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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

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 2019 to 30 November 2020, provides an overview of human rights issues in Cyprus, including with respect to the right to life and the question of missing persons, the principle of non-discrimination, the right to freedom of movement and the right to seek asylum, property rights, the right to freedom of religion or belief and cultural rights, the right to freedom of opinion and expression, the right to education and the importance of a gender perspective in relation to the peace process. With the emergence of the coronavirus disease (COVID-19) in 2020, the report highlights the impact that the pandemic had on a wide range of human rights related to the continued division of Cyprus.

* 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 2020, Cyprus remained divided, with a buffer zone maintained by the United Nations Peacekeeping Force in Cyprus (UNFICYP). In its resolution 2537 (2020), the Security Council extended the mandate of UNFICYP until 31 January 2021. It urged the sides and all involved participants 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 the Secretary-General and senior United Nations official Jane Holl Lute.
3. The reporting period was marked significantly by the emergence of the coronavirus disease (COVID-19). In its resolution 2537 (2020), the Security Council recognized the impact on the island of Cyprus of the pandemic, which had restricted opportunities and capacity for negotiation. Nevertheless, some dialogue continued.
4. During the initial part of the reporting period, the then Turkish Cypriot leader, Mustafa Akıncı, and the Greek Cypriot leader, Nicos Anastasiades, shifted their efforts to the bicommunal technical committees and devoted increased attention to the ways in which those committees could assist in boosting confidence and communication between the sides and improve the daily lives of Cypriots. In the framework of the committees, the two leaders met three times and had a number of telephone conversations. Those joint appearances and the confidence-building measures implemented during the initial part of the reporting period were generally well received by the public and contrasted with the climate surrounding the peace process, which had deteriorated since the closure of the Conference on Cyprus in 2017.
5. On 28 March and 4 May 2020, respectively, Mr. Akıncı and Mr. Anastasiades both responded positively in writing to the Secretary-General's call for a global ceasefire in order to focus all efforts on addressing the pandemic and saving lives. The two sides stressed their cooperation and collaboration and committed to bringing additional focus to the technical committees (S/2020/685, para. 10).
6. On 16 September 2020, the Secretary-General expressed his commitment to revitalizing the political peace process after the October elections in the north, which had been delayed for six months owing to the pandemic.¹
7. Following the conclusion of those elections, Mr. Anastasiades and the new Turkish Cypriot leader, Ersin Tatar, met for the first time on 3 November 2020 under the auspices of the Deputy Special Adviser to the Secretary-General on Cyprus, Elizabeth Spehar. They expressed their determination to respond positively to the Secretary-General's commitment to explore the possibility of convening an informal five-plus-United Nations meeting, in a conducive climate, at an appropriate stage.²
8. During the reporting period, Ms. Holl Lute continued discussions with the two leaders and engaged with the guarantor powers, Greece, Turkey and the United Kingdom of Great Britain and Northern Ireland.
9. As detailed in the present report, the COVID-19 pandemic, as well as closures and other restrictions at the crossing points on the island, posed significant practical challenges to movement across the divide and to bicommunal contacts and trust-building activities.
10. To prepare the present report, in the absence of an OHCHR field 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

¹ See www.un.org/press/en/2020/sgsm20258.doc.htm.

² See <https://unficyp.unmissions.org/statement-united-nations-spokesperson-cyprus-0>.

Refugees, 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

11. 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.

12. During the reporting period, the Committee against Torture was the only such mechanism to address Cyprus. In its concluding observations on the fifth periodic report of Cyprus, the Committee took note of the difficulties in making all the rights of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment a reality in all parts of Cyprus. The Committee invited the State party to pursue all efforts to put an end to the situation through dialogue, with the support of the international community (CAT/C/CYP/CO/5, para. 47).

13. The Committee against Torture also expressed concern that minors under the age of 18 are being conscripted into military service, and recommended that the State party review and amend the law relating to the National Guard to ensure that children are never subject to compulsory or voluntary recruitment, in the interest of protecting all children from direct involvement in armed conflict (*ibid.*, paras. 42–43).³

14. The Government of the Republic of Cyprus continued to emphasize to United Nations human rights mechanisms that it could not ensure the application of the international human rights instruments or take measures to comply with the recommendations of treaty bodies in the areas not under its effective control (see CERD/C/CYP/25, para. 3; and CCPR/C/CYP/5, para. 4).

