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Question of human rights in Cyprus

Report of the Office of the United Nations High Commissioner for Human Rights*

Summary

The present report, which covers the period from 1 December 2018 to 30 November 2019, provides an overview of human rights concerns in Cyprus, including in regard to the right to life and the question of missing persons, the principle of non-discrimination, freedom of movement and the right to seek asylum, property rights, freedom of religion or belief and cultural rights, freedom of opinion and expression, and the right to education. In the report the importance of a gender perspective in relation to the peace process is also emphasized.

* The present report was submitted after the deadline in order to reflect the most recent information.



I. Introduction

1. The present report was prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) pursuant to resolutions 4 (XXXI), 4 (XXXII) and 1987/50 of the Commission on Human Rights, and decision 2/102 of the Human Rights Council.

2. As at 30 November 2019, Cyprus remained divided, with a buffer zone maintained by the United Nations Peacekeeping Force in Cyprus (UNFICYP). In its resolution 2483 (2019), the Security Council extended the mandate of UNFICYP until 31 January 2020. It expressed regret at the lack of progress towards a settlement since the conclusion of the 2017 conference on Cyprus and urged the sides and all the participants involved to renew their political will and commitment to a settlement under United Nations auspices, including by engaging actively and with a sense of urgency with senior United Nations official Jane Holl Lute to achieve agreement on terms of reference to enable results-oriented negotiations leading to a settlement as quickly as possible.

3. On 25 November 2019, the Greek Cypriot and Turkish Cypriot leaders met informally with the Secretary-General. They agreed that achieving a comprehensive and durable settlement within a foreseeable horizon was of the utmost importance to the future well-being of both communities and that the status quo was unsustainable. In view of the discussions, the Secretary-General agreed to extend his efforts to achieve terms of reference to serve as a consensus starting point for phased, meaningful and results-oriented negotiations at the earliest feasible opportunity.¹

4. To prepare the present report, in the absence of a human rights presence in Cyprus, OHCHR relied on a variety of sources with particular knowledge of the situation of human rights on the island and on the recent findings of international and regional human rights mechanisms. UNFICYP, the Secretary-General's good offices mission, the Committee on Missing Persons in Cyprus, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP) and various stakeholders were consulted in the preparation of the report.

II. Challenges for the implementation of international human rights standards

5. United Nations human rights mechanisms have voiced their concerns at the factors and difficulties impeding the implementation of international human rights standards on the whole island owing to its continued division. United Nations treaty bodies and the Working Group on the Universal Periodic Review have addressed questions and made recommendations to Cyprus in this regard.

6. The two documents prepared by OHCHR for the third universal periodic review of Cyprus contained information related to the division and chapters on the northern part of Cyprus (see A/HRC/WG.6/32/CYP/2 and A/HRC/WG.6/32/CYP/3). During the meeting of the Working Group on the Universal Periodic Review on 29 January 2019, the delegation of Cyprus stated that "the most serious obstacle to the enjoyment of human rights by the people of Cyprus was the continued illegal occupation of about one third of its territory by a foreign country since 1974" (A/HRC/41/15, para. 24). A number of States raised questions and made comments and recommendations regarding human rights issues related to the continued division. These included a statement recognizing that the unresolved Cyprus issue hindered the full enjoyment of human rights, including property rights, as well as recognizing other human rights violations in the area not under the effective control of the Government (*ibid.*, para. 120).

¹ Statement of the Secretary-General on Cyprus, 25 November 2019, available at www.uncyprustalks.org/secretary-generals-statement-on-cyprus-25-november-2019/.

7. On 20 June 2019, the Government provided its views on the recommendations received during its universal periodic review. It included a section entitled “Recommendations related to the Cyprus question”, which illustrates the range of human rights affected by the division (A/HRC/41/15/Add.1, paras. 31–37). In that section, the Government accepted recommendations to strengthen support for intercommunal dialogue and activities; eradicate racial discrimination against Turkish Cypriots and Roma; take the necessary measures to guarantee freedom of religion; ensure the right to freedom of expression, including for those citizens and community members involved in intercommunal activities and journalists; ensure the non-discriminatory treatment of all persons applying for Cypriot nationality; continue the rapprochement between the Greek Cypriot and Turkish Cypriot communities; and ensure the participation of women in the peace process. On the other hand, the Government noted recommendations to review the Law on the Procedure for Standardization of Geographical Names; work with representatives of the Turkish Cypriot community to eliminate human trafficking; and amend legal provisions to guarantee the right to obtain Cypriot nationality to all persons who have one Cypriot parent, including those of mixed Turkish Cypriot and Turkish parents (*ibid.*).

8. In addition, the Government accepted the recommendation to ensure that its policies, legislation, regulations and enforcement measures effectively serve to prevent and address the heightened risk of business involvement in abuses in conflict situations (*ibid.*, para. 30). It further noted that it was not in a position to consider accession to the 1961 Convention on the Reduction of Statelessness for political reasons relating directly to certain sensitive aspects of the Cyprus problem (*ibid.*, para. 11).

