



*Permanent Mission of the Republic of Cyprus
Geneva*

Ref.: 24.11.006.018 (1000/1/1)

The Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva and other International Organizations in Switzerland presents its compliments to the Office of the United Nations High Commissioner for Human Rights (Special Procedures Branch) and with regards to the latter's communication with reference UA CYP 3/2024 dated 23 July 2024, has the honour to provide herewith copy of letter by Mr. Andreas S. Kakouris, Permanent Secretary of the Ministry of Foreign Affairs of the Republic of Cyprus, dated 22 October 2024, addressed to the Special Rapporteur on the human rights of migrants; the Special Rapporteur on the right to food; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on trafficking in persons, especially women and children; the Chair/Rapporteur of the Working Group on Enforced Disappearances and the vice-Chair on Communications of the Working Group on Arbitrary Detention, with the request to be forwarded to its destination.

The Permanent Mission of the Republic of Cyprus to the United Nations Office at Geneva and other International Organizations in Switzerland avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights (Special Procedures Branch) the assurances of its highest consideration.



Geneva, 30 October 2024

To the
Office of the United Nations
High Commissioner for Human Rights (ohchr-registry@un.org)
Geneva



REPUBLIC OF CYPRUS

MINISTRY OF FOREIGN AFFAIRS

The Permanent Secretary

Ref.: 24.11.006.013

Nicosia, 22 October 2024

Mr. Gehad Madi,
Special Rapporteur on the human rights of migrants

Ms. Ganna Yudkivska,
Vice-Chair on Communications of the Working Group on Arbitrary Detention

Ms. Aua Balde,
Chair-Rapporteur of the Working Group on Enforced Disappearances

Mr. Michael Fakhri
Special Rapporteur on the right to food

Ms. Tlaleng Mofokeng,
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Ms. Siobhán Mullally,
Special Rapporteur on trafficking in persons, especially women and children

I wish to refer to your letter dated 23 July 2024 regarding the allegations of pushbacks and the living situation of a number of persons who remain stranded in the buffer zone in the Republic of Cyprus.

At the outset, I would like to reiterate that the Government of the Republic of Cyprus is fully committed to upholding human rights for all, without discrimination on any ground. To this end, the Government of Cyprus remains steadfast in its efforts to promote and protect the human rights of migrants and persons under international protection status and to afford all facilities in accordance with its international conventional obligations. Our efforts include, inter alia, ensuring full and unimpeded access to healthcare facilities, housing and sanitation. I must underline that the Government of Cyprus prioritizes policies aiming at enhancing

the social inclusion of migrants and persons under international protection status by guaranteeing their access to labor market and education.

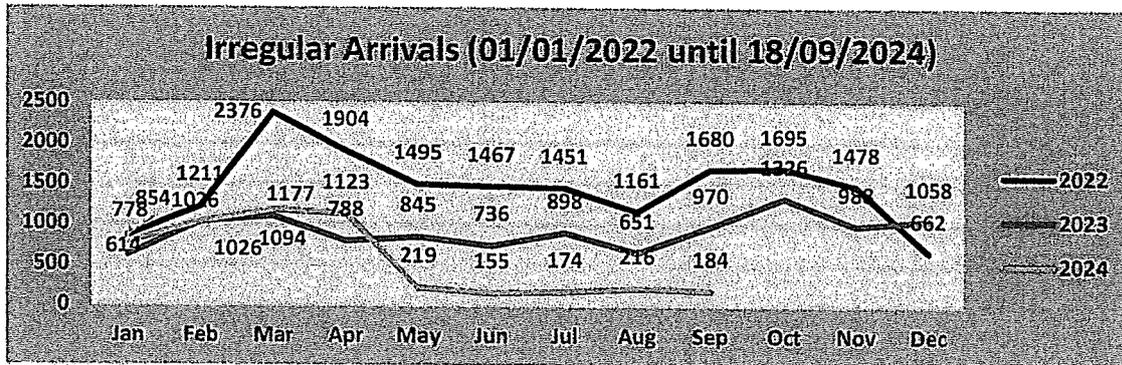
A primary consideration in the Cypriot asylum policy is to ensure full adherence to the provisions of the international and regional instruments it is party to, including the principle of non-refoulement. The principle of non-refoulement is a fundamental part of the internal evaluation process of any asylum application.

Since 2021, Cyprus has been confronted with extraordinarily high numbers of applicants and beneficiaries of international protection status ranking it first among European Union Member States, in proportion to its population. Currently, this number corresponds to 6% of the local population.

