refugeecaselaw.org)

Search terms: Cyprus

### IV. Government Reports

#### *United States of America*

1. U.S. Department of State, Bureau of Democracy, Human Rights and Labor, “Country Reports on Human Rights Practices for 2012: Cyprus” (2012)

Online:

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2012&dliid=204274>

- **Antidiscrimination laws are in force in public and private spheres, including social program distribution, healthcare, education, and labour.**

- **Even though there are several legal protections, few LGBT persons are open about their sexual orientation.**
- **Accept LGBT Cyprus, the first LGBT association in Cyprus, reports homophobic behaviour in schools, sometimes instigated by teachers.**
- **Accept LGBT Cyprus has been blocked by television stations from presenting “anti-homophobia” programming.**
- **LGBT awareness training was implemented in schools for the first time in 2012.**

This report contains a comprehensive summary of human rights problems and practices in Cyprus. It includes an outline of current challenges faced by LGBT persons in Cyprus, and has a brief discussion of the “Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity” (Section 6). No violence was mentioned in this discussion, but there are reported instances of homophobic behaviour, including refusal of television networks to broadcast pro-diversity programming. This report does not indicate that discrimination against LGBT persons is one of the most significant human rights problems in the country.

According to Accept LGBT Cyprus, homophobic acts are found particularly in school settings. 2012 was the first year that an awareness program had been implemented in schools; it is unclear as of yet whether it has had an effect on the prevention of discrimination and homophobic behaviour.

The report indicates that the government generally does not restrict domestic or international human rights groups. Instead, these groups appear to face the most opposition within the private sector, and particularly the private media.

### *Council of Europe*

1. Commissioner for Human Rights, “Follow-Up Report on Cyprus (2003-2005): Assessment of the progress made in implementing the recommendations of the Council of Europe Commissioner for Human Rights” (2006)  
Online:  
<https://wcd.coe.int/ViewDoc.jsp?id=984105&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>
- **LGBT persons are exempted from military service on the basis of ‘psychological reasons.’**

This report assesses the response of the Cypriot government to recommendations made by the Council of Europe Commissioner for Human rights in 2002. The experience of LGBT individuals was not a significant component of the recommendations, but the Commissioner expressed ‘misgivings’ about the discrimination faced by homosexuals in the military. While Cypriot men are typically required to serve in the military for 25 months, homosexual men have been exempted. The reasons given on the exemption certificate are ‘psychological reasons.’

## V. Reports from International Agencies and Non-Governmental Organizations

### *ARC International*

1. “Cyprus, UN Human Rights Council, Universal Periodic Review, Sixth Session: Suggested Recommendations on Human Rights Issues Related to Sexual Orientation and Gender Identity” (2009)  
Online: <http://arc-international.net/global-advocacy/universal-periodic-review/c/cyprus>

- **The Cypriot State has been largely silent with regard to LGBT awareness and initiatives.**
- **Members of the Church and politicians often make statements that reportedly fuel stigma against LGBT individuals.**
- **The Gay Liberation Movement of Cyprus (AKOK) received funding and close cooperation from the state government to implement awareness campaigns.**
- **Hotline and crisis services are available in Cyprus for LGBT individuals.**

A summary of ILGA Europe, Gay Liberation Movement of Cyprus (AKOK), and domestic and international reports is presented. This document focuses on the lack of public awareness and state initiatives in combatting discrimination on the basis of LGBT identity. While it recognizes that funding has been provided to AKOK by the state, the state’s role remains quiet, and the state does not actively assist AKOK in achieving its awareness objectives. Therefore, ARC International recommends that Cyprus implement more nation-wide, state-driven awareness campaigns to more effectively undermine the widespread social stigma of LGBT identities. Further, it recommends that hate crime legislation be implemented to offer better legal protection of LGBT individuals.

