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Minority rights: Solutions to the Cyprus conflict

By Nikolas Kyriakou and Nurcan Kaya





The Green Line, which divides the city with barriers erected across the street, viewed from the Greek south side.
George Georgiou/Panos

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Abbreviations

ACT	Action for Co-operation and Trust programme	ICRC	International Committee of the Red Cross
AKEL	Communist Party of Cyprus	IPC	Immovable Property Commission
AKP	Justice and Development Party (Turkey)	IRA	Irish Republican Army
ANC	African National Congress	JPU	Joint Programme Unit for UN/Interpeace Initiatives
CEH	Commission for Historical Clarification (Guatemala)	LGBT	lesbian, gay, bisexual and transgender
ECHR	European Convention on Human Rights	MPTT	Missing Persons Task Team
ECRI	European Commission against Racism and Intolerance	NGO	non-governmental organization
ECtHR	European Court of Human Rights	NIWC	Northern Ireland Women's Coalition
EOKA	Εθνική Οργάνωση Κυπρίων Αγωνιστών – National Organization of Cypriot Fighters	NPA	National Peace Accord (South Africa)
EU	European Union	OSCE	Organization for Security and Co-operation in Europe
FCNM	Framework Convention for the Protection of National Minorities	TMT	Türk Mukavemet Teşkilatı – Turkish Resistance Organization
HCNM	High Commissioner on National Minorities	TRNC	'Turkish Republic of Northern Cyprus'
ICCPR	International Covenant on Economic, Social and Cultural Rights	UN	United Nations
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination	UNDM	UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities
ICJ	International Court of Justice	UNDP	United Nations Development Programme
		UNFICYP	United Nations Peacekeeping Force in Cyprus

Executive summary

Attempts to resolve the ongoing conflict in Cyprus over the past forty years have been marked by one common feature: the systematic failure to recognize the presence of most minority groups on the island, and to involve them in conflict resolution processes and in drawing up plans for the island's future status. This reflects the wider marginalization of minorities in both northern and southern Cyprus, who are effectively silenced within a discourse of competing Greek Cypriot and Turkish Cypriot nationalisms. Drawing on interviews with representatives from minority groups from both parts of the island, as well as on the wealth of literature that has grown up around the 'Cyprus problem', this report argues that minorities in Cyprus have a vital role to play in any future settlement, as well as in ensuring ongoing peace, prosperity and security on the island.

The legal situation for minorities in Cyprus is complex, given the island's de-facto division, but on both sides of the dividing line, minority representatives described a climate that did not enable them to enjoy their linguistic, cultural, and religious rights as minorities.

In the Greek-Cypriot dominated Republic of Cyprus, three religious minorities – Armenians, 'Latins', and Maronites – enjoy recognized status under the Constitution, albeit at the cost of officially belonging to the Greek Cypriot community. But other minorities in southern Cyprus – Roma, Turkish Cypriots who have chosen to remain in the southern part of the island, and new migrants – have no recognized status. In recent years, new migrant groups in particular have been subject to overt discrimination and hostility. Many of those interviewed for this report were often unaware of what rights they did have, and expressed little confidence in the state to protect their interests. This is an alarming situation, given the fact that the Republic of Cyprus is a member both of the European Union (EU) and the Council of Europe, and hence, subject to multiple and overlapping monitoring procedures in regard to minority rights and anti-discrimination.

In the unrecognized 'Turkish Republic of Northern Cyprus' (TRNC) – home to the bulk of the island's Roma population, as well as Turkish nationals who have settled

on the island (including those belonging to minority groups, such as Alevis, Kurds and ethnic Bulgarians), and a small number of Greek Cypriots – no minority group enjoys any recognized legal status. Reflecting this, and the fact that the word 'minority' carries negative connotations in the Turkish language, the legal framework set up in the northern part of the island is entirely deficient in accommodating the rights of minorities. In addition, members of minority groups face considerable societal pressure to suppress their cultural, linguistic or religious identities.

This report maps the current demography of minorities on the island; assesses the peace processes that failed in the past; examines the problems, prospects and challenges that the peace process is facing in regard to minority issues and explores ways in which minorities could positively contribute to a solution; and gives an opportunity for the voices of minority representative members to be heard at the domestic and international levels. It concludes with a series of recommendations, including:

To the Republic of Cyprus:

- To recognize officially as minorities all the minority groups under its jurisdiction and provide them with full and unreserved legal protection;

To the Turkish Cypriot authorities:

- To amend the TRNC legal framework to provide for explicit recognition of all minorities residing in the territory under its effective control;
- To take all necessary measures to lift all restrictions currently imposed on minorities, especially Maronites and Greek Cypriots;

To the UN:

- To set minority protection in the future solution as a separate agenda item in the negotiations of the two communities and provide the negotiating sides with relevant experience and expertise in the protection and engaging of minorities in democratic processes based on UN world initiatives.

Cyprus



0 400 km

Cyprus – timeline

- 1960:** The Republic of Cyprus is proclaimed as an independent and sovereign state, its previous status is as a UK colony. Turkey, Greece and the United Kingdom are designated as guarantors of its independence. Its Constitution has a strong bi-communal character.
- 1963–4:** Makarios, the first President of the Republic, puts forward a set of proposals for a constitutional amendment, known as the ‘13 points’. Mistrust between the Greek Cypriot and Turkish Cypriot leaderships erupts into inter-communal fighting and the withdrawal of Turkish Cypriots from all public offices and positions. A considerable number of Turkish Cypriots abandon their residences and form enclaves within the territory of Cyprus.
- 1964:** The United Nations (UN) establishes the United Nations Peacekeeping Force in Cyprus (UNFICYP).
- 1964–9:** Sporadic clashes, random killings, acts of sabotage and disappearances of Cypriots from the two communities across the island foment an atmosphere of fear.
- November 1967:** Clashes break out in the area of Kofinou between armed groups from the two communities.
- July 1974:** A *coup d'état* backed by the Greek *junta* overthrows President Makarios. Turkey invades Cyprus a few days later. Its invasion results in the occupation of over 36 per cent of the territory of Cyprus.
- February 1977:** President Makarios and the leader of the Turkish Cypriot community, Rauf Denktash, agree to seek a solution for an independent, non-aligned, bi-communal federal republic.
- May 1979:** President Spyros Kyprianou and Turkish Cypriot leader Rauf Denktash agree on 10 points, outlining the future solution.
- November 1983:** The ‘Turkish Republic of Northern Cyprus’ (‘TRNC’) is proclaimed. The TRNC has only ever been recognized by Turkey.
- 1989:** The two communities agree upon a series of confidence-building measures.
- 1992:** UN Secretary-General Boutros-Ghali proposes a ‘Set of ideas’, comprising suggestions for a future solution.
- June 1993:** The European Commission presents its opinion on the application of the Republic of Cyprus for membership to the European Union (EU).
- 1997:** The leaders of the two communities agree on the modalities of the re-initiation of the work of the Committee on Missing Persons.¹
- April 2003:** Partial lifting of freedom-of-movement restrictions by the TRNC. After decades of absolute separation of the two geographical areas and lack of contact between the two communities, some inhabitants of both parts of the island are able to cross to the other side, passing through designated checkpoints.
- April 2004:** A UN-sponsored plan for a comprehensive solution to the Cyprus problem is submitted to separate referenda: 76 per cent of the Greek Cypriots vote against it, while 65 per cent of the Turkish Cypriots vote in favour.
- May 2004:** The Republic of Cyprus accedes to the EU.
- July 2006:** President T. Papadopoulos and the Turkish Cypriot leader M. Talat reiterate the commitment of the two sides to finding a solution for a bi-zonal, bi-communal federation with political equality for the two communities.
- April 2008:** Opening of the Ledra Street crossing.
- September 2008:** Fully fledged negotiations between the leaders of the two communities commence under the auspices of the UN.
- October 2010:** Opening of Limnitis checkpoint (on the west side of the Green Line) and increased ease of contact between the two communities.
- November 2010:** The leaders of the two communities, Demetris Christofias and Dervis Eroğlu, meet with the UN Secretary-General in New York.

Introduction

The last report published by Minority Rights Group International (MRG) on Cyprus dates from 1997.² Since then many developments have taken place both in regard to the protracted conflict on the island, as well as in terms of developments in the international legal regime for minority protection. At the same time, major conflicts around the world have been settled or are undergoing various processes for resolution. Areas of interdisciplinary cross-fertilization, such as the field of transitional justice, have arisen in order to help societies exiting conflicts to rebuild their political, economic and societal capacities and infrastructures.

Two major developments can be identified in the 13 years that have passed since MRG's last report on Cyprus. First, the negotiations that took place at the beginning of the 2000s between the leaders of the two communities under the aegis of the United Nations (UN) resulted in the submission of the UN 'Plan for a comprehensive solution to the Cyprus problem' (known as the 'Annan Plan') to simultaneous and separate referenda in April 2004. While the Turkish Cypriot side voted in favour of the plan by 65 per cent, the Greek Cypriot side rejected it by 76 per cent. Second, less than a week after the results of the referenda were released, the Republic of Cyprus acceded to the European Union (EU) along with another nine countries, on 1 May 2004.

Despite these significant developments and changes, the Cyprus problem remains unresolved, and factors surrounding it proliferate with the passage of time. Demographic changes are taking place inside both communities; new international players, such as the EU are actively involved; and the legal balance is gradually

changing, as marked by the recent change of the jurisprudence of the European Court of Human Rights (ECtHR) on cases arising out of the conflict in Cyprus,³ and as signalled by the recent Advisory Opinion of the International Court of Justice (ICJ) on Kosovo's Unilateral Declaration of Independence.⁴ In the aftermath of the rejection of the Annan Plan, the process of finding a solution has been re-initiated.

At the international legal level, the Framework Convention for the Protection of National Minorities (FCNM) entered into force on 1 February 1998. This convention is the single most comprehensive international instrument on minority protection and includes a series of articles outlining a set of rights afforded to minorities in European countries. Currently, the majority of Council of Europe members are party to the convention, with the exception of Andorra, Belgium, France, Greece, Iceland, Luxembourg, Monaco and Turkey.⁵

In the light of these developments, MRG revisits the situation in Cyprus in this report, which maps the current demography of constitutionally recognized and non-constitutionally recognized minorities on the island; assesses the peace processes that failed in the past; examines the problems, prospects and challenges that the peace process is facing in regard to minority issues; gives an opportunity for the voices of these minority members to be heard at the domestic and international levels; highlights the characteristics of an effective minority protection regime under the current status quo; outlines the features of such a regime in a future comprehensive solution to the problem; and explores ways in which minorities could positively contribute to such a solution.

Methodology

This report is based on primary and secondary research, undertaken between July and October 2010. Interviews were conducted with 29 members of minority groups living on both sides of the dividing line in Cyprus. While the focus of this report is ethnic and religious minorities in Cyprus – including those belonging to migrant groups – representatives from a youth group, a women’s rights group, and a group representing the interests of the lesbian, gay, bisexual and transgender (LGBT) community were also interviewed as part of this research. Due attention was given to identifying members of minority groups not only on the basis of their historical presence on the island, but also based on the current factual situation, as illustrated by statistical data corroborating the formation of new, consolidated groups with characteristics that differ from those of the two main communities of the island. Additionally, the research team strived for a fair gender balance. Annex A provides details of the number, affiliation and gender of the interviewees.

Careful consideration was also given to preparing the questionnaire, in order to capture the full spectrum of

interviewees’ views in regard to: their presence on the island; intra- and inter-minority relations; their perceptions of the Cyprus problem, the prospects for its solution and their groups’ role in such processes; and their views on the current status of the rights protection enjoyed by their group. Local researchers interviewed members of minorities on both sides of the dividing line and compiled the results of their interviews into written documents, which were then passed to the lead authors of this report for qualitative analysis.

In addition to this primary research, the authors undertook a literature review of relevant academic publications,⁶ and also drew on internet-based databases and websites of various domestic and international organizations and non-governmental organizations (NGOs). This allowed the authors to revisit the history of the Cyprus problem, assess the current state of the law and policy in Cyprus relevant to minority rights, and ensure that the views of stakeholders on issues that inevitably generate controversy were properly reflected.

History of Cyprus and the conflict

Cyprus' two main communities, Greek and Turkish Cypriots, both have a long-term presence on the island. Greek Cypriots trace their origins and presence on Cyprus back to the Mycenaean colonization of the island around the end of the second millennium BC, while Turkish Cypriots have been present since the end of the sixteenth century, when the island came under the control of the Ottoman Empire. Given this long historical presence, claims on the national character of the island from both sides have long been present in history books and public discourse. For instance, the rise of the Greek Cypriot demand for *Enosis*, that is, union with Greece, at the beginning of the twentieth century, was met with a counter-demand voiced by the Turkish Cypriot power elite. The latter maintained that if any change was to come about to the island's status, then it should be the return of the island to Turkey. In the 1950s this claim was transformed under the banner of *Taksim* (Partition), essentially advocating the division of the island into two geographical areas.

After more than three centuries under Ottoman rule, the island was leased to Britain in 1878. In 1925, following the fall of the Ottoman Empire and the Treaty of Lausanne (which provided for the exchange of populations between Greece and Turkey), the United Kingdom formally annexed Cyprus as a colony. Following annexation, the Greek Orthodox Church was stripped of the administrative power that it had maintained under Ottoman rule, and British colonial administrators favoured Turkish Cypriot appointments to new local bodies in disproportionate numbers. In October 1931, a Greek Cypriot rebellion was suppressed, which was subsequently followed by a period of authoritarian rule of public affairs referred to as *Palmerokratia* (Palmerocracy, from the name of the British Governor Sir Richmond Palmer). A serious attempt was made on the British side to deal with the future status of the island in the form of the Consultative Assembly of 1948,⁷ the first time that Greek Cypriot and Turkish Cypriot diverging aspirations and interests were officially documented in an international forum.⁸ But the Consultative Assembly met with fierce opposition and condemnation from the Greek Orthodox Church, which had assumed the role of *Ethnarchy* – national and religious leadership of the Greek Cypriot community. Almost all Greek Cypriot participants in the assembly voted against

the proposals for a draft constitution, whereas their Turkish Cypriot counterparts voted in favour. Interestingly, the presence of a representative of the minority Maronite community was recorded at this assembly. The deadlock in negotiations at the Consultative Assembly marks the beginning of a cycle of subsequent unfruitful negotiations on the resolution of the Cyprus problem, that have continued through the decades.