In particular, as seen in the following table, during 2021 the number of irregular arrivals was 12,391 followed by a significant increase during 2022. The number of irregular arrivals in 2022 reached 17,434, while during 2023 the number was 10,994. The great majority arrive in the occupied areas, often by air, and seek access to (EU) asylum procedures by crossing the buffer zone to the government-controlled areas.

Year	Illegal Entry				Percentage on the total number of arrivals
	Total No. Arrivals	Occupied Areas	Areas Controlled by CY Government		
			Vessels	Migrants	
2021	12,391	11,670	34	721	+155%
2022	17,434	16,627	41	807	+40%
2023	10,994	6,737	109	4,257	-37%
2024 (18/09)	5,052	2,196	50	2,856	

It is worth mentioning that during the first four months of 2024, a 30% increase of the number of irregular arrivals was noted compared to the same period in 2023. In particular, as seen in the following chart, during the period January – April 2023 the number of arrivals was 3,895, while during the same months for 2024 the arrivals increased by 10%, reaching to 4,234.



With regard to the issue at hand and according to the information mainly received by the United Nations High Commissioner for Refugees' (UNHCR) Office in Cyprus, by the 15th of October 2024 48 persons remain in the buffer zone. In their majority, they are nationals of Sudan, Somalia, Syria, Iran and Afghanistan, while there may be a smaller group of nationals from different African countries. The overall figure seems to follow slight fluctuations.

It must be underlined that the majority of the persons in question arrived illegally by air from their countries to the occupied areas of Cyprus, transiting through a safe country, namely Türkiye. The rest arrived illegally via sea to the occupied areas. In light of the fact that these individuals entered Cyprus illegally from a safe third country, the Government's position - which emanates from EU Law, specifically Directive 213/32/EU - is that Türkiye should be responsible of examining any asylum applications concerning the aforementioned individuals.

While we remain focused on applying the rules and provisions by the international Conventions which govern matters related to asylum seekers and refugees, the existing political situation and forced division in Cyprus as a result of the Turkish invasion and ongoing occupation of the northern part of Cyprus must not be neglected. As a consequence of the occupation, the Cypriot Government is neither in a position to patrol the coasts in the occupied areas, nor to control the persons who arrive in Cyprus through the illegally operating "airport" in the occupied areas and subsequently to prevent criminal offences, including the smuggling of migrants.

It should, also, be taken into account, that the European Union Green Line Regulation, 866/2004, is applied by the Government of Cyprus. The said Regulation requires Cypriot Authorities to ensure the effective surveillance of the buffer zone and to conduct checks on anyone crossing it in order to combat illegal immigration. Considering the above, as well as the ongoing unstable geopolitical environment in the Middle East, the Government of Cyprus has decided to strengthen the existing surveillance and checks in an effort to disrupt the migrant smuggling business and deter smugglers and potential migrants.

The Government maintains that the analysis of the legal situation of the matter at hand should not only be limited to the Refugee Conventions. Other international Instruments, including International Humanitarian Law provisions relating to occupation and EU Law, as well as the factual specificities in Cyprus caused by the forced division should, also, be taken into consideration when analyzing the legal circumstances of this matter.

The Cyprus Government is working closely with the UNHCR's Office in Cyprus and the Cyprus Red Cross to ensure provision of supplies to meet the basic needs of the affected individuals. In particular, and since the first day, the Cyprus Asylum Service is offering water and food, initially dry food and subsequently three hot meals daily. While the persons in question have not been admitted to reception centers, the Government is addressing their humanitarian needs.

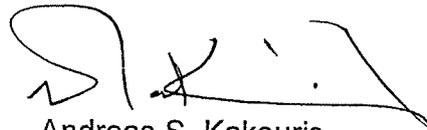
The Government guarantees healthcare access to those in need. An ambulance is exclusively available in close proximity to the camp. The State Medical Services have established a specific procedure in order to expedite the processing of any medical request and provide the required medical examinations at the nearest public hospitals. As acknowledged in your letter, individuals have already received necessary medical attention, including hospital treatment.

In relation to allegations concerning "push back", it should be reminded that the area where the persons in question currently remain is territory of the Republic of Cyprus, thus their presence therein cannot be considered as "push back".

I would lastly like to underscore that the Government of Cyprus is engaged with the UNHCR's Office in Cyprus to address their needs and in seeking a viable outcome to this issue.

In closing, I wish to reaffirm Cyprus's strong support of your respective mandates and expresses readiness to working with you to fulfill our common goals in protecting and promoting the human rights for all.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Kakouris', with a long horizontal flourish extending to the right.

Andreas S. Kakouris
Permanent Secretary