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Amnesty International calls for amendments to legislation on homosexuality

Amnesty International welcomed the recent vote by the Cypriot House of Representative to amend the Penal Code which prohibited sex between consenting male adults in private. However, the organization is concerned that the new legislative provisions could still result in the imprisonment of people solely for their homosexuality, including for private sexual relations between consenting adults.

Amnesty International urges the Cypriot authorities to amend the legislation to bring it into line with international standards, such as the International Covenant on Civil and Political Rights (ICCPR) and the European Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention), to both of which Cyprus is a party, and in particular with Articles 2 (1) of the ICCPR and Article 14 of the European Convention which require the Government of Cyprus to ensure that all of the rights recognized in the ICCPR and European Convention are applied to all people without discrimination, including on the basis of sex or other status. Article 26 of the ICCPR requires the state to ensure that all people are equal before the law and receive the equal protection of the law without any discrimination including on the basis of sex.

Amnesty International is concerned that the new legislation is clearly discriminatory as it defines the age of consent for sexual activity between males at 18, while the age of consent for heterosexual activity is 16, and because its restrictive definition of privacy applies only to sexual activity between males, and not to activity between males and females.

In particular, the application of the revised Article 171 which carries a sentence of up to five year's imprisonment for "unnatural acts between males performed in public or which involve one of the persons being aged under 18" and which includes in its definition of acts performed "in public" those which take place "between more than two people or in presence of a third party", could continue to lead to the imprisonment of male adults solely for engaging in consensual homosexual relations in private.

Amnesty International is also concerned that the wide scope of the provisions of the recently adopted Article 174(A) (which carries a sentence of one year's imprisonment for "indecent behaviour or invitation or provocation or advertisement aimed at performing unnatural acts between males") could lead to the imprisonment of individuals solely for having exercised their right to freedom of expression and to freedom of assembly and association.

Amnesty International therefore calls upon the Cyprus Government to revise Article 171. (1) and (3), to equalize the age of consent for homosexual and heterosexual relations, and to revise Article 174 A.

While the current provisions remain in force, Amnesty International will adopt as a prisoner of conscience any adult (at or above the age of consent for heterosexuals) imprisoned for engaging in consensual sexual relations with one or more other adults, while having taken reasonable precautions not to be seen or heard by others. Amnesty International will also adopt as prisoners of conscience persons imprisoned under Article 174 A for the non-violent exercise of their rights to freedom of expression and to freedom of assembly and association.

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