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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 provides an overview of human rights issues in Cyprus in the period from 1 December 2021 to 30 November 2022, including with respect to the right to life and the question of missing persons; the principle of non-discrimination; freedom of movement and the right to seek asylum; property rights; freedom of religion or belief and cultural rights; freedom of opinion and expression; the right to education; and the importance of adopting a gender perspective in the peace process. The coronavirus disease (COVID-19) pandemic continued to impact a range of human rights related to the continued division of Cyprus during the reporting period, including economic and social rights.

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



## **I. Introduction**

1. The Office of the United Nations High Commissioner for Human Rights (OHCHR) prepared the present report pursuant to resolutions 4 (XXXI), 4 (XXXII), 17 (XXXIV) and 1987/50 of the Commission on Human Rights, and decision 2/102 of the Human Rights Council.
2. Cyprus remains divided, with a buffer zone maintained by the United Nations Peacekeeping Force in Cyprus (UNFICYP). In its resolution 2646 (2022), the Security Council extended the mandate of UNFICYP until 31 January 2023. In the same resolution, the Council noted with regret the lack of progress towards restarting formal negotiations, encouraged further rounds of informal talks under United Nations auspices and urged the sides to engage actively and with an increased sense of urgency with the Secretary-General and his team to that end.
3. In the absence of fully fledged negotiations, public confidence in the possibility of resuming peace talks and securing a negotiated settlement remained low across the island, while public debate focused on the divergent positions of the Greek Cypriots and Turkish Cypriots regarding the basis of the talks. Internal political developments on both sides created additional challenges and increased scepticism that any progress could be achieved. Internally, attention was focused on domestic political developments and socioeconomic issues, which continued to be impacted by the coronavirus disease (COVID-19) pandemic and other factors.
4. In separate meetings with the Greek Cypriot leader and the Turkish Cypriot leader following the start of the General Assembly's seventy-seventh session, the Secretary-General underscored his commitment to supporting the parties in finding common ground to address the Cyprus issue, including through high-level engagement from the Secretariat for a comprehensive settlement on the island. He also stressed the importance of the technical committees and mutually acceptable confidence-building measures.
5. Following the Security Council's repeated calls for the two sides to agree on and implement confidence-building measures and to enable the technical committees to function effectively, the Special Representative of the Secretary-General in Cyprus and Head of UNFICYP, who also serves as the Deputy Special Adviser to the Secretary-General on Cyprus, continued his regular weekly meetings with representatives of the leaders of the two communities. While limited progress was made on confidence-building measures, the regular meetings and intervening contacts provided important opportunities for discussing issues of concern and to insulate the work of the technical committees from the broader political dynamics. As a result, they achieved new agreements in several fields, including on the environment, culture, economic and trade matters and cultural heritage. However, political rhetoric in the context of electoral campaigning and other political challenges increased perceived psychological barriers to cooperation.
6. To prepare the present report in the absence of a field presence in Cyprus, OHCHR relied on a variety of sources with knowledge of the human rights situation on the island and on the recent findings of international and regional human rights mechanisms. UNFICYP, the Secretary-General's good offices mission, the Committee on Missing Persons in Cyprus, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme and various stakeholders were consulted in the preparation of the report.

## **II. Challenges for the implementation of international human rights standards**

7. During the reporting period, United Nations human rights mechanisms voiced their concerns regarding the factors and difficulties impeding the implementation of international human rights law and standards on the whole island owing to its continued division. As a result of the island's ongoing division, monitoring and reporting by international mechanisms on the human rights situation in the northern part of Cyprus have remained limited.

8. In its concluding observations on the combined fifth and sixth periodic reports of the Republic of Cyprus, the Committee on the Rights of the Child noted that the State party was not in a position to ensure the application of the Convention on the Rights of the Child in areas outside its effective control and expressed concern about the absence of information on children in the north.<sup>1</sup>

9. In its report to the Human Rights Council on its official visit to Cyprus from 5 to 12 April 2022, the Working Group on Enforced or Involuntary Disappearances concluded that the island's continued division has had an impact on the promotion and protection of human rights in general, including on the right to truth, justice, reparations and memory of the relatives of those who went missing after the events of 1963–1964 and 1974.<sup>2</sup>

10. Against that background, OHCHR delivered a workshop on 5 January 2022 to strengthen the human rights monitoring and reporting capacities of the civil society Human Rights Platform in the northern part of Cyprus. Subsequently, the Platform produced frameworks based on human rights indicators adapted to the Cyprus context as basis for their human rights monitoring and reporting activities, which were supported through a direct grant from the European Union under its Aid Programme for the Turkish Cypriot community.<sup>3</sup>

11. The work of the 12 bicommunal technical committees, facilitated by the good offices mission of the Secretary-General with the support of UNFICYP, continued with uneven success and with growing challenges later in 2022. While political challenges affected the work of some committees, such as the Technical Committee on Education, other committees, including the Technical Committees on Culture, Cultural Heritage, Environment, Crime and Criminal Matters, Health and Economic and Commercial Matters, remained active. Following its revitalization, the bicommunal Technical Committee on Crossings agreed to work on, among other matters, improving the movement of people and goods and addressing delays at the existing crossing points.

### III. Human rights concerns

12. The division of Cyprus continued to affect 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; freedom of movement and the right to seek asylum; property rights; freedom of religion or belief and cultural rights; freedom of opinion and expression; and the right to education. In addition, it remained important that a gender perspective be adopted in the context of the peace process.

