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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**

#### **Report of the Office of the United Nations High Commissioner for Human Rights on the question of human rights in Cyprus**

##### **Note by the Secretary-General\***

In its decision 2/102, the Human Rights Council requested the Secretary-General and the High Commissioner for Human Rights to continue with the fulfilment of their activities, in accordance with all previous decisions adopted by the Commission on Human Rights and to update the relevant reports and studies. On the current issue of the question of human rights in Cyprus, a comprehensive annual report (A/HRC/4/59) was submitted to the Council at its fourth session in March 2007. The Office of the United Nations High Commissioner for Human Rights (OHCHR) understands decision 2/102 to preserve the previous annual reporting cycle in respect of this issue until otherwise decided by the Council. The present report accordingly addresses developments with regard to the question of human rights in Cyprus over the past year.

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

The report (see annex), prepared by OHCHR, is herewith transmitted to the Council pursuant to that decision. It covers the period up to 20 December 2007 and provides an overview of human rights issues in Cyprus based on available information.

In the absence of an OHCHR field presence in Cyprus or any specific monitoring mechanism, OHCHR relied on a variety of sources with particular knowledge of the human rights situation on Cyprus for the purposes of the present report.

## **Annex**

# **REPORT OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS ON THE QUESTION OF HUMAN RIGHTS IN CYPRUS**

## **I. Overview**

1. As at December 2007, Cyprus remained divided, with a buffer zone maintained by the United Nations Peacekeeping Force in Cyprus (UNFICYP). The UNFICYP mandate, which dates back to 1964, has been extended by successive Security Council resolutions. By its resolution 1789 (2007), the Council extended the mandate for a further period ending 15 June 2008.

## **II. Human rights concerns**

2. The persisting division of Cyprus has consequences in relation to a number of human rights issues on the whole island, including freedom of movement, human trafficking activities, discrimination, property rights, human rights pertaining to the question of missing persons, the right to education, economic rights and freedom of religion.

3. With regard to freedom of movement, Cypriots on both sides continued to use the crossing points for various activities, including trade, religious and bicommunal events, without major incidents. UNFICYP has recorded approximately 14 million crossings since the opening of the crossing points on 23 April 2003.<sup>1</sup>

4. No agreement was reached on the opening of additional crossing points. While both sides proposed further openings across the buffer zone, including Ledra street, lack of trust between the communities continued to pose a problem. Both leaders recently presented confidence-building proposals, which attached priority to the opening of Ledra street and also their respective approaches on the opening of a crossing in the western part of the buffer zone.

5. Restrictions on the freedom of movement persist, in particular with regard to the military zones in the northern part of the island. Since the previous reporting period, there has been no positive change with regard to increased access to a number of villages located in these zones, including the Maronite villages of Ayia Marina and Asomatos.

6. In general, there has been a greater appreciation for the work of bicommunal groups to promote collaboration between the two sides and for the bicommunal contacts made by civil society organizations. The institutional environment in the Republic of Cyprus, however, continues to pose constraints on the functioning of these

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<sup>1</sup> The figure does not include crossings in Pergamos since 1 September 2006, when the Turkish Cypriot side discontinued sharing statistics on the movement of people at that crossing.

organizations, which has had particularly negative consequences for advocacy and human rights groups. Examples include administrative delays in processing applications for the registration of non-governmental organizations and in effecting modifications to their status, and a lack of clear criteria for obtaining charitable or tax status. It is encouraging that the Government of the Republic of Cyprus is reviewing the situation to ensure that the rights and responsibilities of civil society organizations are better defined and understood in Cyprus. Meanwhile, consultations are understood to be ongoing in the Turkish Cypriot community to promote a more enabling environment for Turkish Cypriot non-governmental organizations.

