

The Republic of Cyprus (RoC)¹ is party to several international human rights instruments that guarantee the right to nationality on a non-discriminatory basis. However, in the RoC people face various human rights challenges. Of particular concern is the human rights of persons (including RoC nationals) living in the north of the island. This includes **the right to nationality** of children born to one RoC parent and one Turkish parent and the **risk of stateless for children** who are only able to acquire the 'TRNC' nationality. Furthermore, there are concerns of **exclusion of free healthcare, exclusion from political participation, the lack of free movement, and the lack of protection of, and reporting on, human right conditions.**

Right to nationality and risk of statelessness

RoC law allows for nationality to be inherited, unless one of the parents has entered the island via the north side, or lives in the north. In practice, this rule is applied only to deny RoC nationality to children with (partial) Turkish ethnicity, impacting an estimated 15 000 to 25 000 children. Only children who are of 100% Cypriot descent can acquire RoC nationality easily (unless they are born in Turkey). Children of one Turkish parent and one RoC parent (even if three of their grandparents are RoC), are put on an indefinite waiting list when they apply for nationality.

If these children cannot obtain any other nationality, they will be stateless. This includes children who obtain (only) "Turkish Republic of Northern Cyprus (TRNC) nationality", because the TRNC is not an internationally recognised state and therefore has no capacity under international law, to grant nationality.

Exclusion of free healthcare, political participation, lack of free movement, protection and reporting

Healthcare: since 2012, all persons living in the north (including RoC nationals) are excluded from free healthcare in the RoC.

Political participation: RoC nationals living in the north are not allowed to vote or politically participate in the government of the RoC.

Freedom of movement: many people residing in the north are not allowed to enter the south. This includes all Turkish people, international students, migrant workers, as well as many children who are born and raised in northern Cyprus.

Protection of, and reporting on, human rights: the RoC does not investigate and/or report on human right violations in the north. People in the 'occupied territories' are systematically left out of all human rights reporting.

Proposed recommendations to the Republic of Cyprus

- I. Take all necessary active measures to respect and ensure human rights for every person within their jurisdiction, without discrimination of any kind; irrespective of the person's race, language, religion, political or other opinion, national, ethnic or social origin, birth or other status, in accordance with UDHR article 2 and other human rights treaty provisions.
- II. Review and amend relevant legal provisions and ensure non-discriminatory application of the law to guarantee the right of all persons who have one RoC parent to obtain RoC nationality, irrespective of the other parent's ethnicity or gender as well as the place of residence and/or means of entering the country.
- III. Guarantee equal access without discrimination (in law and practice) to fundamental rights for all people on their territory, irrespective of place of residence, mixed parentage, documentation or citizenship status, including primary and secondary education, healthcare and work.
- IV. Implement all recommendations previously made by UN treaty bodies, including those made by the Human Rights Committee to:
 - a) take immediate steps to ensure Turkish Cypriots have the same rights and obligations as all other Cypriot citizens, both in law and in fact, to vote and stand for elections so as to be in full compliance with articles 25 and 26 of the Covenant', and b) 'take adequate measures to ensure that the nationality laws are applied indiscriminately on the basis of clearly defined criteria. It should ensure that applicants have access to information concerning the requirements of citizenship and that they receive a decision on their application for citizenship within a reasonable period of time.'
- V. Guarantee the full political participation of all RoC nationals, protecting their right to vote and the right to run for office, irrespective of their place of residence within the borders of Cyprus.
- VI. Protect without discrimination, the freedom of movement of all persons within their territory, including the right to cross from the north to the south, and equal access to the right to travel internationally from the airport and harbours in South Cyprus, irrespective of their place of residence within the borders of Cyprus.
- VII. Reinstate the policy of allowing equal access to free healthcare, irrespective of a person's place of residence within the country.
- VIII. Accede to the 1954 Convention on the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness and the 2000 European Convention on Nationality.
- IX. Establish a statelessness determination procedure and status in line with the 1954 Convention, UNHCR guidance and best practice.
- X. Take all possible measures to, in cooperation with the "TRNC authorities", provide data, report on and subsequently protect the human rights, including children's rights, of people living in the north of their territory.

¹ The full UPR submission of the Institute on Statelessness and Inclusion Research Team from Maastricht University on the right to nationality in the Republic of Cyprus is available here: http://www.institutesi.org/UPR32_Cyprus.pdf.