**Joint Input of Human Rights Platform and Queer Cyprus Association**

Queer Cyprus[[1]](#footnote-0) is a civil society movement that started off as the “Initiative Against Homophobia” in 2008 in order to change discriminatory law in north Cyprus and to mold public opinion in regard to LGBTI+ rights and freedom. The movement, which was renamed Queer Cyprus in 2012, fights for a world in which individuals do not face discrimination based on their language, religious belief, colour, nationality, sexual orientation, gender identity, sexual expression, age or ethnicity. Therefore, the Queer Cyprus movement embraces diversity, opposes all mechanisms of pressure, and has a feminist, antimilitarist, ecologist and veganist nature.

The Human Rights Platform[[2]](#footnote-1) is a platform established in 2021 as a result of the joint efforts of Queer Cyprus Association, Refugee Rights Association, Civil Society Initiative, Turkish Cypriot Human Rights Foundation, and Universal Patient Rights Association. Today, it continues its activities with the power of seven organizations with the participation of the Human Rights Platform, the Third Community Forum, and the Think Positive Initiative. The Human Rights Platform struggles for an egalitarian, just, democratic, and inclusive world where universal human rights and freedoms are accessible, safeguarded and constantly improved through effective mechanisms. Human Rights Platform sets an objective to ‘contribute to developing a more just, equitable, democratic, and inclusive society where human rights are not only respected but cherished.

1. **Did the imposition and/or enforcement of colonial laws or policies on sex, gender and sexuality change pre-colonial treatment of sexual orientation and gender identity? What historical or anecdotal evidence is there available about the treatment of gender and sexual diversity before past or present experiences of colonization?**

While there is limited available evidence specifically about the pre-colonial treatment of sexual orientation and gender identity in Cyprus, historical accounts suggest that various forms of gender and sexual diversity were present within Cypriot society. However, it is important to note that the available information is fragmented and often subject to interpretation. According to study done by Han & O'Mahoney[[3]](#footnote-2), British colonialism played a significant role in the global criminalization of homosexuality. To evaluate this assertion, they a make use of dataset that contains information on 185 nations, including Cyprus and discover that compared to other colonies or other governments generally, British colonies are substantially more likely to have laws criminalising homosexual activity. After considering additional factors that would be anticipated to affect the likelihood of restrictive LGBT rights legislation, this result remains valid. They also discover that there is limited evidence backing the assertion that British imperialism "poisoned" societies against homosexuality.Cyprus was formerly a part of the Ottoman Empire, and although the British began to rule the island in 1878, Ottoman laws continued to be in effect for many years. A new Ottoman Penal Code was approved in Cyprus in 1858 as part of the Tanzimat reforms, and homosexuality was no longer a crime across the entire Ottoman Empire. [[4]](#footnote-3) The Ottoman Empire's tolerance of homosexuality on the island came to an end in 1929 when Cyprus law incorporated the British Criminal Law Amendment Act 1885. For the first time since 1858, male homosexuality was once more made a crime. This law made no mention of female homosexuality.

1. **What laws, policies, and practices regulated or influenced the shaping of or the socio-normative perception of sexual orientation and gender identity in colonial times? How were they introduced, promoted, administered or enforced? Examples could include prohibition of certain sexual acts, but also regulation of sexual or gender identities and expressions (such as bans on cross-dressing).**

During colonial times, colonial laws and policies were introduced and enforced in Cyprus, which had an impact on the socio-normative perception of sexual orientation and gender identity. These laws were often derived from the legal systems of the colonial powers. They explicitly banned certain sexual acts and imposed gender norms that restricted the freedom of expression for individuals with diverse sexual orientations and gender identities. Examples include the criminalization of same-sex sexual activity and the imposition of strict gender roles and dress codes. These laws were administered and enforced by colonial authorities through legal mechanisms and law enforcement agencies.During colonial administration (1878–1960), the British Empire transferred the set of laws known as the Penal Code to Cyprus. Included in this was Section 377, which made all sexual acts considered to be "against the order of nature" illegal. Section 377 was used to criminalise homosexual behaviour even though it did not include the word "homosexual" expressly. The Cypriot Criminal Code's Chapter 154, which incorporates British anti-sodomy legislation, punished homosexual behaviour with a maximum sentence of five years in jail. Since the island's division in 1974, each half has had its own governing and legislative organisations. In 1998, the Southern Part formally updated its Criminal Code. It happened after Greek Cypriot homosexual rights activist Alexandros Modinos brought the Republic of Cyprus before the European Court of Human Rights. In Modinos v. Cyprus, he obtained a significant victory in 1993. On the other hand, the improvements in the northern part came with opposition and took significantly longer to implement. On 27 January 2014, an amendment was introduced to decriminalise homosexuality and the northern part of Cyprus became the last territory in Europe to decriminalise sexual relations between consenting adult men. [[5]](#footnote-4)

