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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\*

The present report has been prepared in accordance with the mandate contained in Commission on Human Rights resolution 4 (XXXI) of 1975. Moreover, at its forty-third session in 1987, the Commission on Human Rights adopted resolution 1987/50 entitled “Question of human rights in Cyprus”, which, *inter alia*, reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to refugees; called for the tracing of and accounting for missing persons in Cyprus without any further delay; and called for the restoration and respect of the human rights and fundamental freedoms of all Cypriots, including freedom of movement, the freedom of settlement and the right to property. It is in this light that this report reflects a variety of human rights concerns.

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”. The Office of the 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 last annual report on the question of human rights in Cyprus was submitted to the Council at its tenth session in March 2009 (A/HRC/10/37).

The annex to this note, prepared by OHCHR and covering the period up to 31 December 2009, is herewith transmitted to the Council. It provides an overview of human rights issues in Cyprus based on the available information. For the purpose of this report, in the absence of an OHCHR field presence in Cyprus, or of any specific monitoring mechanism, OHCHR has relied on a variety of sources with particular knowledge of the human rights situation on the island.

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\* Late submission.

## 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 of December 2009, Cyprus remains 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. In resolution 1898 (2009) of 14 December 2009, the Security Council decided to extend the mandate for a further period ending 15 June 2010.

2. As mentioned in the report of the Secretary-General on his mission of good offices in Cyprus (S/2009/610), the process of full-fledged negotiations under United Nations auspices aimed at a comprehensive settlement of the Cyprus problem was formally launched on 3 September 2008. In early August 2009, the first phase of discussions of six chapters, namely governance and power-sharing, property, European Union matters, economic matters, territory, and security and guarantees, was concluded. The second phase began on 11 September 2009, focusing in particular on governance and power-sharing, the election of the executive, federal competencies and external relations.<sup>1</sup>

3. Four technical committees set up in the areas of crime and criminal matters, cultural heritage, health, and environment have met regularly and made some progress in implementing the 23 confidence-building measures agreed upon by the parties during the preparatory phase of the talks, aimed at improving the daily life of Cypriots across the entire island.<sup>2</sup>

4. In his May 2009 report on UNFICYP, the Secretary-General reported that the mission continued to facilitate humanitarian assistance to the communities, including to Greek Cypriots and Maronites living in the northern part of the island.<sup>3</sup> In his November 2009 report, the Secretary-General stated that assistance continues to be sought from UNFICYP in addressing day-to-day issues arising from the division of the island, including in relation to educational matters, the transfer of deceased individuals, and commemorative, religious and sociocultural gatherings.<sup>4</sup>

5. UNFICYP has continued its efforts aimed at confidence-building between the Greek Cypriot and Turkish Cypriot communities in the village of Pyla in the buffer zone. In cooperation with an international non-governmental organization, the mission facilitated six bicomunal events involving children from Greek Cypriot and Turkish Cypriot schools in Pyla. The planning process for a new programme of bicomunal activities for children was suspended in the absence of agreement between the two sides.<sup>5</sup>

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<sup>1</sup> Report of the Secretary-General on his mission of good offices in Cyprus (S/2009/610), paras. 12 and 13.

<sup>2</sup> *Ibid.*, para. 15.

<sup>3</sup> Report of the Secretary-General on the United Nations Operation in Cyprus (S/2009/248), para. 31.

<sup>4</sup> Report of the Secretary-General on the United Nations Operation in Cyprus (S/2009/609), para. 12.

<sup>5</sup> *Ibid.*, para. 20.

