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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 2017 to 30 November 2018, 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, property rights, freedom of religion or belief and cultural rights, freedom of opinion and expression, and the right to education. The report also underlines the importance of a gender perspective when negotiating and implementing peace agreements.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



## 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 2018, Cyprus remained divided, with a buffer zone maintained by the United Nations Peacekeeping Force in Cyprus (UNFICYP). In its resolution 2430 (2018), the Security Council extended the mandate of UNFICYP for a further period ending on 31 January 2019. Noting the lack of progress towards a settlement since the conclusion of the Conference on Cyprus in July 2017, the Security Council welcomed the appointment of United Nations consultant Jane Holl Lute to engage in in-depth consultations on the way forward, and urged all the participants involved to engage constructively in the consultations and to renew their political will and commitment to a settlement under the auspices of the United Nations. In October 2018, following consultations and discussions with the leaders of the two communities, the Secretary-General reported on his mission of good offices, the Office of the Special Adviser to the Secretary-General on Cyprus. He noted that prospects for a comprehensive settlement remained alive, and that he would instruct Ms. Lute to continue discussions (S/2018/919, paras. 25–27).
3. To prepare this report, in the absence of a 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 secretariat of the Committee on Missing Persons in Cyprus, 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

4. United Nations human rights mechanisms have voiced concern at the factors and difficulties impeding the implementation of international human rights standards on the whole island, owing to its continued division.
5. During the reporting period, the Committee on the Elimination of Discrimination against Women was the only such mechanism to address Cyprus.
6. In its concluding observations of July 2018, the Committee noted that the State party did not exercise control over all parts of its territory and was thus unable to ensure the practical realization of women's rights in areas not under its effective control. The Committee expressed concern that the political situation continued to pose a challenge to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women. It recommended that the State party undertake an impact assessment of the protracted conflict and the continued division of Cyprus on the enjoyment by women and girls of their rights (CEDAW/C/CYP/CO/8, para. 7).
7. In its common core document submitted to the United Nations in February 2018, the State party indicated that, due to the continuing illegal Turkish occupation, the Government of the Republic of Cyprus was prevented by armed force from exercising its authority and control and ensuring implementation and respect of human rights in the occupied areas (HRI/CORE/CYP/2018, para. 54).
8. As was observed by the Secretary-General, the de facto division of the island, which has persisted for decades, has been characterized by the lack of direct communication between the opposing forces, police services and civilian authorities (S/2018/676, para. 5). In that context, UNFICYP pursued its functions pursuant to Security Council resolution 186 (1964) and subsequent Security Council resolutions. That included work to maintain calm and stability in and around the buffer zone, to keep tensions low through active engagement with the two sides and to build confidence through various intercommunal initiatives. Moreover, UNFICYP sought to respond to new challenges, including by increasing the

number of patrols in order to manage the growing number of refugees and migrants crossing through the buffer zone (*ibid.*, para. 26). The Office of the United Nations High Commissioner for Refugees and the International Organization for Migration worked to facilitate and improve the reception and protection of refugees and migrants. Given the persistent division of Cyprus, there is the absence of an asylum system in the north of the island, and limited information is available on the presence of asylum seekers and possible cases of refoulement.

9. Through an intercommunal strategy, UNFICYP and the Secretary-General's good offices mission worked to contribute to trust-building among Cypriots. They continued to facilitate the work of all 12 bicomunal technical committees,<sup>1</sup> and supported the revitalization of the Nicosia Master Plan. In addition, UNFICYP scoped and reached out to new actors in order to support civil society and facilitate their interactions across the island (*ibid.*, paras. 30–34).

10. The Secretary-General acknowledged the encouraging work carried out in certain segments of society, including trade unions, some political parties, women's groups and other organized civic groups, to keep promoting a solution based on the bizonal, bicomunal federation with political equality. He appealed to the leaders of the two communities to provide visible and direct support to civil society organizations in their efforts, and to further the implementation of confidence-building measures (*ibid.*, para. 56). He urged greater efforts to create a climate conducive to achieving more economic and social parity between the two sides and to broaden and deepen economic, social, cultural, sporting and similar ties and contacts, noting that such contacts promoted trust between the communities and helped to address the concerns of Turkish Cypriots with regard to isolation (*ibid.*, para. 59).

### **III. Human rights concerns**

11. 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, 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 in relation to the peace process.