9. In the light of the ongoing division, UNFICYP continued its work to maintain the buffer zone and contribute to conditions conducive to a settlement, including through promoting confidence-building measures and cooperation between the sides and the communities. In October 2019, UNFICYP and OHCHR delivered a human rights training course for the police component of UNFICYP, to provide mandate-specific human rights guidance and address the challenges that United Nations police officers might face while interacting with local communities and policing partners. Police officers from both communities also attended the course in their personal capacity, thus contributing to the building of confidence and trust among the participants.²

10. Through an intercommunal strategy, UNFICYP and the good offices mission of the Secretary-General worked to contribute to trust-building among Cypriots. They continued to facilitate the work of all 12 bicomunal technical committees to promote trust and increased contacts and cooperation.³ To strengthen support for intercommunal dialogue and activities and the work of the bicomunal technical committees, and in line with repeated calls by the Security Council for the two leaders to empower the committees, the Secretary-General’s good offices mission initiated a stocktaking exercise on the activities and *modi operandi* of the committees, to propose recommendations to both sides to assist them in their efforts to strengthen and streamline their work (see S/2019/883, para. 27).

11. Human rights monitoring and reporting in relation to the northern part of Cyprus also remained limited owing to gaps and challenges related to the status of the north and concerns about “recognition”. The Secretary-General has noted that “concerns about recognition should not in themselves constitute an insurmountable obstacle to increased cooperation” and reiterated his call for greater ties and contacts to promote trust between the communities and address the concerns of the Turkish Cypriots with regard to isolation.

² See <https://unficyp.unmissions.org/ohchr-unficyp-and-dpo-standing-police-capacity-organise-three-day-training-missions-police-component>.

³ Twelve bicomunal technical committees were established by the Greek Cypriot and Turkish Cypriot leaders in the latest round of the Cyprus negotiations. They cover a range of issues, including cultural heritage, health, gender equality, education, and crime and criminal matters. At the time of writing the present report, six of the committees were facilitated by the Office of the Special Adviser on Cyprus and six were facilitated by UNFICYP. UNFICYP was supported in the process by UNDP which, through European Union funding, provided support to the Technical Committees on Cultural Heritage and on Crossings.

He observed that “the continued division of the island and the absence of regular contact between the sides outside of the negotiations generate tensions and hamper the sides’ ability to address issues that can have a negative impact on the safety and well-being of their communities” (S/2019/562, para. 61).⁴

12. In areas where bicomunal cooperation has been taking place, joint efforts have contributed to the promotion and protection of human rights. For instance, during the reporting period, the Joint Communications Room assisted in the exchange of information on crime investigations, missing persons, domestic violence and family and child custody disputes.⁵ UNFICYP also worked with the Joint Communications Room to raise awareness of and provide support on issues related to gender-based violence, in the light of multiple murder cases in the south where the victims were migrant women and children (S/2019/562, paras. 23). Additional areas of bicomunal cooperation are mentioned throughout the present report.

III. Human rights concerns

13. The continued division of Cyprus affects human rights throughout the island, including the right to life and the question of missing persons; non-discrimination; freedom of movement and the right to seek asylum; property rights; freedom of religion or belief and cultural rights; freedom of opinion and expression; and the right to education. In addition, it is important that a gender perspective be adopted, particularly in relation to the peace process.

A. Right to life and the question of missing persons

14. According to article 3 of the Universal Declaration of Human Rights, everyone has the right to life, liberty and security of person.⁶ Furthermore, article 1 of the Declaration on the Protection of All Persons from Enforced Disappearance provides that any act of enforced disappearance is an offence to human dignity, placing the persons subjected thereto outside the protection of the law and inflicting severe suffering on them and their families. Any act of enforced disappearance also violates or constitutes a grave threat to the right to life.

15. The presence of landmines can have a negative effect on a number of rights, including the right to life. In its resolution 2453 (2019), the Security Council noted the continued danger posed by mines and noted with regret that the sides were withholding access to the remaining minefields in the buffer zone. The Security Council called on both sides to allow access to deminers and facilitate the removal of the remaining mines within the buffer zone, and urged both sides to agree to a plan of work to achieve a mine-free Cyprus. In its subsequent resolution 2483 (2019), the Security Council called on both sides to agree to and implement, a plan of work to achieve a mine-free Cyprus, including delivering on their agreement of 26 February 2019.

16. On 26 February 2019, as a confidence-building measure between the sides, the leaders agreed to an UNFICYP proposal for the cancellation of nine suspected hazardous areas on each side of the buffer zone. However, there has been no progress regarding the four minefields within the buffer zone, including the three active minefields managed by the Government.

17. The Secretary-General has noted that the continued division of Cyprus hampers the ability of the sides to address issues that can have a negative impact on the safety and well-

⁴ See also paras. 55 and 62.

⁵ The Joint Communications Room was established in 2009 as the day-to-day working agency of the Technical Committee on Crime and Criminal Matters. It consists of two members from each community and provides a forum for the direct exchange of information and intelligence between the two police forces. See www.uncyprustalks.org/criminal-matters-activities/.

⁶ See also the International Covenant on Civil and Political Rights, article 6 (1).

being of their communities, including with respect to impunity for crimes (S/2019/562, para. 61). The case of *Güzelyurtlu and Others v. Cyprus and Turkey*, decided by the Grand Chamber of the European Court of Human Rights on 29 January 2019, illustrates the consequences of the division on the right to life.⁷ In that case, the Court found that the two respondent States had an obligation to cooperate with each other in a murder investigation, under the procedural aspect of the obligation to respect the right to life enshrined in article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the European Convention on Human Rights).⁸ The Court noted that attempts by Cyprus to obtain the surrender of the suspects from the north through UNFICYP had proved unsuccessful and that Cyprus had no formal diplomatic relations with Turkey but had delivered extradition requests through the Turkish embassy in Athens. In the circumstances, the Court considered that Cyprus had done all that could have been reasonably expected. It also noted that it was not unreasonable for Cyprus to have refused to hand over the whole investigation file, as this would have amounted in substance “to a transfer of the criminal case by Cyprus to the ‘TRNC’ [Turkish Republic of Northern Cyprus] courts, and Cyprus would thereby be waiving its criminal jurisdiction over a murder committed in its controlled area in favour of the courts of an unrecognised entity set up within its territory”.⁹ On the other hand, the Court found that Turkey had breached its duty to cooperate under the procedural aspect of the right to life, for failing to provide a reasoned reply to the extradition requests by Cyprus.¹⁰