## II. Human rights concerns

6. The persisting division of Cyprus continues to have consequences in relation to a number of human rights issues on the whole island, including freedom of movement, human rights pertaining to the question of missing persons, property rights, discrimination, freedom of religion, the right to education and economic rights. The United Nations Committee on Economic, Social and Cultural Rights, in its concluding observations following consideration of the fourth and fifth periodic reports of Cyprus, viewed the continuous partition as a major difficulty hindering the ability of the State party to ensure the implementation of the Covenant throughout the country.<sup>6</sup> The Working Group on the Universal Periodic Review of the Human Rights Council reviewed the human rights situation in Cyprus in the context of its universal periodic review (UPR) process, at its sixth session in November 2009. The report of the Working Group was adopted on 4 December 2009 and contains 70 specific recommendations made by Member States on all aspects of the human rights situation in Cyprus.<sup>7</sup>

### Freedom of movement

7. With regard to freedom of movement, UNFICYP recorded approximately 873,700 crossings through the buffer zone during the period from November 2008 to May 2009 and approximately 928,200 in the period from May to November 2009.<sup>8</sup> On the issue of returns, the requests made by 11 Greek Cypriot and 44 Maronite internally displaced and refugee families wanting to return to, and permanently reside in, the north are still pending, due to differences over eligibility criteria for permanent returns.<sup>9</sup> In June 2009 an agreement was reached to open a seventh crossing point between the communities and through the buffer zone to the north-west of the island, linking the villages of Limnitis/Yeşilirmak in the north, and Kato Pyrgos in the south.<sup>10</sup>

### Human rights pertaining to the question of missing persons

8. The Committee on Missing Persons (CMP) continued the exhumation, identification and return of the remains of missing persons. By December 2009, the remains of 585 individuals had been exhumed on both sides of the buffer zone by the Committee's bicommunal teams of archaeologists; the remains of 352 missing persons had undergone examination at the Committee's bicommunal anthropological laboratory in the United Nations Protected Area in Nicosia; and the remains of 196 individuals had been returned to their respective families.<sup>11</sup> In March 2009, the CMP was invited by the Committee of Ministers of the Council of Europe in Strasbourg to present its activities. The Ministers' Deputies noted with great interest the exchange of views with members of the CMP, considered that it was crucial that the current work of the CMP should continue and

<sup>6</sup> E/C.12/CYP/CO/5, para. 8. The Government of Cyprus, in its comments on the concluding observations emphasized that "the division of the country [...] is not merely 'a major difficulty which hinders the ability of the State party to ensure the implementation of the Covenant throughout the country' but also generates new obstacles to its effective implementation". The Government noted in this regard that approximately 99 per cent of irregular migrants and asylum-seekers arrive in the Government-controlled area through the northern part of the island (E/C.12/CYP/CO/5/Add.1, paras. 4 and 5).

<sup>7</sup> A/HRC/13/7.

<sup>8</sup> S/2009/248, para. 26 and S/2009/609, para. 12.

<sup>9</sup> S/2009/609, para. 17.

<sup>10</sup> S/2009/610, para. 16.

<sup>11</sup> Committee on Missing Persons in Cyprus, Quick Statistics, 6 December 2009 update, available on the website of the Committee at [www.cmp-cyprus.org](http://www.cmp-cyprus.org).

underlined the need for the Committee to have access to all information and places relevant to missing persons.<sup>12</sup>

9. On 18 September 2009, the Grand Chamber of the European Court of Human Rights (the Court) adopted a judgement in the case of *Varnava and Others v. Turkey*.<sup>13</sup> The applications had been introduced before the Court in the name and on behalf of 18 Cypriot nationals, 9 of whom had disappeared during military operations carried out by the Turkish army in northern Cyprus in July and August 1974. The applicants alleged that their relatives had disappeared after being detained by Turkish military forces in 1974 and that the Turkish authorities had not accounted for them since. The Court concluded that there was a continuing violation of article 2 (right to life) of the European Convention on Human Rights (ECHR) on account of Turkey's failure to effectively investigate the fate of the 9 men who disappeared in 1974.<sup>14</sup> The Court also concluded that there was a continuing violation of article 3 (prohibition of inhuman or degrading treatment) of the ECHR, due to the length of time over which the ordeal of the relatives had been dragged out and official indifference in the face of their acute anxiety to know the fate of their close family members.<sup>15</sup> The Court concluded that there was a continuing violation of article 5 (right to liberty and security) of the ECHR.