13. Furthermore, the COVID-19 pandemic continued to affect a range of human rights related to the division of Cyprus. Varying degrees of restrictions on movement were in place until the bicommunal Technical Committee on Health on 19 April 2022 lifted all measures related to the COVID-19 pandemic at the crossing points for the first time since March 2020. The negative socioeconomic impact of the COVID-19 pandemic, exacerbated by the armed conflict in Ukraine, continued to deepen across the island, although the most pronounced impact was observed in the north, where it was compounded by the devaluation of the Turkish lira, hyperinflation, unemployment and limited access to trade.<sup>4</sup> Under the European Union-funded Aid Programme, the European Commission provided economic assistance to mitigate the socioeconomic impact of the pandemic within the Turkish Cypriot community.<sup>5</sup>

<sup>1</sup> CRC/C/CYP/CO/5-6, para. 4.

<sup>2</sup> A/HRC/51/31/Add.1, para. 71.

<sup>3</sup> See Council Regulation (EC) No. 389/2006 of 27 February 2006.

<sup>4</sup> S/2022/533, paras. 5 and 8; and S/2022/534, paras. 9–10.

<sup>5</sup> European Commission, Report from the commission to the European Parliament and the Council (COM(2022) 256), 7 June 2022.

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

14. According to article 3 of the Universal Declaration of Human Rights,<sup>6</sup> everyone has the right to life, liberty and security of person.<sup>7</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.

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 491 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, with the European Union being the main financial contributor. As at 30 November 2022, the Committee had exhumed the remains of 1,192 individuals on both sides of the island and identified 1,028 missing individuals. During the reporting period, 18 persons were exhumed, and six individuals were identified as missing persons and returned to their families for dignified burial. Five other individuals not on the official list of missing persons were identified and returned to their families.

16. As at 30 November 2022, the Committee had identified 60 potential burial sites that are ready to be excavated. During the reporting period, the Committee conducted excavations in six of the military areas in the northern part of Cyprus to which access had been granted in June 2019, with no recoveries made.

17. In an effort to obtain additional information on the location of the burial sites of missing persons, the Committee continued its efforts to gain access to information from the archives of countries and organizations that had maintained a military, police or humanitarian presence in Cyprus in 1963–64 and 1974. The Turkish Cypriot office of the Committee continued to have access to Turkish army aerial photos taken in 1974 and the Greek Cypriot office of the Committee continued to research the Republic of Cyprus National Guard archives of 1974.<sup>8</sup>

18. In its resolution 2646 (2022), the Security Council commended the Committee's ongoing work and called upon all parties to enhance their cooperation with the Committee, in particular through providing full access without delay to all areas and responding in a timely manner to requests for archival information on possible burial sites.

19. In its report on its visit to Cyprus, the Working Group on Enforced or Involuntary Disappearances noted that there had been considerable achievements in the search for the missing, notably due to the long-standing work of the Committee on Missing Persons. The Working Group expressed concern, however, that the progress of the search had slowed in recent years and that significant challenges remain.<sup>9</sup> It concluded that urgent measures are needed to accelerate the search for the missing and stressed that it is essential to depoliticize this matter and treat it as a human rights and humanitarian issue, adding that resolving the issue is essential for the relatives and for the future of Cyprus.<sup>10</sup>

20. The Working Group noted with concern that there has been no progress in Cyprus in relation to criminal investigations and prosecutions for human rights violations resulting in individuals going missing, including possible enforced disappearances. It observed that there is very little emphasis on accountability in Cyprus even though this constitutes another essential pillar, together with truth, reparation and memory. The Working Group stressed that international standards require effective investigations into enforced disappearances and that

<sup>6</sup> Adopted by the General Assembly by its resolution 217 A (III) of 10 December 1948.

<sup>7</sup> See also the International Covenant on Civil and Political Rights, art. 6 (1).

<sup>8</sup> [S/2022/533](#), para. 45.

<sup>9</sup> [A/HRC/51/31/Add.1](#), paras. 14, 18–23, 25–2–9 and 72.

<sup>10</sup> *Ibid.*, paras. 29 and 72.

such investigations are the best way to combat impunity, realize the right to truth and justice for the victims and society as a whole and guarantee non-recurrence.<sup>11</sup>

21. The Working Group highlighted that all relatives of the missing have suffered pain and anguish in the absence of information on the fate of their loved ones. It emphasized that the creation of a truth-telling mechanism would be important to protect and uphold the right to truth of the families, as both a collective and an individual right.<sup>12</sup>

22. The Working Group concluded that progress is needed in terms of the legislative framework and preventive measures, such as the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance by the Republic of Cyprus and the introduction of an autonomous crime of enforced disappearance in the Penal Code of the Republic of Cyprus. It welcomed the information received from the Republic of Cyprus on 22 June 2022 that it wishes to commence informal consultations to better understand the Convention's provisions. However, the Working Group noted with regret, that there is still no comprehensive national reparation programme for victims of human rights violations, including enforced disappearance, although it noted that relatives of missing persons throughout the island had benefited from some socioeconomic assistance.<sup>13</sup>

23. The Ministers' Deputies of the Council of Europe continued to supervise the execution of judgments regarding Greek Cypriot missing persons and their families. On 9 March 2022, they encouraged the Turkish authorities to continue to ensure that the Committee on Missing Persons had access to all areas that could contain the remains of missing persons, in particular unhindered access to military areas. The Ministers' Deputies urged the Turkish authorities to search their relevant archives, including military archives, and to provide the Committee with information relating to burial sites and any other places where remains might be found. They noted the information provided by the Turkish authorities on the progress of investigations carried out by the Missing Persons Unit and reiterated their call for the Turkish authorities to ensure the effectiveness and rapid finalization of the investigations. The Ministers' Deputies deplored the absence of a response to its previous interim resolution from March 2021 concerning the payment of the just satisfaction awarded in *Cyprus v. Turkey* and reiterated their call on Türkiye to effectuate payment without further delay.<sup>14</sup>