15. During the reporting period, the COVID-19 pandemic further exacerbated the challenges for the implementation of international human rights standards in Cyprus. As the Secretary-General noted in his report on the United Nations operation in Cyprus, pandemic-related restrictions were imposed on the population on both sides and reduced the opportunity for direct, face-to-face engagement between political and government stakeholders, civil society and the communities. Although trust-building activities moved online from mid-March onwards, they took place at a much-reduced pace (S/2020/682, paras. 10–12). In its resolution 2537 (2020), the Security Council called upon the two leaders urgently to ensure effective coordination and cooperation on health matters, including in response to COVID-19 and other infectious diseases, which have island-wide implications, such as through the effective use of the expertise available in the bicomunal technical committees on health, crisis management, humanitarian affairs and economic matters.

16. The 12 bicomunal technical committees, whose work continues to be facilitated by UNFICYP and the good offices mission of the Secretary-General, were also negatively affected, with several projects and face-to-face activities indefinitely suspended or postponed.⁴ The revitalization of the technical committees is critical, as evident through the stocktaking exercise finalized in December 2019 by the Secretary-General's good offices mission, which found that the committees had been effective and remained the best vehicles for delivering confidence-building measures aimed at improving the everyday life of Cypriots while encouraging and facilitating greater interaction between the two communities

³ This recommendation was raised (see CAT/C/SR.1792, para. 34) with reference to the deep concern expressed by the Committee on the Rights of the Child in CRC/C/OPAC/CYP/CO/1, paras. 7–8.

⁴ The 12 bicomunal technical committees were established by the Greek Cypriot and Turkish Cypriot leaders in the most recent 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 the present report, six of the committees were facilitated by the Office of the Special Adviser on Cyprus (also referred to as the Secretary-General's good offices mission) and six were facilitated by UNFICYP, supported by UNDP which, through European Union funding, provided support to the technical committees via a support facility.

(see A/HRC/43/22, para. 10; and S/2020/685, paras. 18–19). In that respect, the support provided through a facility established in April 2019 by UNDP, with European Union funding, was a useful tool to build the capacity and impact of the technical committees. Over the course of 2019 and 2020, the facility provided funding to the technical committees on health, environment, education, culture, humanitarian matters and crime and criminal matters.

III. Human rights concerns

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

18. Furthermore, the emergence of COVID-19 significantly affected a range of human rights in view of the continued division of Cyprus. As the authorities took measures to limit the spread of the virus, freedom of movement was restricted throughout the island. On 28 February 2020, the Republic of Cyprus announced its decision to close four crossing points for an initial period of seven days as of 29 February, which triggered demonstrations by both Greek Cypriots and Turkish Cypriots. A few weeks later, the Turkish Cypriot authorities closed two further crossing points, and on 19 March it was announced that elections for the Turkish Cypriot leader would be postponed from 24 April until 11 October, with a possible second round on 18 October. Other restrictive measures, such as curfews and partial lockdowns, were also introduced in March. By late March, the remaining open crossing points were essentially impassable owing to quarantine requirements introduced by both sides. As at 30 November, four crossings remained completely closed, while constraints at those remaining open resulted in severe restrictions on freedom of movement between the two sides.

19. In its resolution 2537 (2020), the Security Council expressed its concern that the uncoordinated decisions to close the crossing points along the Green Line in response to the pandemic had prevented most bicomunal engagement and that such a prolonged closure threatened to set back the progress made in that area since 2003. The Council also noted that the crossings had been an important confidence-building measure between both communities and were essential for the settlement process. Furthermore, it urged the sides to agree and implement further confidence-building measures, including those related to the military, economic cooperation and trade.

20. The restrictions on freedom of movement and other measures of limitation related to COVID-19, including school closures, affected the population of Cyprus, with a particular impact on economic, social and cultural rights. Certain persons were unable to meet their basic needs, and there was an increase in requests for humanitarian assistance submitted to UNFICYP as a result of the limitations on crossings (S/2020/682, paras. 10–12). In particular, there was a negative impact on persons and groups in already vulnerable situations, including older persons, persons with disabilities, migrants and asylum seekers, and members of religious communities, as well as those Cypriots already affected by the protracted division of the island.

A. Right to life and the question of missing persons

21. According to article 3 of the Universal Declaration of Human Rights, everyone has the right to life, liberty and security of person.⁵ 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

⁵ See also the International Covenant on Civil and Political Rights, art. 6 (1).

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.

22. 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 tripartite Committee continued its bicomunal project on the exhumation, identification and return of the remains of missing persons thanks to funding from donors, in particular the European Union. As at 30 November 2020, the Committee had exhumed the remains of 1,189 individuals on both sides of the island and identified 993 missing individuals, whose remains were returned to their respective families, including 24 during the reporting period.⁶

23. As from 13 March 2020, COVID-19 and related restrictions had placed limits on the Committee's work, as contacts with witnesses, excavations and laboratory analyses were suspended. The Committee had thus far excavated 7 of the 30 additional military areas in the northern part of Cyprus to which the Turkish authorities had granted access in June 2019, leading to the recovery of one missing person during the reporting period. However, from March 2020, COVID-19-related access restrictions had been in place for those military areas. The Committee undertook a four-week research mission to the classified archives at United Nations headquarters in New York in March 2020, which had to be cut short after two weeks owing to the pandemic and related travel restrictions. The Committee continued its extensive research in the United Nations archives in Nicosia, maintained regular online meetings and reviewed all pending cases to prepare for a sufficient caseload once its operations resume. The Committee's laboratory and field operations fully resumed in July 2020.