10. In the case of *Cyprus v. Turkey* concerning the question of missing persons, the Council of Europe Committee of Ministers' Deputies (CoE CMD) at its December 2009 session, took note with satisfaction of the information provided by the Turkish authorities on the progress of the work of the CMP and, in particular, on the measures taken to promote its acceleration. CoE CMD encouraged the Turkish authorities to take concrete measures to ensure the CMP had access to all relevant information and places, without impeding the confidentiality which is essential to the implementation of its mandate. Furthermore, CoE CMD invited the Turkish authorities to inform it of concrete measures that they could envisage in continuing the work of the CMP, with a view to ensuring that the effective investigations required by the judgement were undertaken.<sup>16</sup>

### **Property rights**

11. As in previous years, property rights remain the main issue of concern. CoE CMD continues to supervise the execution of Court judgements on landmark property cases from previous years. In the case of *Loizidou v. Turkey* (1996), where the Court ruled that the

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<sup>12</sup> Council of Europe Committee of Ministers' Deputies Decisions adopted at the 1051st meeting, 19 March 2009, in the case of *Cyprus v. Turkey* (25781/94).

<sup>13</sup> On 10 January 2008, the Chamber issued its judgement, after which the case was referred to the Grand Chamber on 7 July 2008 at the request of the Turkish Government.

<sup>14</sup> The Court noted that the Turkish Government had not put forward any concrete information to show that any of the missing men had been found dead or had been killed in the conflict zone under their control, nor had there been any other convincing explanation as to what might have happened to them that could counter the applicants' claims that the men had disappeared in areas under the exclusive control of the Turkish Government.

<sup>15</sup> The Court recalled its finding in the fourth inter-State case that in the context of the disappearances in 1974, where the military operation had resulted in considerable loss of life and large-scale detentions, the relatives of the missing men had suffered the agony of not knowing whether their family members had been killed or taken into detention. Furthermore, the Court also recalled that due to the continuing division of Cyprus, the relatives had been faced with very serious obstacles in their search for information and that the silence of the Turkish authorities in the face of those real concerns could only be categorized as inhuman treatment. The Court found no reason to differ from the above finding.

<sup>16</sup> Council of Europe Committee of Ministers' Deputies Decisions adopted at the 1072nd meeting, 1–3 December 2009, CM/Del/Dec (2009) 1072 on Cyprus against Turkey, 25781/94.

applicant remained the legal owner of her property situated in the north, despite having lost control thereof due to lack of access, it is recalled that CoE CMD invited the Turkish authorities to make an offer to the applicant to comply with their obligation to put an end to the violation found and to remedy its consequences. In reply the Turkish Cypriot authorities made an offer based on Law No. 67/2005 on the compensation, exchange or restitution of immovable property. It is further recalled that following the judgement of the Court of 22 December 2005 in the case *Xenides-Arestis v. Turkey*, this law established a compensation, exchange and restitution mechanism in the northern part of the island. CoE CMD noted that the Court is currently seized of the question of the effectiveness of this established mechanism and that its conclusions on this point might be decisive for the execution of this judgement.<sup>17</sup>

12. In relation to the *Cyprus v. Turkey* case (2001),<sup>18</sup> CoE CMD at its September 2009 session examined the questions of the property rights of enclaved persons and the property rights of displaced persons. Concerning the property rights of enclaved persons, CoE CMD noted that a certain number of questions still need to be examined in depth and to this effect invited the Turkish authorities to provide before 15 December 2009 a copy of the entirety of the legislation as amended, and related decisions relevant for the examination of this issue, in particular the entire text of Law No. 41/77.<sup>19</sup> Concerning the property rights of displaced persons, at its December 2009 session CoE CMD again referred to the critical deliberations under way in the European Court of Human Rights. CoE CMD recalled that in the meantime it is important that all possibilities of settlement offered by the mechanism, in particular on restitution of property, be preserved (protective measures).<sup>20</sup>

13. The Committee of Ministers at its December 2009 meeting decided to resume examination of the *Demades v. Turkey* case (2003)<sup>21</sup> at the latest at their 1086th meeting (June 2010), in the light of information to be provided by the Turkish authorities on the

<sup>17</sup> Council of Europe Committee of Ministers, Ministers' Deputies Decisions, notes on the *Loizidou v. Turkey* case (15318/89).