In 1954, the Greek government 'requested the UN Secretary-General to bring before the 9th session of the UN General Assembly the item "Application under the auspices of the United Nations of the principle of equal rights and self-determination of peoples in the case of the population of Cyprus"'.⁹ The application was lodged under mounting pressure from the *Ethnarchy* in Cyprus and public opinion in Greece in an effort to 'internationalize' the issue of Cyprus, and exert pressure on the United Kingdom to proceed with a bilateral arrangement with Greece for the island's unification with the latter. The Greek strategy of recourse to the UN sought to link the aspiration for *Enosis* with the decolonization movement that was sweeping the globe in the aftermath of the Second World War.¹⁰ This proved to be a serious miscalculation, as it failed to correctly evaluate the geopolitical interests of other states, especially of the United Kingdom, in the region.¹¹

In the aftermath of the Greek failure at the UN, in 1955 a group of Greek Cypriots formed 'EOKA' (Εθνική Οργάνωση Κυπρίων Αγωνιστών – National Organization of Cypriot Fighters), which initiated the Cyprus revolt by waging a multi-layered struggle against colonial rule. Archbishop Makarios and Georgios Grivas Digenis led EOKA. Its main goal was to fight for *Enosis* – a goal that was not shared at the time by AKEL, the Cypriot Communist Party (formed in 1926). AKEL also rejected direct military confrontation with the British army, but rather supported political action. EOKA's formation and legacy marks a deep ideological and political division within the Greek Cypriot community, which is still vividly present today. Right-wing Greek Cypriots consider EOKA to be an emblematic resistance movement, fighting for freedom and *Enosis*, while left-wing Greek Cypriots, many of whom support AKEL, reject this.

Contrary to beliefs common among Turkish Cypriots, EOKA did not direct its activities against their

community; thus, it was not an instrument of intercommunity conflict.¹² Out of the 29 Turkish Cypriots who died during the revolt, 22 were members of a security agency that had been formed by the British to assist them in their counter-insurgency operations. During the period of the revolt, most Greek Cypriots regarded Turkish Cypriots as a minority that would have to follow the destiny of the Greek Cypriot community. Their attitude ranging from indifference to paternalism, the Greek Cypriot leadership did not seriously take into account the presence of another sizeable community on the island.

The death toll of Greek Cypriots during EOKA's campaign was 218 persons, and there were 142 British victims.¹³ The anti-communist character of EOKA may well explain the large number of Greek Cypriot victims, many of whom were supporters of AKEL. Under the leadership of the *Ethmarchy* and the right-wing political elite, with the wounds of the civil war in Greece influencing local politics, EOKA monopolized the national rhetoric for *Enosis* and attempted to intimidate AKEL supporters, who had been rapidly increasing in number since the party's creation. EOKA leader Grivas' deep hostility towards communism was also a factor in the waging of a fierce dirty war against this part of the Greek Cypriot population. At the same time, on the Turkish side, a paramilitary group named TMT (Türk Mukavemet Teşkilatı – Turkish Resistance Organization) was set up with support from the Turkish military. The educational systems on both sides of the divide have endeavoured for decades to promote the members of the two organizations as 'heroes' and 'freedom fighters'.

In 1959, EOKA's struggle came to an end with none of the actors emerging as an obvious winner. The Greek Cypriot community failed to achieve *Enosis*, while the Turkish Cypriot community did not secure a solid political standing or effective control of territory of the island. The British had to give up a strategically located colony in the Middle East in exchange for two sovereign bases on the island.

Cyprus was declared a sovereign and independent state in 1960 and was soon admitted to the UN. The London-Zurich agreements between the UK, Greece and Turkey endowed the newly formed Republic of Cyprus with a Constitution, which sought to balance the competing interests of the two communities on the island. The Constitution provided that citizenship was granted on the basis of membership of one of the two communities (i.e. Greek and Turkish), and allocated the administration of official institutions and public offices to members of these communities on the basis of fixed percentages. The Constitution's bi-communal character ran throughout the public service (for example, jobs in the public service were given to Greek and Turkish Cypriots on a ratio of 70 to 30

per cent, respectively) and public affairs. The system included many checks and balances, such as the veto power granted to the Turkish Cypriot vice-president, and the requisite of double majorities on a range of issues in the House of Representatives, that sought to protect the interests of the numerically smaller Turkish Cypriot community. As will be discussed in the next section of this report, the three religious minority groups of Maronites, Armenians and Latins (Roman Catholics)¹⁴ were asked to choose membership in either of the two dominant communities. Roma, who have a long historical presence on the island, were excluded from the Constitution.

The principal repercussion of this legal arrangement for the three minority religious groups was that they were obliged to join one of the two constitutionally recognized communities. This meant that their political participation was mediated solely through the dominant segments of the population, which would unavoidably lead to their marginalization. Based on these particular features, it is appropriate to label the Constitution as a 'pre-determined consociational' arrangement, wherein the dynamics of power-sharing were shaped not only by a negotiated compromise of the groups immediately involved, but also by the highly influential role of external interested parties, particularly Greece, Turkey and the United Kingdom.

For a Constitution of this type to operate, goodwill and mutual trust were a prerequisite. As these were lacking, many problems arose between the governing Greek and Turkish Cypriot elites and poisoned inter-communal relations.¹⁵ In 1963, President (and Archbishop) Makarios submitted a proposal for amendments to the Constitution that came to be known as the '13 points'. The main thrust of this proposal was the abolition of the Turkish Cypriot vice-president's veto and of the double majorities in the House of Representatives, as well as a downward revision of Turkish Cypriot representation in the public service and security forces in order to reflect the actual population ratio. Makarios' '13 points' have been severely criticized as an attempt to '[radically change] the 1960 Constitution, destroying the communal balance, which was the cornerstone of the constitutional and political arrangements of 1960'.¹⁶

Towards the end of 1963, the first inter-communal fighting since independence broke out, following the killing of two Turkish Cypriots by Greek Cypriots.¹⁷ The year 1963 also marks the division of the population of Cyprus and of the city of Nicosia: 25,000 Turkish Cypriots moved to enclaves controlled by their community and all Turkish Cypriot civil servants and officials withdrew from their posts. At this point, the Turkish Cypriot community started creating separate administrative structures, parallel to those of the Republic of Cyprus.¹⁸ Greek Cypriot policy in response aimed at

isolating the enclaves where Turkish Cypriots were living, by cutting off all external communication and assistance.

On the other side of the roadblocks, the Turkish Cypriot leadership instituted an iron discipline, often exercising brutal violence towards Turkish Cypriots, and forbidding any social and economic interaction with Greek Cypriots. Both leaderships had succeeded in demonizing the other group in the eyes of their communities, and achieved the segregation of the population on the basis of ethnic lines and geographical division. The conflict escalated throughout 1964 and led to the bombardment by Turkey of the area of Mansoura-Kokkina, situated in the north-west of Cyprus. Mediation attempts by other parties, such as the US-sponsored Acheson plan, did not yield an agreement, although US President Johnson, at the last moment, averted a military intervention by Turkey.¹⁹ A further crisis erupted in 1967 in the area of Kofinou, which once more led to widespread clashes between the two sides.

In 1967, a military *junta* overthrew the legitimate government in Greece and established a dictatorship that played a principal role in ensuing events in Cyprus. During the period 1968–74, the two communities initiated negotiations in order to reach an agreement on constitutional matters of the state. Under pressure as a result of its economic and political isolation, the Turkish Cypriot side had agreed to changes in line with the ‘13 points’. At the same time, the Greek *junta* grew hostile towards Makarios, while it fully supported an illegal organization created by former EOKA leader Grivas, named ‘EOKA B’, which committed a series of terrorist attacks.²⁰ On 15 July 1974, the *junta* staged a *coup d’état* in Cyprus with the active participation of ‘EOKA B’ and succeeded in establishing an unconstitutional regime for eight days.

Under the pretence of restoring the constitutional order, as a guarantor power, Turkey invaded Cyprus on 20 July 1974. Since then it has occupied 36 per cent of the territory of the Republic of Cyprus. The ramifications of the invasion were tragic: hundreds of thousands of citizens from both communities as well as from minorities were internally displaced; a number of killings, rapes and disappearances were added to those that had taken place in the preceding years; and it was a devastating blow to the economic life of the island. The UN Security Council issued Resolution 353 demanding an immediate end to the foreign military intervention.²¹ Meanwhile, the puppet government that was instituted in Cyprus by the *junta* had fallen, as did the *junta* in Greece itself.

Faced with the new situation, the Greek Cypriot side made a turn in its policy and agreed to negotiate with a view to reaching a solution in the form of a federal state. Two high-level agreements were reached between the

Greek Cypriot and Turkish Cypriot sides in 1977 and 1979. The former provided that:

- ‘1. We are seeking an independent, non-aligned, bi-communal Federal Republic.
2. The territory under the administration of each community should be discussed in the light of economic viability or productivity and land ownership.
3. Questions of principles like freedom of movement, freedom of settlement, the right of property and other specific matters, are open for discussion, taking into consideration the fundamental basis of a bi-communal federal system and certain practical difficulties which may arise for the Turkish Cypriot Community.
4. The powers and functions of the central federal government will be such as to safeguard the unity of the country having regard to the bi-communal character of the State.’²²

In essence, the two communities have been searching since then for a solution that will result in a bi-zonal, bi-communal²³ republic within which they will be politically equal.²⁴ Through this proposed solution, two constituent states would be formed within a future federated state. These constituent states would exercise several powers within the boundaries of their geographical area, without prejudice to the single sovereignty and international personality of the united Republic of Cyprus.

During the course of the past 36 years, various efforts and attempts by the international community to resolve the issue have taken different forms, as will be discussed later on in this report. Thus far, on each occasion, these efforts have failed to yield any tangible result, as each has been rejected by at least one side to the conflict. However, the efforts have resulted in the forming of a core framework containing the characteristics of a possible future solution, under which the two communities would be entitled to administer their own zones/constituent states, while the central government would be responsible for the economy, external affairs and defence matters. Two legislative bodies would be created: one would have an equal number of members of Greek and Turkish Cypriots in order to reflect the political equality of their communities, and the other would be constituted on the basis of their population ratio in order to reflect their actual sizes. Rigorous constitutional and institutional checks and balances would protect the numerically inferior community, and a dispute resolution mechanism would be put in place in order to avert or ultimately resolve possible deadlocks. It is also agreed that the federal state would have a single sovereignty, international personality and citizenship.

On 15 November 1983, the ‘Turkish Republic of Northern Cyprus’ (TRNC) was proclaimed.²⁵ The UN Security Council condemned and declared invalid this declaration through Security Council Resolutions 541²⁶ and 550.²⁷ In 1990, the Republic of Cyprus applied to join the EU and in 1993 it received a favourable Opinion from the European Commission. Twelve years later, UN Secretary-General Kofi Annan presented a plan to the two leaders, which subsequently went through various versions. Its fifth version was submitted to two separate referenda on 24 April 2004.

A week after the rejection of the Annan Plan in 2004, Cyprus joined the EU, along with another nine states. Its membership in an organization of this calibre raised as yet unrealized hopes that it would offer a concrete framework, which would influence the final characteristics of a solution.

In regard to the three minority religious groups, the 2004 Annan Plan was the only proposal to include far-reaching provisions pertaining to the future status of minorities. Despite this positive development, members of minorities themselves were not consulted during the negotiation process.

Maria Hadjipavlou, a Greek Cypriot interviewed for this report who represents a bi-communal women’s organization, stated that she believed ‘the Cyprus problem has become an “industry” and that there are vested

interests in the continuation of the current status quo’. With respect to the intractable conflict, it has been rightly observed that there has never been in Cyprus a decisive politico-ideological effort towards coexistence of the two communities. Rather, the elites of both the dominant communities have dreamt of an ethnically pure Cyprus, either Greek or Turkish. Thus, if any viable solution is to be reached, politics needs to be disentangled from nationalistic rhetoric. Moreover, a federation based solely on a balance between the Greek Cypriot and Turkish Cypriot communities would not suffice. What is needed is a pluralistic democracy, which will place citizens at the forefront and will accommodate their multiple identities.²⁸ Devising a new form of citizenship in Cyprus should include recognition of universally recognized rights as well as group-differentiated rights. Indeed, the two main communities on the island have hammered out solid and inflexible national identities for themselves, which, when brought to extremes, have inevitably led to conflicts between them. They have also concurrently worked to exclude the identities of minority groups. The claim for the accommodation of multiple cultural identities is echoed by the words of Yoryis Regginos, a Greek Cypriot representing a pro-LGBT rights NGO, who stated that he ‘hoped Cyprus finds the way to move forward without losing its identity, but also without being a captive of its identity’.

Minorities in Cyprus: constitutional provisions and current demography

Definition of minorities under international law

To date, there is no fixed positive legal definition of who constitutes a minority in international law. In 1930 the Permanent Court of International Justice defined a minority as a:

*'group of persons living in a given country or locality having a race, religion, language and tradition in a sentiment of solidarity, with a view to preserving their traditions, maintaining their form of worship, ensuring the instruction and upbringing of their children in accordance with the spirit and traditions of their race and mutually assisting one another.'*²⁹

More recently, the Human Rights Committee, commenting on Article 27 of the International Convention on Civil and Political Rights (ICCPR) has stated:

*'Article 27 confers rights on persons belonging to minorities which "exist" in a State party. Given the nature and scope of the rights envisaged under that article, it is not relevant to determine the degree of permanence that the term "exist" connotes.... Thus, migrant workers or even visitors in a State party constituting such minorities are entitled not to be denied the exercise of those rights.... The existence of an ethnic, religious or linguistic minority in a given State party does not depend upon a decision by that State party but requires to be established by objective criteria.'*³⁰

Nowadays, universal and regional legal instruments make reference to states' obligation to secure minority protection and non-discrimination. The main international legal instruments include the ICCPR³¹ and the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM).³² Cyprus is also bound by several regional treaties and agreements, namely:

- the European Convention on Human Rights (ECHR),³³

- the 12th Protocol to the ECHR, which establishes a stand-alone general prohibition of discrimination;
- the Council of Europe's FCNM;³⁴
- the European Charter for Regional or Minority Languages;³⁵
- EU Directive 2000/43/EC, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin;³⁶ and
- Charter of Fundamental Rights of the EU.³⁷

It is widely accepted that a group that has a distinct religious, ethnic or linguistic identity, that wants to preserve this identity, is numerically smaller to other groups within a society and is not dominant can be identified as minority.³⁸ According to the UN Human Rights Committee, whether a group is a minority or not is determined based on objective criteria; thus it is not up to any state to decide the existence of minorities in its territory.³⁹ Additionally, minority members do not need to be citizens of the state. Based on these criteria, it can be argued that there are several minorities in Cyprus, in addition to the three religious groups defined by the Constitution of Cyprus (discussed below).