18. As a result of the intercommunal fighting of 1963 and 1964, and the events of July 1974 and thereafter, 1,510 Greek Cypriots and 492 Turkish Cypriots have been officially reported as missing by both communities to the Committee on Missing Persons in Cyprus. During the reporting period, the Committee continued its bicomunal project on the exhumation, identification and return of the remains of missing persons. As at 30 November 2019, it had exhumed the remains of 1,230 individuals on both sides of the island and had been able to identify 965 missing individuals whose remains were returned to their respective families, including 51 during the reporting period.

19. In accordance with the 2016–2018 agreement between the Committee and the Turkish authorities, the Committee carried out excavations in 30 military areas in the northern part of Cyprus, thus far recovering the remains of 37 presumed missing persons. In June 2019, Turkey granted the Committee access to 30 additional military areas, of which 5 were to be excavated in December 2019.

20. In order to obtain additional information on possible burial sites, the Committee’s archives research team conducted research visits to United Nations headquarters in New York in July, August and October 2019, and completed its review of the archives of the International Committee of the Red Cross (ICRC) in Geneva in September 2019.

21. In April 2019, the Committee published a joint study with ICRC, based on interviews with 170 Greek Cypriot and Turkish Cypriot family members who had not yet received the remains of their loved ones. The study highlighted persistent needs among this category of families, including the need to know the fate and whereabouts of missing relatives, need for acknowledgement, psychological and psychosocial needs, and economic and administrative needs. The Committee delivered the study to the authorities in Cyprus with a request to address such ongoing needs.¹¹ In October 2019, in Nicosia, the Committee co-organized with ICRC an international expert workshop aimed at improving the response of authorities and civil society dealing with the issue of missing persons.

22. In its resolution 2483 (2019), the Security Council commended the work of the Committee on Missing Persons and called upon all parties expeditiously to enhance their

⁷ Grand Chamber judgment, application No. 36925/07.

⁸ *Ibid.*, para. 239.

⁹ *Ibid.*, para. 253.

¹⁰ *Ibid.*, paras. 262–266.

¹¹ Committee on Missing Persons in Cyprus and ICRC, “Needs of families of missing persons in Cyprus” (April 2019).

cooperation with its work, in particular through providing full access to all areas and responding in a timely manner to requests for archival information on possible burial sites.

23. The Ministers' Deputies of the Council of Europe continued their supervision of the execution of judgments regarding Greek Cypriot missing persons and their families. On 6 December 2018, the Minister's Deputies expressed their deep regret regarding the decision of Turkey not to participate in the discussions and called on Turkey to cooperate with the Committee.¹² On 14 March 2019, the Ministers' Deputies again deplored the decision of Turkey not to participate in the discussions. They called on the Turkish authorities to resume cooperation with the Committee and to provide the information requested on the issue of missing persons. They recalled the important humanitarian issues raised by the case, and called upon the Turkish authorities to ensure that the Committee on Missing Persons had unhindered access to all areas of interest, including military zones, located in the northern part of Cyprus, and to provide the Committee *proprio motu* with any information from the relevant archives, including military archives, in their possession on burial sites and places of possible relocations of remains. The Ministers' Deputies also reiterated their call on the Turkish authorities to ensure the effectiveness of the investigations of the Missing Persons Unit and their rapid finalization.¹³

24. At both meetings, the Minister's Deputies insisted again on the unconditional obligation of Turkey to pay the just satisfaction awarded without further delay.

B. Non-discrimination

25. According to article 1 of the Universal Declaration of Human Rights, all human beings are born free and equal in dignity and rights. Article 7 provides that all are equal before the law and are entitled without any discrimination to equal protection of the law.¹⁴ Furthermore, all are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.

26. The division of Cyprus, and its ongoing effects, have contributed to challenges to the full realization for all persons of the rights to equality and non-discrimination. Many people were internally displaced, including Greek Cypriots who moved to the south of the island and Turkish Cypriots who moved to the north of the island in 1974, as well as their descendants. An estimated 228,000 persons remain displaced today.¹⁵ In addition, there are a number of other groups who may be vulnerable to discrimination.

27. During its universal periodic review, the Government accepted several recommendations to combat discrimination, including the eradication of racial discrimination against Turkish Cypriots and Roma, and ensuring the non-discriminatory treatment of all persons applying for Cypriot nationality. The Government also accepted specific recommendations to adopt a strategy with an action plan to further combat discriminatory attitudes and hate speech towards migrants and racial minorities, and to establish a national mechanism for the promotion of multiculturalism, acceptance and respect for diversity.

28. Following the universal periodic review, on 20 August 2019 the United Nations High Commissioner for Human Rights addressed a letter to the Minister for Foreign Affairs of Cyprus. In her letter, the High Commissioner advised the Government to pay particular attention to a number of areas, including that of combating and preventing racism,

¹² Council of Europe Committee of Ministers decisions adopted at the 1331st meeting, 4–6 December 2018 (CM/Del/Dec(2018)1331/H46-30) on *Varnava and Others v. Turkey*.