24. On 9 March 2022, the Ministers' Deputies adopted an interim resolution in which they exhorted the Turkish authorities to abide by their international obligations and pay the just satisfaction awarded in *Varnava v. Turkey*, comprising compensation for the non-pecuniary damages suffered by the relatives of nine missing persons, without further delay. They expressed profound concern that prolonged delays in fulfilling this obligation deprive the victims from receiving compensation for the damages they had suffered.<sup>15</sup>

25. On 10 June 2022, the Ministers' Deputies issued a decision on the supervision of the execution of the judgment in *Kakoulli and Isaak groups v. Turkey*. They recalled that the cases in question concerned four killings and one life-threatening injury of Greek Cypriots in 1996, three of which took place in or around the buffer zone, due to the excessive use of force or firearms by Turkish or Turkish Cypriot military or police, and the lack of effective and impartial investigations. They invited the Turkish authorities to provide their assessment on the need to amend legal provisions that still appear to allow the military and the police to use firearms in certain circumstances and confirm the existence of rules or instructions to use the least life-threatening methods possible, including alternatives to firearms. They welcomed receiving information that military prosecutors supervise investigations against military officers to ensure independent investigations and invited Turkish authorities to

<sup>11</sup> Ibid., paras. 38–44 and 73.

<sup>12</sup> Ibid., paras. 24, 31–33, 35 and 74.

<sup>13</sup> Ibid., paras. 44–49, 53, 69 and 75.

<sup>14</sup> Council of Europe Committee of Ministers, 1428th meeting, 8 and 9 March 2022, on *Cyprus v. Turkey* (CM/Del/Dec(2022)1428/H46-34); and *Varnava and Others v. Turkey* (CM/Del/Dec(2022)1428/H46-38).

<sup>15</sup> Interim resolution CM/ResDH(2022)52.

confirm that none of the investigating bodies belong to the same military body as those involved in an offence.<sup>16</sup>

26. The presence of landmines and explosive remnants of war can have a negative effect on several rights, including the right to life. In its resolutions 2618 (2022) and 2646 (2022), the Security Council urged the leaders of both communities to agree and continue a plan of work to achieve a mine-free Cyprus and to overcome the existing barriers to that work as previously noted by the Secretary-General, in order to make expeditious progress towards clearing the 29 remaining suspected hazardous areas on the island.

27. Despite the Security Council's request, and while both sides agreed that clearing the remaining mines would be a positive outcome, no progress was made during the reporting period regarding the clearing of the 29 remaining areas owing to the current political climate. 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 people are equal before the law and are entitled without any discrimination to equal protection of the law.<sup>17</sup> Furthermore, all people 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 of the rights to equality and non-discrimination for all persons. 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 242,000 persons remain displaced.<sup>18</sup> Several other groups may also be vulnerable to discrimination.

30. UNFICYP noted that requests for humanitarian facilitation related to the COVID-19 pandemic continued to decrease as the progressive relaxation of measures related to the pandemic at the crossing points had a positive impact on humanitarian crossings by Cypriots. The mission maintained its ongoing support to the Greek Cypriot and Maronite communities living in the north and to some Turkish Cypriots residing in the south. This included handing over vaccines to Greek Cypriot and Maronite residents in the north, facilitating access to social welfare benefits for eligible Turkish Cypriots in the south and transporting educational materials, principally in the Karpas Peninsula.<sup>19</sup>

31. While the bicomunal Technical Committee on Health discussed ways to ensure equal access to the European Union digital COVID-19 certificate for Turkish Cypriots, access remained an issue.<sup>20</sup> As of April 2022, vaccinated and recovered Turkish Cypriots living in the north in age group 18–65 years were no longer required to establish a travel purpose to access the digital COVID-19 certificate.<sup>21</sup> The bicomunal Technical Committee on Health continued to be instrumental in overseeing the transfer of COVID-19 vaccines to the Turkish Cypriot community,<sup>22</sup> albeit on a smaller scale owing to reduced demand.

32. In its concluding observations, the Committee on the Rights of the Child expressed its concern about the lack of comprehensive anti-discrimination legislation and a strategy and action plan; reporting of cases of discrimination and racism against children in situations of

<sup>16</sup> Council of Europe Committee of Ministers, 1436th meeting, 8–10 June 2022, on *Kakoulli and Isaak groups v. Turkey* (CM/Del/Dec(2022)1436/H46-30).

<sup>17</sup> 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).

<sup>18</sup> Internal Displacement Monitoring Centre, *Global Report on Internal Displacement 2022: Children and Youth in Internal Displacement* (Geneva, May 2022), p. 162.

<sup>19</sup> S/2022/533, paras. 32–33.

<sup>20</sup> S/2022/534, para. 20.

<sup>21</sup> See <https://edvc.moh.gov.cy/>.

<sup>22</sup> S/2022/534, para. 20.

vulnerability; access to health care and social services for asylum-seeking, refugee and migrant children on account of the nationality, residence and legal status of their parents; and access to inclusive, mainstream and non-segregated education for children in situations of vulnerability, including children from minority groups.<sup>23</sup>

33. The Committee recommended that the State party adopt comprehensive anti-discrimination legislation prohibiting discrimination on all grounds, including on the basis of the origins and situation of the child's parent or legal guardian; ensure that all cases of discrimination against children are investigated and prosecuted; and intensify its measures to ensure that all children have access to health care, social services and education.<sup>24</sup>

34. On 12 April 2022, the Commissioner for the Protection of Children's Rights launched an assessment report, with the support of the United Nations Children's Fund, on the impact of measures related to the COVID-19 pandemic on children's rights in Cyprus. The Commissioner called for urgent structural changes to address shortcomings in implementing the principles underlying the Convention on the Rights of the Child, including non-discrimination, during the emergency situation.<sup>25</sup>

35. During the reporting period, the Commissioner for Administration and the Protection of Human Rights received complaints alleging discrimination, including regarding delays in the handling of citizenship applications of children of Cypriots married to persons of Turkish origin and the property rights of Turkish Cypriots.