#### **A. Right to life and the question of missing persons**

12. According to article 3 of the Universal Declaration of Human Rights, everyone has the right to life, liberty and security of person.<sup>2</sup> 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.

13. The potential presence of landmines can have a negative effect on a number of rights, including the right to life. In its resolutions 2398 (2018) and 2430 (2018), the Security Council noted the continued danger posed by mines in Cyprus, 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 to facilitate the removal of the

<sup>1</sup> Twelve bicomunal technical committees were established by the leaders of the Greek Cypriot and Turkish Cypriot communities in the most recent rounds of the Cyprus negotiations, which cover a range of issues including cultural heritage, health, gender equality, education, and crime and criminal matters. At the time of preparation of 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 technical and strategic support to the Technical Committee on Cultural Heritage and the Technical Committee on Crossings.

<sup>2</sup> See also the International Covenant on Civil and Political Rights, art. 6 (1).

remaining mines in Cyprus within the buffer zone, and urged both sides to extend demining operations outside the buffer zone.

14. UNFICYP estimates that there remain 47 suspected hazardous areas in Cyprus, covering 1.7 million m<sup>2</sup> of land, 42 per cent of which is in the buffer zone. Unfortunately, there was limited progress during the reporting period on the four known minefields in the buffer zone. While the Turkish Cypriot side has indicated that it would accept the clearance of all four areas as a package, the Greek Cypriot side maintains that its three minefields are required to counter a perceived threat (*ibid.*, paras. 43–44).

15. 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 2018, the Committee had exhumed the remains of 1,200 individuals on both sides of the island. From those, the remains of 914 missing individuals had been identified and returned to their respective families, including 60 during the reporting period. In accordance with the 2015–2018 agreement between the Committee and the Turkish authorities, access was granted to 30 military areas in the northern part of the island. As a result, the Committee had carried out excavations in 27 of those military areas as at 30 November (with 10 excavations in 2016, 12 in 2017 and 5 in 2018), leading to the recovery of the remains of 29 persons. A request by the Committee in August 2018 to change some of the locations delayed the completion of the 2018 agreed list of excavations. Discussions were under way regarding a new agreement for additional excavations in other military areas, covering the period 2019–2021.

16. In order to obtain additional information, the archives research team of the Committee on Missing Persons undertook research visits to United Nations Headquarters in December 2017, to the National Archives of the United Kingdom of Great Britain and Northern Ireland in March 2018 and to the archives of the International Committee of the Red Cross in May 2018.

17. In its resolutions 2398 (2018) and 2430 (2018), the Security Council welcomed all efforts to accommodate the exhumation requirements of the Committee on Missing Persons. However, the Security Council called upon all parties to provide more expeditious, full access to all areas, given the need to accelerate the Committee's work. The Secretary-General has underscored that it is critical for the Committee to continue receiving sufficient financial support and the information, including from relevant archives, required to accelerate its work, in the light of the advanced age of both witnesses and the relatives of persons who remain missing (*ibid.*, para. 61).

18. On 7 June 2018, the Committee of Ministers' Deputies of the Council of Europe reiterated that, due to the passage of time, it remained urgent for the Turkish authorities to sustain their proactive approach to providing the Committee on Missing Persons with all necessary assistance to continue to achieve tangible results as quickly as possible. The Ministers' Deputies called upon the Turkish authorities to ensure that the Committee had unhindered access to all possible 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 any other places where remains might be found. The Ministers' Deputies noted the information provided by the Turkish authorities that the Committee would excavate in eight additional military areas in 2018, and that the archives committee established by the Turkish side would continue to examine the relevant archives for the information requested by the Committee on the location of remains. They also took note with interest that the Committee had identified a third missing person from the case of *Varnava and Others v. Turkey*, in connection with which the Missing

Persons Unit had initiated an investigation, and that the investigation concerning Andreas Varnava was nearing completion.<sup>3</sup>

19. On 20 September 2018, the Ministers' Deputies of the Council of Europe expressed deep regret that Turkey had decided not to participate in the discussions, and called on Turkey to cooperate with the Committee.<sup>4</sup>

20. The Ministers' Deputies continued to insist on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court of Human Rights, without further delay, in decisions adopted in December 2017 and in March, June and September 2018.<sup>5</sup>

## B. Non-discrimination

21. 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.<sup>6</sup> Furthermore, all are entitled to equal protection against any discrimination in violation of the Declaration and against any incitement to such discrimination.