### *EqualJus*

1. “Handbook on the Protection of LGBT People” (2011)  
Online: [http://www.equal-jus.eu/sites/equal-jus.eu/files/Handbook%20on%20the%20protection%20of%20LGBT%20people%20-%20high%20resolution\\_0.pdf](http://www.equal-jus.eu/sites/equal-jus.eu/files/Handbook%20on%20the%20protection%20of%20LGBT%20people%20-%20high%20resolution_0.pdf)

- **In 2010, only 3 complaints alleging discrimination on the basis of LGBT discrimination were filed with the Equality Body, set up to enforce antidiscrimination protocols in Cyprus, despite evidence of widespread discrimination; activists claim this is due to lack of targeted information campaigns and lack of confidence in anti-discrimination mechanisms.**

This handbook identifies best practices in government facilitation of LGBT rights within Europe. While very little of the document focuses on Cyprus, it identifies a lack of awareness and community confidence in state protection as key barriers to combatting discrimination. It does, however, acknowledge that a few awareness campaigns have been implemented. These include a 2007 joint campaign between the Gay Liberation Movement of Cyprus (AKOK) and

the Cyprus Family Planning Association, and Cyprus' participation in the 2006 pan-European Conference on the Benefits of Diversity.

### *International Lesbian and Gay Association (ILGA) Europe*

1. "Annual Review of the Human Rights Situation of Lesbian, Gay, Bisexual, Trans and Intersex People – 2013: Cyprus" (2013)  
Online: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5195f1160&skip=0&query=homosexual%20or%20gay%20or%20LGBT&coi=CYP>
  - **The Office of the Commissioner for Administration in southern Cyprus recommended the expansion of legislation to prohibit homophobic and transphobic hate speech following complaints about homophobic statements made by a Member of Parliament.**
  - **Further recommendations were made to address homophobic bullying in schools, including administrative training, protective infrastructure, and sexual education.**
  - **A broad array of pro-LGBT events, conferences, and campaigns are garnering political support around southern Cyprus.**
  - **The Ministry of Health has been asked by the Office of the Commissioner for Administration to re-examine gender recognition legislation in order to include transgendered people.**
  - **77% of Cypriots believe sexual orientation discrimination is widespread.**
  - **Up until 2013, the northern Cypriot government was still actively prosecuting same-sex sexual behaviour (same-sex activity was decriminalized in January 2014).**

This report presents a brief outline of current legislation, governmental recommendations, and NGO activity in southern and northern Cyprus. It notes that the Office of the Commissioner for Administration in southern Cyprus has made a series of recommendations to administrative bodies to implement proactive infrastructure that combats discrimination against LGBT individuals. These recommendations include school training programs, sexual education, bullying support structures, and the legal recognition of transgender identity in order to facilitate access to healthcare. Further, this report indicates that several professional conferences regarding LGBT human rights issues have been supported by the community and the government. These conferences include international academic participants, and political representatives are increasingly involved.

This report was released prior to the repeal of the criminal prohibition of same-sex activity in northern Cyprus. However, it indicates that prosecutions were still being actively pursued by the northern Cypriot government at the time of the report. The prohibition was under pressure from the broader European Parliament.

2. “Cyprus: The Status of Lesbian, Gay, Bisexual and Transgender Rights: Submission to the United Nations Human Rights Council for its Universal Periodic Review of Cyprus (6<sup>th</sup> Session)” (2009)

Online: [http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CY/ILGA-Europe-AKOK\\_CYP\\_UPR\\_S06\\_2009.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session6/CY/ILGA-Europe-AKOK_CYP_UPR_S06_2009.pdf)

- **LGBT individuals in both the north and south of the divided Cypriot island face widespread discrimination and marginalization.**
- **Southern Cyprus has anti-discrimination laws protecting LGBT individuals in employment, but these individuals have been prevented from using the equality procedures at a national level due to prejudice and lack of awareness-raising measures.**
- **There is no hate-crime legislation in Cyprus.**
- **There have never been any Gay Pride events in Cyprus, indicating widespread stigma.**
- **There is very little research on LGBT treatment in Cyprus, largely because it is such a taboo subject in the country.**
- **A 2006 survey indicates only 6% of Cypriots think same-sex sexual relationships are rarely or never wrong.**

The submission identifies key issues regarding the lack of protection of LGBT individuals in northern and southern Cyprus and makes recommendations to address the issues. Much of its focus is on the criminal prohibition of homosexual activity in northern Cyprus. This prohibition was recently repealed on January 27, 2014. Still, this submission emphasizes the social stigma of LGBT identities, and suggests that a reason these attitudes have remained fossilized is because of a lack of effective awareness initiatives in both the public and private sectors. Specifically, the submission recommends the implementation of more effective gender and sexuality education and dialogue in schools.