36. On 19 January 2022, the Cyprus Administrative Court issued another decision in *Ipekdağ v. Republic of Cyprus* regarding a mother's complaint that the Republic of Cyprus had not decided on her application in 2015 to register her child, who was born in the northern part of Cyprus to a Turkish Cypriot mother and a Turkish father, as a citizen. The Court noted that the mother had submitted the request to the Department of Population and Immigration and not to the competent authority, the Council of Ministers. It also noted that the relevant law provides that a person whose parent resides illegally in Cyprus is not considered a citizen of the Republic of Cyprus unless the Council of Ministers decides otherwise in its discretion. For these reasons, the Court held that there was no legal obligation imposed on the Republic of Cyprus and rejected the mother's appeal as inadmissible.<sup>26</sup>

37. On 31 January 2022, the Cyprus Administrative Court issued a decision in *Galal v. Republic of Cyprus* relating to a child's complaint that the Republic of Cyprus had not issued a decision on a pending application to grant him citizenship. The child was born in the northern part of Cyprus to a Turkish Cypriot mother and an Egyptian father. The applicant stated that his mother had submitted the application in 2004, while the Republic of Cyprus indicated that the mother had submitted the application in 2015. The Court held that the failure of the Republic of Cyprus to respond to the application within a reasonable time had violated the law.<sup>27</sup>

38. United Nations human rights mechanisms have consistently raised the issue of hate speech and hate crimes in relation to Cyprus.<sup>28</sup> On 31 December 2021, the Commissioner for Administration and the Protection of Human Rights launched an online campaign regarding hate speech and freedom of expression.<sup>29</sup> The Commissioner announced that a working group to promote inter-agency cooperation between competent public authorities and civil society actors on hate crimes in Cyprus had held its first meeting on 9 December 2021. The working

<sup>23</sup> CRC/C/CYP/CO/5-6, para. 17.

<sup>24</sup> Ibid., para. 18.

<sup>25</sup> See [http://www.childcom.org.cy/ccr/ccr.nsf/All/3AB51C658EA03655C225882300252635/\\$file/CRIA\\_REPORT\\_web\\_spreads.pdf](http://www.childcom.org.cy/ccr/ccr.nsf/All/3AB51C658EA03655C225882300252635/$file/CRIA_REPORT_web_spreads.pdf).

<sup>26</sup> Administrative Court, *Ipekdağ v. Republic of Cyprus*, Case No. 945/2018, 19 January 2022.

<sup>27</sup> Administrative Court, *Galal v. Republic of Cyprus*, Case No. 943/2018, 31 January 2022.

<sup>28</sup> See CERD/C/CYP/CO/23-24, paras. 16–17, 25 and 27; and CERD/C/CYP/CO/17-22, para. 13.

<sup>29</sup> See <http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/FED8748F75671A53C22586BD0046435E?OpenDocument>.



group is tasked with identifying and promoting actions that will strengthen and improve the framework for addressing such crimes in Cyprus and supporting victims.<sup>30</sup>

### C. Freedom of movement and the right to seek asylum

39. 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 and the right to leave any country, including their own, and to return to their country.<sup>31</sup> Article 14 provides that everyone has the right to seek and to enjoy in other countries asylum from persecution.

40. In Cyprus, crossings between the northern and southern parts of the island remain possible only through nine official crossing points, which limits freedom of movement and interaction between the two communities. As noted above, measures related to the COVID-19 pandemic continued to hinder the freedom of movement until all such measures were lifted in April 2022, after which the crossing points continued to function as before the pandemic. Bicomunal and mono-communal demonstrations occurred to call for the opening of new crossing points.<sup>32</sup> During the period under review, UNFICYP reported 2,400,591 official crossings through the buffer zone, compared with 1,067,406 crossings over the previous period.

41. In June 2022, the European Commission noted that the requirement at crossing points to submit documents on COVID-19 status deterred many people from crossing. The Commission observed that long queues were reported at several crossing points stemming from the need to check documents related to the COVID-19 pandemic in addition to identity documents.<sup>33</sup>

42. During the reporting period, there continued to be serious concerns regarding the human rights of asylum-seekers and migrants in an irregular situation. The Republic of Cyprus continued to deny access to asylum procedures at the crossing points to those who presented themselves to the Cyprus police, resulting in asylum-seekers being pushed back into the buffer zone. Coupled with the previous pushback of boats in 2021, this contributed to an exponential increase of irregular crossings through the buffer zone, placing asylum-seekers at risk of exploitation.<sup>34</sup> The Republic of Cyprus resumed the construction of the fence along the buffer zone and approved the budget for the recruitment of 300 armed police officers to patrol the buffer zone, although they have not yet been appointed.

43. The increase in the number of irregular arrivals led to a resumption of pushbacks at sea, which had not occurred since October 2021. During the reporting period, the Republic of Cyprus intercepted six boats and returned four of those boats carrying 354 migrants to Lebanon, resulting, in three cases, in chain refoulement to the Syrian Arab Republic of persons in need of international protection, including one unaccompanied child. The 472 migrants being carried in the other two boats were eventually rescued at sea and disembarked in Greece and Türkiye.

44. In the northern part of Cyprus, there continued to be concerns about the lack of an asylum system. Authorities in the north arrested a few traffickers and accepted the return of migrants intercepted in the buffer zone with documentation indicating that they had travelled from the north. It was acknowledged, however, that more could have been done by the Turkish Cypriot authorities to stem the flow of irregular migrants through the northern part of Cyprus, especially in view of the large number of asylum-seekers holding valid student permits issued by them.<sup>35</sup>

<sup>30</sup> See <http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/4F2FFF38417BA366C22587AE00386C08?OpenDocument>.