7. No further progress was reported in bringing the two sides together on issues related to law enforcement. Although encouraged by reports concerning the arrest of persons involved in human trafficking, the Secretary-General has called for greater cooperation between the two sides on this matter.<sup>2</sup>

8. The Turkish Cypriot community in Limassol continues to make complaints of discrimination principally related to the lack of social services and adequate housing and the difficulty in obtaining identity documents. The Municipality of Limassol has opened a bicommunal social centre to address some of these concerns. Although there have been some notable improvements in the availability of official documents and forms of the Republic of Cyprus in the Turkish language, the majority remain in Greek only.<sup>3</sup>

9. Property continues to be an extremely sensitive issue on both sides, increasingly characterized by cases of litigations, with the situation in Varosha remaining unchanged. Hundreds of Greek Cypriot claims against Turkey for loss of property rights in the north are still pending before the European Court of Human Rights. The Court has in several cases concluded a continuing violation of property rights of displaced persons, stating that these persons have remained legal owners in the north. The pilot case dealing with this issue, *Xenides-Arestis*, became final on 23 May 2007, when the appeal by both parties to take the case to the Grand Chamber was refused by the Court. Noting with concern the reticence of the Turkish authorities to pay the amount awarded in respect of pecuniary damage, the Committee of Ministers of the Council of Europe once again stressed that, in any event, and without prejudice to further clarifications, the amounts awarded by the court were due.<sup>4</sup> In an earlier meeting, noting the information provided by the Turkish authorities on the functioning

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<sup>2</sup> Report of the Secretary-General on the United Nations Operation in Cyprus (S/2007/328), para. 38.

<sup>3</sup> Examples of documents available in Turkish include the oath of citizenship in the Republic of Cyprus, which one must make in order to receive an identity card and the official form for the adoption of children. Also, both the Koran and the Bible are now on hand in all district courts in the Republic of Cyprus.

<sup>4</sup> Council of Europe Committee of Ministers, Ministers' Deputies Decisions, 1013<sup>th</sup> (DH) meeting, 3-5 December 2007.

of the Immovable Property Commission established in the north of Cyprus, the Committee asked to be kept informed on this subject.<sup>5</sup>

10. In the case of *Loizidou v. Turkey* (1996), in which the European Court of Human Rights found that Ms. Loizidou had been continuously denied access to her property situated in the north of Cyprus and consequently lost control thereof, the Committee of Ministers welcomed the fact that an offer had been made to the applicant by the Turkish authorities concerning the property in question. Taking note of the response by the applicant on the merits of that offer, the Turkish authorities were invited to respond without undue delay and to keep the Committee informed of any developments in this context.<sup>4</sup> On the issue of the enclaved persons, and in the context of the *Cyprus v. Turkey* (2001) case, the Committee of Ministers noted at their 1007<sup>th</sup> meeting (October 2007) that an unjustified interference in the property rights of these persons still subsisted. Taking note of information subsequently provided by the Turkish authorities, the Committee remarked that several issues relating to the regulation of these property rights and available remedies needed to be clarified, inviting the Turkish authorities to provide further information on these issues.<sup>4</sup>

11. In the case of *Orams-Apostolides*, upon examining the appeal lodged by Mr. Meletis Apostolides against the judgement of the High Court dated 6 September 2006, which held that the judgement of the District Court of Nicosia could not be enforced in England, the Court of Appeal of England and Wales decided, on 13 September 2007, to refer a number of questions to the European Court of Justice for a preliminary ruling.

12. Considering the need to ensure respect of ownership rights, also in cases where properties remain unoccupied, reports regarding the ongoing demolition of Greek Cypriot houses in the Karpas, including residences of those who had indicated their desire to return permanently, are alarming.<sup>6</sup> In his report of 4 June 2007, the Secretary-General noted that the trend towards increased construction on the Turkish Cypriot side continues to be a cause for concern, as it may complicate efforts towards a comprehensive settlement (S/2007/328, para. 28).

13. Concerning Turkish Cypriot property south of the buffer zone, the applicable law continues to stipulate that Turkish Cypriots are obliged to reside for six months in the south prior to reclaiming any abandoned property, either by return or compensation. Concerns continue to be received in respect of restrictions imposed on Greek Cypriots by the Turkish Cypriot side in bequeathing their property to their heirs.