24. In its resolution 2537 (2020), the Security Council commended the work of the Committee on Missing Persons and called upon all parties expeditiously to enhance their 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.

25. In its concluding observations, the Committee against Torture welcomed the work of the Committee on Missing Persons in Cyprus, yet expressed its concern about the lack of information regarding redress afforded to relatives of victims and the measures taken to investigate cases of missing persons and prosecute those responsible. It moreover expressed its concern that the Committee on Missing Persons was not empowered to grant redress to the relatives of the missing persons and that the overall approach was a humanitarian- rather than human rights-based approach. The Committee against Torture recommended that the State party take further steps to investigate all outstanding cases of missing persons, ensure the right to truth regarding the circumstances of disappearance, redouble its efforts to guarantee that the relatives of missing persons receive appropriate redress and ensure access to judicial remedies and evidence concerning acts of torture or ill-treatment (CAT/C/CYP/CO/5, paras. 40–41).

26. 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 5 December 2019, they underlined that, due to the passage of time, it remains urgent for the Turkish authorities to advance their proactive approach to providing the Committee on Missing Persons in Cyprus with all necessary assistance to achieve tangible results as quickly as possible. The Ministers' Deputies encouraged the Turkish authorities to provide the Committee with unhindered access to all areas which could contain the remains of missing persons, and called on the Turkish authorities to provide the Committee proprio motu and without delay with all information at their disposal relating to burial sites and any other places where remains might be found, including information in military archives. The Ministers' Deputies also noted with interest the information provided on the progress of investigations conducted by the Missing Persons Unit and reiterated their call on the Turkish authorities to ensure the effectiveness and rapid finalization of the investigations. The Ministers' Deputies

⁶ The overall exhumation figure may include persons who are not on the official list of missing persons and is only finalized after the completion of anthropological analysis and DNA identification, a process commonly completed within one to two years.

again insisted firmly on the unconditional obligation of Turkey to pay the just satisfaction awarded without further delay.⁷

27. The presence of landmines and explosive remnants of war can have a negative effect on a number of rights, including the right to life. In its resolutions 2506 (2020) and 2537 (2020), the Security Council welcomed the announcement that 18 suspected hazardous areas across the whole island had been cleared of mines and urged both sides to agree to a plan of work to achieve a mine-free Cyprus. During the reporting period, there was no progress regarding the clearance of the island's 29 suspected hazardous areas. The United Nations Mine Action Service continued to research options for the next phase of clearance activities to be presented to the two sides.

B. Non-discrimination

28. 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.⁸ Furthermore, all are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.

29. 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 had to move to the south of the island and Turkish Cypriots who had to move to the north of the island in 1974, as well as their descendants. An estimated 228,000 persons remain displaced today.⁹ In addition, there are a number of other groups who may be vulnerable to discrimination.

30. The United Nations human rights mechanisms have consistently raised the issue of hate speech and hate crimes in relation to Cyprus. The religious leaders responded to cases of vandalism at respective places of worship by jointly cleaning up Christian places of worship, issuing public statements condemning and counteracting hatred and further polarization and standing up for religious freedom, coexistence and peace. Their joint cooperation and a united voice for religious freedom brought about positive changes in two key mosques in the southern part of the island, Bayrakdar and Hala Sultan Tekke, to ensure that practical measures are put in place to access the sites as places of worship.

31. In its fifth periodic report to the Human Rights Committee, in July 2020, the Republic of Cyprus indicated that new section 35A of the Criminal Code (2017) provides that the court, at the sentencing stage, may take into account as an aggravating factor the motivation of prejudice against a group of persons or a member of such a group on the basis of race, colour, national or ethnic origin, religion or other belief, descent, sexual orientation or gender identity (*ibid.*, para. 25). In addition, on 9 March 2020, in part owing to the advocacy of Turkish Cypriot civil society, hate speech was introduced as a minor offence in the "criminal code" in the northern part of Cyprus.¹⁰

32. The closure of crossing points due to COVID-19 restrictions had a significant effect on the two ethnic communities of Cyprus. UNFICYP expressed its concern about the disruption caused to people on both sides and stressed the need for the two sides to coordinate closely in order to provide a comprehensive response.¹¹ Turkish Cypriots working or attending school in the south could not gain access to their place of work or education, and

⁷ Council of Europe Committee of Ministers decision, 1362nd meeting, 3–5 December 2019 (CM/Del/Dec(2019)1362/H46-30) on *Cyprus v. Turkey* and *Varnava and others v. Turkey*.