Minorities are entitled to exercise all rights that are protected in any state and by international standards. They are guaranteed specific rights that are linked to their distinct identity with the aim of ensuring equality between these groups and the rest of the society. Some of the basic rights of minorities are as follows.

The right to self-identification: This includes minorities' right to express their distinct identity, and the right to choose to be or not to be called 'minority'. Forcing distinct groups to choose an identity that does not represent them, as minority groups in Cyprus have been forced to do, is against their right to express their own identity. The right to self-identification also guarantees the right of Cypriot minorities to define themselves as distinct 'ethnic', and not just religious, groups.

The right to preserve their distinct identity: Minorities are entitled to practise their culture, language and religion in private and public fields, without being subject to any unlawful or non-democratic restrictions. States are obliged to take measures, including providing funding when

necessary, to ensure that minorities can practise and preserve their cultural rights. These include the use of minority languages in mainstream education systems, in religious practice, in media, in politics and associations, and freedom to practise religion and to set up religious institutions. According to these international standards that are binding on Cyprus, measures need to be taken to ensure that all religious groups are guaranteed the right to set up their religious institutions.⁴⁰ For instance, in the context of Cyprus, members of the Alevi sect should be guaranteed the right to set up *Cemevis* as their places of worship and Buddhists should be able to establish temples; and linguistic groups such as Kurds and Bulgarians need to be guaranteed the right to learn and speak their language.

The right to public participation: This right includes minorities' right to participate in public affairs at local and national level, and to take part in decision-making processes, in particular on topics that relate to their rights. This also requires a right for minorities to set up their own institutions and network with each other at national and international levels.⁴¹ This right requires Cyprus to take further measures to ensure effective participation of the officially recognized minorities in decision-making processes, as well as to ensure participation of other minorities, so that they are represented in governance at local and national level.

The right to equality – prohibition of discrimination: Minorities are entitled to be equal before law and exercise all rights guaranteed by the state.⁴² This imposes both negative and positive duties on states: the duty to ensure equality before the law for everybody; and the duty to ensure the exercise of all rights on an equal footing, including taking temporary measures when necessary.⁴³ Additionally, EU legislation requires all member states to adopt comprehensive anti-discrimination laws that will define discrimination and set up effective mechanisms to provide adequate remedies, and set up equality bodies to play a role in the development of state policy on ensuring equality by monitoring state policy, carrying out research, and providing aid to the victims of discrimination.⁴⁴ In regard to the situation in Cyprus, comprehensive anti-discrimination legislation should be adopted in the northern part of Cyprus, and an independent body should be established to monitor implementation of this legislation.

The approach by the Republic of Cyprus to the issue of minorities

The Constitution of the Republic of Cyprus is bi-communal in character: citizens of the Republic are obliged to profess membership of either the Greek Cypriot or Turkish Cypriot communities.⁴⁵ 'Minorities' do not appear anywhere in the text of the Constitution,⁴⁶ although 'religious groups' are recognized as those groups of persons:

*'ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction thereof the number of whom, on the date of the coming into operation of this Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic.'*⁴⁷

Within this framework, the three religious groups recognized under the legal provisions of the Constitution of Cyprus are Armenians, Latins and Maronites, all of whom have a long-established, historical presence on the island. Roma, although present as a distinct group since before independence in 1960, are not formally recognized. This group has remained marginalized in Cypriot society and its situation has only recently come to the fore.⁴⁸

This constitutional arrangement is problematic, and has been criticized by the Advisory Committee of the FCNM in all three of its Opinions on the Republic of Cyprus issued to date. In its 2001 Opinion, in the context of members of minority groups choosing to belong to the Greek Cypriot community, the Advisory Committee commented:

*'that each person belonging to a religious group is, as an individual, entitled to make use of an opting out. However, in so doing, an individual may only choose to belong to the other community, that is to the Turkish Cypriot community. The Advisory Committee considers that such arrangements, provided for by Article 2 of the Constitution, are not compatible with Article 3 of the Framework Convention, according to which every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such.'*⁴⁹

The Advisory Committee reiterated the same criticism in its 2007 Opinion, where it stated that it was deeply concerned by the continuing existence of this obligation.⁵⁰

It has pointedly been observed that:

*'in the Cypriot system, political integration operates through the mediation of cultural communities; it is through the affiliation with a cultural community that individual citizens participate in the political institutions. This conflicts with a critical dimension of contemporary international minority rights, namely the idea that people should be free to identify or not with a cultural group.'*⁵¹

Indeed, the current system by which all citizens of the Republic of Cyprus are obliged to join either of the two communities is an anachronistic remnant of the 1960 arrangement, which does not reflect current approaches to citizenship, civic duties and rights for individuals, irrespective of their distinguishing ethnic, religious, cultural or linguistic affiliation and their choice to belong or not to a particular group.

The current system also fails to account for other minority groups in Cyprus. Apart from the three religious groups mentioned above, no other group is recognized as a minority under Cypriot law, either in the Republic of Cyprus or the TRNC. Turkish Cypriots in the south and Greek Cypriots in the north are considered as *sui generis* minorities. By this it is meant that the two groups, for reasons related to the forced displacement of populations, have found themselves in a numerically inferior status with respect to the societal context in which they exist. In addition, minority groups have been created by immigration, which has considerably altered the demographic features of Cyprus in the past three decades. These groups also fall under the category of minorities that have not been constitutionally recognized.

Apart from this constitutional framework, the Republic of Cyprus has made it clear in its State Reports submitted to the Advisory Committee:

*'Other than the Constitution of Cyprus, which refers to "Communities" and "religious groups" ... and which does not in any event refer to them as "minorities" or "national minorities", there is no domestic Law which purports to give a definition of the term "national minority", or which enumerates groups as "national minorities".'*⁵²

Further, it has stated that:

*'Since the Framework Convention for the Protection of National Minorities contains no definition of the notion of "national minorities", it is up to the individual contracting party to determine the national minorities to which it shall apply the Framework Convention.'*⁵³

More broadly, on the issue of the possibility of the creation of 'new' minorities owing to the influx of immigrants in Cyprus, it has denied that the scope of the FCNM could extend to groups other than traditional ethnic minorities.⁵⁴

Constitutionally recognized minorities

Maronites, Armenians and Latins are the three groups that have been recognized as 'religious groups' pursuant to the relevant constitutional provisions. At the time of independence, Maronites numbered 2,752 members, Armenians 3,628 and Latins 2,000.⁵⁵ Soon after independence and in line with the constitutional arrangements,⁵⁶ the religious groups were required to opt to 'join' either the Greek Cypriot or Turkish Cypriot community.⁵⁷ All three chose to join the Greek Cypriot community.

Articles 109 to 111 of the Constitution of the Republic of Cyprus include a series of provisions relating to the recognized religious groups, including the right to be represented at the Communal Chambers.⁵⁸ In the course of political developments after 1963, the Communal Chambers of both communities have become obsolete, and the competences of the Greek Cypriot Communal Chamber have been transferred to the House of Representatives and to the Ministry of Education.⁵⁹ Nowadays, the three religious groups can each elect one person as their representative to the House of Representatives. The groups' representatives have a right to present the group's views to any public body of the Republic of Cyprus.⁶⁰ However, they cannot cast a vote or address the House of Representatives, and their role today appears marginalized since they are vested with no effective political power. It is notable that when he was interviewed for this report, the representative of the Maronite group, Antonis Hadjiroussos, regretted the fact that decisions on affairs affecting his group are taken even before he is consulted. More specifically, he mentioned that:

'there is a lot to be done on minority rights. Although I am a member of parliament, I am not allowed to vote. We had a position before in the communal chamber, but it was cancelled. They put us in the parliament without rights. No right to vote or to speak in the parliament. Pursuant to the Constitution, they should take my opinion when there is an administrative act concerning Maronites, but they never do so. They act party politics. They do things even before the representative learns.'

Maronites⁶¹

Maronites form part of a recognized sect of the Roman Catholic Church, established in the seventh century as an autonomous Church. Between the eighth and thirteenth centuries, groups of Maronites fled to Cyprus. The Holy Synod of the Maronite Church elects the Maronite archbishop and the Pope ratifies his election. The denomination originated in the Middle East, in a region that today forms part of Syria and Lebanon, and currently Maronites from the area of Kormakitis in northern Cyprus continue to speak Cypriot Maronite Arabic. This is a language recognized by the Republic of Cyprus within the meaning of the European Charter for Regional or Minority Languages.⁶² The group strives to preserve its distinct customs, culture and traditions.

Before 1974, 90 per cent of Maronites lived in four villages on the north-west coast of the island. They were farmers and livestock owners, and some were substantial landowners. After the Turkish invasion, 80 per cent of the group was internally displaced, while the rest remained in the northern part of Cyprus. The number of Maronites living in the north had been reduced to 170 by 1997,⁶³ and in 2010 stood at 133.⁶⁴ The total population of the group today is estimated to be 6,000.⁶⁵ Maronites consider themselves to have a distinct ethnic and linguistic identity, in addition to their religious identity.⁶⁶

The main problems faced by this group relate to the deterioration of living conditions of Maronites who reside in the northern part of the island, and their lack of official recognition as an ethnic minority in the north. In the southern part of the island, Antonis Hadjiroussos, the officially elected Maronite representative, stated in his interview that 'the larger Greek Cypriot community is gradually assimilating [my] community'. The problem is exacerbated by the fact that Maronite children have for years attended Greek Cypriot schools, where no minority languages are taught. George Skordis, a Maronite living in the southern part of Cyprus complained that his community has

'no access to the church of Agia Marina, in the area of Kormakitis, which is an important religious site for the Maronite community. Additionally, the requirement for Maronites to serve in the army is a problem because Maronites believe that it is too Greek and too Orthodox. We are afraid of racism.'

In addition to these problems, Maronites have been met with suspicion by Greek Cypriots because they have had some freedom to cross the ceasefire line, even at times when this was not possible for anyone else. Concurrently, Maronites are perceived by Turkish Cypriots as siding with

the Greek Cypriots. It is evident that the Maronite minority has come under considerable pressure from both sides, and it comes as no surprise that Chrystalla Tsoutsouki, a member of an NGO named 'Hki Fi Sanna' (Let's speak our language), expressed the hope that the members of her community 'would not be ashamed in the future to say they are Maronites'.

Armenians

The first Armenians⁶⁷ settled in Cyprus in the sixth century, and the community continued to grow over the following centuries.⁶⁸ However, the main migration wave to Cyprus followed the Armenian genocide of 1915–23.⁶⁹

At the time of Cypriot independence, the Cypriot Armenians, who then numbered 3,628, lived mainly in the Turkish Cypriot section of Nicosia, near the area of what is today the ceasefire line. At the close of 1963, when violence between Greek Cypriots and Turkish Cypriots broke out, they were forced to move into the southern part, where the Government of the Republic of Cyprus gave them land on which to build their churches and schools.

Current estimates put the number of Armenians residing in Cyprus at 2,600 to 3,500, all of them in the southern part of the island.⁷⁰ The Armenian Church of Cyprus has a local bishop, whose seat is in Nicosia, which comes under the jurisdiction of the Catholic and Grand Chamber of Cilicia.⁷¹ The Armenian language is covered by the European Charter for Regional or Minority Languages,⁷² and Armenian continues to be used during religious events,⁷³ although Armenians in Cyprus tend to use Greek in their everyday life.

The group has a linguistic, cultural and historical identity, which allows it to be regarded more broadly as an ethnic minority.⁷⁴ Vartkes Mahtessian, the Armenian representative to the House of Representatives, expressed his deep concern for the preservation of the linguistic identity of his community, since Armenian is spoken by so few in an environment where Greek is the dominant language. Additionally, he stated that Armenians own large properties in the areas that are under Turkish occupation, but cannot for that reason make use of them. Another preoccupation for the community is the closure of the Melkonian Institute in Nicosia. Until funding from the Armenian General Benevolent Fund was withdrawn, this school provided Armenian-language secondary education, and had played a central role in the education of the community's members.⁷⁵

'Latins'

The presence of Roman Catholics – officially known as Latins – dates back to the twelfth century and the time of the crusades. In 1196, the Catholic Church officially established its presence on the island and was accorded precedence over the Orthodox Church. In the aftermath

of the conquest of Cyprus by the Ottomans in 1571, the Catholic Church's official role was terminated, but Catholics, of various origins, still remained on the island, experiencing periods of both prosperity and decline.

In 1960, this group joined the Greek Cypriot community and since then has maintained one representative in the House of Representatives. The group also has a religious leader, the General Vicario of the Latins, and a Nuncio. In 1991, the official population amounted to 250 persons, although research undertaken by the community itself indicated that the figure was closer to 900.⁷⁶ Today, the total number of Roman Catholics permanently residing in the island is 7,000. Adding EU citizens who do not have permanent residence, the total number rises to 13,000.⁷⁷ The traditional core of the group, which traces its origins to above-mentioned historical roots, speaks Greek.

Many Roman Catholics do not believe that the term 'Latin' assigned to their group fully reflects their identity.⁷⁸ Rather, they have requested that their essential characteristic of Roman Catholicism is properly reflected in the official name of their group.⁷⁹ Sophie Tsouris, president of the Latin Community Youth Organization, stressed that the educational system in the southern part of Cyprus is overtly Orthodox-centred, resulting in Catholicism being completely ignored. This illustrates a point made by many interviewees, who felt that the educational system of the Republic of Cyprus is inflexible in its commitment to promote Greek identity, to the exclusion of a more inclusive civic identity. A similar educational policy is followed in the northern part of the island, in order to promote Turkish identity for all.

Not everyone shares this view. The official representative of the Latin community, Benito Antonio Mantovani, stated that the rights of the community are respected, and there are no problems or impediments to the exercise of its religious rights. The representative also underplayed his official office by describing himself as not being the political representative of the members of the community, but rather the connecting link between the members of the religious group and the government on issues of their concern, while his role in the House of Representatives is to take care of the demands of the community's members.

Minorities not recognized under the Constitution

Turkish Cypriots living in the southern part of Cyprus

The government of the Republic of Cyprus does not recognize Turkish Cypriots residing in the southern part of the island as a minority. Also, the Turkish Cypriot community in the south itself has long rejected the idea

that it constitutes a minority on the island.

Notwithstanding this, for the purposes of this report the numerically inferior status of Turkish Cypriots residing south of the Green Line, in combination with their distinct characteristics, are sufficient elements to consider them as a *sui generis* minority.