¹³ Council of Europe Committee of Ministers decisions adopted at the 1340th meeting, 12–14 March 2019 (CM/Del/Dec(2019)1340/H46-23) on *Cyprus v. Turkey*.

¹⁴ See also the International Covenant on Civil and Political Rights, article 26.

¹⁵ Internal Displacement Monitoring Centre and Norwegian Refugee Council, *Global Report on Internal Displacement 2019* (May 2019), p. 128 (based on figures provided by the delegation of Cyprus to the Parliamentary Assembly of the Council of Europe).

discrimination, hate speech and hate crimes, including against migrants, Turkish Cypriots and Roma, and ensuring that such acts do not go unpunished.¹⁶

29. During the reporting period, criminal prosecutions were finalized against a number of the Greek Cypriot individuals accused of attacking vehicles belonging to Turkish Cypriots on 18 November 2015. Eight of the accused pleaded guilty on a number of charges, of whom three were sentenced and five were awaiting sentence, while four of the accused had the charges against them dropped.¹⁷

30. The Secretary-General has noted that the recent hiatus and uncertainty concerning the political process have been accompanied by a steady increase in low-level tensions, as well as persisting mistrust across the divide (S/2019/562, para. 10). UNFICYP continued its work to alleviate tensions and promote cooperation between the communities. It also continued to provide humanitarian assistance to Greek Cypriot and Maronite communities and individuals in the northern part of Cyprus and Turkish Cypriot communities in the south, including through home and school visits, humanitarian deliveries, post-mortem transfers and visits to detention facilities (ibid., para. 34). However, the Secretary-General and the Security Council have called for more to be done by the leaders and the sides, including in the areas of public rhetoric, impediments to peace in school curricula, and conflicting and divisive narratives about the past (S/2019/562, para. 53).¹⁸

C. Freedom of movement and the right to seek asylum

31. According to article 13 of the Universal Declaration of Human Rights, everyone has the right to freedom of movement and residence within the borders of each State, as well as the right to leave any country, including their own, and to return to their country.¹⁹ Article 14 provides that everyone has the right to seek and to enjoy in other countries asylum from persecution.²⁰

32. In Cyprus, crossings between the northern and southern parts of the island remain possible only through nine official crossing points, which obviously limits freedom of movement. During the period under review, UNFICYP reported 3,624,256 official crossings through the buffer zone.

33. The ability of Cypriots to travel across the Green Line has been important for their enjoyment of the right to freedom of movement, as well as to build intercommunal contacts and to access other rights. As noted by the Secretary-General, the opening of Deryneia/Derinya crossing point in November 2018 has promoted cooperation in the Greater Famagusta region, and the Deryneia Garage has shown promise as a hub for bicomunal activity in the area. Furthermore, on 26 May 2019, an unprecedented number of over 5,600 Turkish Cypriots crossed from the north to the south to vote in the election of representatives of the Republic of Cyprus to the European Parliament, resulting in the election of the first Turkish Cypriot Member of the European Parliament (S/2019/562, paras. 7 and 30).

34. In its report of July 2019, the European Commission documented an increase in the number of Greek Cypriots and a decrease in the number of Turkish Cypriots who crossed the Green Line during 2018, as well as a continued increase in the number of crossings by European Union citizens other than Cypriots and third country nationals. No incidents concerning crossings were reported in 2018, but Turkish Cypriot buses carrying European Union citizens were still not permitted to cross to the south of the island.²¹

¹⁶ See https://lib.ohchr.org/HRBodies/UPR/Documents/Session32/CY/HC_letter_Cyprus.pdf. See also CCPR/C/CYP/QPR/5, paras. 4, 5 and 24.

¹⁷ *Nicosia Police Director v. KB and others*, case No. 15043/2016, 28 June 2019, Nicosia District Court.

¹⁸ See also Security Council resolutions 2453 (2019) and 2483 (2019).

¹⁹ See also the International Covenant on Civil and Political Rights, article 12.

²⁰ Ibid.

²¹ European Commission, Report from the Commission to the Council, COM(2019) 323 final, 5 July 2019, section 1.1.

35. On 27 November 2019, the Council of Ministers of the Republic of Cyprus approved an amendment to the Code for the implementation of the Regulation of the European Council (866/2004/EC) on the Green Line. The amendment has possible consequences for freedom of movement, as it provides for checks on persons crossing the Green Line and for limitations on the right of movement across the Green Line for certain categories of persons. In particular, it provides that only certain categories of third country nationals have the right of movement across the Green Line, including European Union citizens, persons who enter from points of entrance in the Government-controlled areas or who reside regularly in Cyprus, long-term or permanent residence permit holders, or family members of Cypriot or European Union citizens. The amendment also provides that exceptional permission may be granted for the movement of persons not otherwise entitled, on the basis of criteria pertaining to medical or humanitarian issues.

36. During the universal periodic review of Cyprus in 2019, the Government noted that in 2018 Cyprus had recorded the highest per capita rate of registered first-time applications for asylum in the European Union (A/HRC/41/15, para. 20). In 2018, the Asylum Service of the Republic of Cyprus received 7,761 asylum applications (S/2019/562, para. 36). According to the European Commission, 4,233 of these originated from migrants who had irregularly crossed from the north to the south of the Green Line.²² In 2019, the number of asylum applications continued to increase, with the majority of applicants still arriving via the northern part of Cyprus. UNHCR has noted that the increase has strained reception capacities. A growing number of asylum seekers suffer from destitution and homelessness, and there has been a significant rise in the backlog of first instance decisions.