<sup>31</sup> See also the International Covenant on Civil and Political Rights, art. 12.

<sup>32</sup> S/2022/533, paras. 24–25; and S/2022/534, para. 9.

<sup>33</sup> European Commission, “Eighteenth report on the implementation of Council Regulation (EC) No. 866/2004 of 29 April 2004 and the situation resulting from its application covering the period 1 January until 31 December 2021” (COM(2022) 258), 7 June 2022, pp. 1–3.

<sup>34</sup> S/2022/533, para. 36.

<sup>35</sup> S/2022/533, para. 37.



45. The Working Group on Enforced or Involuntary Disappearances expressed its concern about reports of pushbacks by the Republic of Cyprus of boats with mostly Syrian, Palestinian and Lebanese nationals on board, adding that this practice is incompatible with the international obligation of non-refoulement and may result in enforced disappearances.<sup>36</sup> The Working Group expressed concern about reported instances of refoulement from the northern part of Cyprus and noted that this was one of the areas in which the impact of the continued division of the island on the protection of human rights was particularly evident.<sup>37</sup> While recognizing the challenges posed by the increased number of arrivals on the island, the Working Group expressed its hope that an effective mechanism would be identified for the protection of refugees and asylum-seekers throughout Cyprus.<sup>38</sup>

46. The Committee on the Rights of the Child also expressed its concern over pushbacks by the State party, which it noted had resulted in cases of refoulement and family separation. The Committee recommended that the State party end the practice of pushbacks, uphold the non-refoulement principle in border management and investigate pushback incidents and hold those responsible accountable.<sup>39</sup>

47. While the two sides have held extensive discussions on irregular migration on the island, divergences remained on how to address this growing phenomenon effectively. The United Nations in Cyprus continued to engage with both sides on this issue.<sup>40</sup>

## D. Property rights

48. Under 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.

49. Concerning property claims in the northern part of Cyprus, according to the Immovable Property Commission, as at 30 November 2022, a total of 7,196 applications had been lodged with the Commission since its establishment. Of those, 1,393 had been concluded through friendly settlements and 34 through formal hearings. The Commission had awarded a total of £364,570,391 (approximately \$445,734,000) in compensation and ruled for exchange and compensation in two cases, for restitution in four cases and for restitution and compensation in eight 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.

50. Concerning property rights in the south, the Turkish Cypriot Properties (Administration and Other Matters) (Temporary Provisions) Law No. 139/1991 continued to provide for the administration by the Guardian of Turkish Cypriot properties that fall under that law.

51. The Ministers' Deputies of the Council of Europe continued to supervise the enforcement of judgments of the European Court of Human Rights regarding property rights. On 22 September 2022, they adopted a decision in which they firmly insisted on the obligation of Türkiye to pay without further delay the just satisfaction awarded by the Court in 33 cases of the Xenides-Arestis group relating to the property rights in the north of displaced Greek Cypriots.<sup>41</sup>

52. On that same day, the Ministers' Deputies adopted a resolution to close the supervision of the execution of the judgment of 18 December 1996 in *Loizidou v. Turkey*, in which they found that the denial of access to the applicant's property in the northern part of Cyprus and consequent loss of control thereof following the events of 1974 was imputable to Türkiye and breached Article 1 of Protocol No. 1 of the Convention for the Protection of

<sup>36</sup> A/HRC/51/31/Add.1, paras. 56–62 and 75.

<sup>37</sup> Ibid., para. 63.

<sup>38</sup> Ibid., paras. 66 and 75.

<sup>39</sup> CRC/C/CYP/CO/5-6, paras. 37–38.

<sup>40</sup> S/2022/534, para. 29.

<sup>41</sup> Council of Europe Committee of Ministers, 1443rd meeting, 20–22 September 2022, on *Xenides-Arestis group v. Turkey* (CM/Del/Dec(2022)1443/H46-31).

Human Rights and Fundamental Freedoms (European Convention on Human Rights) guaranteeing the right to property.<sup>42</sup> In the resolution, they considered that no further individual measures were required based on information at its disposal, recalling that the supervision of the just satisfaction judgment of 28 July 1998 had been closed previously in 2003.<sup>43</sup>

### Varosha

53. The status of Varosha remained in the domestic and international agendas. In its resolution 2646 (2022), the Security Council expressed deep regret that recent actions had not been in line with its previous calls to immediately reverse unilateral actions and all steps taken on Varosha since October 2020 and reiterated that no actions should be carried out in relation to Varosha that were not in accordance with its resolutions.

54. The Secretary-General reiterated his concern over the lack of response to the calls of the Security Council relating to Varosha. He noted that additional unauthorized developments had occurred, including the further development of the beach area in May 2022 and previously reported vegetation clearing, electrical work, road paving and fence building,<sup>44</sup> which had continued to the end of the reporting period.

55. On 14 December 2021, the General Affairs Council of the European Union called for the immediate reversal of unilateral actions taken in relation to Varosha since October 2020 and recalled the need to respect Security Council resolutions relating to the status of Varosha.<sup>45</sup> On 12 October 2022, the European Commission reported that in 2022 Türkiye continued with actions to open the entire fenced-off area of Varosha and emphasized that the unilateral actions announced in July 2021 and all steps taken since October 2020 run contrary to Security Council resolutions and must be immediately reversed by Türkiye.<sup>46</sup>

56. OHCHR again recalls 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. Moreover, the Commission reiterated its 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.