22. The division of Cyprus and its ongoing effects have contributed to challenges to the full realization by 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, as well as their descendants. In addition, there are a number of other groups who may be vulnerable to discrimination.

23. The Secretary-General has noted several incidents during the reporting period that highlight ongoing tensions in intercommunal relations. They include the decision of local authorities in the north of the island to open a beach in the Famagusta area only to Turkish Cypriots and Turkish nationals, which resulted in protests by civil society activists from both communities (S/2018/919, para. 4). Prosecutions are still ongoing in the 11 cases against the Greek Cypriot individuals accused of attacking vehicles belonging to Turkish Cypriots on 18 November 2015. Thus far, one of the individuals has received a suspended sentence of four months in prison. Furthermore, divergent school curricula and rhetoric in the media have reinforced parallel narratives across generations (S/2018/676, paras. 25 and 57).

24. With respect to particular groups who are vulnerable to discrimination, the Committee on the Elimination of Discrimination against Women expressed concern about the situation of certain women and girls, including those from the Turkish Cypriot community and other minority groups such as the Roma. In particular, it was concerned that they faced language barriers when claiming their rights, had limited access to justice, faced difficulties in accessing high-quality education and had limited access to the labour market (CEDAW/C/CYP/CO/8, paras. 16, 34 and 36). The Committee recommended that the State party institutionalize and facilitate women's access to accessible and responsive legal aid (para. 17). The Committee also recommended that the State party adopt measures to combat discrimination, to achieve substantive equality between women and men, to accelerate the equal participation of disadvantaged groups of women and girls in the labour market,

<sup>3</sup> Council of Europe Committee of Ministers, decisions adopted at the 1318th meeting on 5–7 June 2018 (CM/Del/Dec(2018)1318/H46-24) on *Cyprus v. Turkey*.

<sup>4</sup> Council of Europe Committee of Ministers, decisions adopted at the 1324th meeting on 18–20 September 2018 (CM/Del/Dec(2018)1324/H46-23) on *Varnava and Others v. Turkey*.

<sup>5</sup> Council of Europe Committee of Ministers, decisions adopted at the 1302nd meeting on 5–7 December 2017 (CM/Del/Dec(2017)1302/H46-34) on *Varnava and Others v. Turkey* and (CM/Del/Dec(2017)1302/H46-35) on *Xenides-Arestis group v. Turkey*; decisions adopted at the 1310th meeting on 13–15 March 2018 (CM/Del/Dec(2018)1310/H46-22) on *Varnava and Others v. Turkey*; decisions adopted at the 1318th meeting on 5–7 June 2018 (CM/Del/Dec(2018)1318/H46-24) on *Cyprus v. Turkey*; decisions adopted at the 1324th meeting on 18–20 September 2018 (CM/Del/Dec(2018)1324/H46-23) on *Varnava and Others v. Turkey*.

<sup>6</sup> See also the International Covenant on Civil and Political Rights, art. 26.

including by taking temporary special measures, and to promote their access to high-quality education (paras. 35 and 37).

25. In a positive development, on 31 May 2018 UNFICYP resumed humanitarian deliveries of food supplies and other items provided by the Republic of Cyprus to Greek Cypriot and Maronite communities residing in the north of the island. That followed the decision of the Turkish Cypriot authorities in May 2018 to reverse their previous decision to levy “duties” on such items.

### C. Freedom of movement

26. 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. Furthermore, everyone has the right to leave any country, including their own, and to return to their country.<sup>7</sup>

27. In Cyprus, however, crossings between the northern and southern parts of the island remain possible only through official crossing points, which limits freedom of movement. In a long-awaited development, two new crossing points at Lefka/Aplici and Deryneia/Derinya opened on 12 November 2018, thus bringing the total number of official crossing points to nine.<sup>8</sup> During the period under review, UNFICYP reported 2,017,908 official crossings through the buffer zone, including 2,083 at the Lefka/Aplici crossing point and 10,770 at the Deryneia/Derinya crossing point.