A small number of Turkish Cypriots reside permanently in the areas under the control of the Republic of Cyprus. In 2009, 548 Turkish Cypriots were registered on the electoral roll of the Republic of Cyprus,⁸⁰ while 2,149 were legally working in the same area.⁸¹ The Advisory Committee found that:

*'As a result of the conflict which continues to divide the island, constitutional arrangements regarding the two communities are not fully applied and most of the Turkish Cypriots who live in the territory under Government control find themselves isolated and marginalized politically, economically, socially and culturally. Similarly, the constitutional provisions granting Turkish official language status alongside Greek, are not applied.'*⁸²

Şener Yusuf, a Turkish Cypriot residing in the southern part, reported his fear of freely expressing his views and the difficulties he encounters when he needs to address any branch of the public administration.

Greek Cypriots living in the northern part of Cyprus

The same considerations apply equally to Greek Cypriots residing in the north. Following the 1974 invasion, 20,000 Greek Cypriots remained in the northern part of Cyprus. With the passage of time, their number has decreased, mainly due to a systematic policy of harassment, discrimination and persecution employed by the authorities. In the interstate application of *Cyprus v. Turkey*, the ECtHR found violations of Articles 3, 9, 10, 11, 13, a continuing violation of Article 1 of Protocol No. 1 and Article 2 of Protocol No. 1.⁸³ Nowadays Greek Cypriots residing in the northern part number less than 454.⁸⁴

Roma

Roma have long been marginalized in the public life of the island. After independence, Roma numbered 502, while current, albeit non-corroborated estimates take the number up to 1,000. 'Officially, neither the Republic of Cyprus in the south, nor the unrecognized Turkish Republic of Northern Cyprus (TRNC, in the occupied northern part of Cyprus), recognize the Roma as a separate ethnic minority group; they are considered to be Turkish Cypriots.'⁸⁵ However, they are recognized socially as a separate ethnic group.

In its reports to the Advisory Committee, the Republic of Cyprus has stated that:

‘although precise figures are not available, it is estimated that 620–650 Cypriot Gypsies [sic.] reside in the Government controlled area.’⁸⁶

Its formal status in the domestic legal order remains to be clarified, despite the fact that since 1960 it has continued to be regarded as belonging to the Turkish Cypriot Community, mainly due to the fact that its members opted to move to the north of the island after 1974.

‘The reason for this is believed to be primarily that Cypriot Roma speak the Turkish language and secondarily, because they are of Muslim religious persuasion. It should however be noted that Cyprus Roma who are known in the Turkish Cypriot community as “Kurbet/ Gurbet” have their own unwritten language “Kurbetcha”. Apparently, with the passing of time, Turkish has displaced Kurbetcha. The larger groups of Cyprus Roma have settled in the towns of Morphou and Famagusta, towns located in the Turkish-occupied area. In the last decade, a large number of Cyprus Roma claiming discrimination and poor employment opportunities in the occupied area have crossed over the division line to the Government-controlled area. They have settled in the city of Limassol and in the vicinity of the city of Polis in the Paphos District. The authorities provide the Cyprus Roma housing, healthcare, a welfare subsidy, schooling for their children as well as employment.’⁸⁷

In 2001, the ECtHR, in the interstate application of Cyprus v. Turkey, found that individuals who were members of the Roma minority had been subjected to violations of human rights in the areas occupied by the Turkish forces. As pointedly remarked by the Advisory Committee, the Roma minority has not been offered a chance to express its ethnic affiliation freely.⁸⁸

Housing, education, unemployment and intolerance from the rest of the population are the four main challenges faced by this minority group. Roma interviewees on both sides of the dividing line, who wished to remain anonymous, particularly stressed their sense of belonging to the Turkish Cypriot community and did not insist on their distinct characteristics. Further, they underlined the lack of respect and overt discrimination they experience in their dealings with the authorities on both sides. In the 1990s there was a highly publicized movement of Roma in the north of Cyprus who asserted their right to self-definition, demanded that they be called *Gurbet* rather than *Cingene*, and insisted on their special

status as a distinct group within Turkish Cypriot society. Artists, media people, teachers and other ‘successful’ *Gurbet* people were in the forefront of the movement.

Migrants

Turkey’s policy of colonization since 1975 has resulted in a high number of migrants from Turkey arriving in the northern part of the island. Their presence on the island is a sensitive political issue, meaning that it is difficult to ascertain exactly how many Turkish migrants currently reside in Cyprus. Information released by the Republic of Cyprus states that currently their number is 162,000, while the number of Turkish Cypriots has dropped from 116,000 in 1974 to 88,100 today.⁸⁹ Other sources provide different figures: a report by the Peace Research Institute Oslo estimates that ‘the total number of TRNC citizens of Turkish-mainland origin currently residing in northern Cyprus is between 32,000 and 35,000 plus offspring’ and that ‘the total number of Turkish-originated temporary residents (non-citizens) is estimated (for 2005) at about 102,000’.⁹⁰ It should be noted that there are now young people who are second- and third-generation descendants of migrants from Turkey, who consider themselves to be Cypriots, and this of course impacts on the numbers suggested by both sides as to who is considered to be a migrant from Turkey. A number of migrants from Turkey have been granted ‘citizenship’ rights by TRNC authorities, thus creating a paradox that Turkish Cypriots now number fewer than settlers. In addition, there are Kurds, Bulgarians of Turkish origin, and Alevis who have also migrated to Cyprus from Turkey.

In addition to migration from Turkey, immigration flows from other countries in the EU, and beyond, have risen significantly in the past two decades. The main groups are citizens from other EU countries (72,264 in 2009),⁹¹ and third-country nationals, mainly consisting of Filipinos, Sri Lankans, Palestinians, Iranians and Russians, who altogether totalled 65,597 in 2009.⁹² In a press conference held on 11 November 2010, the Minister for the Interior stated that the total number of immigrants residing in the southern part of Cyprus is around 100,000; of these, 66,000 reside legally, half of whom work as domestic workers. Additionally, he mentioned that there are 97,645 EU nationals resident on the island.⁹³

The Republic of Cyprus approaches the issue of migration as a national security threat, which puts a strain on its resources.⁹⁴ In this respect, the Advisory Committee has warned that:

‘the situation of non-nationals, who find themselves particularly vulnerable to intolerance, racist manifestations and discrimination, is a serious cause of concern and requires immediate action.’⁹⁵

And:

*[T]oo little is being done by the authorities to protect non-nationals (legal immigrants, illegal immigrants and asylum-seekers) and [the Advisory Committee] considers that these persons' situation is a serious cause for concern.... The Advisory Committee is concerned about the situation in which asylum-seekers continue to find themselves, especially as regards detention, access to the asylum procedure, protection against refoulement, access to legal aid, and the conduct of the police towards them.'*⁹⁶

Migrant groups share common difficulties and obstacles in both parts of the island. In the northern part of Cyprus, Alevis – adherents to the Alevi Shi'a sect of Islam – have long been requesting that the TRNC provide a 'cemevi' (i.e. a place of worship) or financial support to build one, where they would be able to follow the worship practices of their sect. This has not been granted. Alevis have also protested against the introduction of religious education in schools, because the teaching of Sunni Islam does not correspond to their beliefs. Their religious identity has given rise to suspicion and has resulted in Alevis having problems in obtaining TRNC 'citizenship'.

Bulgarians of Turkish origin living in northern Cyprus experience social pressure not to speak Bulgarian in public. Emin Yıldırım, a Bulgarian of Turkish origin said: 'We want to speak Bulgarian but we hesitate to speak Bulgarian because of social pressure.... When we speak Bulgarian people might think that we are not Turks.'

The same holds for individuals of Kurdish origin. Older members of the community have difficulties accessing public services, because they are unable to speak Turkish. In addition, Kurds also encounter other problems. Police in northern Cyprus monitor Kurdish communal activities, such as social and political gatherings, and Kurdish interviewees reported that they cannot celebrate Newroz.⁹⁷ Fatma Demier, a Kurdish woman living in the northern part of Cyprus stated that:

'in weddings I remember we couldn't sing Kurdish songs until five years ago. Police threaten wedding organizers to ban Kurdish music bands. In the 1990s during a wedding police came to arrest music band members who came from Turkey. There are even secret police in our wedding parties. In Newroz celebrations police cars are always patrolling. When we sing Kurdish songs or dance the police start to record us and many people are afraid because of this.'

Members of Kurdish groups interviewed for this report have also encountered serious problems in creating civil society organizations, violating their right to freedom of association.

At the same time, south of the Green Line, newer groups of migrants also experience a range of serious problems.⁹⁸ Bulgarians and Russians, who constitute sizeable groups within Greek Cypriot society, experience particular discrimination in the field of work. Kalin Pavlov, a Bulgarian who was interviewed for the purposes of the present report, stated that a fundamental problem his peers experience is that they are not paid the same as Cypriot colleagues for the same work.

Cyprus is also a destination country for trafficking in persons, many of whom end up working in the entertainment industry or as domestic workers.⁹⁹ Anna Zobnina, a Russian interviewee, made the point about the harsh conditions that 'artists'¹⁰⁰ encounter in cabarets. Her views are corroborated by the findings of the recent judgment of the ECtHR in the case of *Oxana Rantseva v. Cyprus and Russia*.¹⁰¹ Sri Lankan workers brought to Cyprus often find that their employers do not fulfil their contractual obligations. Malkanthi Papageorgiou, a Sri Lankan woman married to a Cypriot citizen, reported that her compatriots, who come to Cyprus mainly to take up manual work, are maltreated by police and hospital authorities, and face difficulties in securing a building for religious purposes.

Peace-making attempts by the international community

Five serious attempts to bring the conflict to an end took place between 1978 and 2004.¹⁰² These attempts were mainly sponsored by the UN, which invested much time and effort in trying to bridge the diverging positions of the two communities on a wide array of issues. Significantly, only the 2004 Annan Plan – drawn up by then UN Secretary General Kofi Annan – included minority-related provisions. But even here, as with all previous plans, minorities living in Cyprus were not invited to participate in consultation processes or submit recommendations.

The first plan was the 1978 ‘ABC plan’, named after the three countries – America, Britain and Canada – that formulated the 12-point plan. This was the first comprehensive attempt after 1974 to set a general framework for a solution, and provided for the creation of a federal state within which every community would administer its own constituent region. The central government would have specific competences on external affairs, defence, currency and the central bank, telecommunications, immigration and civil aviation. The president and vice-president would come from two different communities, endowed with a joint veto power on federal legislation. A bicameral legislature would be established, with the upper chamber evenly divided between the two communities, and the lower one divided on a population-ratio basis. Although both sides rejected the plan much of it survived in future proposals.

The next attempt was made by the then UN Secretary-General Perez de Cuellar, who submitted a Draft Framework Agreement in 1986.¹⁰³ It contained arrangements similar to the ‘ABC’ plan for the structure of the federal state and afforded a separate veto power to the president and vice-president on all matters. This initiative was rejected by the Republic of Cyprus Government, but was accepted by the Turkish Cypriot side.

De Cuellar then submitted a new plan in 1989, this time named ‘Set of Ideas’. Much of the 1986 attempt was repeated, with some amendment. The two regions were solely referred to as ‘states’; in the northern part of the island, Turkish Cypriots would constitute the majority of the population and most land would be owned by Turkish Cypriots, and in the south, Greek Cypriots would constitute the majority of the population and own most land. Veto power was granted only for matters of defence, security, foreign affairs, taxation, citizenship and budget.

This time, the proposal was accepted by the government of the Republic of Cyprus as a basis for negotiations, but rejected by the Turkish Cypriot side.

The successor UN Secretary-General, Boutros-Boutros Ghali, submitted his own ‘Set of Ideas’ for an overall framework agreement in 1992.¹⁰⁴ Political equality of the two communities remained a key component. Along with the set of ideas came a map which included specific territorial adjustments through concessions made to the Greek Cypriot side. Talks on the basis of these ideas were initiated, but soon came to an end, mainly due to the intransigence of the Turkish Cypriot side. Rejectionist voices were also present within the Greek Cypriot political community.

In 2002, the first of five versions of the Annan Plan was submitted to the two sides.¹⁰⁵ From November 2002 until April 2004, negotiations on the plan were held and resulted in the fifth and final version, which was submitted to separate referenda to the two sides. In the meantime, restrictions on freedom of movement within the island were partially lifted in April 2003, meaning that people from both geographical areas could cross over to the other side. The Annan Plan was the only instance where the population of Cyprus were given the opportunity to express an opinion on a proposed solution. The Plan was rejected by 76 per cent on the Greek Cypriot side, whereas the Turkish Cypriot side voted ‘Yes’ by 65 per cent.

In contrast to previous plans, the Annan Plan included very detailed arrangements as to how the settlement would work. A federal state would be set up, with a single sovereignty and international personality, while the constituent states would enjoy considerable autonomy on a wide range of matters. The resolution of the property issue was based on a complex and multi-layered system, and assumed that a number of Turkish migrants would remain on the island. Turkish troops would steadily leave, while the majority of Greek Cypriot displaced persons would return to their homes under territory that would be returned to Greek Cypriot administration.

With respect to minorities themselves, two key provisions merit attention. Article 4(3) of the proposed agreement provided that:

‘The rights of religious minorities, namely the Maronite, the Latin and the Armenian, shall be

safeguarded in accordance with international standards, and shall include cultural, religious and educational rights as well as representation in federal Parliament and constituent state legislatures.'

Moreover, Article 11(4) of the same agreement stated:

'The federal government and the constituent states shall, within their respective spheres of competence, afford minorities the status and rights foreseen in the European Framework Convention for the Protection of National Minorities, in particular the right to administer their own cultural, religious and educational affairs and to be represented in the legislature.'

Were this plan to come into force, it would provide for a constitutional structure that would include significant protection to the three religious groups already recognized by the current Constitution.

The Annan plan stands as a missed historical opportunity for the final settlement of the Cyprus problem and for rights protection to be afforded to some of the minority groups living on the island. But it cannot go unnoticed that this protection was intended solely for the three historical minorities already included in the Constitution of Cyprus. Added to this downside, even these provisions were negotiated by the Greek Cypriot and Turkish Cypriot sides without consulting the minority groups concerned. While the prospect of potential reunification and membership of the EU had mobilized thousands of Turkish Cypriots to support the Plan, on the other side of the Green Line a passionate 'NO' campaign had destroyed any realistic expectation that the settlement would be approved. Feared economic repercussions were among the main reasons for its rejection on the Greek Cypriot side, along with the sense of insecurity that many in the Greek Cypriot community bear towards Turkey, and the allocation of offices and the overall power-sharing

scheme between the two communities, which was perceived to be one-sided. President Papadopoulos and the rejectionist camp played the EU membership card as a promise that would strengthen the negotiating position of the Greek Cypriot side. Most other political leaders failed to take a responsible stance and look towards the future, preferring instead to fuel fear and insecurity.

