



european network against racism

ENAR Shadow Report 2007

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Racism in Cyprus

**Anthoula Papadopoulou – Andriana Kossiva – Oncel Polili
KISA – Action for Equality, Support, Anti-racism
TCHRF – Turkish Cypriot Human Rights Foundation**

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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1. Executive summary

In view of the political situation in Cyprus, the previous ENAR Shadow Reports on Cyprus (for 2005 and 2006) referred only to the government-controlled areas of the island. However, in view of the new climate created as a result of the election of a new government in Cyprus in February 2008, as well as the development of the ENAR–Cyprus Structure, which further strengthened its membership and cooperation with Turkish Cypriot NGOs, it has become possible for the present Report to cover the whole of Cyprus.¹

Race, gender, religion, disability, age and sexuality are revealed as the main grounds for racism and discrimination in Cyprus. Thus, the most vulnerable groups continued during the reporting period to be migrants, including European citizens, homosexuals, people of religion other than the predominant Orthodox Christianity, especially Muslims, elderly people, people with disabilities, and Rom communities. The present Report focuses on the most vulnerable of these categories, namely migrants, asylum seekers and refugees.

Among the above communities, third-country migrants prove to be the most vulnerable to racism and discrimination, with asylum seekers, female migrants and undocumented migrants being those most at risk. Nevertheless, European nationals, especially Pontians and migrant workers from the new member states, do not escape discriminatory treatment either. Unaccompanied minors and children of undocumented migrants are invisible to the authorities and therefore, subject to discrimination and racism. In view of the continuing division of the country, now in its 34th year, Turkish Cypriots in the southern part of the island and Greek Cypriots in the northern part are extremely vulnerable to racism and discrimination.

Third-country nationals (TCNs) are perceived and treated by the Cypriot authorities and society at large as second-class persons and therefore have only limited access to social rights and benefits and, with regard particularly to employment, only to unskilled or low-skilled jobs, which are accompanied by the worst working conditions. Migrants² are paid minimal wages, which are significantly lower than the legitimate minimum wage for Cypriots, whereas they are forced by their employers to work long hours and under extremely health-damaging and perilous conditions. In addition, migrants are exposed to extreme exploitation and manipulation and, in many instances they are victims of

¹ In order to avoid politically "sensitive" terminology that may give rise to unnecessary discord, the Report makes use of geographical vis-a-vis political terms, hence, the references to the two parts of the country as "southern" and "northern" parts or "south" and "north" of Cyprus. It is also noted that while the whole of the island is considered to be part of the E.U. since 2004, when Cyprus joined as a full member, the application of the *acquis communautaire* is suspended in the northern part until the reunification of the island, in accordance with Protocol No. 10 of the Accession Treaty of Cyprus to the E.U.

² Despite the fact that some E.U. citizens are also subject to discrimination and racism, in the Report, unless otherwise indicated, the term "migrants" in the southern part of Cyprus refers to migrants from third countries in order to better reflect (a) the extent to which their rights are being violated and their subjection to exploitation, discrimination and racism, and (b) the public discourse and public (mis)conceptions as to the origins of migrants.

trafficking for labour and/ or sexual exploitation. As a result, migrants are socially, economically, politically and culturally marginalised and ghettoised, while they suffer racist and discriminatory treatment in every field of life: employment, housing, education, health and access to goods and services, in both the private and the public sectors. Moreover, NGOs that actively support and speak for migrants are also targets of racist violence and persecution by the police. At the same time, the media and authority figures, such as politicians, members of the police and public servants³, continue articulating provocatively racist or discriminatory statements.

Under these circumstances, it is not surprising that civil society is neither encouraged nor assisted by the government and, therefore, not developed to the extent of constituting, as in other member states, a substantial and effective force of resistance to the arbitrary policies and practices of the state. Nevertheless, a number of NGOs continue to further intensify their struggle and contribution in the fight against xenophobia, discrimination and racism. Moreover, E.U. Directives, transposed in national law, are not yet effectively implemented. As a result, migrants' rights, continue to be violated. The government had not by the end of 2007 adopted a comprehensive and integrated migration policy and had not addressed at all the integration of migrants; nor had it adopted an action plan to fight discrimination and racism in all aspects of life. It is more than evident that racism and racist violence are a growing phenomenon in the Cypriot society, not as yet addressed with the required seriousness and determination.

In order to address the situation meaningfully and resolutely in both parts of Cyprus, the Report puts forward a comprehensive list of recommendations, the major ones of which are as follows:

- Concrete and targeted measures, through a horizontal action plan covering all aspects and areas of discrimination and racism, including institutional racism.
- Mainstreaming of the right to equality in all public policies, particularly the migration and asylum and social and employment policies.
- The government in the south and the authorities in the north of Cyprus should develop and put in place a comprehensive migration and integration policy that would meet European and international standards for the respect of human rights.
- In the north of Cyprus, anti-discrimination legislation transposing the EU Directives as well as international antidiscrimination legal standards should be urgently put in place.