28. In its report of June 2018, the European Commission documented an increase in the number of crossings both by Turkish Cypriots and by Greek Cypriots in 2017, as well as a substantial increase in the number of crossings by European Union citizens (other than Cypriots and third-country nationals). No incidents concerning crossings were reported in 2017. However, Turkish Cypriot buses carrying European Union citizens were still not permitted to cross to the south of the island.<sup>9</sup>

29. The opening of new official crossing points and the significant increase in the number of crossings are positive developments in the enjoyment of freedom of movement in Cyprus. They indicate a growing number of contacts between the communities of Cyprus, and should serve to inspire everyone to continue working to enhance freedom of movement on the whole island.

### D. Property rights

30. 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.

31. With regard to property claims in the northern part of Cyprus, according to the Immovable Property Commission, as at 30 November 2018 a total of 6,497 applications had been lodged with the Commission since its establishment. Of those, 928 had been concluded through friendly settlements and 32 through formal hearings. The Commission had paid a total of £ stg. 296,547,921 in compensation, and it had ruled for exchange and compensation in two cases, for restitution in three cases and for restitution and compensation in six 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.<sup>10</sup>

<sup>7</sup> See also the International Covenant on Civil and Political Rights, art. 12.

<sup>8</sup> See [www.uncyprustalks.org/joint-statement-by-the-turkish-cypriot-leader-mr-mustafa-akinci-and-the-greek-cypriot-leader-mr-nicos-anastasiades-26102018/](http://www.uncyprustalks.org/joint-statement-by-the-turkish-cypriot-leader-mr-mustafa-akinci-and-the-greek-cypriot-leader-mr-nicos-anastasiades-26102018/).

<sup>9</sup> European Commission, Report from the Commission to the Council, COM(2018) 488 final, 22 June 2018, pp. 1–2. (The report is based on the 2017 calendar year).

<sup>10</sup> See [www.tamk.gov.ct.tr](http://www.tamk.gov.ct.tr).

32. On 12 December 2017, the European Court of Human Rights handed down its judgment in *Joannou v. Turkey*, which concerned the effectiveness of the Immovable Property Commission in a particular case. The Court found that the Commission “did not act with coherence, diligence and appropriate expedition concerning the applicant’s compensation claim” for properties located in the northern part of Cyprus.<sup>11</sup> The Court observed that the proceedings had been pending before the Immovable Property Commission for some nine years without a formal resolution. The Court noted that the case did not challenge the effectiveness of the Immovable Property Commission as a remedy as such, although the Court remained attentive to developments on the issue.<sup>12</sup>

33. The Ministers’ Deputies of the Council of Europe further considered the enforcement of past judgments of the European Court of Human Rights regarding property rights. On 7 December 2017, the Ministers’ Deputies noted the information conveyed by the Turkish authorities on the existing avenues within the framework of the Immovable Property Commission to address the possible unlawful sale and exploitation of the properties in question, and invited them to present additional information on their practical implementation to allow the Committee to assess their effectiveness.<sup>13</sup>

34. At its subsequent meeting on 20 September 2018, the Ministers’ Deputies deeply regretted the decision of Turkey not to participate in the discussions, and called on Turkey to cooperate with the Committee. They regretted that the Turkish authorities had not provided any information in reply to the Committee’s decision of December 2017, and called on Turkey to provide the requested information in time for the next examination of the issue.<sup>14</sup>

35. The Ministers’ Deputies continued to insist on the unconditional obligation of Turkey to pay the just satisfaction awarded by the European Court of Human Rights.<sup>15</sup>

36. With regard to property claims in the south, the Council of Ministers of the Republic of Cyprus issued a decision on 21 May 2018, which approved the publication by the Guardian of Turkish Cypriot properties on its official website of data regarding available Turkish Cypriot properties.<sup>16</sup> In a statement of the same date, the Minister of the Interior noted that the management of Turkish Cypriot property was a delicate and multidimensional issue that concerned serious aspects of national and refugee policy, as well as wider issues of social justice, transparency and corruption. He stated that the measures had been announced in order to increase transparency and to deal with phenomena such as corruption and interference.<sup>17</sup>

37. On 11 January 2018, the High Court of Cyprus dismissed an appeal regarding a property located in the buffer zone. The Court upheld a finding that the Republic of Cyprus could not be liable for unlawful interference and violation of human rights in respect of the

<sup>11</sup> European Court of Human Rights, *Joannou v. Turkey* (application No. 53240/14), judgment of 12 December 2017, para. 104.

<sup>12</sup> *Ibid.*, paras. 81 and 86.