The involvement of civil society groups and activists reached unprecedented heights in the case of the Annan Plan. This was not surprising since it was the first time that such a detailed plan had been submitted to referendum. Various local and international organizations engaged in public campaigns to provide as much information as possible on the Annan Plan and support the 'Yes' vote.¹⁰⁶ At the same time, the Orthodox Church and traditional right fought against the plan, aided by the local mass media. By boosting nationalistic fervour and labelling 'Yes' supporters as 'traitors', this right-wing campaign once again divided Greek Cypriot society. Also the clear 'No' stance of AKEL, the Communist Party, was instrumental in the eventual rejection of the plan.

Two years after the referenda were held, the two sides came to the negotiating table once again. In an agreement signed on 8 July 2006, the leaders of the two communities reiterated their commitment to 'the unification of Cyprus based on a bi-zonal, bi-communal federation and political equality, as set out in the relevant Security Council resolutions',¹⁰⁷ and decided to set up technical committees on issues that affect the day-to-day life of people.

In early 2008, Demetris Christofias, Secretary-General of the AKEL party, was elected as President of the Republic of Cyprus, under the slogan of 'Fair solution – Fair society'. Hopes for a serious re-initiation of negotiations were renewed as it was hoped that Christofias' ideological affiliation with the Turkish Cypriot leader Mehmet Ali Talat would give the impetus that was lacking until then. Negotiations have been ongoing since under the banner of 'A solution from Cypriots for the Cypriots', with no tangible results thus far.

Current negotiations

The current round of negotiations was initiated on 3 September 2008. Once again, minorities have neither been included nor consulted in the negotiation process.

The first thematic area of the negotiations was governance and power-sharing (presidency and vice-presidency, structure of the federal government, legislature and other institutions). At the beginning of 2009, the Special Representative of the UN Secretary-General in Cyprus stated that the two sides had reached 'full agreement on the issue of harmonization and cooperation between the federal government and the constituent states or federal units'.¹⁰⁸ The first round of talks was concluded after 40 meetings on 6 August 2009. During these discussions other thematic areas included the property issue, European matters and the economy. The next round, begun on 10 September 2009, went on to cover procedural matters of the negotiations and issues of citizenship, immigration and asylum. After almost 20 meetings, the two leaders agreed to intensify their talks. In this context two rounds of intensive talks took place in January 2010. On 31 January 2010, the UN Secretary-General visited the island ostensibly to express his strong support for the

process, while local press reported that this was sparked by the fact that negotiations had reached a halt.

In April 2010, Mehmet Ali Talat was voted out and Derviş Eroğlu, a right-wing politician, came to power in the northern part of Cyprus. Talks resumed in May 2010 and meetings were held in June and July. In the last of those meetings, President Christofias submitted a package of proposals which included the linkage of the discussion of the property issue with the chapter on territorial adjustments and the chapter on immigration, nationality, aliens and asylum; the return of the fenced city of Famagusta to the United Nations; and, upon reaching agreement on a range of internal issues, an international summit, to be organized by the UN.¹⁰⁹ The Turkish Cypriot side rejected this package, but talks continued throughout August.¹¹⁰ During September, further full-day talks were held between the two leaders. The UN Secretary-General met the two leaders in New York on 18 November 2010¹¹¹ and in Geneva on 26 January 2011.¹¹² As the political situation currently stands, it is impossible to make any prediction for the final outcome of the process of negotiations.

The current situation for minority groups in Cyprus

Human and minority rights framework

Republic of Cyprus

The Republic of Cyprus is party to almost all core human rights conventions, including those relating specifically to minority rights. These include:¹¹³

- International Convention on the Elimination of All Forms of Racial Discrimination;¹¹⁴
- International Covenant on Civil and Political Rights;¹¹⁵
- International Covenant on Economic, Social and Cultural Rights;¹¹⁶
- Convention on the Elimination of All Forms of Discrimination against Women;¹¹⁷
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;¹¹⁸
- Convention on the Rights of the Child;¹¹⁹
- ILO Convention No. 111 on discrimination in employment;¹²⁰ and
- Framework Convention for the Protection of National Minorities.¹²¹

The Republic of Cyprus is also a signatory to the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.¹²²

At the regional level, the Republic of Cyprus is a party to the European Charter for Regional or Minority Languages,¹²³ and the European Convention for the Protection of Human Rights and Fundamental Freedoms.¹²⁴

Cyprus, in line with all other EU member states, has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).¹²⁵ This Convention includes a series of far-reaching rights for migrant workers, which improve significantly their legal standing within a given domestic legal order. In fact, the lack of ratification was taken up in January 2010 by the UN Working Group on the Universal Periodic Review when examining Cyprus, which recommended that Cyprus consider ratifying the Convention's ratification.¹²⁶

Monitoring of human and minority rights

Cyprus has submitted three reports to the Advisory Committee of the FCNM and has received three Opinions by this body.¹²⁷ The Advisory Committee has been critical of the obligation imposed on the three established minority groups and their members to affiliate to either the Greek Cypriot community or the Turkish Cypriot community, as well as of the obligation (and not right) to vote for their representative in parliament.¹²⁸ It has also expressed its concern on educational issues pertaining to minority groups and the lack of actual integration of Turkish Cypriots residing in the southern part of the island.

The UN Working Group on the Universal Periodic Review recommended that the Republic of Cyprus further promote the identity and culture of religious minority groups. It also suggested that it should raise awareness in society about the historical presence in Cyprus of these religious minority groups; that it should further ensure political representation of the three religious minority groups and promote their stronger involvement in the planning and implementation of various projects; and should provide financial assistance for their educational and cultural needs.

Amnesty International's 2009 country report on the Republic of Cyprus highlighted, among others, three distinct areas of concern: refugees' and migrants' rights; racist violence; and violence against women and girls.

*'On 18 December, 40 teenagers attacked a 14-year-old Cypriot girl whose family had repatriated from Sudan, after her team won a volleyball match. The youths reportedly punched and kicked her repeatedly while shouting racist abuse, and she was hospitalized with serious injuries as a result. The attack was strongly criticized by politicians and the Minister of Education, while local NGOs reported failures in the police investigation of the incident.'*¹²⁹

Another incident of racist violence took place on 20 July 2010 against a Nigerian student.¹³⁰ The media have highlighted the increasing visibility of a neo-fascist group, named ELAM, and its responsibility for incidents of this nature.¹³¹ However, the most alarming incident of racist

violence took place on 5 November 2010 when a group of nationalistic marchers attacked participants in an anti-racist festival in the town of Larnaca, in the southern part of the island.¹³²

TRNC

In regard to the human rights situation in the northern part of the island, the Turkish Cypriot Human Rights Foundation reports that a comprehensive monitoring mechanism for the human rights situation is not yet in place.¹³³ However, the foundation identifies serious problems in regard to the rights of women, persons with disabilities, refugees, children, members of the LGBT community and detainees, as well as issues relating to human trafficking. A core set of international human rights instruments has also been transposed into the legal framework in the TRNC,¹³⁴ but as it is not a recognized state, the monitoring procedures available elsewhere cannot be applied.

In regard to minority rights, the TRNC Constitution does not provide for any sort of protection to minorities, nor does it recognize any minority groups in the territory under its administration. The Turkish Cypriot Human Rights Foundation reports that: 'Greek Cypriots and Maronite residents are prohibited from participating in Turkish Cypriot "national" elections', something that does not hold for Roma, who have such a right.'¹³⁵ The same foundation comments on the actual conditions of Greek Cypriots, Maronites and Roma, that: 'there is clear inconsistency with basic rights in the practices of the authorities which make daily life both difficult and uncertain'.¹³⁶ Examples of various complaints relate to issues such as property, residency, 'citizenship' rights, freedom of movement and freedom of religion. Freedom House, an international NGO, reports for 2010 that:

*'Greek and Maronite Christian residents of the north are disenfranchised in the TRNC, but many vote in elections in the southern Republic of Cyprus. Minorities are not represented, and women are underrepresented, in the Assembly.'*¹³⁷

How does conflict affect the exercise of rights by all communities?

For many decades, the human rights discourse has predominated in intra- and inter- community relations. The Greek Cypriot and Turkish Cypriot communities have invoked human rights violations against each other, engaging in a perpetual 'blame game' which seeks to discredit the other side in the eyes of the international

community. As a result, little attention has been paid to abuses of human rights within each community, to the extent that reporting such abuses may be regarded as unpatriotic, in the sense of exposing internal human rights problems to the outside world. Instead, each community always strives to show that it is the other community that is the sole perpetrator of human rights abuses.

The Greek Cypriot side has denounced Turkish aggression and the 1974 invasion, which resulted in the internal displacement of nearly a third of the population, and killings, rapes and disappearances of persons from all communities. In 2001, the Grand Chamber of the ECtHR handed down its judgment on the interstate application of Cyprus against Turkey, which found violations of many ECHR articles and has since been regularly invoked by the Republic of Cyprus. The major findings of the ECtHR related to disappearances of persons, property rights and the situation of the Greek Cypriots residing in the north. Notably, the ECtHR did not find any violation of the rights of members of the 'Turkish-Cypriot Gypsy' [sic.] community under Article 3 (prohibition of degrading treatment), Article 5 (right to liberty and security), Article 8 (respect for private and family life) and Article 14 (prohibition of discrimination) of the ECHR, nor a violation of Article 9 (freedom of thought, conscience and religion) in respect of Maronites living in the northern part of Cyprus.

A set of applications by Greek Cypriot individuals to the ECtHR relating to property claims resulted in damning judgments against Turkey.¹³⁸ However, in one of its recent judgments,¹³⁹ the ECtHR decided to divert all pending and future applications with the subject-matter of property claims to the Immovable Property Commission (IPC), a body established by Turkey in TRNC.¹⁴⁰

The Turkish Cypriot community has equally denounced violations of human rights carried out by the Greek Cypriot side. Most prominently, the Turkish Cypriot community claims that it has been isolated from the international community due to the embargo imposed since 1963.¹⁴¹ The Turkish Cypriot community also deplored massacres against its members in 1963 and 1974 by Greek Cypriots, disappearances of persons mainly during the inter-communal fighting of 1963–4, deprivation of property rights¹⁴² for property in the areas under the effective control of the Republic of Cyprus, and negation of their political rights, bestowed to them under the Constitution of the Republic of Cyprus.

Finally, in *Aziz v. Cyprus*, the ECtHR found a violation of Article 3 of Protocol 1 and a violation of Article 14 of the ECHR taken in conjunction with Article 3 of Protocol No. 1 on account of the complete deprivation of the applicant, as a member of the Turkish-Cypriot community living in the government-controlled area of Cyprus, of any

opportunity to express his opinion in the choice of the members of the House of Representatives of the country of which he was a national and where he had always lived.¹⁴³ This judgment prompted legislative action by the Republic of Cyprus that resulted in the adoption of a law providing for the right to vote and the right to stand for election for the Turkish Cypriots residing permanently in the areas under the effective control of the Republic of Cyprus.¹⁴⁴

Minority rights violations and the conflict

Interviews undertaken for this research reveal several categories of human rights that are affected either as a direct result of the occupation of the northern part of Cyprus or as an indirect ramification of the conflict. Two of the historical minorities of Cyprus, Armenians and Maronites, have experienced significant loss of immovable property. The Turkish Cypriot authorities deprive these communities of access to religious sites of great importance to them. As a result of their forced displacement, their communities have been torn apart. And due to their dispersal around the island, it has proven hard to maintain the distinct characteristics of their communities. Chrystalla Tsoytsoouki, representing 'Hki Fi Sanna', stated that:

'due to the political situation we don't enjoy the same rights as the Greek Cypriots. Our lives are split in two. We live in the south, while our family and property are in the north. We are not allowed any subsidies because our land is in the north and we can't develop our land because we are considered to be Greek Cypriots in the north.'

A by-product of the Turkish invasion is that it predominantly shaped the economic dynamics between the two major communities living on the island. The presence of migrant workers in the south helped in bolstering the economic achievements of the Greek Cypriot community. By contrast, the Turkish Cypriot community lags behind in economic terms.¹⁴⁵ Immigrants residing in the southern part of the island have faced various problems in regard to freedom of expression, thought, association and religion, as well as the circumscription of various other political rights.¹⁴⁶ Rahma Seikh, a Kenyan Somali, complained of the suspicion with which Muslims are generally received in Greek Cypriot society, and of the fact that their religious holidays are not respected by employers. Concurrently, immigrant communities face varying degrees of ill-treatment by employers, the police and health authorities, according to Malkanthi Papageorgiou, a woman of Sri Lankan origin.

In the north, the economy remains heavily dependent on presence of the Turkish state and on economic aid from

Turkey. Turkey's systematic policy of colonization in combination with the arrival of migrants from Turkey in the 1990s has dramatically altered the Turkish Cypriot community. The governing elite remain predominantly Turkish Cypriot, with few members of the authorities in the northern part of Cyprus coming from new groups that have established themselves over the past three decades. At the same time, the Turkish embassy more often than not is involved in Turkish Cypriot political affairs.

Problems arising in Turkey are mirrored in the northern part of Cyprus. The Kurdish issue, which has for years been a major issue on the political agenda of Turkey and of the region, is the best illustration in this regard. This is reflected in the experiences of members of the Kurdish community in Cyprus. Fatima Demier, a member of the Turkish Cypriot Human Rights Foundation, stated that

'we have extremely limited opportunities to use our language. We can only use it in our houses. Especially the old generation cannot speak Turkish and with them we have to speak Kurdish.... We never had opportunity to learn [the language]. Even in Turkey, it is hard to use and here it's almost impossible.... I learnt Turkish when I went to primary school. If I speak with a friend of mine in Kurdish in the street we might have a negative reaction. But we don't speak much on the street.'

Alevis have also come under pressure in Turkey, which has been reflected in the northern part of Cyprus. Selver Kaya, president of an Alevi NGO, reported insurmountable obstacles in securing a place of worship for Alevis in the north of the island, serious delays or inability to obtain TRNC 'citizenship', forced name changes and education-related problems, as they are obliged to follow the mainstream religious education curricula in schools.

Conflict and everyday life

Until 2003, with the exception of small civil society *rapprochement* groups, the two communities had neither the possibility of, nor any common forum for interaction. Under pressure from the international community, the Justice and Development part (AKP) government in Turkey and Turkish Cypriot civil society, the Turkish Cypriot leadership was obliged to lift the movement restrictions it had imposed between the two sides. In 2003, Greek Cypriots and Turkish Cypriots crossed the Green Line to visit their homes, religious sites and meet old acquaintances and friends.