<sup>18</sup> The European Court held that the matters complained of by Cyprus in its application entailed the responsibility of Turkey under the ECHR. In its judgement, it held that there had been 14 violations of the Convention, grouped by the Committee of Ministers into 4 categories: (1) the question of missing persons; (2) the living conditions of Greek Cypriots in northern Cyprus; (3) the rights of Turkish Cypriots living in northern Cyprus; and (4) the question of the homes and property of displaced persons.

<sup>19</sup> Following the judgement of 22 December 2005 in the *Xenides-Arestis* case, an Immovable Property Commission (IPC) was set up under Law No. 67/2005 on the compensation, exchange or restitution of immovable property. According to the information available to the Council of Europe Committee of Ministers as of June 2009, the total number of requests addressed to the IPC had reached 395. In 326 cases, the applicants had asked for monetary compensation to the value of their property, and in 14 cases an exchange of property. The IPC has reportedly concluded 59 friendly settlements (in 4 cases they stipulated the restitution of property at issue, in 1 case restitution "once the Cyprus problem has been solved", in 52 cases compensation in the amount of the current value of the property and in 2 cases the exchange of property). By November 2009, the number of requests had reached 432, of which 81 had reportedly been resolved "amicably", with maximum compensation of £12 million paid to the Severis family. Source: "Record Agreement was Timed for Best Effect", Cyprus Mail, 12 November 2009.

<sup>20</sup> Council of Europe Committee of Ministers, Ministers' Deputies Decisions, public notes on the *Cyprus v. Turkey* case (25781/94).

<sup>21</sup> This case concerns the violation of the applicant's right to the peaceful enjoyment of his property located in the northern part of Cyprus, insofar as he has been denied access to them and control, use and enjoyment of them since 1974.

measures they envisage taking to remedy the consequences of the continued violation of the right to property and right to respect for the applicant's home.<sup>22</sup>

14. The *Xenides-Arestis v. Turkey* case (2006),<sup>23</sup> which deals with the issue of displaced persons and violation of their property rights in the north, was again discussed by the CoE Committee of Ministers at its December 2009 meeting. It was recalled that the Chairman of the Committee of Ministers had sent a letter to the Turkish authorities informing them of the Committee's continuing concern relating to the lack of information on the payment of the sums awarded by the judgement of the European Court of 7 December 2006. The Ministers' Deputies expressed regret that this letter remained unanswered at the time of the meeting in December 2009 and instructed the CoE secretariat to prepare a draft interim resolution for the next examination of this case, unless the Turkish authorities have by then provided relevant information on the steps taken towards payment of the above-mentioned compensation.<sup>24</sup>

15. In the case of *Alexandrou v. Turkey*, where the applicant alleged that the occupation of the northern part of the island had prevented her from having access to her properties, in July 2009 the Court noted that an agreement was reached between the parties involved. The Court was satisfied that the settlement was based on respect for human rights and decided to remove the remainder of the application from its list of cases.<sup>25</sup>

16. As concerns the *Orams v. Apostolides* case (reference for a preliminary ruling from the Court of Appeal (England and Wales)), the European Court of Justice on 28 April 2009 held that the judgement of the court in Cyprus deciding a claim over property in the north is enforceable, although it concerns an area over which the Government does not exercise effective control.<sup>26</sup>

17. The national report submitted by Cyprus in the framework of the UPR states that abandoned Turkish Cypriot properties in the south come under the management and custody of the Minister of Interior. The Government stated that Turkish Cypriots who return from the northern part of the island or abroad and live permanently in the Government-controlled areas are entitled, with the consent of the custodian, to use their properties. The report mentions that there are several cases in which Turkish Cypriot houses and agricultural lands have been returned to the legal owners. In cases where Greek Cypriot displaced persons have been temporarily using those properties, the report states that measures are taken by the Government to provide all necessary help under alternative provisions. According to the report, compulsory acquisition or requisition of Turkish Cypriot properties, as for all properties, is only allowed under the Constitution and the law, if the public interest is served. Just and equitable compensation, as provided for by the Constitution and the law, is deposited in the special fund of the custodian. The report also mentions that Turkish Cypriot owners, who settled permanently abroad before 1974 or are residing in Government-controlled areas, are immediately eligible for payments, while

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<sup>22</sup> Council of Europe Committee of Ministers, Ministers' Deputies Decisions, notes on the *Demades v. Turkey* case (16219/90).