<sup>13</sup> Council of Europe Committee of Ministers, decisions adopted at the 1302nd meeting on 5–7 December 2017 (CM/Del/Dec(2017)1302/H46-32) on *Cyprus v. Turkey*.

<sup>14</sup> Council of Europe Committee of Ministers, decisions adopted at the 1324th meeting on 18–20 September 2018 (CM/Del/Dec(2018)1324/H46-20) on *Cyprus v. Turkey*.

<sup>15</sup> Council of Europe Committee of Ministers, decisions adopted at the 1302nd meeting on 5–7 December 2017 (CM/Del/Dec(2017)1302/H46-34) on *Varnava and Others v. Turkey* and (CM/Del/Dec(2017)1302/H46-35) *Xenides-Arestis group v. Turkey*; decisions adopted at the 1324th meeting on 18–20 September 2018 (CM/Del/Dec(2018)1324/H46-24) on *Xenides-Arestis group v. Turkey*.

<sup>16</sup> Extract from the proceedings of the Council of Ministers meeting dated 21 May 2018, decision No. 860/2018, available (in Greek) at [www.cm.gov.cy/cm/cm\\_2013/cm.nsf/B17063EAA6C2ACE0C22582CC001BC738/\\$file/84.964.pdf](http://www.cm.gov.cy/cm/cm_2013/cm.nsf/B17063EAA6C2ACE0C22582CC001BC738/$file/84.964.pdf). See also [www.moi.gov.cy/moi/tcp/tcp.nsf/home\\_en/home\\_en?openform](http://www.moi.gov.cy/moi/tcp/tcp.nsf/home_en/home_en?openform) (in Greek).

<sup>17</sup> Available (in Greek) at [www.moi.gov.cy/moi/tcp/tcp.nsf/All/9A63BB1CE22EE63EC2258295001A3974?OpenDocument](http://www.moi.gov.cy/moi/tcp/tcp.nsf/All/9A63BB1CE22EE63EC2258295001A3974?OpenDocument).

loss of possession and use of the property, given that it lacked effective control over the area in the buffer zone where the property was located.<sup>18</sup>

38. UNFICYP has continued to observe an increasing interest on the part of Cypriots in enjoying their property rights in and adjacent to the buffer zone. The mission worked to facilitate access to property in the buffer zone through the issuance of permits for authorized activities, such as farming, grazing, construction and utility maintenance. UNFICYP also worked to defuse tensions between civilians in the buffer zone over contested ownership of property, through engagement with military and civilian authorities, community representatives and civilians (S/2018/676, paras. 27–29).

## E. Freedom of religion or belief and cultural rights

39. 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.<sup>19</sup> 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.<sup>20</sup>

40. The religious leaders of Cyprus sustained their commitment to joint dialogue and religious freedom within the framework of the Religious Track of the Cyprus Peace Process under the auspices of the Embassy of Sweden. Notable activities included the continuation of the joint initiative for persons working in different religious institutions to attend Greek and Turkish language classes in the buffer zone, and a joint video statement released on World Refugee Day 2018, encouraging fair treatment and compassion for refugees in Cyprus.<sup>21</sup>

41. On 6 December 2017, the Office of the Religious Track participated in the Rabat+5 symposium on the follow-up to the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, highlighting the experiences of faith-based actors in promoting human rights in Cyprus. Having translated the Beirut Declaration on Faith for Rights and its 18 commitments into Greek and Turkish,<sup>22</sup> the Office of the Religious Track highlighted its projects to promote the Faith for Rights initiative through awareness-raising campaigns on social media, collaboration with educators and journalists and cross-disciplinary dialogue on human rights between religious and non-religious actors from across the island.<sup>23</sup>

42. The Secretary-General welcomed the continued support of the Republic of Cyprus for the annual pilgrimage to Hala Sultan Tekke mosque in Larnaca. He also welcomed the mosque's increased opening hours, and encouraged the continuation of those new hours beyond the Ramadan period (S/2018/676, para. 39). The twelfth special pilgrimage took place on 20 November 2018, led by the Mufti of Cyprus, coordinated by the Religious Track of the Cyprus Peace Process and facilitated by UNFICYP.