14. The Committee on Missing Persons continued to work on its project on the exhumation and identification of the remains of missing persons, which it considers an integral part of the investigation process. It will resume further investigations into the

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<sup>5</sup> Council of Europe Committee of Ministers, Ministers' Deputies Decisions, 1007<sup>th</sup> (DH) meeting, 15-17 October 2007.

<sup>6</sup> Report of the Secretary-General on the United Nations operation in Cyprus (S/2007/699), para. 25.

fate of the missing persons as soon as it is in a position to do so. In its resolution 1758 (2007), reiterating its call to the parties to assess and address the humanitarian issue of missing persons with due urgency and seriousness, the Security Council welcomed the progress and continuation of the important activities of the Committee on Missing Persons.

15. As at December 2007, the remains of over 350 individuals had been exhumed from sites on both sides of the buffer zone. Over 250 remains have undergone examination at the Committee's bicommunal anthropological laboratory in the United Nations Protected Area in Nicosia. During July and August, following genetic analysis, the first sets of identifications were concluded. As a result, 57 families received the remains of their missing relatives (S/2007/699, para. 35).

16. In relation to *Cyprus v. Turkey*, the Committee of Ministers noted with satisfaction the progress achieved by the Committee on Missing Persons, and, in particular, the first returns to the families of the remains of their relatives. It has also invited the Turkish authorities to provide additional information on certain data which the families can obtain when the remains of their relatives are returned. The Committee reiterated, however, its repeated invitation to the Turkish authorities to provide information on the additional measures required to ensure the effective investigations needed for the full execution of the Court's judgement.<sup>7</sup>

17. In relation to the right to education of Greek Cypriots living in the north, the Committee of Ministers of the Council of Europe welcomed the continued functioning of the secondary school in Rizokarpasso, as well as the fact that, since September 2005, full secondary education for Greek Cypriot children is ensured. The Committee also noted that censorship of schoolbooks no longer takes place, having been replaced by a simple screening procedure which only results in a report containing recommendations.<sup>8</sup>

18. Regarding the revision of history books, and in the context of Council of Europe recommendation (2001) 15 on history teaching in twenty first-century Europe, history books of the Republic of Cyprus have yet to be revised in accordance with the principles therein. In February 2007, the Minister for Education of the Republic of Cyprus decided to appoint a committee to revise history books on Cyprus used in the Greek Cypriot educational system, a process still to be completed. Significant changes were reported to have been made to Turkish Cypriot schoolbooks, on the whole

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<sup>7</sup> Council of Europe Committee of Ministers, Ministers' Deputies Decisions, 1007<sup>th</sup> (DH) meeting, 15-17 October 2007 and Council of Europe Committee of Ministers, Ministers' Deputies Decisions, 1013<sup>th</sup> (DH) meeting, 3-5 December 2007.

<sup>8</sup> Interim resolution CM/ResDH (2007) 25 concerning the judgement of the European Court of Human Rights of 10 May 2001 on the case of Cyprus against Turkey. In that interim resolution, it is decided to close the examination of the issues relating to the violations found under Article 2 Protocol 1 and Article 10 of the European Convention on Human Rights.

representing a positive move away from the old model, though some general weaknesses remained.<sup>9</sup>

19. Despite being regarded as citizens of the European Union and therefore in principle entitled to participate in European Union exchange and educational programmes, Turkish Cypriot students continue to be confronted with lack of access to these programmes owing to the non-recognition by the Republic of Cyprus of the universities in the north. While the participation of a very small number of Turkish Cypriots in the European Union Youth Programme has been facilitated by the Cypriot National Youth Agency, this is not the case for the Socrates and Leonardo da Vinci programmes. The European Commission has yet to receive a final reply from the Government of the Republic of Cyprus on the issue of eligibility of Turkish Cypriots to take part in the Erasmus programme, and has on several occasions unsuccessfully urged the Government to take on a more flexible approach to the issue of participation of Turkish Cypriots in this programme.<sup>10</sup>

20. Although full membership by northern Cyprus of the Bologna Process was rejected at the ministerial summit on the Bologna Process in May 2007, the creation of a European higher education area by 2010 implies that diplomas or studies from the north may nevertheless be considered in the future.