From 2004 onwards, in the aftermath of the rejection of the Annan Plan by the Greek Cypriot side, the

government of the Republic of Cyprus launched a new comprehensive policy towards the Turkish Cypriot community. From 2004 until 2008 a total of €169 million was allocated to health, education, social insurance and other state-related services for Turkish Cypriots. It is important to note that, between 2004 and 2009, nearly 90,000 Turkish Cypriots were holders of identity cards of the Republic of Cyprus and more than 56,000 were holders of passports, entitling them to full Cypriot and EU citizen rights. At the same time, the EU approved the Green Line Regulation – regulating trade between the two halves of the island – to boost intra-community trade.¹⁴⁷

On the other hand, the Turkish Cypriot leadership complains that its isolation as a result of the actions of the Greek Cypriot authorities affects the economic and political life of Turkish Cypriots.¹⁴⁸ The UN and the EU have both called for the elimination of unnecessary restrictions and barriers. More specifically, the EU considered a draft Regulation, which would allow direct trade between the EU member states and the TRNC, but this was met with opposition from the Republic of Cyprus and the European Parliament's legal service.¹⁴⁹

In economic terms, a recent survey showed that 'sales of goods across the Green Line have risen from just EUR 475,000 in 2004 to EUR 4.9 million in 2007, while total transactions across the Green Line including shopping and casino spending amounted to an estimated EUR 31.7 million in 2007'.¹⁵⁰ The same survey identifies the presence of psychological barriers in both communities when it comes to trading with each other.¹⁵¹ According to a 2010 interview with the president of the Cyprus Chamber of Commerce and Industry, sales by Turkish Cypriots correspond to 0.08 per cent of the imports of the Republic of Cyprus, whereas sales by Greek Cypriots correspond to 0.11 per cent of the imports in the northern part of the island.¹⁵²

Minority groups on both sides of the dividing line face problems mostly related to their freedom of movement and their economic sustainability. A major preoccupation of all these groups is high unemployment rates within their communities. The issue is exacerbated for certain groups, which also encounter wide and overt discrimination in all fields of social life. An illustration of this is the deplorable situation of Roma. A member of the Roma community residing in the northern part of Cyprus interviewed for this report stated that Roma have been systematically excluded from any land allocation schemes, from which Turkish Cypriots have benefited. Further he stated that 'there is discrimination when we go to public bodies. Because we are Roma, they do not take us into account. Also many hide their Roma identity.' In relation to this, another member of the Roma community, residing in the southern part of Cyprus, expressed his frustration over the fact that

the media label Roma as 'gypsies' and went on to identify unemployment as the major problem for his group.

A main feature of the problems in the northern part of the island is the lack of 'citizenship' for many non-Turkish Cypriots. The promise of citizenship has been used in an instrumental way in the past to convince groups to vote for or against political parties. Irrespective of this, a sizeable group of residents in the north find it difficult to travel abroad since all flights must be made through Turkey. However, Turkish Cypriots, holding citizenship of the Republic of Cyprus may travel using travel documents issued by the Republic of Cyprus.

What do people want from a future solution?

One of the most recent and credible surveys of public opinion in Cyprus was an in-depth study called 'Investigating the Future'¹⁵³ conducted by 'Cyprus 2015', an initiative of the Joint Programme Unit for UN/Interpeace Initiatives (JPU), which is also supported by the United Nations Development Programme (UNDP) Action for Cooperation and Trust (ACT) programme in Cyprus and by the European Commission Representation in Cyprus.¹⁵⁴ The study interviewed 2,000 people, equally reflecting Greek Cypriots and Turkish Cypriots, between October and November 2009.

According to the study findings, 75 per cent of Greek Cypriots recognize that the Cyprus problem must be solved through a mutually acceptable compromise. On the Turkish Cypriot side, this drops to 55 per cent. Also, 69 per cent of Greek Cypriots expressed a desire to see the peace process succeeding, compared to 42 per cent of Turkish Cypriots. The picture changes dramatically when members of the two communities are asked about their expectations as to whether this process will actually succeed: 61 per cent of Greek Cypriots and 58 per cent of Turkish Cypriots believe that there is no hope for success. When asked about models of settlement, Greek Cypriots ideally prefer a unitary state (78 per cent), but would be prepared to live with a bi-zonal, bi-communal federation (42 per cent). A two-state solution, a confederal solution or a continuation of the status quo are all unequivocally rejected. By contrast, Turkish Cypriots would ideally prefer a two-state solution (71 per cent), but would be prepared to live with a bi-zonal bi-communal federation (57 per cent). Other models for the future (confederation, continuation of the status quo, unitary state) receive lower levels of support without being rejected outright.¹⁵⁵

Another survey, presented in March 2010, which was conducted solely within the Greek Cypriot community, yielded similar results:¹⁵⁶ 37 per cent support a bi-zonal, bi-communal solution, whereas 39 per cent support the current

status quo or an agreed partition. Furthermore, 59 per cent reject the proposal for a rotating presidency and 62 per cent reject the permanent presence of migrants from Turkey.

The results of both surveys reveal that the two major communities on the island have developed different aspirations. *De facto* partition of the island has given way to alienation and mutual mistrust between the two sides. Political leaderships have been conducting endless rounds of negotiations since the 1960s, but the only concrete agreement that has emerged is encapsulated in the oft-repeated phrase of a search for 'a just, viable and functional, bi-zonal, bi-communal federation, with political equality, as provided by UN resolutions'. The modalities and characteristics of such a solution, however, are far from agreed and time 'consolidates' the partition block in both communities. This assertion is corroborated by the low expectations for a positive outcome from the current process, found in the same surveys.

The results of the interviews conducted for the purposes of the present report support these findings. Pessimism is prevalent in the southern part of the island in regard to the prospect of a future solution. The statement of Nicoletta Charalabidou (a human rights activist with KISA – Action for Equality, Support and Anti-racism) epitomizes this pessimism, affirming that the general climate is not positive. By contrast, persons residing in the northern part of the island take a more optimistic stance towards the prospect of reaching a solution.

Common themes emerging in the interviews revolve around three core issues: enforcement of human rights; economic prosperity; and respect for cultural diversity through the active involvement of the EU. Yiorgos Efremidis, a Greek-Pontian, expressed the view that 'it is in the interests of everybody to have a meritocratic and just society for all people without discrimination'. He hoped that his own group will become an integral part of Cypriot society. Interestingly, Hatice Düzgün, representing a women's organization in the northern part, hopes that 'the EU will boost the solution of women's problems, although the transitional period will be difficult'.

An idea worth exploring as to the future status of minorities in a united Cyprus was proposed by the official representative of the Maronites, who stated that:

'in our case, a solution of more than two zones would be better. For example, cantons and each area should have local autonomy and the central government should respect local autonomy... Let's say the Maronite villages, whose culture is different than of Turkish culture. So let the people decide where to live and let them have local autonomy. I believe it is more suitable than a simple bi-communal, bi-zonal federation that ignores some elements.'

The idea of attributing cultural autonomy to minority groups in administering their own affairs is particularly attractive for groups that have a fixed territorial presence: Maronites in the Kormakitis area and Armenians in the old town of Nicosia could benefit from such an arrangement. This latter proposal could be an important contribution by the minorities to the negotiations and the public debate on the Cyprus problem. It provides a new perspective on the long-sought solution of a bi-zonal, bi-communal federation with political equality between two major communities. Were it to include a fixed and fully fledged representation quota for the three historical minorities, it could potentially lead to achieving the deepest consensus on and acceptance of a future settlement by broader categories of the population of Cyprus.

A cross-cutting human rights issue is the lack of freedom of movement that many individuals experience on the island. It is clear from the interviews that for many minority members, a central aspiration from a future settlement is the ability to move freely throughout the island, as well as travel to and from it.

Enhancing democratic values and securing the rule of law is also a key component of people's expectations. The EU is seen as a bastion of respect for these values and much hope is placed upon it both as a potential catalyst for a solution, and as providing a framework for the realization of human rights. Here lies one of the biggest challenges that any negotiation process must address: how to reach politically viable solutions, which at the same time will not challenge the fundamental premises of democracy. Concurrently, justice features as a paramount value for all, but it should be informed by the particularities of a multicultural state.¹⁵⁷ Fatma Demier, a Kurdish woman residing in the northern part of Cyprus, aspires to a solution where the two communities will live together without any nationalistic or racist elements. She believes that: 'We have the capacity to do this and we can show this tolerance. We should know that nationalism would never help anybody. I believe that nationalism is a weapon in order to make the two communities fight.'

Linked to aspirations for human rights and democratization, cultural diversity stands as a highly cherished, stand-alone value. Cemil Okur, originating from the Black Sea region and currently living in the northern part of the island, believes that 'in case of any solution we can enjoy our cultural rights better. We can share our cultural life after the lifting of embargoes.' Peaceful coexistence of the various communities and groups and autonomy in administering cultural affairs are central themes in interviewees' responses. The importance that these groups attach to their distinct features is telling with regard to the problems that they are now dealing with.

Minority involvement in peace processes beyond Cyprus

Few states have escaped all forms of internal or external political or ethnic conflict. In many countries, conflict resolution programmes have been implemented. They generally include the following stages:

- convincing parties to end conflict and start negotiations;
- peace negotiations between parties;
- reaching an agreement; sometimes the agreement needs to be approved by the population through a referendum;
- implementation of the agreement;
- reparation and reconciliation.

Conflicts and peace-making processes differ from country to country, and there is no ‘best model’ that can be applied in all contexts. However, it is possible to learn lessons from each country’s experience and understand what worked better and contributed to sustainable peace.

Based on the experiences of other countries, certain elements that can play a key role in peace-making and conflict resolution processes are summarized below. These include protection of minority rights and the participation of minorities in peace processes. However, there are other elements that need to be taken into account, along with minority rights, such as the participation of different sections of the society in the peace process. A successful peace process and the introduction of democratic governance cannot be planned and implemented only by the initiative of the decision-makers or by ensuring minorities’ participation if their segments of the society are left out. Minority protection can also be ensured only when other social issues are also taken into consideration in these processes.

Protection of minority rights and participation of minorities

Protection of minority rights can play a key role in prevention of conflict in any society, as well as in peace processes. Experience in many countries shows that there is a link between violation of minority rights and eruption of ethnic or religious conflicts. Moreover, ensuring equality and protecting minority rights contribute to conflict resolution and ensuring sustainable peace.

Protection of minority rights and conflict prevention

Violations of minority rights, in particular the right to non-discrimination, has played a significant role in igniting conflict in many states. Illustrative cases are Kosovo,¹⁵⁸ Northern Ireland,¹⁵⁹ Sri Lanka and Turkey.¹⁶⁰ Experience shows that in many states, when the issues began to raise tensions, had the governments taken measures to protect minority rights, the conflicts would probably not have developed in the way they did. Early warning mechanisms and systems to take measures while tensions are rising can be used to prevent conflict.¹⁶¹

Today the link between violations of minority rights and conflicts is widely recognized by the international community. An institution that specifically deals with this is the High Commissioner on National Minorities (HCNM) of the Organization for Security and Co-operation in Europe (OSCE). The post of HCNM was set up in 1992 as a conflict prevention mechanism, while recognizing the link between protection of minority rights and ethnic conflicts in Europe.¹⁶²

Minorities in conflict resolution and peace-making process

Protection of minority rights plays an important role in conflict resolution, peace processes and maintenance of peace, particularly for ensuring equality and participation. Therefore, peace-makers are recommended to develop a ‘minority rights approach’ while developing agreements and programmes. Chapman frames this approach in the following way:

- Analysing and understanding minority groups in the country and the human rights violations they have suffered.
- Ensuring involvement of minorities in design, implementation and evaluation of programmes and policies affecting them.
- Addressing discrimination and ensuring that the programmes developed do not exacerbate discrimination and are beneficial to all communities.¹⁶³
- Addressing minority rights in the peace-making process and ensuring participation of minorities can create their support for the process. In Guatemala, for example, it is argued that one of the reasons for failure

of the referendum on changing some provisions in the Constitution to recognize diversity in the country and indigenous languages is that the 'yes' campaign did not reach indigenous communities.¹⁶⁴

In Cyprus, the situation of all minorities needs to be considered in the negotiations. Introducing a minority protection system in both parts of the island, particularly ensuring participation of minorities in public affairs and political life, will contribute to the development of democracy in general and help preserve cohesion and peace in the long term.

Mobilizing demand of different sections of society for peace

In most states peace processes are engaged in by leaders from the two sides of an armed conflict, who may feel frustrated with the whole process and suspend it, perhaps out of fear of losing voter support. Experience shows that pressure from different sections of society on their representatives to reach a peaceful solution/agreement can play a significant role in starting and continuation of negotiations.

In Northern Ireland, the discrimination against Catholics and their marginalization led to the civil rights campaign in the late 1960s. This was later followed by an eruption of violence on the streets. The conflict between the Irish Republican Army (IRA) and British forces lasted until the mid 1990s. During the conflict in Northern Ireland 3,600 people lost their lives, while over 30,000 were injured.¹⁶⁵ One of the principal reasons for declaring the ceasefire was that both the IRA and the UK government saw that neither could win by military means.¹⁶⁶ But another important factor was pressure on both sides from civil society, including religious leaders, NGOs and businessmen.

In South Africa, before negotiations started formally between the African National Congress (ANC) and the government of South Africa, the South African Council of Churches called for peace. Later, a group of businesspeople took the initiative to meet with the ANC, the government and some political groups to facilitate talks for peace.¹⁶⁷ Moreover, the Congress of South African Trade Unions was also involved in these efforts.¹⁶⁸ These efforts led to a 'think tank for peace' meeting that took place in 1991 with the participation of various political groups. And later, the committee formed five working groups and prepared the National Peace Convention, where political leaders signed the National Peace Accord (NPA).

In Cyprus, the interviews carried out for this report and surveys show that people are not optimistic that a peaceful settlement will be reached. Current leaders and

those who took part in peace processes before, as well as civil society groups that are campaigning for peace, need to reach different sections of society to raise their hopes for peace and show the advantages of having a peaceful settlement on the island.

Participation of different sections of society in peace processes

Ensuring the participation of different sections of society in peace processes can ensure that people will be able to contribute to the dialogue, and will develop a sense of ownership of the process. It can also help to lead to a solution that meets society's needs to the greatest possible extent, and this can contribute to the maintenance and strengthening of peace, too. An agreement that does not meet the needs of and address the dynamics within society may seem alien and may not be supported, making it very fragile later on.