<sup>23</sup> The case concerns the violation of the applicant's right to respect for her home (situated in Famagusta) due to the denial since 1974 of access to her property situated in the northern part of Cyprus and consequent loss of control thereof.

<sup>24</sup> Council of Europe Committee of Ministers' Deputies Decisions adopted at the 1072nd meeting, 1–3 December 2009, CM/Del/Dec (2009) 1072 on *Xenides-Arestis v. Turkey* (46347/99).

<sup>25</sup> Case of *Alexandrou v. Turkey* (16162/90) of 28 July 2009.

<sup>26</sup> Official Journal of the European Union, C 153/7 available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:153:0007:0008:EN:PDF>.

affected persons living in the northern part of the island are eligible for compensation after a solution to the Cyprus question is reached.<sup>27</sup>

### **Discrimination**

18. In its concluding observations on the fourth and fifth periodic reports of Cyprus in May 2009, the Committee on Economic, Social and Cultural Rights expressed its deep concern that de facto discrimination persists against, inter alia, Turkish Cypriots. The Committee also noted with concern the absence of anti-discrimination case law and the fact that Turkish Cypriots continue to face administrative and linguistic obstacles in obtaining official documents. The Committee recommended that the Government take all appropriate measures to overcome administrative and linguistic obstacles faced by Turkish Cypriots to obtain official documents.<sup>28</sup>

19. At the same session, the Committee noted with regret that in spite of the amendment of the 2007 law, children of women with displaced person status are not entitled to a refugee identity card and are only entitled to a “certificate by descent” which does not enable them to access any benefits. The Committee urged the Government to adopt effective measures to end the discriminatory treatment of children of women with displaced person status.<sup>29</sup>

20. According to the Internal Displacement Monitoring Centre of the Norwegian Refugee Council (IDMC/NRC), as referenced in the OHCHR summary of stakeholder submissions to the UPR, up to 200,500 persons are still internally displaced in the area under the control of the Government. The IDMC/NRC also noted that such children are not entitled to a refugee identity card or the benefits deriving therefrom. As a consequence, they cannot access housing assistance, which can take various forms, including a financial grant, a land plot, a housing unit, or rent subsidy. An amendment to the Civil Registry Law 141(I)/2002 on 12 July 2007 ensured that the children of women with displaced person status were eligible for the same status, but the law still does not entitle these children to a refugee identity card or related benefits. The UPR summary of stakeholder submissions further noted that internally displaced persons (IDPs) are still prevented from returning to their place of origin and enjoying the property that they left behind. The IDP property issue on the island is complicated by several factors. These include the occupation of IDP housing and land by secondary occupants, sale of IDP housing and land to third parties, and uncompensated expropriation and development of IDP land on both sides of the Green Line. Furthermore, different systems were put in place in the south and the north to administer and manage property left behind by IDPs. Applicants on both sides of the Green Line have reported difficulties in repossessing their property through these mechanisms.<sup>30</sup>

21. The UPR summary of stakeholder submissions also refers to achievements and challenges in the protection of the rights of IDPs. A set of criteria has been formulated by the Government of Cyprus for displaced person status to facilitate the provision of assistance to people displaced by the conflict. In addition, the Government has established the Service for Displaced Persons, which provides housing assistance to IDPs, and the

<sup>27</sup> A/HRC/WG.6/6/CYP/1, paras. 87, 88 and 89.

<sup>28</sup> E/C.12/CYP/CO/5, para. 10. In its comments on the concluding observations, Cyprus reiterated that bilingual staff and interpreters are posted at crossing points, administrative services, hospitals and where needed, in order to accommodate Turkish Cypriots and Turkish speakers in general. It also mentioned that all official documents are available in the official languages (Greek and Turkish) (E/C.12/CYP/CO/5/Add.1, para. 7).

<sup>29</sup> E/C.12/CYP/CO/5, para. 12.