⁸ See also the International Covenant on Civil and Political Rights, art. 26, and the International Covenant on Economic, Social and Cultural Rights, art. 2 (2).

⁹ Internal Displacement Monitoring Centre and Norwegian Refugee Council, *Global Report on Internal Displacement 2020* (April 2020), pp. 102 and 111.

¹⁰ See http://patcyprus.org/file/criminal-code-amendment-en-31-march_250.pdf.

¹¹ See <https://unficyp.unmissions.org/statement-closure-crossing-points-along-buffer-zone>.

those receiving medical treatment in the south could not gain access to health care.¹² After COVID-19 restrictions led to the closure of crossing points, UNFICYP addressed the needs of Turkish Cypriots as well as Greek Cypriots living in the northern part of Cyprus. During the reporting period, UNFICYP facilitated 39 cases of exchange of medication, medical equipment and samples and 41 cases of crossings of patients for medical treatment across the divide.

33. In that respect, it is noted that the authorities on both sides accepted the majority of requests to facilitate access for Cypriots to essential services, favouring the progressive realization of economic and social rights. These included the crossing of 27 Turkish Cypriots to the south to receive essential medical treatment, often several times per week, and the weekly delivery to Turkish Cypriots, and Greek Cypriots and Maronites who live in the north of essential medicine available only in the south.

34. However, with the closure of crossing points in March and entry restrictions imposed on the international community in the north in April, UNFICYP had to suspend home visits, school visits and visits to the detention facilities in the north. To continue to fulfil its mandate, the mission adapted its methods to ensure continued humanitarian deliveries to affected individuals, and visits to detention facilities were replaced by the facilitation of telephone calls by detainees to their family members (S/2020/682, paras. 36–37).

35. Moreover, COVID-19 restrictions had a negative impact on the promotion of contacts, trust and communication between the communities. In particular, owing to requirements for a negative COVID-19 test and mandatory seven-day quarantine, Turkish Cypriots and others crossing from the northern part of Cyprus faced difficulties gaining access to hubs for bicomunal activity, such as the Home for Cooperation, which has served as a critical meeting point for the two communities in Nicosia.¹³

C. Freedom of movement and the right to seek asylum

36. 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.¹⁴ Article 14 provides that everyone has the right to seek and to enjoy in other countries asylum from persecution.

37. 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. As mentioned above, during the reporting period, freedom of movement was limited even further owing to COVID-19-related restrictions, which made the few remaining open crossings effectively impassable. During the period under review, UNFICYP reported 1,378,862 official crossings through the buffer zone, representing a decrease of more than 60 per cent compared with the previous year.

38. Prior to the implementation of measures related to COVID-19, the European Commission had recorded an increase in the number of Greek Cypriots and Turkish Cypriots crossing the Green Line in 2019. The European Commission recalled that the Council of Ministers of the Republic of Cyprus had adopted an amendment to the Code for the implementation of the Regulation of the European Council (866/2004/EC) on the Green Line on 27 November 2019,¹⁵ but reported that the authorities of the Republic of Cyprus had assured the Commission that no changes had been made in practice to the implementation of

¹² See European network of legal experts in gender equality and non-discrimination, “Impact of COVID-19 measures on groups vulnerable to discrimination”, 15 June 2020, available at www.equalitylaw.eu/downloads/5152-cyprus-impact-of-covid-19-measures-on-groups-vulnerable-to-discrimination-108-kb.

¹³ See www.home4cooperation.info/blog/covid-19-measures-regarding-crossings.

¹⁴ See also the International Covenant on Civil and Political Rights, art. 12.

¹⁵ This amendment provided 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: see A/HRC/43/22, para. 35.

the regulation during 2019.¹⁶ On 28 May 2020, the amendment was repealed by the Council of Ministers of the Republic of Cyprus.

39. There continued to be concerns regarding the situation of asylum seekers and migrants in an irregular situation. During the reporting period, those concerns were seriously exacerbated owing to measures taken purportedly in response to COVID-19. As noted by the Secretary-General, both sides' concerns about irregular migration and the arrivals of asylum seekers contributed to shaping their approach to and posture near the buffer zone (*ibid.*, paras. 40–44).

40. Following the emergence of COVID-19, the Republic of Cyprus suspended access to asylum procedures and to the territory in early March. Access to asylum procedures resumed in July, but as at 30 November, the restrictions on access to territory persisted. They resulted in denials of the right to seek asylum, including a case on 20 March where a boat carrying 175 Syrian asylum seekers (including 80 children and 25 women) was prohibited by coast guards from landing. A number of asylum seekers were stranded in the buffer zone, at times for weeks. In one notable case, an asylum seeker who presented a negative COVID-19 test remained stuck in the buffer zone for over three weeks, without access to reception conditions, food, shelter, health care or hygiene facilities.