In South Africa for example, the NPA created national, regional and local-level peace committees, which ensured participation of all sections of society in the peace process. Although the government and the ANC were leading the negotiation processes that formally started in 1990, several political groups from black, white and other communities were involved in the process.¹⁶⁹ Later on, the constitution-drafting process was opened for consultation and contributions, benefiting from participatory NPA structures at national, regional and local levels.¹⁷⁰ As people became involved in the process, they saw the benefit of the negotiations and appreciated the need to compromise.¹⁷¹

Another example of community participation in the process of constitution-drafting is taking place in Nepal. After the ousting of the monarch by a public revolution, a new parliament was formed, an interim constitution was approved in 2007 and an agreement was made to write a new constitution for Nepal.¹⁷² In 2008, the members of the Constituent Assembly, which is going to write the new constitution, were elected. This Assembly includes members of minority and indigenous groups, who are lobbying for stronger protection of human rights, including minority rights.¹⁷³

In Nicaragua, Regional Autonomy Commissions prepared a draft status for the Autonomous Atlantic Coast of Nicaragua and carried out a consultation process at local level, using door-to-door methods, with the help of civil society organizations, to gain approval. Additionally, the consultation process included workshops, community assemblies and other meetings, including with churches and other social organizations.¹⁷⁴ These activities led to a multi-ethnic meeting that brought together delegates from

all the communities in 1987, where the terms of autonomy were discussed. The principles set in this meeting were endorsed in Nicaragua's new Constitution.¹⁷⁵

In Guatemala civil society played a role in the start and continuation of peace negotiations between the government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) that had united various insurgency groups. Headed by religious organizations, it included different social groups including trade unions, indigenous people, cooperatives and peasant associations, universities, church groups and businesspeople which mobilized the public to put pressure on parties to negotiate.¹⁷⁶ The Catholic Church in particular played a leading role in mobilizing public opinion in favour of peace talks.¹⁷⁷ The Civil Society Assembly (ASC) was created by an agreement of negotiators to ensure the participation of civil society in the peace process and provide recommendations to the negotiators, though its influence was debatable.¹⁷⁸

In Northern Ireland, however, the situation was different. The talks resulted in the signing of the Belfast Agreement of 1998, which needed to be endorsed through a public referendum. There were few channels to ensure civil society's input in the process, making it difficult to rally public support for the agreement.¹⁷⁹ Despite this, the Agreement passed by 72 per cent.

It must be noted that political parties can also play a constructive role. In countries where opposition parties strongly criticize government efforts to bring about peace, it is hard to obtain societal support for peace processes. Political parties in Northern Ireland and the UK, for example, mostly supported the peace-making process, even though they had different views.¹⁸⁰ In Turkey, however, the party of government, AKP, launched a plan for bringing a peaceful solution to the 'Kurdish Question' in 2009. The two opposition parties in the parliament blamed the AKP for 'betraying the state'; they did not display a constructive approach and discouraged the government from seeking a peaceful solution.

In Cyprus, to mobilize society's hope for peace, it is vital to bring people from all communities into the peace process. Their participation will not only create greater support for the process, but will also ensure that their needs and the dynamics between the different groups are addressed. This can also play a role in ensuring support for approval of any ultimate agreement.

Participation of women in conflict resolution and peace processes

In the past, women from both sides of a conflict have played a significant role in peace-making processes and

conflict resolution programmes by facilitating communication between different sections of society, and acting as mediators at the grassroots level. In Northern Ireland, for instance, there were deep divisions within the society between the nationalist Catholic minority and their desire for unification with the Irish Republic, and the loyalist Protestant majority who wished to remain part of the United Kingdom. The two sides were separated at every level, including in education, social life and employment. Women activists and politicians were the first to carry out bi-communal, cross-border activities, and went on to play a role in the formal peace process when it began in 1996. The Northern Ireland Women's Coalition (NIWC) participated in the elections, in order to ensure women's involvement in the process. The coalition gained 1 per cent of votes and two seats at the negotiating table. They represented women from different professions and backgrounds who were both 'loyalists' and 'nationalists', and brought a different perspective to the negotiations.¹⁸¹

In Nicaragua, likewise, women played an important role in the peace-making process and negotiations for autonomous status. They participated in the work of Peace and Autonomy Commissions and contributed towards a political settlement.¹⁸²

Information campaigns and the role of media

In addition to taking measures to ensure public participation, negotiators need to carry out systematic information campaigns to maintain public support for peace processes. This is particularly the case where the public will eventually vote on the peace agreement in a referendum. In South Africa for example, a successful media campaign was coordinated by the NPA to promote peace processes within society.¹⁸³ In Guatemala, however, despite the involvement of civil society groups in the initial stages of the peace process, rejection of constitutional reform in the referendum was in part blamed on government failure to implement a public education campaign. Moreover, conservative groups and private media carried out a campaign against the constitutional reform, and some voters found the questions included in the referendum confusing.¹⁸⁴

It is fair to say that in most countries today, the media play a role in shaping policies, while the internet ensures the fast flow and exchange of information. In the context of Cyprus, civil society groups and activists could encourage traditional and web-based media to move away from their current opposition, and to adopt a more positive role in pushing society to support the peace process in Cyprus, through participating in an effective information campaign in all parts of the island.

The role of mediators

Peace processes are delicate and, for many reasons, may require a certain level of confidentiality, particularly in cases of internal armed conflicts. However, negotiators need to make the society feel part of the process and that it exercises ownership over it. To ensure this, negotiators may need to open the process to the society to a certain level. This is important particularly when negotiations involve international mediators, as it will diminish the feeling that outsiders are imposing the process.¹⁸⁵ Where a mediator is involved, one mediator should retain overall control over the negotiations.¹⁸⁶ In some cases, the mediator may bring some sections of the society into the process, because their involvement may help the mediator or because their exclusion from the negotiation may undermine an eventual settlement.¹⁸⁷

Development of a human rights framework

The development of an institutionalized human rights framework, including setting up a national human rights body and or an equality body and adoption of anti-discrimination legislation can increase society's, and in particular minorities' trust in the government and the peace process. In Northern Ireland, for example, the Belfast Agreement (Good Friday Agreement, 1998) created the Human Rights Commission and the Equality Commission. It also in theory formalized civil society's involvement in policy-making by setting up the Civic Forum as a consultative body on social, economic and cultural issues, although the efficiency of the Forum was disputed for several years.¹⁸⁸ The police organization was reformed the following year.

In Cyprus a human rights framework, which will guarantee human rights on equal footing to all Cypriots and minorities, could form part of the peace negotiations.

Reconciliation and reparation

Today reconciliation and reparation are seen as indispensable elements of conflict resolution. Peace processes and agreements that include reparation and reconciliation, first for the victims of human rights violations and then for society as a whole may contribute to sustainable peace.

In South Africa, for example, reconciliation became one of the priorities in the peace process, as a means of pursuing national unity, maintaining peace and ensuring the wellbeing of all South Africans. The South African Truth and Reconciliation Commission was founded in 1995, with a mandate that covered: investigating gross

human rights violations committed by politically motivated actors between 1960 and 1994; taking statements from victims of human rights violations all over the country and giving them the opportunity to give testimony of their what they suffered at public hearings; carrying out reparation and rehabilitation programmes for victims; and issuing a final report on the findings and recommendations targeting prevention of such human rights violations in the future.¹⁸⁹

This Commission was the first such body to organize public hearings, and to guarantee amnesty to the perpetrators of human rights violations who confessed their crimes before the Commission. The Commission operated until 2002, and in 2006 the government set up a body to follow up implementation of its recommendations. In addition, in 2005, the Missing Persons Task Team (MPTT) was created to ascertain the whereabouts of 500 missing persons, relying on information given during the Commission's hearings. The MPTT is still in operation and so far has managed to locate and identify 66 bodies.

In the Northern Ireland peace process, it was decided that the priority should be ending the conflict, rather than reconciliation, and no overarching commission was established. However once the Belfast Agreement was reached, an exceptional independent inquiry into 'Bloody Sunday' – one of the most notorious examples of human rights violations during the Troubles, where 13 civil rights campaigners were killed by British soldiers during a demonstration in 1972 – was set up. The inquiry's report was released in June 2010. The release of the report on 'Bloody Sunday' showed the need for recognition of responsibility in human rights violations that occurred during the conflict.

In Guatemala the Commission for Historical Clarification (CEH) was established in 1994 to investigate human rights violations and acts of violence that were committed during the armed conflict that lasted for 34 years.

In Cyprus, interviews and surveys show that society is divided deeply, prejudices are strong and there is a lack of trust between the two dominant communities. This is chiefly related to earlier periods during which people were killed, disappeared or displaced. People from different parts of Cyprus may not be fully aware of their mutual responsibility in regard to the violation of their rights. Some work has already begun, for instance in investigating disappearances, but joint efforts could be strengthened to address the gross human rights violations that took place in the past; to create conditions for people from both communities and minorities to meet and talk about their grievances; and to ensure that those responsible acknowledge it publicly and provide reparation. This

could contribute to overcoming the prejudices and fears in the society.

Bi-communal projects and peace-building activities

In some societies that have experienced conflict, certain sections of the community may face hostility and marginalization based on their ethnic or religious identity. This can have a negative influence on maintaining peace and reconciliation, as well as on the peace process. Even the best peace agreement may not be able to push people to overcome the past, and their prejudices and fears. Both governmental bodies and NGOs have a role to play in encouraging people to move on. In Northern Ireland, the conflict created a deeply (in some cases physically) divided society, with strong prejudices on either side. During the conflict, non-official borders divided Catholic and

Protestant communities, and even today, in Belfast, Protestants are concentrated in the eastern part of the city, and Catholics in the west. Recognizing this, today there are many governmental and non-governmental initiatives and bi-communal projects encouraging exchange and supporting people to overcome their prejudices and apparent grounds for conflict. Measures are being taken to ensure the employment of community members on 'the other side', and to remove political and sectarian graffiti and street art from roads leading between different communities.¹⁹⁰ A project that brings together former prisoners from both communities is also being implemented.¹⁹¹

The education system may strengthen these prejudices and fears during and due to the conflict, as has been the case in Cyprus. Therefore, reforming the educational system, particularly revising textbooks and history teaching at schools to ensure peace education can be helpful.

Conclusions

This report has sought to achieve three distinct goals: to revisit the historical background to the conflict; to map out the current legal situation and the political realities regarding the status of minorities in Cyprus; and to record views of minority groups on a wide array of issues, which are directly or indirectly linked to the Cyprus problem.

A new wave of historiography and political analysis on the Cyprus problem has emerged in the past few years¹⁹² that challenges the official existing narratives on the Cyprus problem. A review of this literature points to the competing Greek Cypriot and Turkish Cypriot nationalisms on the island as the primary source of the conflict. The two bigger communities in Cyprus have lived for decades in an atmosphere of mutual distrust and hostility that has shaped the views of generations of Cypriots. Chauvinistic nationalism is a key feature of the social and education systems on both sides of the conflict, and is an important component for comprehending today's realities. History suggests that outbursts of such nationalistic rhetoric and aggression on one side have inevitably led to a similar reaction from the other. The interviews conducted for the present report confirm that minorities tend to be influenced by the mainstream political stance of the Greek Cypriot or Turkish Cypriot societies, depending on which they live in. Illustrative of this is the view expressed by Kalin Pavlov who stated that '[President] Christofias is honestly trying to solve the problem' while 'Eroğlu is subservient to Turkey'. In the northern part, Abdurrahim Türkmen – a Turkish national who settled in Cyprus in the 1970s – believes that Greek Cypriots are the ones who don't want peace. Paradoxically, a conflict of this magnitude operates as a consolidating factor between majority and minority groups.

Despite the trend of majority–minority consensus on the Cyprus problem, minorities and other groups remain in the shadow of political developments in Cyprus, both with respect to negotiation processes for finding a solution and to domestic political affairs. Although interviewees talked about many different ways in which their lives are affected by the continuing conflict on the island, their views and opinions are not aired in the broader society. Negotiations for the solution of the Cyprus problem have been taking place for decades now, but all of them have failed to take into consideration even the input of the constitutionally recognized historical minorities of Cyprus.

In this respect, the officially designated representatives of Armenians and Maronites, who were interviewed for the purposes of this report, stated that they cannot secure a meeting with the President of the Republic and that, in many instances, their opinion is not asked for, even when the matter at hand clearly relates to the affairs or interests of their communities.

If the historical minorities were at least included in the on-going negotiations, particularly in relation to their future constitutional status, this would constitute a serious change of attitude towards them. Deciding for them and without their input is bound to fail in regard to the subsequent mobilization of their respective communities in actively promoting the goal of solution. Exclusion will also most probably work as a source of dissatisfaction for them, as they would be called to accept a new settlement without having a say in it. A repetition of the same omission made in the London-Zurich agreements would be unacceptable in the twenty-first century.

The constitutional arrangement that sprang out of the London-Zurich agreements lags behind more recent developments in the area of minority rights. The FCNM Advisory Committee has repeatedly criticized the Republic of Cyprus for the obligation that it imposes upon Maronites, Armenians and Latins to choose to belong to one of the two communities. This stands today as proof of the monolithic and antiquated character of the Constitution of the Republic of Cyprus, and of the serious impediment it constitutes for the further protection of human rights in Cyprus. The refusal of the Republic of Cyprus to revise its constitutional charter has rendered it a hostage to a legal remnant of the past.

On the other side of the division line, the very notion of 'minority' already carries a pejorative connotation in the Turkish language. In this respect, both Roma interviewees avoided the use of the term to label their groups by stressing their sense of belonging to the Turkish Cypriot community. As a reflection of this, the legal framework set up in the northern part of the island is entirely deficient in accommodating the rights of minorities. Interviewees unfailingly confirm a credibility gap in regard to the existing legal system. On both sides the views are split into two different, and discouraging, categories: either a lack of knowledge as to the existing laws and remedies available, or a lack of trust as to their ability to deliver practical and

effective results. An unambiguous majority of the interviewees stated that they were not aware of any legal protection of which they could avail themselves, or that they did not believe that any change could come by exercising their legal rights. Antonis Hadjiroussos, the elected Maronite representative, stated in regard to discrimination in employment that:

'there are remedies in the court, but even if you win the case, they will not implement it... We accepted the fact that to a certain extent, there is some discrimination and we try to be much better than other candidates. Some people believe that there is discrimination; some people say it is OK. I don't know any specific legislation. I don't follow the discrimination law. In the parliament there is human rights committee. There is an ombudsman that you can report [to] and they investigate. She is independent. If they find that you are right they report to the relevant body. But it is not effective. I made a complaint that the Maronite school must have a Maronite headmaster. She found us right, but nothing has changed.'

