

**Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian
Refugee Council (NRC) to the Universal Periodic Review mechanism established by the
Human Rights Council in Resolution 5/1 of 18 June 2007**

**Sixth session of the Working Group on the UPR (30 November- 11 December 2009)
Cyprus**

20 April 2009

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I. Background to internal displacement in Cyprus

1. Up to 200,500 people continue to be internally displaced in the area under the control of the government of the Republic of Cyprus. They forcibly fled their homes starting in 1974 as a result of conflict: Greek Cypriots fled to the south while Turkish Cypriots fled to the north. With no political solution, Greek Cypriots and Turkish Cypriots have been living separate ever since, divided by the “green line” patrolled by the UN Peacekeeping Force.

II. Achievements and challenges in the protection of the rights of IDPs

2. To facilitate the provision of assistance to people displaced by the conflict, the government of the Republic of Cyprus formulated criteria for “displaced person” status. Those with the status were issued Refugee Identity Cards, which gave them access to a number of benefits. People originally displaced and their children continue to be eligible for the status, corresponding Refugee Identity Card and benefits as governed by Civil Registry Law 141(I)/2002 and Provision of Housing Aid to Displaced, Suffering and other Persons Law 123(I)/2001.

3. In addition to registering and assisting IDPs, the government established the Service for Displaced Persons, which provides housing assistance to IDPs, and the 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 organisations. Significant financial resources are also allocated to assist IDPs: the \$50 million allocated by the government for housing assistance to IDPs in 2006 tripled to \$150 million in 2009.

4. The government has established conditions and provided the means for IDPs in areas under its control to settle where they are, though IDPs did not participate in the planning and implementation of policies and programmes aiming to assist them.

III. Main issues of concern

Discrimination of children of IDPs¹

5. Unlike children of men with “displaced person” status, children of women with “displaced person” status are not entitled to a Refugee Identity Card or the benefits deriving from the Card. As a consequence, they cannot access housing assistance, which can take various forms including a financial grant, a land plot, a housing unit or a rent subsidy.

6. 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 also eligible for the status, but the law still does not entitle these children to the Refugee Identity Card or related benefits. This continued discrimination is in direct violation of the Constitution of the Republic of Cyprus Article 28, which safeguards the principle of equality.

7. This discrimination is also in direct violation of international obligations undertaken by the Republic of Cyprus upon ratifying the Covenant of Economic, Social and Cultural Rights (CESCR), the Convention of the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Elimination of All Forms of Racial Discrimination (CERD), the

¹ UDHR Article 7, ICESCR Article 2 and ICCPR Articles 2 and 26.

Convention on the Rights of the Child (CRC) and the European Convention on Human Rights. The UN Committees on Economic, Social and Cultural Rights, Elimination for the Discrimination of Women and the Rights of the Child have all recommended the government eliminate this discrimination, though the government has failed to adequately address the issue.

Continued denial of right to property²

8. IDPs continue to be prevented from returning to their place of origin and enjoying the property they left behind. The European Court of Human Rights has ruled in several cases that Turkey is responsible for this denial of access to property, which is a breach of Article 1 of Protocol No. 1 of the European Convention on Human Rights³. The Republic of Cyprus maintains that property issues of IDPs can only be solved through a peace agreement with the authorities of the “Turkish Republic of Northern Cyprus” (TRNC). However, with no prospect for a peace agreement 35 years since the conflict, IDPs have waited beyond a reasonable amount of time for these issues to be solved.

9. 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 by the government of the Republic of Cyprus and the TRNC authorities to administer and manage property left behind by IDPs.

10. While there is no mutually agreed mechanism for property restitution or compensation, IDPs who fled to areas under the control of the “Turkish Republic of Northern Cyprus” may apply for property restitution through the courts in the Republic of Cyprus, and IDPs who fled to areas under the control of the Republic of Cyprus can apply for restitution, compensation or exchange to the Immovable Property Commission in the “Turkish Republic of Northern Cyprus”.

11. However, applicants on both sides have reported difficulties in repossessing their property through these mechanisms. Several applicants to the Immovable Property Commission explained in interviews conducted by IDMC in March 2009 how government officials of the Republic of Cyprus interfered with their case and made it difficult for them to obtain information from the land registry.

12. Applicants to the Republic of Cyprus courts reported discrimination based on their place of residence and significant processing delays. Turkish Cypriots residing in the “Turkish Republic of Northern Cyprus” must live in the Republic of Cyprus for six months before they can make an application, whereas Turkish Cypriots residing elsewhere do not face this requirement. Processing delays have in some cases lasted years, possibly breaching the reasonable time requirement safeguarded by the European Convention on Human Rights Article 6.

Exclusion of IDPs from peace process⁴

13. IDPs in areas controlled by the Republic of Cyprus reported to IDMC in interviews in March 2009 that they were following the peace negotiations, but that the government had not sought

² UDHR Article 17 and ECHR Article 1 Protocol No.1.

³ Loizidou v. Turkey (1996), Cyprus v. Turkey (2001), Demades v. Turkey (2003), Xenides-Arestis v. Turkey (2005).

⁴ Committee of Ministers Rec(2006)6, para.11.

their views or attempted to include them or their representatives in the process. The Council of Europe stressed in its 2006 Recommendation on IDPs in Europe that IDPs “should be properly informed, but also consulted to the extent possible, in respect of any decision affecting their situation”. Similarly, Principle 28(2) of the Guiding Principles on Internal Displacement also states that special efforts should be made to ensure the participation of IDPs in the planning and management of programmes and policies that affect them.

IV. IDMC’s recommendations

At the sixth session of the Working Group on the Universal Periodic Review, IDMC invites the Human Rights Council to consider the following recommendations:

To the Government of the Republic of Cyprus:

On discrimination of children of IDPs

- Ensure that all children of people with “displaced status” are treated equally in the law irrespective of the sex of their parents as recommended by several UN Treaty Bodies;

On continued denial of right to property

- Consult with international experts such as the UN Representative of the Human Rights of IDPs and the UN Special Rapporteur on Adequate Housing to ensure that any peace agreement between the Republic of Cyprus and the “Turkish Republic of Northern Cyprus” protects all IDPs’ right to property, while safeguarding the rights of secondary occupants, in line with international and regional law;
- Ensure that applicants to the Immovable Property Commission in the “Turkish Republic of Northern Cyprus” are not obstructed from making claims;
- Ensure that people displaced to areas under the control of the “Turkish Republic of Northern Cyprus” have their property claims processed by the judicial system in the Republic of Cyprus in a timely manner and without discrimination based on their place of residence;

On exclusion of IDPs from the peace process

- Create mechanisms for the consultation and inclusion of IDPs in the peace negotiations.