41. The restrictions led to a significant reduction in the number of asylum applications submitted in the Republic of Cyprus, even after the registration of new asylum claims resumed. At the same time, they resulted in a significant increase in unchecked crossings through the buffer zone, which likely accounted for most of the new asylum applications. Between July and October, 2,452 persons lodged an asylum application, compared with 4,247 during the same period in 2019.

42. In the northern part of Cyprus, there continued to be concerns about the lack of an asylum system, as well as the conditions of detention for asylum seekers and the risks of refoulement. Access to the territory remained restricted, and several hundred people were returned to Turkey, including asylum seekers and unaccompanied and separated children with parents or other close family members in the south of the island.

43. On 9 March, human trafficking and smuggling were introduced as serious crimes in the “criminal code” in the northern part of Cyprus.¹⁷ The European Union funded grants to continue work towards the preparation and passing of a fully fledged anti-trafficking legal text that would address the protection of victims in the Turkish Cypriot community.

D. Property rights

44. 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.

45. With regard to property claims in the northern part of Cyprus, according to the Immovable Property Commission, as at 30 November 2020, a total of 6,765 applications had been lodged with the Commission since its establishment. Of those, 1,229 had been concluded through friendly settlements and 33 through formal hearings. The Commission had paid a total of £313,992,162 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.

46. 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

¹⁶ European Commission, Report from the Commission to the Council, COM(2020) 239 final, 18 June 2020, sect. 1.1.

¹⁷ See http://patcyprus.org/file/criminal-code-amendment-en-31-march_250.pdf.

Guardian. A number of cases were decided by the courts of the Republic of Cyprus regarding Turkish Cypriot properties.¹⁸

47. 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 3 September 2020, the Ministers' Deputies adopted an interim resolution in which they welcomed the measures taken regarding the issue of property rights of Greek Cypriots living in the northern part of Cyprus and their heirs and decided to close the examination of the issue.¹⁹ At the same meeting, the Ministers' Deputies agreed to resume their consideration of the issue of the property rights of displaced persons at its meeting in September 2021.²⁰

Varosha

48. The status of Varosha remained on the domestic and international agenda. On 6 October 2020, the Secretary-General expressed his concern regarding the announcement about the opening of the beach/coastline of Varosha and recalled that the position of the United Nations on Varosha remained unchanged and was guided by relevant Security Council resolutions.²¹ Nevertheless, on 8 October, the Turkish Cypriot authorities made a section of the beach accessible by foot through the fenced-off part of the city.

49. On 9 October, the President of the Security Council made a statement expressing the Council's deep concern regarding the announcement in Ankara, on 6 October, of the opening of the coastline of Varosha, and calling for the reversal of that course of action and for the avoidance of any unilateral actions that could raise tensions on the island. The Council stressed the importance of full respect and implementation of its resolutions and reaffirmed its commitment to an enduring, comprehensive and just settlement in accordance with the wishes of the Cypriot people, and based on a bicomunal, bizonal federation with political equality, as set out in relevant Council resolutions (see S/PRST/2020/9).

50. At its meeting on 15 and 16 October 2020, the European Council adopted a set of conclusions in which it urged respect for Security Council resolutions 550 (1984) and 789 (1992) and underlined the status of Varosha.²² On 26 November 2020, the European Parliament adopted its resolution 2020/2844 (RSP) on "Escalating tensions in Varosha following the illegal actions by Turkey and the urgent need for the resumption of talks". In that resolution, it expressed its concern that "the illegal 'opening' of Varosha aims at changing the status of property ownership in the area, thereby undermining the prospects for the return of Varosha as prescribed by the relevant United Nations Security Council resolutions, or through the comprehensive solution of the Cyprus problem". The European Parliament urged Turkey to refrain from illegally settling Varosha with people other than its lawful inhabitants or calling for the lawful inhabitants to return to their properties under conditions of military occupation.²³

51. OHCHR continues to recall resolution 1987/50 of the Commission on Human Rights, in which the Commission 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. It also reiterated the Commission's calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees, and called for the restoration and respect of the human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

¹⁸ See, for example, *Hakki v. Ministry of the Interior and another*, appeal No. 249/2012, 5 March 2020, Supreme Court of Cyprus (secondary jurisdiction); *Torgut and others v. Attorney General and another*, appeal No. 79/2015, 10 June 2020, Supreme Court of Cyprus (secondary jurisdiction); *Ozdogal and another v. Attorney General and another*, case No. 1221/2014, 29 July 2020, Larnaca District Court.

