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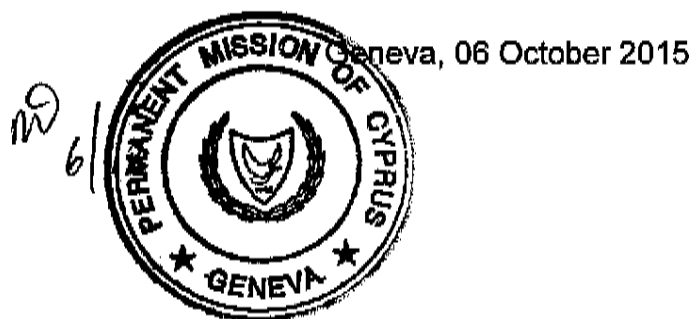


**Permanent Mission of the Republic of Cyprus  
Geneva**

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The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to the latter's Letter dated 10 June 2015, concerning the Questionnaire on the Guiding Principles on Business and Human Rights, has the honour to enclose herewith the relevant information as received from the competent Authorities of the Republic of Cyprus.

The Permanent Mission of the Republic of Cyprus to the Office of the United Nations at Geneva and other International Organizations in Switzerland avails itself of the opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.



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## CYPRUS REPLY TO THE UN QUESTIONNAIRE

### ON BUSINESS AND HUMAN RIGHTS

#### A. General update

*(This information is sought to update findings from the Working Group's 2014 survey. If the Government responded in the question in 2014 and there are no updates this part can be skipped).*

The legal system in Cyprus secures and guarantees the fundamental human rights of all persons without any distinction or differentiation between citizens and non-citizens of the Republic. First, the Constitution of the Republic (Articles 6 to 35), secures a large number of protected individual and social rights, it secures the equality of citizens against the law, the administration and the justice and protects the enjoyment of all rights and freedoms that are provided in the Constitution without any discrimination, direct or indirect, against any person because of community, race, color, religion, language, gender, belief, national or social origin or social class, or because of any other reason, unless this is clearly indicated in the Constitution itself.

The status of Cyprus as an EU Member State and the implementation of the *acquis* has strengthened the national institutional framework for the protection of human rights. Also, Cyprus, as participating in international organizations, has signed and ratified in some cases with laws, a large number of international conventions or protocols contracted to ensure overall protection of human rights.

**Applicability to Public Organisations:** Thus both the Government Services and the State-owned Enterprises are required to respect Human Rights as stipulated in the relevant laws.

In the scope of implementation of the international law, Cyprus has also established a **Remedy Mechanism**. The Commissioner for Administration has been appointed as the independent authority to deal and decide on issues related to discrimination. Its main institutional competence is to investigate, through non judicial procedures, complaints by victims of discrimination either in the public or private sector activities. Their field of activities includes discrimination based on gender, race, community, language, color, religion, political or other beliefs, national or ethnic origin, disability, age, sexual orientation or any other grounds prohibited by law. In cases where the Ombudsman finds that a particular practice / conduct constitutes unlawful discrimination, he may issue an order to end the practice / behavior and, in case of non-compliance, to impose fines on the persons / organisations involved.

**Developments:** The Ombudsman's Office of the Republic of Cyprus, in its capacity as an Equality Body, has issued a number of Reports regarding the implementation of the principal of non discrimination by private Businesses. The Reports were issued after the investigation of relevant complaints. In the Reports, the antidiscrimination framework was

cited and recommendations were made to businesses, to adopt existing practices so that they are not discriminatory. (For example, Reports were issued regarding age discrimination practices by insurance companies and also discrimination on the basis of national origin, by providers of mobile telephone and internet services).

**1. Please indicate any specific steps taken by the State to implement the Guiding Principles on Business and Human Rights since they were endorsed by the Human Rights Council in June 2011.**

The Government has decided to promote in a coordinated manner, the concept of Corporate Social Responsibility (CSR) in Cyprus, to encourage responsible entrepreneurship and to motivate companies to take into account the impact of their activities on society.

- In order to promote CSR in a coordinated manner a **National action Plan** has been prepared and approved by the Council of Ministers in February 2013.
- There are provisions in **public procurement** documents that require businesses that submit tender offers to respect human rights in general and labour rights in particular. Special reference is made in the Templates for the inclusion of specific articles on human rights. Also a circular was issued by the Treasury in June 2012 to include specific clauses in the Terms of Reference for Public Procurements, requiring tenderers to attach certificates proving that they have not been convicted during the last three years for illegal or undeclared work, for paying below the minimum threshold, or for disrespect of working rights. In addition, in case of new recruitments for executing the tendered job, they are encouraged to use people registered as long-term unemployed, in an effort to decrease unemployment.
- Also **Campaigns** are occasionally carried out by the competent Ministries and the Ombudsman to increase awareness on the abolition of discriminations. Currently a new campaign by the Ombudsman is in the pipeline to increase awareness on the Respect of Human Rights by the Mass Media.