37. In response to these trends, UNFICYP intensified its patrols in the areas of the buffer zone suspected of being used as transit routes, and often served as first responder when refugees and asylum seekers arrived directly in the buffer zone in need of urgent assistance (S/2019/37, paras. 34–35, and S/2019/562, paras. 36–37). In the northern part of Cyprus, there continued to be concerns about the lack of an asylum system and the risk of refoulement (A/HRC/40/22, para. 8). In June 2019, in order to reduce the number of arrivals, the Turkish Cypriot authorities introduced requirements for the entry of Syrian nationals, who then resorted to precarious sea journeys. Efforts were noted throughout 2019 regarding the introduction of basic legal provisions relating to trafficking and asylum.

38. In the list of issues prior to submission of the fifth periodic report of Cyprus, dated 9 August 2019, the Human Rights Committee asked the Government to report on efforts to open new crossing points and facilitate access to the south of the island. The Committee also asked the Government to clarify whether beneficiaries of international protection were allowed to cross to the northern part of the island (CCPR/C/CYP/QPR/5, para. 17).

D. Property rights

39. According to article 17 of the Universal Declaration of Human Rights, everyone has the right to own property alone as well as in association with others, and no one is to be arbitrarily deprived of their property.

40. With regard to property claims in the northern part of Cyprus, according to the Immoveable Property Commission, as at 30 November 2019 a total of 6,623 applications had been lodged with the Commission since its establishment. Of those, 970 had been concluded through friendly settlements and 33 through formal hearings. The Commission had paid a total of £303,877,517 in compensation and ruled for exchange and compensation in two cases, for restitution in three cases and for restitution and compensation in seven cases. In one case, it had delivered a decision for restitution after the settlement of the Cyprus issue and in another case it had ruled for partial restitution.

41. With regard to property rights in the south, the Turkish Cypriot Properties Law 139/1991 continued to provide for the administration of Turkish Cypriot properties by the

²² European Commission, Report from the Commission to the Council, COM(2019) 323 final, 5 July 2019, section 1.2.

Guardian. A number of cases were decided by the courts of the Republic of Cyprus regarding Turkish Cypriot properties. For example, in *Mehmet v. Minister of the Interior*, the High Court of Cyprus dismissed an appeal by a Turkish Cypriot resident in the south, acting in her capacity as manager of her grandmother's estate, against the placement by the Guardian of a usufruct on the title deed for one of the properties. Under this usufruct, the property was to continue housing a third party Greek Cypriot beneficiary displaced from the northern part of Cyprus for life or until the Cyprus issue was settled, whichever came earlier.²³

42. The Ministers' Deputies of the Council of Europe continued to consider the enforcement of past judgments of the European Court of Human Rights regarding property rights. On 6 December 2018, concerning the property rights of Greek Cypriots residing in the northern part of Cyprus, the Ministers' Deputies reiterated their deep regret regarding the decision of Turkey not to participate in the discussions and called on Turkey once again to cooperate with the Committee.²⁴ On 25 September 2019, the Ministers' Deputies recalled their previous decision expressing appreciation of the measures taken as regards the property rights of enclaved Greek Cypriots and their heirs. They requested information on the number of applications before the Immoveable Property Commission specifically concerning the rights of Greek Cypriot property owners still living in the northern part of Cyprus and their heirs, and the outcome of those proceedings. The Ministers' Deputies decided to resume consideration of the issue at their meeting in June 2020, with a view to considering whether to close their supervision of this part of the judgment of the European Court of Human Rights.²⁵

43. In addition, on 6 December 2018 and 14 March 2019, the Ministers' Deputies insisted again on the unconditional obligation of Turkey to pay the just satisfaction awarded in 33 cases of the *Xenides-Arestis group*.²⁶ On 6 December 2018, they also decided to resume consideration of the possible closure of the *Loizidou* case at their 1348th meeting in June 2019.²⁷ No decision was adopted in respect of the case at the Ministers' Deputies meeting in June 2019.

44. With regard to property within the buffer zone, UNFICYP continued to manage a permits system for civilian activities such as farming, grazing, construction and utility maintenance. The Secretary-General has noted that this dimension of the work of UNFICYP is an essential aspect of preventing tensions and that the mission's mandate requires it to carefully balance security considerations with facilitating reasonable activities within the buffer zone, in particular when livelihoods depend on it (S/2019/562, paras. 19–20 and 58).

45. On 9 October 2019, the Security Council issued a press statement on Cyprus, recalling the importance of the status of Varosha, as set out in previous Security Council resolutions, and reiterating that no actions should be carried out in relation to Varosha that are not in accordance with those resolutions.²⁸ OHCHR recalls resolution 1987/50 of the Commission on Human Rights, in which it considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities.

²³ *Mehmet v. Minister of the Interior*, appeal No. 33/2013, 14 March 2019, High Court of Cyprus (secondary jurisdiction).

²⁴ Council of Europe Committee of Ministers decisions adopted at the 1331st meeting, 4–6 December 2018 (CM/Del/Dec(2018)1331/H46-28) on *Cyprus v. Turkey*.

²⁵ Council of Europe Committee of Ministers decisions adopted at the 1355th meeting, 23–25 September 2019 (CM/Del/Dec(2019)1355/H46-25) on *Cyprus v. Turkey*.

²⁶ Council of Europe Committee of Ministers decisions adopted at the 1331st meeting, 4–6 December 2018 (CM/Del/Dec(2018)1331/H46-31) on *Xenides-Arestis group v. Turkey*; Council of Europe Committee of Ministers decisions adopted at the 1340th meeting, 12–14 March 2019 (CM/Del/Dec(2019)1340/H46-26) on *Xenides-Arestis group v. Turkey*.