³ A number of statements as well as speeches by the Ministers, and/or their representatives, of Justice and Public Order, Interior and Labour and Social Insurance as well as the ex-Chief of the Police.

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3. Introduction

During the year under review, the political situation about the Cyprus problem, which has been the issue dominating public life and overriding all else for more than three decades now, was marked with as yet more impasse and stalemate. The indeterminate, ceaseless and futile discourse on the problem, coupled with an atmosphere of introspection, mistrust and suspicion further deepened political divisions and drove society to becoming even more closed, with narrower perspectives and unable to embrace or welcome diversity and inclusion.

This situation and atmosphere had a direct impact on those who opted to 'deviate' or dared to be critical. NGOs were not excluded from this situation either. More specifically, NGOs engaged against discrimination and racism and in defending and supporting the cause of human rights, found themselves battling on a daily basis against a growing current of extreme nationalism, institutional discrimination and racism that permeated to various sectors of the population and society at large.

Thus, despite the transposition of the Long-Term Residence Directive into Cypriot law, a major tool for the integration of migrants, the situation of migrants not only did not improve in the year under review but it actually worsened. The implementation of the Directive, as with all other directives affecting migrants, was delayed for over six months after transposition and was deliberately distorted and misinterpreted at the expense of the eligible migrants.

Another significant development in 2007 was the protest, including a hunger strike, of groups of asylum seekers against their detention without a court decision and for prolonged periods of time detained in "Block 10" of the Central Prison in Nicosia and at the detention centre of the Limassol Police Station. Asylum seekers, whose applications are rejected, are considered by the authorities to reside "illegally" in Cyprus and are therefore arrested and detained. If, for any reason, they cannot be deported, they are imprisoned for indefinite periods of time, whilst their families, including young children, are deprived of any rights (regarding employment, education, public assistance, health services, etc.). Despite public reaction, recommendations by the Ombudsman and, eventually, promises by the competent Ministers of Interior and Justice, the government failed to find a solution to either the detention of the protesters or provide any protection to their families.

The NGO community, with KISA and ENAR-Cyprus Structure in the forefront, was very active all throughout the year in defending and supporting migrants and fighting discrimination and racism. An example of these activities is that in Cyprus the *2007 European Action Week Against Racism*, organised in all European countries under the umbrella of UNITED, for the World Day Against Racial Discrimination on 21 March, focused on a demonstration and other mobilisations against discrimination and racism. More than 300 people, mainly migrants, asylum seekers, refugees and foreign students as well as Cypriots and E.U. nationals marched through the main streets of Nicosia to

the House of Representatives and the Ministries of Labour and Social Insurance and of Interior, demanding “justice and equality for all” and “implementation of E.U. legislation”. Representatives of the demonstrators also presented a Memorandum with a number of claims such as equal access to the education and health systems, better employment conditions, an end to arbitrary deportations and implementation of EU Directives, such as the long-term residence, the family reunification and the right to work for students.

This Report seeks to analyse the situation on racism and discrimination in Cyprus which, after nearly four years of membership of the European Union, has no more excuses for not implementing in practice and effectively the Community anti-discrimination, immigration and asylum laws. The Report presents and assesses the legal and political framework related to racism and discrimination, the vulnerable communities, the major areas where racism and discrimination are more likely to take place, the response of the government to the situation and makes a number of recommendations, which it is hoped will offer food for thought and, hopefully, action against discrimination and racism.

4. Communities vulnerable to racism

As indicated in the 2006 Report, the situation concerning the invisibility in official data of the communities most vulnerable to racism has not altered in any way, as far as the southern part of Cyprus is concerned. However, in 2007 there was a marked improvement from previous years with the conclusion and publication of a number of research projects, surveys and reports on racism. Along with data from NGOs, such as KISA, these reports all conclude that migrants still constitute the most vulnerable communities to racism. '[I]t is a fact that the principal problems of discrimination evolve around the situation of aliens [sic] in Cyprus'⁴.

Among migrants, the most vulnerable communities are third-country nationals, of whom migrant women, including victims of trafficking, seasonal workers, migrants without papers and asylum seekers are the hardest hit. In addition, as attested to by records of NGOs, findings of surveys and newspaper reports, E. U. nationals, especially Pontians and citizens of new member states, such as Poland, Bulgaria and Romania, and "gypsies" (a community, whose way of life resembles that of Roma), are also particularly vulnerable to racism. This is also manifested from the rising numbers of migrants applying for help to NGOs⁵ and confirmed by reports in the media, NGOs, international organisations and other institutions, such as Amnesty International⁶, U.S. Department of State⁷, the European Parliament⁸ and the European Commission⁹. In terms of religious discrimination, Muslims are those mostly affected as they are considered to be suspicious of involvement in terrorist activities. This discrimination is extended to Turkish Cypriots and all migrants of Turkish origin who are considered by Greek Cypriots to be the national "enemy" because of the political situation.