### *Migration Policy Group (MPG)*

1. “Report on measures to combat discrimination: Country report – Cyprus, 2011” (2012)

Online: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=search&docid=5255349a0&skip=0&query=homosexual%20or%20gay%20or%20LGBT&coi=CYP>

- **No legislative framework for same-sex couples to formalize relationships.**
- **LGBT persons are typically reluctant to pursue their rights through the justice system because of social stigma.**
- **The Equality Body, a position set up to enforce antidiscrimination protocols in Cyprus undertaken by the Ombudsman, has the duty to make recommendations to the relevant Minister regarding measures for promoting equality for marginalized groups.**
- **If a discriminatory law is identified by the Equality Body, it remains in force until officially amended by Parliament.**

- **Equality Body has recommended the implementation of same-sex relationship formalization, and believes this will also help combat negative public perception of same-sex relationships.**

This document outlines a wide collection of reports, recommendations, legislation, and jurisprudence that seeks to implement anti-discrimination measures for many minority groups. The reports pertaining to same-sex relationships and LGBT persons focus largely on recommendations toward legalizing formal same-sex relationships and marriages. The most comprehensive of these reports comes from the Equality Body, which is tasked with recommending new antidiscrimination measures, as well as identifying discriminatory legislation that should be repealed. The Equality Body bases its recommendations on evidence that legal recognition of same-sex relationships normalizes the relationships and changes negative public perception, which in turn will likely combat broader systemic discrimination. However, the Cypriot government has been slow to react to these and similar recommendations. The report attributes this to the relative reluctance of LGBT individuals to make equality and human rights claims in the judiciary, due to the widespread social stigma associated with both their LGBT status and with activism.

## VI. Newspaper and Media Reports

1. “Cyprus to have its first Gay Pride parade,” Constantinos Psillides, Cyprus Mail, February 5, 2014.  
Online: <http://cyprus-mail.com/2014/02/05/cyprus-to-have-its-first-gay-pride-parade/>
  - **First-ever Pride parade will be held in Nicosia on May 31, as part of the 15-day Cyprus Pride Festival organized by ACCEPT LGBTI (a Cypriot NGO).**
  - **Parade will celebrate the Civil Partnership Act which is expected to be voted in this April.**
  - **ACCEPT LGBTI head Costas Gavrielides called the parade “a testament to how far Cypriot society has come on issues of inclusion and acceptance.”**
2. “Northern Cyprus lifts ban on gay sex,” BBC News, January 27, 2014.  
Online: <http://www.bbc.co.uk/news/world-europe-25918330>
  - **As of January 27, 2014, Turkish-controlled northern Cyprus lifts ban on same-sex relations.**
  - **It is the last territory in Europe to decriminalize same-sex relations, which were made illegal under British colonial rule.**
3. “Northern Cyprus becomes last European territory to decriminalize gay sex,” Dasha Afanasieva, Reuters US, January 27, 2014.  
Online: <http://www.reuters.com/article/2014/01/27/us-cyprus-north-gay-idUSBREA0Q16R20140127>
  - **Bogus Derya says that he and other lawmakers “decriminalized homosexuality but also changed that whole section (of the code) to modernize laws protecting human rights.”**