²⁷ Council of Europe Committee of Ministers decisions adopted at the 1331st meeting, 4–6 December 2018 (CM/Del/Dec(2018)1331/H46-31) on *Xenides-Arestis group v. Turkey*.

²⁸ See www.un.org/press/en/2019/sc13980.doc.htm.

E. Freedom of religion or belief and cultural rights

46. According to article 18 of the Universal Declaration of Human Rights, everyone has the right to freedom of thought, conscience and religion, which includes freedom to change their religion or belief, and freedom, either alone or in community with others and in public or private, to manifest their religion or belief in teaching, practice, worship and observance.²⁹ Furthermore, article 27 provides that everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.³⁰

47. The religious leaders of Cyprus sustained their commitment to peacebuilding and religious freedom within the framework of the Religious Track of the Cyprus Peace Process, under the auspices of the Embassy of Sweden. They have worked to build trust and confidence among their respective faith communities, who are divided because of the conflict, and they have conducted several activities and projects under the Faith for Rights framework.³¹ These included two seminars in December 2018 and October 2019, organized in cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE), for religious leaders and representatives of faith communities on international standards of freedom of religion or belief, including the relationship with freedom of expression. The seminar in October 2019 featured a special session on women's rights and freedom of religion or belief, as well as a training seminar for 20 youth and students from the five main faith communities of Cyprus. In October 2019, the Religious Track also organized a Faith for Rights seminar on the role that faith communities can play in combating human trafficking and supporting victims, in follow-up to the 2017 statement by the religious leaders condemning all forms of violence against women and girls.³²

48. The religious leaders also publicly denounced the terrorist attacks in New Zealand and Sri Lanka, and issued statements condemning instances of any advocacy of hatred that incites violence, discrimination or hostility in the name of religion or belief. The Religious Track has been using social media as a tool to increase the outreach in promoting respect for all faith traditions in Cyprus, in line with the Beirut Declaration and its 18 commitments on Faith for Rights (A/HRC/40/58, annexes I–II). As an additional way to advocate jointly for the right to access and worship across the island, the religious leaders advised and were consulted by an academic researcher in a project mapping Christian and Muslim sites of religious heritage in Cyprus.

49. With respect to the northern part of Cyprus, access to sites to hold religious services and other commemorative activities is facilitated by UNFICYP, upon request. The Turkish Cypriot authorities have maintained the six criteria outlined in the document entitled “The criteria for granting permits to conduct religious services in the TRNC”, which have raised concerns regarding the accessibility of religious sites and the enjoyment of freedom of religion and cultural rights (A/HRC/37/22, para. 43). During the reporting period, a total of 129 requests for religious services and events in the northern part of the island were submitted to UNFICYP for facilitation, of which 87 were approved. Four additional religious sites that had been inaccessible since 1974 were opened for worship for the first time.

50. UNFICYP also facilitated religious services and other commemorative events in the buffer zone, seven of which took place during the reporting period. For the first time since 1963, this included the opportunity for former Turkish Cypriot inhabitants of Dhenia village to hold prayers at Dhenia mosque, where they were warmly welcomed by Greek Cypriot residents (S/2019/562, para. 33).

²⁹ See also the International Covenant on Civil and Political Rights, article 18, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, article 1.

³⁰ See also the International Covenant on Economic, Social and Cultural Rights, article 15.

³¹ See www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx.

³² See www.religioustrack.com/joint-statement-condemning-violence-against-women-and-girls.html.

51. With respect to the south, the Government continued to support the crossing of pilgrims to Hala Sultan Tekke mosque in Larnaca. The Religious Track of the Cyprus Peace Process, with the facilitation of UNFICYP, coordinated three special pilgrimages to Hala Sultan Tekke during the reporting period, involving around 1,400 pilgrims of Turkish origin who are otherwise unable to cross to the Government-controlled areas of Cyprus.

52. During the meeting of the Working Group on the Universal Periodic Review, the Government of Cyprus noted that great importance was attached to the protection of cultural heritage and its linkage to the enjoyment of cultural rights (A/HRC/41/15, para. 19). It accepted recommendations to strengthen efforts to promote interreligious dialogue and understanding, and to ensure the accessibility of religious sites and the enjoyment of freedom of religion and cultural rights for all, without any discrimination. It also accepted recommendations regarding campaigns and educational programmes to raise awareness of cultural rights and cultural heritage.³³

53. The bicomunal Technical Committee on Cultural Heritage pursued its work for the protection and preservation of cultural heritage sites with the support of UNDP and the European Commission. It completed a number of restoration works and projects, including at Saint Anne's Church and Tanners' Mosque in Famagusta. In February 2019, the Committee worked effectively with the two Nicosia municipalities and representatives of the Religious Track of the Cyprus Peace Process, with support from UNFICYP, to address the partial collapse of a tenth-century church in central Nicosia. In addition, the Committee launched the Heritage Youth Ambassadors initiative, whereby young Greek Cypriots and Turkish Cypriots endeavour to bring young people together to cooperate and work together on their shared heritage (S/2019/562, paras. 25 and 28).

F. Freedom of opinion and expression

54. According to article 19 of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression. That right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.³⁴

55. The Government of Cyprus took note of the recommendation, received during the meeting of the Working Group on the Universal Periodic Review, to review the Law on the Procedure for Standardization of Geographical Names. The law, which criminalizes the publication of place names that are different from those specified in official documents, has been the subject of concern by the Special Rapporteur in the field of cultural rights and the Human Rights Committee as incompatible with the right to freedom of expression.³⁵ In its views on the recommendations received during the universal periodic review, the Government asserted that: "The national legislation in place aims to discourage and halt any attempts to further decimate the cultural heritage in the occupied areas of Cyprus" (A/HRC/41/15/Add.1, para. 36).