<sup>30</sup> A/HRC/WG.6/6/CYP/3, paras. 36 and 37.

Turkish Cypriot Properties Management Service, which manages property that Turkish Cypriots left behind. The Government also continues to raise national awareness of the internal displacement problem, maintain data on the numbers of IDPs, and cooperate with international organizations. Significant financial resources are also allocated to assist IDPs. The UPR summary mentions that the Government has established conditions and provided the means for IDPs in areas under its control to assist them to settle where they are.<sup>31</sup>

22. UNFICYP continues to assist Turkish Cypriots living in the south to obtain identity documents, housing, welfare services, medical care, employment and education.<sup>32</sup>

### Freedom of expression

23. In the case of *Foka v. Turkey* (2009), the European Court of Human Rights found a violation of the applicant's freedom of expression. The applicant, a Greek-Cypriot resident in northern Cyprus, travelled on 13 January 1995 to the Ledra Palace checkpoint to cross into the north. At the checkpoint, agents of the northern part of Cyprus took the applicant to a police station, where a number of cassettes, books, a diary and maps were confiscated. The Court considered that this confiscation did not correspond to a "pressing social need". The applicant was awarded just satisfaction to the value of the confiscated items.<sup>33</sup>

### Right to life

24. With regard to the *Solomou v. Turkey* (2008), *Isaak v. Turkey* (2008) and *Kakoulli v. Turkey* (2006) cases,<sup>34</sup> the CoE CMD, at its 1059th meeting in June 2009, noted with interest, inter alia, the information presented during the debate by the Turkish authorities and the Cypriot authorities concerning the individual measures in the case of *Kakoulli*. It considered that this information needed to be assessed; invited the Turkish authorities to provide information on any individual measures taken or envisaged in the cases of *Isaak* and *Solomou*; noted with interest the information provided by the Turkish authorities on the relevant general measures, in particular on the legislative provisions on the use of firearms and use of force, and invited the Turkish authorities to provide this information in writing in order that it might be assessed. It recalled that information is also awaited in relation to the cases of *Isaak* and *Solomou*, in particular on the regulatory framework governing the peaceful, parallel conduct of demonstrations and counter-demonstrations and measures to ensure the effective investigation into killings of civilians in the northern part of the island.

25. Regarding the *Adali* case (2005),<sup>35</sup> according to information provided by the Turkish authorities, an additional inquiry into the death of Mr. Adali was carried out, following a letter of 24 March 2006 from the Prosecutor General to the police authorities ordering them to initiate an additional investigation, taking into account the shortcomings identified by the European Court in its judgement. On 12 March 2009, the Turkish authorities wrote to the applicant informing her of the new inquiry carried out following the judgement of the Court. The letter states that given the amount of time that had elapsed, the authorities were

<sup>31</sup> Ibid., para. 38.

<sup>32</sup> S/2009/248, para. 32.

<sup>33</sup> Council of Europe Committee of Ministers, notes on the *Foka v. Turkey* case (28940/95).

<sup>34</sup> The cases of *Solomou v. Turkey* (2008) and *Isaak v. Turkey* (2008) concern the killing in 1996 of the applicants' relatives in the context of Greek-Cypriot demonstrations in the area of the United Nations buffer zone in Cyprus, and the lack of an effective investigation into their killing. The *Kakoulli v. Turkey* case (2006) concerns the killing of the applicants' husband and father, in 1996, by Turkish soldiers on guard duty along the ceasefire line in Cyprus and the lack of an effective and impartial investigation into this killing in violation of article 2 of the ECHR.

<sup>35</sup> Source: Council of Europe Committee of Ministers, Ministers' Deputies Decisions, notes on the *Adali* case (38187/97).

unable to obtain any further evidence that would permit criminal charges to be brought. The case concerns the alleged lack of an effective investigation into the death of the applicant's husband, who was shot in front of his house in Nicosia, located to the north of the Green Line, in July 1996. The Court found a number of shortcomings in the investigation. The case also concerns interference with the applicant's freedom of association on account of a refusal of permission to cross from the northern part to the southern part of the island to attend a bicomunal meeting on 20 June 1997.

