

**INTERNATIONAL  
COVENANT  
ON CIVIL AND  
POLITICAL RIGHTS**



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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 40 OF THE COVENANT

Initial reports of States parties due in 1977

Addendum

CYPRUS

[23 March 1977]

Most of the civil and political rights embodied in the International Covenant are adequately safeguarded by the Constitution of Cyprus, Part II, on Fundamental Rights and Liberties. Under the Treaty of Establishment of the Republic of Cyprus, Article 5, it is provided that the Republic of Cyprus "shall secure to everyone within its jurisdiction human rights and fundamental freedoms comparable to those set out in Section I of the European Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on the 4th of November, 1950, and the Protocol to that Convention signed at Paris on the 20th March, 1952".

Thus, the Rome Convention and the Protocol have served as the prototypes for drafting the relevant provisions in the Cyprus Constitution. The Republic of Cyprus ratified the Rome Convention and its First Protocol in 1962 by means of the European Convention on Human Rights (Ratification) Law, 1962 (Law 39/1962). By virtue of such ratification, and by virtue of the provisions of Article 169(3) of our Constitution, the actual provisions of the Rome Convention and its First Protocol have superior force to any municipal Law in Cyprus; thus, these provisions have become part of the law of Cyprus alongside with the Fundamental Rights and Liberties provisions in Part II of our Constitution. The same applies to the International Covenant on Civil and Political Rights ratified by Law of the Republic 14/69.

The Constitution of Cyprus not only defines the fundamental rights and liberties in a clear legal language but also provides effective remedies for their enforcement. Under Article 35, the legislative, executive and judicial authorities of the Republic shall be bound to secure, within the limits of their respective competence, the efficient application of the provisions relating to fundamental rights and liberties. A law which in any way violates any of the constitutional provisions may be declared by the Supreme Court to be unconstitutional. Moreover, if the fundamental rights of a person are violated by any administrative act, that person may apply

to the administrative authority for redress under Article 29 of the Constitution, and/or he may file a recourse to the Supreme Court under Article 146 for the annulment of such act as being contrary to law or made in excess or abuse of powers, whereupon the Supreme Court may declare such act as null and void and of no effect whatsoever. Furthermore, the person aggrieved may resort to the Supreme Court for any of the prerogative orders of habeas corpus, mandamus, prohibition, quo warranto and certiorari, for which express provision exists in the Constitution (Article 155(4)).

There are, however, certain articles in the United Nations Covenant for which no corresponding provision exists in the Cyprus Constitution. These are being studied by a special committee of governmental experts which will make recommendations for the gradual implementation of these articles. This work is expected to take some time and a full report on the action taken will be submitted when it is completed.