21. A Turkish-language primary school in Limassol is still not operational. The formal proceedings of a lawsuit filed by the Cyprus Turkish Teachers Trade Union at the Supreme Court of the Republic of Cyprus to guarantee the right of Turkish Cypriots to an education in their mother tongue are ongoing. The latest hearing, on 6 December 2007, was adjourned to 31 January 2008. In the meantime, over 60 Turkish-speaking children in Limassol attend the existing Greek Cypriot school, which provides Turkish-language instruction (S/2007/699, para. 26).

22. With regard to freedom of movement and worship, UNFICYP continued to facilitate religious and commemorative events in the buffer zone on both sides of the island.<sup>11</sup> A second priest has been installed in the Karpas region in the north, which has been a standing demand of the Greek Cypriot community in the Karpas region for several years. He was sent by the Greek Cypriot Orthodox Church and permission was granted by the Turkish Cypriot authorities.

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<sup>9</sup> Information received from the PRIO Cyprus Centre in the context of research conducted on the Comparison of Schoolbooks on the "History of Cyprus"; CoE CM Recommendation (2001) 15 *on History teaching in 21st century Europe* adopted by the Committee of Ministers on 31 October 2001.

<sup>10</sup> The European Union Youth programme consists of youth exchanges, European Voluntary service and accompanying measures. Both part of the European Union Lifelong Learning Programme, the Leonardo da Vinci programme focuses on the teaching and training needs of those involved in vocational education and training, whilst the Erasmus programme supports the academic mobility of higher education students and teachers.

<sup>11</sup> Reports of the Secretary-General on the United Nations Operation in Cyprus (S/2007/328, para. 30 and S/2007/699, para. 31).

23. Difficulties persist in finding an agreement on issues involving religious sites and buildings. Following a meeting on 21 February 2007 between H.E. Chrysostomos II, Archbishop of Nova Justina and All Cyprus and Ahmet Yönlüer, the head of religious affairs in the north, where mutual commitment was expressed to take practical steps to promote respect and efforts towards restoration of sites of religious significance of the other community, the Special Representative of the Secretary-General engaged with the two sides to establish lists of sites of religious significance to the other community which were in need of restoration and repair. Regrettably, the Secretary-General noted that those efforts had failed to yield concrete results (S/2007/699, para.30).

24. In southern Nicosia Central Prison, Turkish Cypriot prisoners alleged to have been subject to collective punishment following the attempted breakout of two Turkish Cypriot prisoners in May 2007. Pending an independent investigation by the Cyprus Police, all Turkish Cypriot prisoners in the open prison regime were transferred back to the higher security regime on the grounds of potential involvement in the attempted escape. Three out of five prisoners have since been returned to the open prison regime.

25. In the area of economic rights, a positive development was the start of the implementation of the European Council regulation of February 2006, establishing an instrument of financial support for encouraging economic development in the northern part of the island, where overall economic opportunities remain comparatively limited. Its implementation, however, has faced challenges owing to the difficulty in ensuring cooperation between the two communities.<sup>12</sup>

### III. CONCLUSION

**26. The persisting de facto partition of the island of Cyprus continues to constitute an obstacle to the enjoyment of human rights. The situation of human rights in Cyprus would therefore greatly benefit from the achievement of a comprehensive settlement of the Cyprus problem.**

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<sup>12</sup> Annual report 2006-2007 on the implementation of Community assistance under Council Regulation (EC) No 389/2006 of 27 February 2006 establishing an instrument of financial support for encouraging the economic development of the Turkish Cypriot Community, Communication from the Commission to the European Parliament and the Council, Brussels, 18.09.2007, COM (2007) 536 final.