1. **What colonial laws regulating sexual orientation and gender identity are still in place today? How are they enforced? How are they being interpreted by national jurisprudence and customary law? What legal, moral, or socio-cultural explanations have been provided, if any, for their continued existence?**

The legal framework in Cyprus is complex due to the political division of the island. The legal system is based on the Anglo-Saxon legal system (common law). Nevertheless, the ‘constitutional’ and ‘administrative law’ incorporated components from the Turkish legal system and according to *Loizodou v. Turkey* decision of ECHR Turkey is responsible for human rights violations in the northern part of Cyprus. As for the southern part Cyprus, Republic of Cyprus have effective control and both sides of the divide amended their relevant Criminal Code articles which criminalised same-sex acts.

1. **How, if at all, has the protection against violence and discrimination based on sexual orientation and gender identity been transformed and positively or negatively impacted by processes of decolonization?**

Theresa May, the British prime minister, stated in 2018 that she "deeply regrets" Britain's role in criminalising homosexuality in its former colonies. [[6]](#footnote-5) An MoU on the "Protection and Promotion of the Rights of LGBTI+ People in Europe and the Commonwealth" was signed by the governments of the RoC and the UK. The two governments vowed to "promote and build an inclusive society where LGBTI+s have the same opportunities and enjoy equal rights, without any form of discrimination" in a joint statement. In the MoU, RoC and the UK jointly co-chair the CoE's European Governmental LGBTI+ Focal Points Network and commit to working more closely together. Together with the Equal Rights Coalition, these two countries hope to raise awareness of workplace diversity, LGBTI+ rights, and other issues in the Commonwealth.

1. **If no longer in place, when were colonial laws regulating sexual orientation and gender identity repealed? In what pretext were they abolished and what was the rational/explanation for their abolishment?**

Criminal Code was amended to decriminalise homosexuality in 1993 for the southern part and in 2014 for the northern part of Cyprus. The reason for both sides of the divide was the success of the LGBTI+ rights movement and activists.

1. **How has the legal and social regulation of gender, sexual orientation and gender identity been relevant for imposing and maintaining colonial power?**

The legal and social regulation of gender, sexual orientation, and gender identity played a significant role in the imposition and maintenance of colonial power. Colonial powers often imposed their own legal systems, including laws related to gender and sexuality, to exert control over the colonized territories. These laws reinforced colonial hierarchies and power structures, suppressed local cultural practices and expressions, and facilitated the dominance of colonial norms. [[7]](#footnote-6) By regulating gender, sexual orientation, and gender identity, colonial powers aimed to enforce their cultural, social, and moral values, which were often at odds with the existing cultural and social fabric of the colonized societies.

1. **What is the ongoing impact of gender- and sex-regulating colonial laws on the enjoyment of human rights by LGBT persons? How did the imposition of colonial laws on sex and gender shape social and moral ideas about sexual orientation and gender diversity?**

The ongoing impact of gender- and sex-regulating colonial laws on the enjoyment of human rights by LGBTI+ persons in Cyprus is multifaceted and influenced by various factors, including the political division of the island. The absence of explicit legal protections against discrimination and violence based on sexual orientation and gender identity in the north side may contribute to challenges faced by LGBTI+ individuals. [[8]](#footnote-7) Societal attitudes, cultural norms, and traditional values also play a significant role in shaping the experiences of LGBTI+ persons. [[9]](#footnote-8) While progress has been made in recognizing the rights of LGBTI+ individuals in the South side, there are still issues related to discrimination and violence. The ongoing impact of gender- and sex-regulating colonial laws in the south side can be seen in societal attitudes and stereotypes that persist, affecting the social acceptance and full enjoyment of human rights by LGBTI+ individuals. [[10]](#footnote-9)