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

57. Under 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>47</sup> Article 27 of the Declaration 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>48</sup>

58. As the COVID-19 pandemic situation improved, requests for access to places of worship in the northern part of the island increased. However, access continued to be restrictive. During the reporting period, 117 requests to hold religious services and events in

<sup>42</sup> European Court of Human Rights, *Loizidou v. Turkey*, Application No. 15318/89, [Judgment](#), 18 December 1996, paras. 57 and 64.

<sup>43</sup> Council of Europe Committee of Ministers, 1443rd meeting, 20–22 September 2021, on *Loizidou v. Turkey* (CM/ResDH(2022)255). For further details on the main measures adopted, see <https://hudoc.exec.coe.int/ENG?i=004-37072>.

<sup>44</sup> S/2022/533, paras. 3, 10 and 59; and S/2022/534, para. 44.

<sup>45</sup> Council of the European Union, Council conclusions on Enlargement and Stabilisation and Association Process (15033/21), 14 December 2021, para. 38.

<sup>46</sup> European Commission, *Türkiye 2022 Report* (SWD(2022) 333), 12 October 2022, p. 78.

<sup>47</sup> 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.

<sup>48</sup> See also the International Covenant on Economic, Social and Cultural Rights, art. 15.

the northern part of Cyprus were submitted to UNFICYP for facilitation, of which 55 were approved.

59. The religious leaders of Cyprus remained united in their commitment to peacebuilding and religious freedom. They continued to meet within the framework of the Religious Track of the Cyprus Peace Process, under the auspices of the Embassy of Sweden, which remained active in its endeavour to promote human rights, dialogue and peaceful coexistence.<sup>49</sup> Notably, in November 2022, representatives of Christian and Muslim faith communities, among others, gathered together for the wake and funeral of the late Archbishop of the Greek Orthodox Church of Cyprus, who had played an essential part in the Religious Track of the Cyprus Peace Process since its inception in 2009.

60. Within the context of the global “Faith for Rights” framework,<sup>50</sup> the Office of the Religious Track, in cooperation with several religious communities, the Deputy Minister for Social Welfare of the Republic of Cyprus and UNHCR, engaged in the creation of a pilot home unit for unaccompanied children, including survivors of human trafficking, at the Catholic social centre of Saint Joseph in Nicosia.

61. In its analytical report on conscientious objection to military service of 11 May 2022, OHCHR noted that the three cases brought by conscientious objectors from the northern part of Cyprus against Türkiye, which had been found by the European Court of Human Rights to be admissible, were still pending before the Court.<sup>51</sup>

62. On 8 December 2021, the Commissioner for Administration and the Protection of Human Rights issued a statement regarding the arson attack against the Grand Mosque located in Larnaca that had occurred on 2 December. While noting that the incident was triggered by personal motives, the Commissioner underlined the need to further cultivate a culture of respect for places of worship of any religion and to respect and preserve the cultural environment and historical memory for both the present generation and future ones. The Commissioner recommended that actions and policies designed to promote these principles, prevent such attacks and increase knowledge of the cultural heritage of all Cypriots should be intensified.<sup>52</sup>

63. The bicommunal Technical Committee on Cultural Heritage continued its weekly meetings and successful delivery of conservation and restoration projects across Cyprus. As at 30 November 2022, the Technical Committee had completed conservation and emergency works at 14 cultural heritage sites of great importance. The Technical Committee had in particular completed the renovation of the “White Church” in Rizokarpaso/Dipkarpaz, a village in the north where several Greek Cypriots reside. It had also agreed on a new initiative aimed at utilizing the benefits of digitalization for the protection and promotion of cultural heritage, with a special focus on young people.<sup>53</sup>

## F. Freedom of opinion and expression

64. 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>54</sup>

65. The Safety of Journalists Platform set up by the Council of Europe published several alerts regarding the safety of journalists and media freedom in the northern part of Cyprus. The Platform reported that on 26 April 2022, on appeal filed by the prosecution against the 16 May 2019 judgment by the Nicosia court in the northern part of Cyprus, a court in Ankara found Şener Levent guilty in absentia of insulting the President of Türkiye under article 299

<sup>49</sup> S/2022/533, para. 31; and S/2022/534, para. 14.

<sup>50</sup> See [www.ohchr.org/en/faith-for-rights](http://www.ohchr.org/en/faith-for-rights).

<sup>51</sup> A/HRC/50/43, para. 52.

<sup>52</sup> See [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/0D51BE0B4161D6B7C22587D700327A7B/\\$file/AYT15\\_2021.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/0D51BE0B4161D6B7C22587D700327A7B/$file/AYT15_2021.pdf?OpenElement) (Greek only).

<sup>53</sup> S/2022/534, para. 23.

<sup>54</sup> See also the International Covenant on Civil and Political Rights, art. 19.

of the Turkish Criminal Code. The guilty verdict concerned a cartoon that Mr. Levent had published previously. The court sentenced Mr. Levent to a one-year prison sentence, which was commuted to a monetary fine. Two other cases against Mr. Levent related to different articles remained pending.<sup>55</sup>

66. On 28 July 2022, the Platform reported that the Turkish Cypriot journalist Aysu Basri Akter had been barred from entering Türkiye on 25 July 2022 and held by the Turkish police before being sent back to Cyprus. Previously, Ms. Akter had published a special report on the alleged interventions of Türkiye in the political affairs of the Turkish Cypriot community.<sup>56</sup>

67. On 23 November 2022, the Platform reported that the Turkish Cypriot journalist Başaran Düzgün had been barred from entering Türkiye on 16 November 2022 and was briefly detained at the airport before being sent back to Cyprus. According to Mr. Düzgün, he was refused entry based on a security designation applied to persons who pose “a threat to national security”. Mr. Düzgün’s newspaper had published several articles criticizing interventions reportedly made by Türkiye in the political life of Turkish Cypriots during the October 2020 elections.<sup>57</sup>