- **Office of British MEP (Member of European the Parliament) Marina Yannakoudakis says that the last time it was aware of someone being arrested under the law was in February 2012.**
4. “Still no human rights for LGBT people,” Stefanos Evripidou, Cyprus Mail, December 11, 2013.  
Online: <http://cyprus-mail.com/2013/12/11/still-no-human-rights-for-lgbt-people/>
    - **As the world celebrates Human Rights Day, discussions are still taking place in Cyprus as to whether same-sex couples are entitled to any rights under the proposed Civil Partnership Act.**
  5. “North pledges to repeal homosexuality ban,” Stefanos Evripidou, Cyprus Mail, October 12, 2013.  
Online: <http://cyprus-mail.com/2013/10/12/north-pledges-to-repeal-homosexuality-ban/>
    - **Turkish Cypriot political leadership pledges to decriminalize same-sex relationships within two months.**
  6. “Homosexuality in the north under spotlight,” Stefanos Evripidou, Cyprus Mail, October 10, 2013.  
Online: <http://cyprus-mail.com/2013/10/10/homosexuality-in-the-north-under-spotlight/>
    - **Article describes how British MEP Marina Yannakoudakis has been working with Turkish Cypriot leader Dervis Eroglu since 2011 in an attempt to move along the process of decriminalizing same-sex relationships.**
  7. “LGBT demo in Nicosia joins international movement,” Cyprus Mail, September 4, 2013.  
Online: <http://cyprus-mail.com/2013/09/04/lgbt-demo-in-nicosia-joins-international-movement/>
    - **LGBT rights groups gathered outside Russian embassy in Nicosia to protest enactment of Russian laws banning “gay propaganda.”**
    - **One protester spoke about how there were still “many problems” for the LGBT community in Cyprus.**
  8. “Gay pride celebrations in north a secret affair,” Cyprus Mail, August 7, 2013.  
Online: <http://cyprus-mail.com/2013/08/07/gay-pride-celebrations-in-north-a-secret-affair/>
    - **Activists held a “secret demonstration” by putting up rainbow banners in Famagusta in the middle of the night.**
    - **They released a statement saying that they had chosen to act in secret because it was “still unacceptable to be gay in Turkish Cypriot society.”**
    - **The rainbow banners were removed by authorities “within a few hours.”**
  9. “Cyprus: Gay couple dragged from car and beaten by gang of eight,” Scott Roberts, Pink News, May 14, 2013.  
Online: <http://www.pinknews.co.uk/2013/05/14/cyprus-gay-couple-dragged-from-car-and-beaten-by-gang-of-eight/>

- **A couple (an English man and a German man who had lived in Cyprus for 10 years) were driving in their car when it was forcibly stopped by a group of eight, who dragged them from the car and beat them violently.**
  - **The victims were treated at the hospital and released the same day.**
10. “LGBT group hails decision on civil partnerships,” Poly Pantelides, Cyprus Mail, February 20, 2013.  
Online: <http://archive.is/2sspL>
- **ACCEPT LGBT hailed Cabinet’s decision to pass a draft bill on civil partnership.**
  - **It called the decision “a first step towards the recognition and ratification of gay couples in Cyprus law and society in general, in the context of egalitarianism, and equal treatment before the law.”**
  - **Cyprus does not yet legally accept any form of cohabitation outside of marriage.**
11. “Cyprus is least gay-friendly EU country, rights group says,” Nikolaj Nielsen, EU Observer, February 2, 2012.  
Online: <http://euobserver.com/social/115101>
- **Brussels-based rights group ILGA-Europe says Cyprus is the least gay-friendly EU country.**
12. “Alarm after arrests in north Cyprus under gay sex law,” Patrick Jackson, BBC, February 2, 2012.  
Online: <http://www.bbc.co.uk/news/world-europe-16840318>
- **MEPs have expressed alarm at the arrests of two prison inmates who have been charged under s.171 of the penal code, which carries a punishment of five years for “sexual intercourse against the order of nature.”**
  - **This is the third occasion in eight months when arrests have been made based on s.171.**
13. “Being Gay in Cyprus,” Jill Campbell Mackay, Red Cactus Post, November 25, 2011.  
Online: <http://redcactuspost.com/that-is-life-and-more/item/97-being-gay-in-cyprus>
- **In this blog post, the author interviews gay and lesbian Cypriot youth, and describes anecdotally the discrimination that they face.**