### **Right to education**

26. In its concluding observations of May 2009, the Committee on Economic, Social and Cultural Rights expressed its concern about the still limited opportunities for Turkish-speaking Cypriot children to receive instruction in their native language. The Committee urged the State party to take all appropriate measures to increase opportunities for Turkish Cypriot children to receive teaching in their mother tongue.<sup>36</sup> In its comments on the concluding observations, the Government of Cyprus stated that the Ministry of Education and Culture had taken all necessary measures for the curriculum and teachers at the schools the children attend to address their educational needs. It also mentioned that it was the choice of the families themselves that Turkish-speaking Cypriot children were attending joint, and not separate, primary schools, as this was considered by them the best way to avoid segregation and promote the better integration of the children into society.<sup>37</sup>

27. With regard to the right to education, the national report submitted by Cyprus in the framework of the UPR mentions that Turkish Cypriots who hold a six-year high-school diploma are eligible for admission to public institutions of higher education in the Government-controlled areas of Cyprus. It mentions that 10 per cent of the places are granted to special categories of people, such as the disabled due to acts of war, children of missing persons, and persons living in the northern part of the island. The costs for the education in private schools of their choice of Turkish Cypriot students who reside permanently in the Government-controlled areas, from pre-primary to higher education, are covered by the Government.<sup>38</sup>

28. In Limassol and Paphos, UNFICYP has continued to work with the local authorities and community representatives to strengthen its support in educational and social areas. There have been no new developments regarding the establishment of a Turkish-language primary school in Limassol.<sup>39</sup>

29. UNFICYP continued to facilitate the delivery of textbooks and the appointment of teachers to the elementary and secondary Greek Cypriot schools in Rizokarpaso, on the Karpas Peninsula in the north. At the time of reporting, 3 out of 12 teachers and other academic staff appointed by the Greek Cypriots for the current academic year had been allowed to teach at the schools, while 8 had been denied permission and a decision in 1 case was still pending. In accordance with the usual practice, UNFICYP provided 205 textbooks for review to the authorities in the north; the delivery of 5 of the books was not allowed because of what the authorities in the north perceived as objectionable content.<sup>40</sup>

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<sup>36</sup> E/C.12/CYP/CO/5, para. 24.

<sup>37</sup> E/C.12/CYP/CO/5/Add.1, para. 10.

<sup>38</sup> A/HRC/WG.6/6/CYP/1, paras. 95 and 96.

<sup>39</sup> S/2009/609, para. 18.

<sup>40</sup> *Ibid.*, para. 17.

### **Freedom of religion**

30. With regard to freedom of religion, access to sites and icons of religious and cultural significance was facilitated by UNFICYP. From November 2008 to May 2009, the Mission facilitated five religious and commemorative events, which took place without incident. For example, on 20 April 2009, some 250 Greek Cypriots visited the church in Varosha in the buffer zone, in an annual pilgrimage, and on 10 May an annual pilgrimage took place to the abandoned village of Ayios Georgios Soleas.<sup>41</sup> During the period from May to November 2009 UNFICYP facilitated 17 religious and commemorative events, of which 12 involved crossing the buffer zone to the north, 2 involved crossing the buffer zone to the south and 3 were held in the buffer zone.<sup>42</sup>

31. On 8 August 2009, 1,451 Turkish Cypriots travelled through the buffer zone in the area of Limnitis/Yeşilirmak in order to participate in an annual commemorative event in Kokkina/Erenkoy. On 2 September 2009, 645 Greek Cypriot pilgrims were unable to cross through this area to attend a religious service at Saint Mamas church following a disagreement between the two sides regarding crossing modalities.<sup>43</sup>

### **III. Conclusion**

32. The persisting de facto partition of the island of Cyprus continues to constitute an obstacle to the full enjoyment of human rights. It is hoped that the new momentum to achieve a comprehensive settlement of the Cyprus problem will provide avenues to improve the human rights situation on the island and that relevant stakeholders will actively contribute to achieving enhanced human rights protection and promotion.

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<sup>41</sup> S/2009/248, para. 36.

<sup>42</sup> S/2009/609, para. 21.

<sup>43</sup> Ibid., para. 22.