43. On 11 May 2018, the Commissioner for Administration and Protection of Human Rights of the Republic of Cyprus issued a report regarding the lack of an appropriate place of worship for the Muslim community in Paphos during the Ramadan period. The Commissioner noted that the failure to provide a suitable space for worship might directly interfere with the right to religious freedom, and recommended that the competent authorities

<sup>18</sup> *Merian Shiarmen Miltiadis Ioannides v. Attorney General*, civil appeal No. 163/2012, 11 January 2018, available (in Greek) at [www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros\\_1/2018/1-201801-163-12PolEf.htm&qstring=Merian%20and%20Shiarmen](http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2018/1-201801-163-12PolEf.htm&qstring=Merian%20and%20Shiarmen).

<sup>19</sup> See also the International Covenant on Civil and Political Rights, art. 18; Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

<sup>20</sup> See also the International Covenant on Economic, Social and Cultural Rights, art. 15.

<sup>21</sup> See [www.religioustrack.com](http://www.religioustrack.com).

<sup>22</sup> Available at [www.religioustrack.com/faith-for-rights/](http://www.religioustrack.com/faith-for-rights/).

<sup>23</sup> Available at [www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/RTCYPP.pdf](http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/RTCYPP.pdf).

take all necessary steps to find a suitable solution for the Muslim community during Ramadan, in direct cooperation and consultation with the community.<sup>24</sup>

44. Access to sites for holding religious services and other commemorative activities in the northern part of the island is facilitated by UNFICYP, on 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”. The criteria continue to raise serious concerns regarding the accessibility of religious sites and the enjoyment of freedom of religion and cultural rights (A/HRC/37/22, para. 43). In practice, UNFICYP observed an increase in the number and rate of authorizations granted in respect of requests submitted for its facilitation. During the reporting period, a total of 119 requests for religious services and events in the northern part of the island were submitted to UNFICYP for facilitation, of which 84 were approved.

45. The bicomunal Technical Committee on Cultural Heritage pursued its work for the preservation, physical protection and restoration of cultural heritage sites. With the support of the European Union and UNDP, the Technical Committee on Cultural Heritage has conserved, structurally supported, physically protected or restored 31 heritage sites across the island to date. They have included Orthodox, Maronite and Armenian churches, mosques and minarets, fortifications, hammams, aqueducts and watermills. Additionally, 23 sites island-wide have benefited from simple, non-structural, small-scale works. Conservation designs for future projects for an additional 40 sites are ready.

## F. Freedom of opinion and expression

46. According to article 19 of the Universal Declaration of Human Rights, everyone has the right to freedom of opinion and expression, which includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.<sup>25</sup>

47. Cyprus has an active civil society, which has been increasingly vocal and visible in the public debate. Some of them have received support from UNFICYP and the international community, such as the gatherings of political parties facilitated by the Embassy of Slovakia. UNFICYP is seeking to expand its activities outside Nicosia, particularly to more remote areas. The Secretary-General has welcomed the greater involvement by civil society, and has urged the leaders of the two communities to enhance the involvement and contribution of civil society actors to ensure that their voices are heard in the political process (S/2018/676, para. 32; S/2018/610, paras. 17 and 28).

48. The Organization for Security and Cooperation in Europe (OSCE) Representative on Freedom of the Media maintained his engagement on the Cyprus Dialogue project, which involves work with journalists from both communities to promote quality journalism in Cyprus. Within the framework of the project, a trilingual glossary of sensitive words and phrases entitled “Words That Matter” was published on 10 July 2018, for voluntary consideration by journalists from both communities. Its aim was to encourage new approaches and new thinking on difficult issues, to encourage dialogue throughout and between media communities, while respecting journalistic independence and journalists’ freedom to report without restrictions.<sup>26</sup> Following the publication of the glossary, the Representative on Freedom of the Media expressed concern regarding a series of threats

<sup>24</sup> See report of the Commissioner for Administration and Protection of Human Rights on securing a site of religious worship in Paphos for the needs of Muslims during the Ramadan festival, case no. A/P 692/2018, 11 May 2018. Available (in Greek) at [www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/DF1AF7617B803E9C225828A0033A477/\\$file/%CE%91%CE%A0%20692\\_2018\\_11052018.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/DF1AF7617B803E9C225828A0033A477/$file/%CE%91%CE%A0%20692_2018_11052018.pdf?OpenElement).

<sup>25</sup> See also the International Covenant on Civil and Political Rights, art. 19.