68. In response to a question from the European Parliament, on 29 September 2022, the European Commission replied that it was aware that Türkiye had been increasingly engaged in denying Turkish Cypriots entry into its territory based on their dissenting opinion on the Cyprus issue and expressed concern over attempts to determine the freedom of expression and the pluralism of media in the Turkish Cypriot community.<sup>58</sup>

69. On 23 February 2022, the International Federation of Journalists reported that Ali Kışmir, the President of the Turkish Cypriot Journalists’ Union, was expected to appear in court in the northern part of Cyprus on 28 February 2022 to face charges of “insulting and mocking the security forces” in relation to an article he had written at the time of the election of the Turkish Cypriot leader, which could result in up to 10 years of imprisonment. Both Turkish Cypriots and Greek Cypriots joined together to protest the trial, which was subsequently postponed to a later date that had yet to be announced.<sup>59</sup>

70. Reporters Without Borders reported that Turkish Cypriot authorities had published proposed amendments on 20 May 2022 to existing legal provisions that would have threatened journalists with arbitrary prosecution and would have posed a serious threat to the freedom of expression.<sup>60</sup> Following a protest organized by the Turkish Cypriot Journalists Association on 13 June 2022 in the northern part of Cyprus and reactions from civil society, the Turkish Cypriot authorities withdrew the proposed amendments.<sup>61</sup>

## G. Right to education

71. According to article 26 of the Universal Declaration of Human Rights, everyone has the right to education, which should be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. Education 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

<sup>55</sup> See <https://fom.coe.int/alerte/detail/38386694>.

<sup>56</sup> See <https://fom.coe.int/en/alerte/detail/107637828>.

<sup>57</sup> See <https://fom.coe.int/en/alerte/detail/107638222>.

<sup>58</sup> See [https://www.europarl.europa.eu/doceo/document/E-9-2022-002750-ASW\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2022-002750-ASW_EN.html).

<sup>59</sup> See <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/northern-cyprus-president-of-journalists-union-faces-serious-criminal-charges-for-his-reporting.html>; <https://cyprus-mail.com/2022/02/28/turks-greek-cypriots-protest-trial-of-turkish-cypriot-journalist/>.

<sup>60</sup> For further information on the proposed amendments, see <https://rsf.org/en/media-bill-poses-major-threat-press-freedom-northern-cyprus>.

<sup>61</sup> See <https://www.financialmirror.com/2022/06/15/turkish-cypriots-make-stand-on-freedom-of-speech/>.

peace.<sup>62</sup> The Declaration also provides that parents have a prior right to choose the kind of education that shall be given to their children.

72. The European Commission continued to support schemes under its Aid Programme for the Turkish Cypriot community undertaken in pursuit of the long-term goal of aligning their right to education with best international practice, including projects designed to equip primary and secondary schools with science laboratories and to provide vocational training to enhance the employability of youth. The Commission continued its scholarship programme to address the limited access of Turkish Cypriot students to European Union exchange and educational programmes. During the 2021/22 academic year, 136 scholarships were granted to undergraduate and graduate students, researchers and professionals.<sup>63</sup>

73. In its resolutions 2618 (2022) and 2646 (2022), the Security Council called upon the leaders of the two communities to make concerted efforts to promote peace education across the island, including by further empowering the bicomunal Technical Committee on Education to implement the recommendations contained in its joint report of 2017, and to address impediments to peace by conducting a joint review of school materials, including textbooks, as a contribution to trust-building between the communities.

74. The bicomunal Technical Committee on Education did not, however, hold any substantive meetings during the reporting period. The Secretary-General noted that educational reform remained unaddressed and called upon both sides to support this important work. He recalled that many Cypriots have identified this as an indispensable condition for reconciliation.<sup>64</sup>

75. In its report on its visit to Cyprus, the Working Group on Enforced or Involuntary Disappearances stressed that all relevant stakeholders, in particular the leaders of the two communities, should promote peace education across the island, including in schools and textbooks, as part of memorialization as a means of contributing to confidence-building between the communities.<sup>65</sup>

76. In its concluding observations, the Committee on the Rights of the Child recommended that the State party should continue to ensure access to high-quality, holistic and non-segregated education at all levels for all children in situations of vulnerability, including children from minority groups; intensify efforts to promote a culture of peace, living together and respect for diversity through education; and regularly monitor and evaluate its educational reforms and ensure that the views of children are heard and taken into account.<sup>66</sup>

77. The Imagine project, carried out 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 against racism and for a culture of peace. In-person activities with students and teachers from both communities resumed at the end of January 2022 during the 2021/22 academic year, including mono-communal and bicomunal workshops for students and training sessions for teachers. In the 2021/22 academic year, the project reached over 1,000 students, with training provided to 120 teachers and 36 students from both communities participating in an educational city walk in Nicosia.<sup>67</sup> On 31 October 2022, the Turkish Cypriot authorities suspended their participation in the project for the 2022/23 academic year. Despite previous agreements on the project, its activities for the 2022/23 academic year have not yet resumed as of 30 November.

78. UNFICYP continued to provide support for the Greek Cypriot schools on the Karpas Peninsula. The process for the appointment of Greek Cypriot teachers that requires approval

<sup>62</sup> See also the International Covenant on Economic, Social and Cultural Rights, arts. 13 and 14; and the Convention on the Rights of the Child, arts. 28 and 29.

<sup>63</sup> European Commission, Report to the European Parliament and Council ([COM\(2022\) 256](#)), 7 June 2022, pp. 5–6.

<sup>64</sup> [S/2022/533](#), paras. 30 and 62; and [S/2022/534](#), paras. 27 and 38.

<sup>65</sup> [A/HRC/51/31/Add.1](#), para. 55.

<sup>66</sup> [CRC/C/CYP/CO/5-6](#), para. 36.