**2. Do these efforts include a plan to develop or update a State national action plan on Business and Human Rights (or another Government-led plan to promote responsible business practices) and does such plan refer to the UN Guiding Principles and the guidance developed by the Working Group? If yes, please indicate:**

The Government has introduced since February 2013 a National Action Plan for Corporate Social Responsibility (which covers the period 2013-2015), where there is a specific Chapter on Human Rights. It is planned to convene the main stakeholders to prepare an updated NAP for the period 2016-2018 including on Human Rights.

**a. The Government department(s) taking the lead and involved in developing such plan and coordinating its implementation?**

The Government Service responsible for coordinating at a national level the efforts to promote CSR is the Directorate General for European Programmes Coordination and Development, (DG EPCD, ex Planning Bureau) which is under the Minister of Finance. In its capacity as National Coordinating Service DG EPCD has taken the initiative to prepare a National Action Plan on CSR in cooperation with all the main stakeholders.

*b. Whether different stakeholders, including business associations and civil society organizations, have been involved in developing the plan, and whether there is an institutional platform for such engagement and participation?*

**Procedure of preparing the Action Plan:** During the process of drafting the National Action Plan of CSR, the active involvement and contribution of all involved, Government Services, Cyprus businesses, semi-governmental organizations, business entities and Non-Governmental Organizations (NGOs) was pursued to ensure that is both accepted and supported.

In the first phase a primary survey of two directions was implemented: one in the private sector (100 interviews were conducted to representatives of the business community) and one in the public sector (30 in-depth personal interviews to senior executives in public organizations were conducted). International practices and experiences from similar initiatives in other countries, the EU's agenda for CSR, the guidelines of other international organizations and the United Nations on Human Rights (John Ruggie's Report) were taken into consideration in designing the survey.

Furthermore, a secondary survey was implemented and involved the study of scientific material (international standards, surveys and studies on CSR of previous years). The results of both surveys were presented to a first workshop to stimulate discussion on the contents of the NAP. In a second workshop, the final draft was discussed in the presence of representatives of all stakeholders, in an open meeting that led to the endorsement of the NAP-CSR, before being submitted to the Council of Ministers for its official approval.

**Establishment of a National Mechanism:** The commitment of all stakeholders as well as social groups in implementing and maintaining the dialogue on the development of the concept of CSR in Cyprus is considered extremely valuable. For this reason, the establishment of a National Mechanism is foreseen in the NAP, composed of representatives of the basic Public and Private sector stakeholders, ensuring the participation and involvement of forces for the best possible result.

## **B. Business Enterprises owned or controlled by the State.**

*1. Does the Government have policies and/or regulations and/or guidance in place that addresses the need for enterprises that are owned or controlled by the State*

**to implement respect for human rights throughout their operations? If yes, do these include:**

Yes the Government-owned business enterprises are obliged to follow all laws and regulations of the Republic, including respect of Human Rights, avoiding discrimination based on gender, race, community, language, color, religion, political or other beliefs, national or ethnic origin, disability, age, sexual orientation or any other grounds prohibited by law.

**a. Requirements or expectations for State-owned enterprises to undertake human rights due diligence?**

No such requirements exist.

**b. Provisions for human rights due diligence relating to activities in other countries / abroad?**

Expected to respect Human Rights but no due diligence requirements.

**c. Requirements to report on human rights risks and/or impacts, and if so on what issues?**

This is one of the three main Axes of the national Action Plan with priority to start from the Government owned Enterprises but no progress has been achieved yet.

**2. Does the Government have any policies and/or regulations and/or guidance with regard to joint ventures involving the Government (e.g. the extractive sector)? If yes, do these also apply to joint ventures partners?**

Yes expected to respect human rights but no due diligence requirements.

**3. Are publicly owned funds (e.g. pension or sovereign venture funds) required or expected to include human rights risks in fund management criteria?**

Publicly owned funds are expected to include human rights risks in fund management criteria but no due diligence requirements.

**4. Do publicly owned or controlled financial institutions (e.g. export credit agencies, official investment insurance companies or development finance institutions) have safeguard policies that refer to human rights? If yes, do they have human rights due diligence requirements for clients that benefit from financial or advisory support?**

Publicly owned or controlled financial institutions have policies that refer to human rights, in order to be in compliance with the prevailing laws, but no due diligence requirements.

**5. Please indicate any other practices or lessons learned that the Government would like to share in relation to the human rights responsibilities of business enterprises owned or controlled by the State.**

None.