¹⁹ Council of Europe Committee of Ministers decisions adopted at the 1377bis meeting, 1–3 September 2020 (CM/ResDH(2020)185) on *Cyprus v. Turkey*.

²⁰ See https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016809f6327.

²¹ See www.un.org/press/en/2020/sgsm20315.doc.htm.

²² See www.consilium.europa.eu/en/press/press-releases/2020/10/16/european-council-conclusions-15-16-october-2020/.

²³ Available at www.europarl.europa.eu/doceo/document/TA-9-2020-0332_EN.html.

E. Freedom of religion or belief and cultural rights

52. 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.²⁴ 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.²⁵

53. The COVID-19 pandemic added to existing restrictions on gaining access to places of worship, and in March 2020 physical access to sites to hold religious services and other commemorative activities was discontinued. During the reporting period, a total of 23 requests for religious services and events in the northern part of the island were submitted to UNFICYP for facilitation, of which 16 were approved between 1 December 2019 and mid-March 2020. With respect to the south, for the first time since 2014, no pilgrimages to Hala Sultan Tekke mosque in Larnaca took place during the reporting period.

54. 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. For the first time in their 10 years of cooperation, the religious leaders and religious communities of Cyprus were physically divided and unable to meet owing to COVID-19 restrictions. The closure of the crossing points negatively affected interactions between the Christian and Muslim communities, as well as their ability to manifest their religion or belief. Religious communities were unable to participate in pilgrimages and services across the Green Line or to pay respect to their loved ones buried in cemeteries across the divide.

55. Within that context, the Office of the Religious Track sought to ensure continuity of interreligious dialogue and confidence-building activities through virtual meetings, including peer-to-peer learning activities under the “Faith for Rights” framework.²⁶ Using that framework and the #Faith4Rights toolkit, the Office of the Religious Track continued to raise awareness of the rights to freedom of religion or belief, freedom of expression and gender equality, in cooperation with the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE). It also used social media as a tool to increase 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). The #Faith4Rights toolkit notably refers to examples and statements by the religious leaders of Cyprus in its module 5 on women, girls and gender equality, as well as in module 16 on ethical and spiritual leverage.²⁷ In November 2020, the Office of the Religious Track held a webinar on women’s rights and freedom of religion or belief with the participation of the Special Rapporteur on freedom of religion or belief and OHCHR, and joined the 16 Days of Activism against Gender-based Violence campaign, encouraging religious leaders and members of the faith communities to help end violence against women and girls.

56. The religious leaders also tackled the challenges of COVID-19 together by facilitating the understanding of COVID-19 response measures in different languages and faith traditions. The Office of the Religious Track served as a hub for sharing and discussion regarding the challenges and consequences of the pandemic and where measures in response to the pandemic were translated into English, Greek and Turkish. In a joint statement dated 20 March, the religious leaders called for everyone to pray fervently, act compassionately and remain in solidarity with each other, especially with the most vulnerable, and urged all faith communities to strictly follow the advice and directives issued by the World Health

²⁴ See also the International Covenant on Civil and Political Rights, art. 18, and the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, art. 1.

²⁵ See also the International Covenant on Economic, Social and Cultural Rights, art. 15.

²⁶ See www.ohchr.org/EN/Issues/FreedomReligion/Pages/FaithForRights.aspx.

²⁷ See www.ohchr.org/Documents/Press/faith4rights-toolkit.pdf, pp. 32, 79 and 95.

Organization and State health authorities, and remain responsible and hopeful without succumbing to fear and panic.²⁸

57. The bicomunal Technical Committee on Cultural Heritage, facilitated by UNFICYP, pursued its work for the protection and preservation of cultural heritage sites with the technical support of UNDP and funding from the European Commission. Over the course of 2020, despite some delays due to site closures as part of COVID-19 measures, 18 cultural heritage sites benefited from conservation interventions.

F. Freedom of opinion and expression

58. According to article 19 of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression, which includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.²⁹

59. The OSCE Representative on Freedom of the Media continued to support dialogue between Greek Cypriot and Turkish Cypriot journalists' associations and an exchange programme of journalists from both communities to enhance cooperation and advance accountable, quality journalism. On 4 May 2020, the Representative issued a public statement expressing concern about the decision of the Turkish Radio and Television Supreme Council to stop the broadcasting of the Turkish-Cypriot Diyalog TV channel, which affected areas not under the effective control of the Government of the Republic of Cyprus. The Representative noted that the decision had a negative impact on the free flow of information and access to a plurality of views and opinions.³⁰

60. The European Commission maintained its economic development programme for the Turkish Cypriot community, which included the "Civic Space" project to build the capacity of civil society and promote an enabling environment for their development, a rights-based approach and sustainable development goals. The project included collaboration with UNFICYP on initiatives to promote bicomunal actions among civil society and support for active citizenship initiatives and civil society actions in fields such as peace and reconciliation, human rights, art and the environment.