<b>VII. Scholarship</b>
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1. Drosos, S., and Constantinides, A. “The Legal Situation of Same-Sex Couples in Greece and Cyprus” in *Same-Sex Couples before National, Supranational and International Jurisdiction*. D. Gallo et al (eds). Springer-Verlag Berlin Heidelberg 2014.  
Online: [http://link.springer.com/chapter/10.1007/978-3-642-35434-2\\_13](http://link.springer.com/chapter/10.1007/978-3-642-35434-2_13)
- **Describes how Cyprus and Greece are closely linked culturally, tending towards almost identical views on same-sex relationships as measured by Eurobarometer.**
  - **Describes the legal protection of LGBT persons in Cyprus as extensive on paper,**



- with a wide-ranging Constitution, the implementation of EU laws, and being signatory to all major universal human rights declarations.**
- **Finds the reality of the above framework to be limited in practice, as it co-exists with older, conservative laws (for example, the definition of marriage).**
  - **Describes the limitations of the position of the Ombudsman to protect human rights in Cyprus, who is usually limited to making recommendations for reform. Those recommendations have typically met with resistance from political leaders.**
  - **There have been few cases of human rights complaints from LGBT claimants and little outward discussion of reform of human rights or open discussion of changing the legal framework to accommodate LGBT relationships.**
2. Smith, Tom W. "Cross-National Differences in Attitudes towards Homosexuality." The Williams Institute, UCLA. 2011.  
Online: <https://escholarship.org/uc/item/81m7x7kb>
- **Examines data from the International Social Survey Program (ISSP) regarding questions about approval of homosexuality from 1988 to 2008, looking for trends in attitudes, cross-national differences and patterns related to socio-demographics, and ranking the countries according to their attitudes.**
  - **The survey began including same-sex approval questions in 1988 for eight countries, growing to 35 countries by 2008. Data for Cyprus is available from the last two waves of surveys in 1998 and 2008.**
  - **Found a global trend of growing approval, with 27 countries showing increased approval and only 4 decreasing. Cyprus was one of the four, showing a consistent decline in approval over the years it was surveyed, and consistently ranked near the bottom for approval ratings at #26 out of 35.**
  - **From 1998 to 2008, the percentage of Cypriots saying same-sex behaviour (defined as sexual relations between two adults of the same sex) was "Always Wrong" went from 56% to 65.8%, and "Not Wrong at All" went from 11.2% to 8.5%.**
  - **Article goes on to discuss the correlation between approval/disapproval of same-sex relationships and social or demographic factors including: religiosity, age, gender, education, urban or rural location, and developing countries.**
3. Trimikliniotis, N., and Demetriou, C. "Legal Study on Homophobia and Discrimination on Grounds of Sexual Orientation – Cyprus." Agency of Fundamental Rights, February 2008 report.  
Online: <http://www.econbiz.de/Record/legal-study-on-homophobia-and-discrimination-on-grounds-of-sexual-orientation-and-gender-identity-thematic-study-cyprus/10009640787>
- **Overview of Cypriot statutes addressing rights of LGBT citizens, as well as the implementation of EU law.**
  - **Discusses how the above legislation has impacted rights of LGBT citizens with respect to freedom of movement and family reunification in the EU, asylum law, freedom of assembly, hate speech, and criminal law.**

- **Updated in March 2010 to include discussion of gender identity issues in Cyprus.**
4. Trimikliniotis, N., and Karayanni, S. “The situation concerning homophobia and discrimination on grounds of sexual orientation: Cyprus.”  
Online: <http://www.statewatch.org/news/2010/jan/cyprus-homophobia-report.pdf>
- **Details the legal and social status of LGBT people in Southern Cyprus.**
  - **Greek Cypriot society is conservative and holds traditional beliefs regarding sexual norms and gender roles and is hostile to LGBT people, who are perceived as challenging these expectations.**
  - **LGBT citizens in Cyprus tend to be neither vocal nor open about their sexuality as a result of the severe social stigma and ongoing discrimination in Cypriot society.**