<sup>26</sup> See [www.osce.org/representative-on-freedom-of-media/cyprus-dialogue](http://www.osce.org/representative-on-freedom-of-media/cyprus-dialogue).

against the journalist Maria Siakalli, one of the glossary's co-authors.<sup>27</sup> A group of 238 Greek Cypriot journalists signed a letter of protest against the glossary (S/2018/919, para. 4).

49. In addition, the Representative on Freedom of the Media raised concerns about other incidents that threatened the freedom of the media and freedom of expression in Cyprus. On 25 January 2018, he issued a public statement condemning the attacks on the offices in Nicosia of the Turkish Cypriot newspaper *Afrika*. He highlighted the need to protect journalists and the importance of their being able to express their views freely and without fear. He subsequently welcomed the decision to hand down prison sentences to the perpetrators of the attacks. He urged the Turkish authorities to drop legal charges against two *Afrika* journalists, stressing that it was essential for the public authorities to refrain from initiating lawsuits against journalists for their work, including when they expressed differing views on sensitive affairs.<sup>28</sup>

## G. Right to education

50. According to article 26 of the Universal Declaration of Human Rights, everyone has the right to education.<sup>29</sup> Education should be directed to the full development of the human personality and to 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 should further the activities of the United Nations for the maintenance of peace. The Declaration also provides that parents have a prior right to choose the kind of education that should be given to their children.

51. The European Commission continued its economic development programme for the Turkish Cypriot community, which included schemes to promote their right to education. The Commission implemented projects that helped schools to enhance their teaching and learning capacities, lifelong learning projects to improve professional capacities and employability, and other technical assistance for vocational education, training and the labour market. The Commission also maintained its scholarship scheme for the Turkish Cypriot community in order to improve Turkish Cypriot students' limited access to European Union exchange and educational programmes. During the 2017/18 academic year, the Commission funded 152 scholarships for undergraduate and graduate students, researchers and professionals. Further efforts were made to inform students about opportunities to study in the European Union, to develop an alumni network and to monitor the medium-term impact of the economic development programme, drawing on the return rate of students to Cyprus and their success rate in finding employment.<sup>30</sup>

52. UNFICYP maintained its logistical support and outreach to the Greek Cypriot primary and secondary schools on the Karpas Peninsula. For the school year starting in September 2018, the Turkish Cypriot authorities refused to allow the appointment of three teachers and one teaching assistant at the schools in Rizokarpaso, and rejected a number of textbooks.

53. In a recent development, the Turkish Cypriot authorities reportedly announced that more Greek-language teachers would be brought into the school system (*ibid.*, para. 17).

54. There were still no developments regarding the establishment of a Turkish Cypriot elementary school in Limassol, although Turkish-speaking pupils continued to have access to Turkish-language education at a primary school and high school there (S/2018/676, para. 41).

<sup>27</sup> OSCE Representative on Freedom of the Media, "Regular Report to the Permanent Council", 22 November 2018, p. 12.

<sup>28</sup> OSCE, "Legal charges initiated by Turkey against Turkish Cypriot journalists Şener Levent and Ali Osman should be dropped, urges OSCE Representative", 2 August 2018. Available at [www.osce.org/representative-on-freedom-of-media/389660](http://www.osce.org/representative-on-freedom-of-media/389660).

<sup>29</sup> 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.

<sup>30</sup> European Commission, Report from the Commission to the Council and the European Parliament, COM(2018) 487 final, 22 June 2018, pp. 5 and 7.

55. On 14 November 2018, the Imagine project was relaunched for its second year. The project is being implemented by the Association for Historical Dialogue and Research and the Home for Cooperation, under the auspices of the bicomunal Technical Committee on Education. The project seeks to increase contact between students and teachers from both communities, including through “twinning” experiences (i.e. mixed classes), which are focused on peace education, and other joint activities. For the upcoming year, the project has received additional funding from the Federal Foreign Office of Germany so that it can expand the scope of its work across the island. The Secretary-General has commended the project, while calling for the leaders and both communities to make efforts going beyond it, in order for the dividends of peace education and pedagogy across all levels of education to take hold (*ibid.*, paras. 35 and 57).

56. As noted above, the Committee on the Elimination of Discrimination against Women expressed concern to the State party about the disproportionate number of certain disadvantaged groups who faced difficulties in gaining access to high-quality education, including Turkish Cypriot, migrant and Roma women and girls. It recommended that the State party continue to combat discrimination against those groups, including by adopting temporary special measures (CEDAW/C/CYP/CO/8, paras. 34–35).