<sup>67</sup> [S/2022/534](#), para. 27.

from the Turkish Cypriot authorities continued until nearly two months before the end of the 2021/22 academic year. The Turkish Cypriot authorities approved 43 textbooks for use at the Greek Cypriot schools but rejected one textbook that they deemed to contain inappropriate references.

## H. Gender perspective

79. In its resolution 1325 (2000) on women, peace and security, the Security Council called upon all actors involved, when negotiating and implementing peace agreements, to adopt a gender perspective. Additionally, Sustainable Development Goal 5 calls for gender equality and the empowerment of all women and girls, including ensuring women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.

80. On 16 January 2022, in response to the request of the Security Council in its resolution 2587 (2021), the leaders of the two communities agreed on a joint "Action Plan on ways to ensure women's full, equal and meaningful participation in the settlement process/an eventual settlement process" in Cyprus, which had been developed by the bicomunal Technical Committee on Gender Equality. It includes recommendations on how to ensure women's full, equal and meaningful representation; how to engage with civil society, including women's organizations, to solicit their views; and how to include a gender perspective in a future peace process.<sup>68</sup>

81. On 13 April 2022, the leaders of the two communities attended the launch of the Action Plan hosted under the auspices of UNFICYP. The Secretary-General noted that its launch was an important initial step to initiate broader civil society engagement to raise awareness of its contents and outline next steps to achieve its full implementation.<sup>69</sup>

82. In its resolution 2646 (2022), the Security Council regretted the ongoing lack of meaningful participation of women's organizations and youth in the settlement process but welcomed the adoption and launch of the Action Plan to support and encourage engagement with civil society, including women's organizations and women leaders, and to include a gender perspective in a future settlement process. In the same resolution, the Council urged the leaders of both communities to formulate the next steps for the thorough and effective implementation of all recommendations under the Action Plan and to review its implementation every six months and provide recommendations as appropriate.

83. The Secretary-General commended the Action Plan's launch and called upon the leaders of both communities to support the bicomunal Technical Committee on Gender Equality to further engage with diverse stakeholders to raise awareness of the Action Plan and to formulate the next steps for its implementation. In addition, he noted that the two leaders committed to ensuring the inclusion of at least 30 per cent women in their future delegations and urged them to do the same with other bodies, such as the bicomunal technical committees, and ensure the inclusion of a gender perspective in any future negotiation process.<sup>70</sup>

84. During the reporting period, the bicomunal Technical Committee on Gender Equality continued to engage in a constructive manner, including on how to implement the Action Plan in Cyprus. There was no significant progress, however, in the Plan's implementation despite discussions at the Technical Committee and between the representatives of the leaders of the two communities.

<sup>68</sup> S/2022/533, para. 39; and S/2022/534, paras. 7 and 22.

<sup>69</sup> S/2022/534, paras. 7 and 22. See also <https://uncyprustalks.unmissions.org/statement-united-nations-spokesperson-cyprus-13-april-2022>.

<sup>70</sup> S/2022/534, para. 37.



## IV. Conclusions

85. The persisting division of Cyprus continues to hinder the full enjoyment of human rights and fundamental freedoms by all persons throughout the island. During the reporting period, the socioeconomic impact of the COVID-19 pandemic and geopolitical events as well as other challenges, such as the need for educational reform, continued to exacerbate the situation. Numerous people continued to face difficulties in enjoying their economic, social and cultural rights, with those in vulnerable situations being disproportionately impacted.

86. Following the lifting of all restrictions related to the COVID-19 pandemic on the freedom of movement in April 2022, crossing points along the buffer zone began to function as they did before the pandemic, and the number of official crossings significantly increased during the reporting period compared with the previous two years. This allowed for increased opportunities for direct engagement, both within and between communities. Renewed efforts are nevertheless still needed to recover the progress that had already been made in terms of trust-building.

87. Despite the challenges, numerous actors continued to promote and protect human rights. They included representatives of civil society, religious leaders and faith-based actors and many of the bicomunal technical committees. It is worth noting that civil society in the northern part of Cyprus engaged in human rights monitoring and reporting with the support of OHCHR and the European Union and that Greek Cypriots and Turkish Cypriots joined together to protest the trial of a Turkish Cypriot journalist.

88. In this context, the ongoing effects of the COVID-19 pandemic continue to underscore that there is an opportunity and an imperative to “build back better” and to ensure that a human rights-based approach characterized by respect for the human rights principles of non-discrimination, participation, transparency and accountability underpins the dialogue and political process. While the agreement of the leaders of the two communities on a joint Action Plan to ensure women’s full, equal and meaningful participation in the settlement process is a welcome development, sustained efforts are needed by all stakeholders to ensure its effective implementation.

89. While many human rights issues in Cyprus stem from its ongoing division, ensuring the promotion and protection of human rights could support the resolution of key issues related to the island’s division. In this regard, OHCHR recalls that resolution 1987/50 of the Commission on Human Rights calls for the restoration and respect of the human rights and fundamental freedoms of all Cypriots. OHCHR therefore encourages increased engagement and technical cooperation with the United Nations human rights mechanisms to advance the enjoyment of human rights by all Cypriots, including through addressing the human rights issues outlined in the present report. It is also paramount that OHCHR and other relevant actors have access to the whole island and to all persons affected and that they enjoy the full cooperation of the authorities of the Republic of Cyprus and the Turkish Cypriot authorities.

90. Human rights apply to all people everywhere. All relevant stakeholders should therefore uphold, without any discrimination, the human rights of all Cypriots in accordance with relevant international human rights standards. Urgently and effectively addressing all human rights protection gaps and issues in Cyprus is essential both for ensuring the realization of human rights for all people living in Cyprus and for supporting efforts to reach a just and lasting peaceful solution regarding the island’s continued division.