This situation is particularly alarming for the Republic of Cyprus, given that it is subject to multiple and overlapping monitoring procedures of the EU and the Council of Europe. A seeming total breakdown of the people's belief in the rule of law would constitute a major drawback in any effort to develop a comprehensive solution to the Cyprus problem and resolve major human rights issues. Seen from this perspective, the situation coincides with the findings of the EU Minorities and Discrimination Survey in 2009, which found that 'the groups most vulnerable to discrimination in the EU remain uninformed about legislation forbidding discrimination against people on the basis of their ethnicity'.¹⁹³

Peace-making has not been a success story in Cyprus. Since the 1950s, the island has known varying degrees of violence. Geographical separation since 1963, and especially since 1974, has contributed to a large extent to general mistrust and hostility between large sections of Greek Cypriots and Turkish Cypriots. Previous peace-making attempts have yielded no positive outcome because at least one of the parties to the conflict has maintained an intransigent position with regard to the proposed solution. Since the rejection of the most recent attempt, the 2004 Annan Plan, by the majority of Greek Cypriots, the rejectionist camp has gained ground and a

culture of acceptance of the division is continuously being consolidated in both societies.

Paradoxically, the EU, which had actively encouraged the approval of the Annan Plan, remains a main point of reference in regard to its role as a catalyst or contributing factor to a future solution. Both in official political discourse and at the level of citizens, as revealed by the interviews, the EU is seen as an element of political stability, which will provide almost mechanically all the necessary tools for attaining a high level of respect for human rights and economic prosperity.

Despite these high hopes, the current human rights situation inspires no optimism. Minorities, along with other sections of society in Cyprus, are encountering a series of human rights violations, which are a direct or indirect outcome of the conflict. Direct violations relate to the right to move and reside freely in every part of the island and the enjoyment of the right to property. Indirect outcomes relate mainly to the changing nature of the economic life on the island. The latter has resulted in the presence of high numbers of immigrants, who have formed new and sizeable minority groups, demonstrating their will to establish permanent ties with the island. The population in the southern part of Cyprus is increasingly prone to racial reaction, while the population in the northern part creates asphyxiating societal pressure on minority groups not to express their cultural, linguistic or religious diversity.

The pace and depth of the current negotiations also allow little room for optimism. Interview outcomes confirm the 2010 opinion polls: individuals on both sides of the divide do not share great optimism or enthusiasm about the future prospects for finding a solution. This is particularly true for Greek Cypriots, of whom a considerable percentage seem to be coming to terms with, or even favouring, the ethnic and geographical separation as it currently stands. Although the negotiations were initiated under the tenet of 'a solution by the Cypriots for the Cypriots', they have failed to engage even the historical minorities of Cyprus.

A gap between the groups that are constitutionally recognized and those that are not seems to be growing and could potentially be a source of inter-minority tension. This is illustrated by the statement by Vartkes Mahtessian, official representative of the Armenian minority, who expressed his strong reservations about participating in this research because he did not think 'it's right to put in the same basket the Armenian minority of Cyprus, which has been here since 578 AD, with groups of people that have arrived in Cyprus during the last 10 years'.

Recommendations

To the Republic of Cyprus:

- Irrespective of the outcome of the current negotiations, to proceed to all necessary constitutional amendments to its Constitution in order to accommodate the right for self-identification of minorities, remove the obligation to join either of the two dominant communities and accord full-fledged rights to them and full voting rights to their representatives;
- To recognize officially as minorities all the minority groups under its jurisdiction and provide them with full and unreserved legal protection;

To the Turkish Cypriot authorities:

- To amend the TRNC legal framework to provide for explicit recognition of all minorities residing in the territory under its effective control;
- To take all necessary measures to lift all restrictions currently imposed on minorities, especially Maronites and Greek Cypriots;

To the UN:

- To set minority protection in the future solution as a separate agenda item in the negotiations of the two communities and provide the negotiating sides with relevant experience and expertise in the protection and engaging of minorities in democratic processes based on UN world initiatives;

To civil society:

- To increase action to raise awareness of minority and immigrant rights in Cyprus;

To the Council of Europe and the FCNM Advisory Committee:

- To request that the Republic of Cyprus provide a plan including policy goals, time-schedule for their attainment and means of achieving them;

To minority groups:

- To generate intra- and inter-group dialogue in order to set political priorities in a transparent and fully accessible manner for all potential participant groups.

Annexe: Schedule of interviewees

CYPRIOTS

	Community/minority/other	Comments
1	Greek Cypriots	One refugee (internally displaced person [IDP]) (female)
2–3	Turkish Cypriots	One living in the southern part (male) One refugee (IDP) – (male)
4	Armenian minority	Representative in the House of Representatives (male)
5–7	Maronite minority	Two members of the community (one male and one female) Representative in the House of Representatives (male)
8–9	Latin minority	One member of the community (female) Representative in the House of Representatives (male)
10–11	Roma community	One living in the northern part (male) One living in the southern part (male)

SETTLERS FROM TURKEY

	Community/minority/other	Comments
12–15	Turkish settlers	Two Turkish (male) One Kurdish (female) One Alevi (female)

MIGRANT COMMUNITIES

	Community/minority/other	Comments
16–19	EU citizens	One Pontian (male) One Bulgarian of Turkish origin living in the northern part (male) One Bulgarian living in the southern part (male) One British living in the southern part (male)
20–22	Migrant communities in the southern part	Sri Lankan (female) One from Kenya (male) One Russian (female)

YOUTH, WOMEN, HR, LGBT NGOs

	Community/minority/other	Comments
23	Youth NGO	One living in the southern part (female)
24–25	Women's rights NGO	One living in the northern part (female) One living in the southern part (female)
26–27	Human Rights NGO	One living in the northern part (female) One living in the southern part (female)
28–29	LGBT NGO	One living in the northern part (male) One living in the southern part (male)

Notes

- 1 The Commission on Missing Persons in Cyprus is a body formed of one Greek Cypriot, one Turkish Cypriot and one organization of the International Committee of the Red Cross (ICRC), mandated to look into cases of persons reported missing in the inter-communal fighting as well as in the events of July 1974 and afterwards. See: http://www.cmp-cyprus.org/nqcontent.cfm?a_id=1305, retrieved 26 October 2010.
- 2 Kyle, K., *Cyprus: In Search of Peace*, London, MRG, 1997.
- 3 ECtHR, *Demopoulos and others*, Application nos 46113/99, 3843/02, 13751/02, 13466/03, 10200/04, 14163/04, 19993/04, 21819/04, 1 March 2003; ECtHR, *Varnava and others*, Application nos 16064/90, 16065/90, 16066/90, 16068/90, 16069/90, 16070/90, 16071/90, 16072/90 and 16073/90, 18 September 2009.
- 4 ICJ, Accordance with international law of the unilateral declaration of independence in respect of Kosovo (Request for an Advisory Opinion), <http://www.icj-cij.org/docket/index.php?p1=3&p2=2&case=141&PHPSESSID=970886d29ce47a38190d4e64de50d318>, retrieved 1 September 2010.
- 5 Council of Europe, 'Geographical reach of the FCNM', http://www.coe.int/t/dghl/monitoring/minorities/1_AtGlance/PDF_MapMinorities_bil.pdf, retrieved 20 August 2010.
- 6 University of Cyprus, Nicosia, <http://library.ucy.ac.cy/>; European University Institute Library, Florence, <http://biblio.eui.eu/>; and Joint library of the Inter-American Court and Institute of Human Rights, San Jose, http://www.corteidh.or.cr/info_gral.cfm
- 7 For further offers of self-government by the United Kingdom, see: Dodd, C., *The History and Politics of the Cyprus Conflict*, Basingstoke, Palgrave Macmillan, 2010, p. 24.
- 8 Richter, H., *Ιστορία της Κύπρου, Τόμος Α': 1878 – 1949*, Εκδόσεις Εστία, 2007, p. 741.
- 9 Stefanidis, I., *Isle of Discord – Nationalism, Imperialism and the Making of the Cyprus Problem*, London, Hurst and Co., 1999, p. 74.
- 10 Hatzivasileiou, E., *Στρατηγικές του Κυπριακού – Η δεκαετία του 1950*, Εκδόσεις Πατάκη, 2005, p. 116.
- 11 Faustmann, H. and Peristianis, N. (eds), *Britain in Cyprus – Colonialism and Post-colonialism 1878–2006*, Mannheim, Bibliopolis, 2006.
- 12 Hatzivasileiou, E., *Στρατηγικές του Κυπριακού – Η δεκαετία του 1950*, Εκδόσεις Πατάκη, 2005, p. 244.
- 13 *Ibid.*, p. 243. See also Lacina, B., *The PRIO Battle Deaths Dataset, 1946–2008, Version 3.0: Documentation of Coding Decisions*, updated September 2009, http://www.prio.no/sprtrans/1555324504/PRIObd3.0_documentation.pdf, retrieved 25 October 2010, p. 162.
- 14 The term 'Latin' is used to denote Roman Catholics on the island. Some members of the Roman Catholic community reject the term, on the grounds that it does not reflect their wider religious identity. It has been retained here because it remains the most common designation for this group.
- 15 For an illustration of the mistrust between the governing elites see: Soulioti, S., *Fettered Independence: Cyprus, 1878–1964*, Minneapolis, University of Minnesota Press, 2006.
- 16 Polyviou, P., *Μακάριος: τα τρία λάθη*, Εκδόσεις Καστανιώτη, 2009, p. 22.
- 17 Drousiotis, M., *Η πρώτη διχοτόμηση – Κύπρος 1963–64*, Εκδόσεις Αλφάδι, 2005, p. 137.
- 18 *Ibid.*, p. 151.
- 19 Uslu, N., *The Cyprus Question as an Issue of Turkish Foreign Policy and Turkish–American Relations 1959–2003*, New York, Nova Publishers, 2003, pp. 59–85.
- 20 Mallinson, W., *A Modern History of Cyprus*, London, I.B. Tauris, 2009, p. 2.
- 21 See UN Security Council Resolution No. 353, 20 July 1974, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Cyprus%20SRES%20353.pdf>, retrieved 10 August 2010.
- 22 See Republic of Cyprus Press and Information Office, 'High-level Agreement of 12 February 1977', <http://www.moi.gov.cy/moi/pio/pio.nsf/All/263FD94AA15B6F2DC2256D6D00311D48?OpenDocument>
- 23 For the meaning of the term 'bi-zonality' according to the UN, see Report of the Secretary-General of 3 April 1992, S/1992/23780, paras 17–25.
- 24 Political equality has appeared in various reports of the UN Secretary-General, which have been officially endorsed by numerous UN Security Council Resolutions. Within the UN context 'political equality does not mean equal numerical participation in all federal government branches, it should be reflected in various ways' and entails 'the effective participation of both communities in all organs and decisions of the federal government' (Report of the Secretary-General of 8 March 1990, S/1990/21183, Annex I, at para. 11)
- 25 The abbreviation TRNC will be used throughout this report to denote the 'Turkish Republic of Northern Cyprus'. This is in full knowledge of the fact that the TRNC is not recognized by the UN, and has no legal status.
- 26 UN Resolution 541, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Cyprus%20SRES541.pdf>, retrieved 10 August 2010.
- 27 UN Resolution 550, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Cyprus%20SRES550.pdf>, retrieved 10 August 2010.
- 28 Kizilyurek, N., *Κύπρος: το αδιέξοδο των εθνικισμών*, Μαύρη Λίστα, 1999, pp. 34, 131, 140.
- 29 Permanent Court of Justice, *Interpretation of the Convention between Greece and Bulgaria Respecting Reciprocal Emigration (Greco-Bulgarian Communities)* Series B, No. 17, 1930, http://www.icj-cij.org/pcij/serie_B/B_17/01_Communautes_greco-bulgares_Avis_consultatif.pdf, retrieved 14 August 2010.
- 30 Human Rights Committee, General Comment No. 23, <http://www.unhcr.ch/tbs/doc.nsf/%28Symbol%29/fb7fb12c2fb8bb21c12563ed004df111?Opendocument>, retrieved 8 November 2010.
- 31 Article 27: 'In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.' ICCPR, <http://www2.ohchr.org/english/law/ccpr.htm>, retrieved 19 August 2010.
- 32 UNDM, A/RES/47/135, <http://www.un.org/documents/ga/res/47/a47r135.htm>, retrieved 22 August 2010.
- 33 Article 14: 'The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour,

- language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.' ECHR, http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/ENG_CONV.pdf, retrieved 17 August 2010.
- 34 FCNM, <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>, retrieved 10 August 2010.
- 35 European Charter for Regional or Minority Languages, <http://conventions.coe.int/treaty/en/Treaties/Html/148.htm>, retrieved 10 August 2010.
- 36 Directive 2000/43/EC, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>
- 37 Article 21(1): 'Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.'
- 38 Henrard, K. *Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights and the Right to Self-determination*, The Hague, Kluwer, 2000, p.48.
- 39 General Comment No. 23: The rights of minorities (Art. 27), 8 April 1994, CCPR/C/21/Rev.1/Add.5, para. 5.2.
- 40 Article 27 of the ICCPR. Signed by Cyprus on 19 December 1966, came into force on 2 April 1969.
- 41 Article 15 of the FCNM. Signed by Cyprus on 1 February 1995 and came into force on 1 February 1998.
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Minority Rights Group International

Minority Rights Group International (MRG) is a nongovernmental organization (NGO) working to secure the rights of ethnic, religious and linguistic minorities and indigenous peoples worldwide, and to promote cooperation and understanding between communities. Our activities are focused on international advocacy, training, publishing and outreach. We are guided by the needs expressed by our worldwide partner network of organizations, which represent minority and indigenous peoples.

MRG works with over 150 organizations in nearly 50 countries. Our governing Council, which meets twice a year, has members from 10 different countries. MRG has consultative status with the United Nations Economic and Social Council (ECOSOC), and observer status with the African Commission on Human and Peoples' Rights (ACHPR). MRG is registered as a charity and a company limited by guarantee under English law. Registered charity no. 282305, limited company no. 1544957.

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Minority rights: Solutions to the Cyprus conflict

Attempts to resolve the ongoing conflict in Cyprus over the past forty years have been marked by one common feature: the systematic failure to recognize the presence of most minority groups on the island, and to involve them in conflict resolution processes and in drawing up plans for the island's future status. This reflects the wider marginalization of minorities in both northern and southern Cyprus, who are effectively silenced within a discourse of

competing Greek Cypriot and Turkish Cypriot nationalisms. Drawing on interviews with representatives from minority groups from both parts of the island, as well as on the wealth of literature that has grown up around the 'Cyprus problem', this report argues that minorities in Cyprus have a vital role to play in any future settlement, as well as in ensuring ongoing peace, prosperity and security on the island.