G. Right to education

61. 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 and 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.³¹ The Declaration also provides that parents have a prior right to choose the kind of education that is given to their children.

62. The European Commission continued to support socioeconomic development for the Turkish Cypriot community under the Aid Programme, including schemes to promote the right of Turkish Cypriots to education. They included 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. Some of the lifelong learning projects are implemented through a bicomunal partnership of civil society organizations aimed at addressing skill gaps and knowledge transfer between the communities. The Commission also continued its scholarship scheme for the Turkish Cypriot community to address the limited access of

²⁸ See www.religiustrack.com/joint-statements/.

²⁹ See also the International Covenant on Civil and Political Rights, art. 19.

³⁰ OSCE Representative on Freedom of Media, "Regular Report to the Permanent Council", 2 July 2020, pp. 8 and 20–21.

³¹ See also the International Covenant on Economic, Social and Cultural Rights, arts. 13–14, and the Convention on the Rights of the Child, arts. 28–29.

Turkish Cypriot students to European Union exchange and educational programmes. During the 2019/20 academic year, it funded 161 scholarships for undergraduate and graduate students, researchers and professionals.³² 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.

63. In its resolutions 2506 (2020) and 2537 (2020), the Security Council continued to call upon the leaders to address impediments to peace in school materials, including textbooks, as a contribution to trust-building between the communities.

64. The Imagine project, taking place under the auspices of the Technical Committee on Education, and implemented by the Association for Historical Dialogue and Research and the Home for Cooperation with the support of the Federal Foreign Office of Germany, continued its educational programme on anti-racism and for a culture of peace. On 3 June 2020, the Committee announced the completion of the project's 2019/20 school year, which brought together 1,285 students and 162 teachers from across the island. Activities included voluntary mono-communal and bicomunal peace education in schools, training for teachers engaged in peace education and the development of educational materials to promote peacebuilding and intercultural dialogue. After in-person activities had to be suspended owing to COVID-19, the programme ended on 28 May with a webinar that was attended by 34 Turkish Cypriot and Greek Cypriot teachers from all levels. The Committee also continued to develop peace education training materials and other projects.³³

65. UNFICYP continued to provide logistical support and outreach to the Greek Cypriot kindergarten, primary and secondary school on the Karpas Peninsula. For the school year starting in September 2020, the Turkish Cypriot authorities rejected the reappointment of two Greek Cypriot religion education teachers who had been nominated to work at the schools.

66. In its fifth periodic report submitted to the Human Rights Committee on 27 July 2020, the Republic of Cyprus replied to the Committee's question regarding the establishment of a Turkish school in Limassol. The State party recalled that a decision had been taken in August 2005 to establish a school in Limassol with Turkish as the language of instruction; however, the decision had not been implemented because a survey conducted in early September 2005 had indicated that the parents favoured attendance at the public school of their area. The State party further noted that measures had been promoted to cater for the particular needs of Roma pupils enrolled in public schools, including the provision of teachers of the Turkish language (CCPR/C/CYP/5, paras. 252–253).

H. Gender perspective

67. In its resolution 1325 (2000) on women and peace and security, the Security Council called upon 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 that 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. In addition, 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.

³² European Commission, Report from the Commission to the Council, COM(2020) 238 final, 18 June 2020, sects. 4.2.2 and 4.2.4.

³³ See <http://famagusta-gazette.com/2020/06/03/the-bi-communal-technical-committee-on-education-announces-the-successful-completion-of-the-imagine-program-for-the-school-year-2019-2020/> and S/2020/685, para. 25.

68. Regarding Cyprus, in its resolutions 2506 (2020) and 2537 (2020), 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 bicomunal Technical Committee on Gender Equality. The Security Council called upon the two leaders to increase their support and ensure a meaningful role for civil society engagement in peace efforts, in particular by strengthening the participation of women's organizations and young people in the process. The Council also called upon the leaders to empower the Technical Committee on Gender Equality to meet and develop an action plan supporting women's full, equal and meaningful participation in peace talks.

69. The Security Council also recalled that it was looking forward to the outcome of the gender-sensitive socioeconomic impact assessment requested in its resolution 2453 (2019). That assessment was completed during the reporting period and launched on 17 February 2020. It substantiated that delaying a settlement in Cyprus increases both economic and non-economic costs and outlined appropriate supportive policies to address existing gender barriers that limit women's economic engagement. It noted that reunification would result in higher incomes and increased gross domestic product growth for both communities, as well as an expanded set of opportunities that, if coupled with such policies, could be shared more equally by men and women island-wide.