1. **Was there a relationship between colonial laws and policies that created unequal treatment and power relations affecting LGBT persons, paving the way to intersecting forms of discrimination, exclusion, racism, xenophobia and related intolerance, patriarchy, and other forms of discrimination and oppression? How did these laws and policies impact persons with multiple and intersecting identities such as LGBT persons with disabilities, older LGBT persons, LGBT children, LGBT persons of African descent, among others.**

Colonial laws and policies often created unequal treatment and power relations affecting LGBTI+s, leading to intersecting forms of discrimination, exclusion, racism, xenophobia, intolerance, patriarchy, and other forms of discrimination and oppression. The especially well-known colonial strategy of ‘Divide and Rule’ affected Cyprus as well. War trauma and colonisation led to division mostly given as an excuse for not prioritising human rights issues and equality.

1. **Have any laws, policies, or psycho-social support or legal remedies been put in place to recognize and provide reparations and redress for the legacy of colonialism in relation to the enjoyment of human rights? Do these take into account violence and discrimination based on sexual orientation and gender identity?**

Both sides of the divide implemented laws and policies aimed at combating discrimination and promoting human rights, including initiatives that address violence and discrimination based on sexual orientation and gender identity. However, the effectiveness and comprehensiveness of these measures may still be subject to ongoing evaluation and improvement.

1. **How, if at all, should reparatory justice for the lasting consequences of colonialism include measures to address discrimination and violence based on gender, gender identity and sexual orientation?**

Comprehensive steps to address discrimination and violence based on gender, gender identity, and sexual orientation should be a part of any reparatory justice for the long-lasting effects of colonialism. These actions could consist of:

1. **Legal reforms:** Enacting laws and policies that explicitly prohibit discrimination and violence towards LGBTI+s and ensuring their effective enforcement.
2. **Education and awareness:** Implementing educational programs on decolonial feminism and justice and awareness campaigns to promote LGBTI+ rights as human rights.
3. **Support and resources:** Establishing support systems, including psycho-social support and counselling services, to assist LGBTI+s who have experienced discrimination or violence. Also funding opportunities for LGBTI+ organisations should be increased.
4. **Capacity building:** Providing training and capacity-building programs for law enforcement, judicial authorities, and other relevant stakeholders to enhance their understanding of LGBTI+ rights and issues.
5. **Inclusive policies:** Introducing inclusive policies that recognize and address the specific needs and challenges faced by LGBTI+s with multiple and intersecting identities.
6. **Representation and participation:** Ensuring meaningful participation of LGBTI+s and organizations in decision-making processes and policy development to address their concerns and experiences.
7. **International cooperation:** Engaging in international cooperation and partnerships to exchange best practices, expertise, and resources in addressing discrimination and violence towards LGBTI+s.

It is critical to remember that specific strategies and actions for reparatory justice should be designed through inclusive and participatory procedures, considering the particular context, requirements, and desires of the communities impacted by colonialism. It would take a great deal of study, stakeholder consultation, and context-specific demands consideration to develop a comprehensive reparatory justice approach.

1. <https://www.queercyprus.org/en/about-queer-cyprus/> [↑](#footnote-ref-0)
2. <https://insanhaklariplatformu.eu/about> [↑](#footnote-ref-1)
3. <https://www.tandfonline.com/doi/abs/10.1080/09557571.2013.867298> [↑](#footnote-ref-2)
4. <https://www.t-vine.com/lgbt-history-month-the-legacy-of-british-anti-sodomy-laws-in-cyprus/> [↑](#footnote-ref-3)
5. <https://www.t-vine.com/lgbt-history-month-the-legacy-of-british-anti-sodomy-laws-in-cyprus/> [↑](#footnote-ref-4)
6. Ibid. [↑](#footnote-ref-5)
7. <https://cyprusreview.org/index.php/cr/article/view/212> [↑](#footnote-ref-6)
8. <https://www.queercyprus.org/2021/11/09/yasal-bosluk-analizi/> [↑](#footnote-ref-7)
9. <https://www.queercyprus.org/en/2019/01/21/study-on-homophobia-and-transphobia_stage-2/> [↑](#footnote-ref-8)
10. <https://cyprus-mail.com/2023/02/23/widespread-condemnation-of-lgbti-attack/> [↑](#footnote-ref-9)