56. As noted by the Secretary-General, the Security Council has made numerous recommendations to the sides regarding strengthening the participation of civil society, in particular women and young people, as a key element of peacebuilding. The Secretary-General has urged the sides to do more to promote and support such initiatives. He has also encouraged the engagement of civil society to bring momentum to the process, as well as the development of novel ideas to help bridge persistent differences (S/2019/562, paras. 45 and 54, and S/2019/37, para. 49).

57. The European Commission maintained its economic development programme for the Turkish Cypriot community, which included support to civil society. In 2018, the civic space project continued to build the capacity of civil society organizations and promote an

³³ A/HRC/41/15, paras. 139.31, 139.54, 139.90 and 139.124, and A/HRC/41/15/Add.1, paras. 18 and 22.

³⁴ See also the International Covenant on Civil and Political Rights, article 19.

³⁵ See A/HRC/34/56/Add.1, paras. 48 and 106, and CCPR/C/CYP/CO/4, para. 21.

enabling environment for their development. The Civil Society Forum was also convened every three months, providing a platform where civil society organizations could express their expectations and priorities. The Commission supported a number of active citizenship initiatives and civil society actions in fields such as peace and reconciliation, human rights, art and the environment.³⁶

58. The OSCE Representative on Freedom of the Media maintained his engagement on the Cyprus media dialogue project, which involves work with journalists from both communities to promote quality journalism. In October 2019, within the framework of the project, the Representative launched the second exchange opportunity for journalists from the two communities. It will provide for eight Greek Cypriot journalists to work at a Turkish Cypriot media outlet, and for seven Turkish Cypriot journalists to work at a Greek Cypriot media outlet, during which participants will immerse themselves in another newsroom and report on a local story that they will later share in their home media. The exchange aims to encourage dialogue, and contribute to media diversity and the free flow of information by providing media content about the life of both communities to the Cypriot public.³⁷

59. The Representative on Freedom of the Media raised concern about journalists Şener Levent and Ali Osman Tabak of the Turkish Cypriot newspaper *Afrika*. On 22 April 2019, he issued a statement to condemn the five-year prison sentence they faced for insulting and defaming the Turkish President. He subsequently welcomed the decision to acquit the journalists on 17 May 2019.³⁸ At the time of the present report, an appeal remained pending against the journalists.

G. Right to education

60. According to article 26 of the Universal Declaration of Human Rights, everyone has the right to education; education should be directed to the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms; it should promote understanding, tolerance and friendship among all nations, racial or religious groups, and further the activities of the United Nations for the maintenance of peace.³⁹ The Declaration also provides that parents have a prior right to choose the kind of education that is given to their children.

61. The European Commission maintained its economic development programme for the Turkish Cypriot community, which included schemes to promote their right to education. In 2018, the Commission continued to implement projects to improve teaching and learning capacities in schools, lifelong learning projects to improve professional capacities and employability and school projects to enhance the social inclusion and mobility of children with special needs. The Commission also continued its scholarship scheme for the Turkish Cypriot community, in order to address the limited access of Turkish Cypriot students to European Union exchange and educational programmes. During the 2018/19 academic year, it funded 171 scholarships or undergraduate and graduate students, researchers and professionals. The Commission noted that the continuity of the scheme is considered vital and that there is strong demand for information on the European Union in the Turkish Cypriot community.⁴⁰

³⁶ European Commission, Report from the Commission to the Council, COM(2019) 322 final, 5 July 2019, section 4.2.3.

³⁷ OSCE Representative on Freedom of Media, "Regular Report to the Permanent Council", 21 November 2019, pp. 6, 13 and 41.

³⁸ OSCE Representative on Freedom of Media, "Regular Report to the Permanent Council", 4 July 2019, p. 16.

³⁹ See also the International Covenant on Economic, Social and Cultural Rights, articles 13 and 14, and the Convention on the Rights of the Child, articles 28 and 29.

⁴⁰ European Commission, Report from the Commission to the Council, COM(2019) 322 final, 5 July 2019, sections 4.2.2 and 4.2.4.

62. As noted above, the Secretary-General has emphasized that divergent school curricula and conflicting and divisive narratives about the past remain serious obstacles to reconciliation and peaceful coexistence in Cyprus. He encouraged the leaders to facilitate island-wide student exchanges to promote peace education at all levels, and to pursue the joint recommendations made by the bicomunal Technical Committee on Education in November 2017 (S/2019/562, para. 53). In its resolution 2483 (2019), the Security Council further called upon the leaders to address impediments to peace in school materials, including text books, as a contribution to trust-building between the communities.

63. The Imagine project, developed by the Association for Historical Dialogue and Research under the auspices of the Technical Committee on Education, continued its educational programme on anti-racism and for a culture of peace. The project has now run for two academic years and has brought together 3,665 students and 397 teachers from over 100 schools from both communities. During the second year, the project expanded its scope to work across the island and introduced study visits and training of teachers from the two communities. A call for applications was launched for the 2019/20 academic year, which will introduce new activities such as the development of educational materials that promote peacebuilding and intercultural dialogue.⁴¹ The Secretary-General's good offices mission continued to provide facilitation to the Technical Committee on Education and support to the Imagine project.