70. UNFICYP maintained its engagement in intercommunal work relating to gender equality and the participation of women, including by helping to consolidate new networks among women's groups in the two communities to build coherence and cohesion based on shared issues of concern. Following the emergence of COVID-19, UNFICYP focused on raising awareness of the gender implications of the pandemic, particularly in relation to increased cases of gender-based violence (S/2020/682, para. 45).

71. In Cyprus, as in many other countries, COVID-19 measures had a particular effect on women, girls and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.³⁴ On 6 May 2020, the bicomunal Technical Committee on Gender Equality issued a press statement warning against the increased risks of domestic violence during confinement due to COVID-19. It quoted civil society sources in noting a 58 per cent increase in domestic violence incidents in the Greek Cypriot community and a 10 per cent increase in calls to helplines in the Turkish Cypriot community between mid-March and 22 April (*ibid.*, para. 33).

72. Although the pandemic slowed the Committee's discussions to develop an action plan supporting the full, equal and meaningful participation of women in the peace talks, it brought other work to the fore. In addition to raising awareness on domestic violence, the Committee highlighted the need to ensure the effective participation of women and girls in response efforts to the outbreak and to adopt gender-sensitive socioeconomic measures (S/2020/685, para. 26).

73. Following the Turkish Cypriot leadership elections, the Turkish Cypriot delegations to the bicomunal Technical Committee on Gender Equality resigned. The Secretary-General has continued to urge the two leaders to fully support the work of the Committee (S/2020/682, para. 68).

74. The LGBTI community continued to come together to make their voices heard. On 1 June, LGBTI activists organized a webinar on the "Impact of the COVID-19 pandemic on the LGBTI+ community and European Union action", bringing together associations from across the island. The participants discussed challenges and experiences resulting from the pandemic, including issues accessing sexual health and HIV services, increased incidents of domestic violence and decreased access to policymakers and advocacy opportunities.³⁵ On 27 June 2020, the Queer Cyprus Association and Accept LGBTI Cyprus organized "Pride

³⁴ See www.ohchr.org/Documents/Issues/Women/COVID-19_and_Womens_Human_Rights.pdf and www.ohchr.org/Documents/Issues/LGBT/LGBTIpeople.pdf.

³⁵ Available at www.queercyprus.org/en/impact-of-the-covid-19-pandemic-on-the-lgbti-community-and-eu-action/. See also www.ilga-europe.org/sites/default/files/covid19-lgbti-assessment-2020.pdf.

Up”, the first joint pride event in Cyprus. The event was originally intended to unite the communities in the buffer zone but was moved online owing to the pandemic.

IV. Conclusions

75. The persisting division of Cyprus continues to hinder the full enjoyment of human rights and fundamental freedoms by all persons across the island. During the reporting period, the situation was further exacerbated by the COVID-19 pandemic and related restrictions introduced by authorities on both sides. Freedom of movement was limited, in particular across the buffer zone, serving as a powerful reminder that Cyprus remains a divided island.

76. The restrictions on freedom of movement reduced opportunities for direct engagement. They also resulted in thousands of people facing difficulties in gaining access to their economic, social and cultural rights as they were unable to have access to work, education, health care, family members and friends, as well as places of religious or cultural significance. The effect was particularly acute for persons and groups already in vulnerable situations, including older persons, persons with disabilities, migrants and asylum seekers, members of religious communities and those Cypriots already affected by the protracted division of the island. Many of the confidence-building measures and peacebuilding gains were lost, since the COVID-19 pandemic was used politically to cement the divide.

77. Despite those challenges, numerous actors continued to work to advance the promotion and protection of human rights. They included civil society, religious leaders and faith-based actors, as well as many of the bicomunal technical committees, which adapted their work to virtual methods. It is also noted that the authorities on both sides accepted most requests to facilitate access for Cypriots to essential services, supporting their access to economic and social rights. However, UNFICYP had to suspend visits to homes, schools and detention facilities in the north since March 2020, and telephone calls by detainees to their family members are no real substitute for the previously facilitated visits to detention facilities.

78. The COVID-19 crisis has further exposed the underlying human rights concerns related to the continued division of Cyprus, highlighting patterns of discrimination, weaknesses and the impact of the division on the population. It also underscores the opportunity and imperative to “build back better”, ensuring that a human rights-based approach underpins the dialogue and political process, with respect for the human rights principles of non-discrimination, participation, transparency and accountability.

79. OHCHR recalls resolution 1987/70 of the Commission on Human Rights, in which the Commission called for the restoration and respect of the human rights and fundamental freedoms of all Cypriots. 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. Engagement and technical cooperation with the United Nations human rights mechanisms is encouraged, including through further visits by special procedure mandate holders, 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.

80. 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.