## H. Gender perspective

57. 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 their repatriation and resettlement and the requirements for rehabilitation, reintegration and post-conflict reconstruction; (b) measures that support women’s local peace initiatives and processes for conflict resolution at an indigenous level, and that involve women in all the implementation mechanisms of the peace agreements; and (c) measures that protect and respect the human rights of women and girls, particularly as they relate to the Constitution, the electoral system, the police and the judiciary. Sustainable Development Goal 5 calls for gender equality, the empowerment of all women and girls, the ending of all forms of discrimination against all women and girls everywhere 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.

58. Regarding Cyprus, in its resolutions 2398 (2018) and 2430 (2018), the Security Council stressed the importance of the full and effective active participation of civil society and women in particular at all stages of the peace process, and urged their involvement in the development and implementation of post-conflict strategies for sustainable peace. In its resolution 2430 (2018), it urged their involvement, including by revitalizing the Gender Committee and considering the Secretary-General’s proposal to conduct a gender-sensitive socioeconomic impact assessment.

59. The Committee on the Elimination of Discrimination against Women acknowledged the State party’s commitment to implementing the Security Council resolutions on women and peace and security, the preparation of a national action plan for implementing those resolutions and the ongoing work of the bicomunal Technical Committee on Gender Equality. The Committee recommended that Cyprus expedite the projected national action plan, develop effective tools for its implementation and ensure that sufficient financial resources were in place for its women and peace and security agenda (CEDAW/C/CYP/CO/8, paras. 10–11).

60. In addition, the Committee expressed concern that women were not actively and meaningfully participating in continuing peace negotiation efforts. It recommended that the State party give highest priority to the meaningful and inclusive participation of women at all stages of the peace process and in transitional justice processes. The Committee also recommended that opportunities be provided for women and civil society organizations to contribute to the peace process as active participants by establishing effective channels of communication, coordination and joint initiatives for the inclusion of women’s priorities (*ibid.*, paras. 10–11).

61. The Secretary-General welcomed the fact that women had generally been well represented during the most recent round of negotiations. However, he stressed that the participation of women at the negotiating table was only one aspect of the women and peace and security agenda. Furthermore, the process should be designed to incorporate contributions from women in civil society, and the substance of the agreement must be gender-sensitive (S/2018/610, para. 29). On 23 September 2018, several members of the bicomunal Technical Committee on Gender Equality held a meeting in the context of a visit by the co-founders of the Northern Ireland Women's Coalition, which included a discussion about methods for bringing a gender perspective to any future resumption of the talks (S/2018/919, para. 19).

62. UNFICYP made special efforts to reach out to more women, through the establishment of a series of diverse focus groups aimed at better informing the mission's implementation of the women and peace and security agenda. Further to the call made by the Security Council, UNFICYP and the Secretary-General's good offices mission held discussions with civil society representatives, and economic and gender experts, who expressed interest in formulating a plan of action to conduct a gender-sensitive socioeconomic impact assessment (S/2018/676, para. 33; S/2018/919, para. 20).

#### **IV. Conclusions**

63. **Despite the persistent division of Cyprus, there were some positive developments on the question of human rights in Cyprus between 1 December 2017 and 30 November 2018. They included continued bicomunal cooperation and progress (albeit slow) in the search for and identification of missing persons, sustained efforts by civil society actors in building dialogue and cooperation, the long-awaited opening of two new official crossing points, and the restoration of several religious and cultural heritage sites.**

64. **However, the continued division of the island still hinders the full enjoyment of all human rights and fundamental freedoms. OHCHR continues to highlight concerns with regard to the right to life and addressing 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.**

65. **In the light of the current context, it is more important than ever to address the underlying and persisting 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. In that respect, the work of intercommunal initiatives and civil society is essential, as is the need for consultation and cooperation between the various tracks. Ensuring meaningful women's participation and the gender-sensitivity of the peace process is also essential.**

66. **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. It could support effective peacebuilding and ensure that human rights are fully integrated into the peace process. In addition, further visits by special procedure mandate holders are encouraged, including on minority issues, the human rights of internally displaced persons, enforced or involuntary disappearances and the right to education. It is imperative that OHCHR and other relevant actors have access to the whole island and all persons affected and that they enjoy the full cooperation of all parties concerned.**

67. **All stakeholders are 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 addressed effectively.**