64. UNFICYP continued to provide logistical support and outreach to the Greek Cypriot primary and secondary school on the Karpas Peninsula. For the school year starting in September 2019, the Turkish Cypriot authorities rejected the reappointment of one Greek Cypriot nursery teacher, as well as the appointment of two new Greek Cypriot teachers, who had been nominated to work at the schools.

H. Gender perspective

65. Security Council resolution 1325 (2000) on women and peace and security calls on all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective, including (a) the special needs of women and girls during repatriation and resettlement and for rehabilitation, reintegration and post-conflict reconstruction; (b) measures that support local women's peace initiatives and indigenous processes for conflict resolution, and involve women in all the implementation mechanisms of the peace agreements; and (c) measures that ensure the protection of and respect for human rights of women and girls, particularly as they relate to the Constitution, the electoral system, the police and the judiciary. Additionally, Sustainable Development Goal 5 calls for gender equality and the empowerment of all women and girls, including ending all forms of discrimination and ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

66. Regarding Cyprus, in its resolution 2453 (2019), the Security Council stressed the importance of the full and effective participation of civil society and women in particular at all stages of the peace process, and expected their involvement in the development and implementation of post-conflict strategies for sustainable peace, including by revitalizing the Gender Committee. It called upon the United Nations to take forward, within existing resources, the Secretary-General's proposal to conduct a gender-sensitive socioeconomic impact assessment. During the reporting period, the Secretary-General's good offices mission has taken concrete steps to advance this assessment, which will include a focus on the gender-differentiated impact of a settlement and make specific social policy recommendations on ways to ensure that a settlement can more effectively benefit both men and women (S/2019/883, para. 31).

67. In resolution 2483 (2019), the Security Council called upon the two leaders to increase their support and ensure a meaningful role for civil society engagement in peace

⁴¹ See www.ahdr.info.

efforts, in particular strengthening the participation of women's organizations and youth in the process. The Security Council also called upon the leaders to empower the Technical Committee on Gender Equality to meet and develop an action plan supporting women's participation in peace talks.

68. During the universal periodic review of Cyprus in January 2019, the Government accepted the recommendation to continue to involve more women and young people in public and political life and in the process of rapprochement between the Greek Cypriot and Turkish Cypriot communities (A/HRC/41/15, para. 139.151; A/HRC/41/15/Add.1, para. 31).

69. The Secretary-General continued to note the need for the greater engagement of women and youth in the peace process. In that context, he welcomed the reconvening of the Technical Committee on Gender Equality on 18 September 2019 for the first time since 2016. Facilitated by the Secretary-General's good offices mission, the Committee discussed various initiatives, and also acknowledged the need to develop an action plan supporting the participation of women in peace talks, as encouraged by the Security Council in resolution 2483 (2019) (S/2019/883, para. 24).

70. During the reporting period, UNFICYP continued to support intercommunal engagement with civil society across the island, especially those involving women. In particular, ongoing efforts to engage with women outside Nicosia have continued to expand, including through the mobilization of women on issues of concern to them, such as gender-based violence. Of note, in November 2019, women's groups both in and outside Nicosia participated in strategic meetings with one of the co-founders of the Northern Ireland Women's Coalition.

71. In addition, organizations on the rights of lesbian, gay, bisexual, transgender and intersex persons from both communities in Cyprus came together on 5 October 2019 for the first bicomunal festival, organized by the civic space project supported by the European Union. The event marked the close cooperation of the organizations, in order to unify the movement for the promotion and protection of lesbian, gay, bisexual, transgender and intersex rights across the island.

IV. Conclusions

72. **Despite the persisting division of Cyprus, numerous actors have continued to work to advance positive developments for the promotion and protection of human rights. During the reporting period, those developments have included sustained interreligious dialogue and capacity-building initiatives under the Faith for Rights framework by the religious leaders and faith communities; expanded activities in the area of peace education; the ongoing revitalization of religious and cultural heritage sites; and cooperation in new areas by groups across the island. In this respect, the work of intercommunal initiatives and of civil society remains essential, as is the need for consultation and cooperation between the various tracks.**

73. **Nevertheless, the division of Cyprus still hinders the full enjoyment of the human rights and fundamental freedoms of all persons across the island. OHCHR continues to highlight concerns with regard to the right to life, the question of missing persons, the principle of non-discrimination, freedom of movement, property rights, freedom of religion or belief and cultural rights, freedom of opinion and expression, and the right to education. Challenges have also arisen regarding refugees and migrants, and the right to seek asylum.**

74. **In light of the current context, it is more important than ever to address the underlying human rights concerns relating to the division of Cyprus. It is crucial to strengthen efforts for mutual dialogue and trust and to ensure that a human rights-based approach underpins the political process. Ensuring meaningful participation and the gender-sensitivity of the peace process is also essential. Such efforts can enhance dialogue and conditions conducive for peace, as well as help ensure that peace is sustained.**

75. **An impartial and in-country human rights capacity could ensure that human rights issues faced by members of all communities in Cyprus are acknowledged and rapidly addressed. In addition, further visits by special procedures mandate holders are encouraged, particularly to address the areas of concern highlighted in the present report. It is also imperative that OHCHR and other relevant actors have access to the whole island and all persons affected, and enjoy the full cooperation of the Government of the Republic of Cyprus and the Turkish Cypriot authorities.**

76. **Human rights do not have any borders; all stakeholders are thus obliged to uphold the human rights and fundamental freedoms of all people. It is critical that all human rights protection gaps and underlying human rights issues in Cyprus be urgently and effectively addressed.**