Even worse is the situation concerning unaccompanied minors, while government services appear not to be aware of the particularly sensitive parameters in relation to the problem, nor are they equipped or qualified to handle such cases, due to 'an absence of infrastructure, knowledge on the subject and interest by the authorities'¹⁰. Since 2004, 65 cases of unaccompanied minors have been referred to the Social Welfare Services, although this is considered to be a gross underestimation of the real numbers involved. Children of migrants without papers are also in a very vulnerable position as they are actually invisible to the authorities and, therefore, their rights, both at school

⁴ Re Ombudsman's office, Cyprus Equality Body, *Annual Report 2006* (Nicosia, n.d.)

⁵ Re KISA Migrant and Refugee Centre, *Activities and Services Report for 2007* (Nicosia, January 2008). EQUAL Rights for Asylum Seekers, Mediation Mechanism, *Services Report* (Nicosia, October 2007); ERF, *Services Report for the period 01/06/2006 – 31/12/2007*, Nicosia, March 2008.

⁶ Re *Amnesty International, 2008 Annual Report for Cyprus* (covering the period January-December 2007), (London, n.d.), <http://www.amnestyusa.org/annualreport.php?id=ar&yr=2008&c=CYP>, accessed 29 May 2008.

⁷ Re Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, *Country Report on Human Rights Practices in Cyprus - 2007* (n.p., 11 March 2008), <http://www.state.gov/g/drl/rls/hrrpt/2007/100554.htm#>, accessed 5 June 2008

⁸ Re STEPS Consulting Social Study for European Parliament, *The Conditions in Centres for Third Country Nationals (Detention Camps, Open Centres as well as Transit Centres and Transit Zones) with a Particular Focus on Provisions and Facilities for Persons with Special Needs in the 25 EU Member States*, December 2007.

⁹ Re Trimikliniotis, Nikos and Demetriou, Corina, for the European Commission, Daphne II Programme, *The Risk Group of Unaccompanied Minors: Protection Measures in an Enlarged European Union, Country Report – Cyprus*, 2007, http://www.zrs-kp.si/EN/Projekti/Daphne/MinOrs_Cyprus.pdf.

¹⁰ *ibid.*

and outside, are not safeguarded in any way. It must be noted however that the number of children of migrants in Cyprus is limited given that the migration model in place, with a fixed period of stay and work, poses special restrictions on normal migration patterns and is particularly unwelcoming to family reunification. In any event, the invisibility of migrants in official statistics and data¹¹ is especially detrimental to their children.

Concerning the northern part of Cyprus, Turkish nationals¹² and/or other migrants also constitute the most vulnerable communities to racism. Migration is a very complicated issue in view of the composition of the migrant population. The vast majority of migrants in the north come from Turkey and their numbers are controversial. According to some sources and political circles they outnumber “indigenous” Turkish Cypriots by at least four to three.¹³ The majority of the Turkish nationals brought earlier on, who form the most dominant group, have more or less integrated into society and a large number of them, if not the majority, have been granted “citizenship”. Nevertheless, there are often clear signs of racism and prejudice against Turkish nationals reflected in biased media coverage and in part of the political rhetoric of even progressive political groupings and/or parties. In contrast, as may be gathered, the newer arrivals, some of whom are also “unregistered” or without work permits, are more vulnerable to racism and discrimination. Migrant women, especially victims of trafficking for sexual exploitation, are particularly vulnerable. Their position is even worse in the north of Cyprus, compared to the south, as there is no legislative framework or administrative mechanism regulating the issues around trafficking of persons for sexual or labour exploitation and there is, therefore, no provision for any protection of victims. A bill to this effect has only very recently been submitted to “parliament”.

Also harshly discriminated against, which over the years has included forced removal from their homes, are the increasingly dwindling numbers of Greek Cypriots (369) and Maronite Cypriots (124)¹⁴, who have remained on after the 1974 events and are

11 For example, according to two different official sources, the *2006 Cyprus Labour Force Survey* of the Statistical Service and the *2006 Aliens and Europeans Data* of the Social Insurance Services, the numbers of “foreign workers” or “aliens” in 2006 differ widely. According to the *Labour Force Survey*, there were 27.704 (or 7,8% of the workforce) third-country nationals, while according to the *Aliens and Europeans Data* they numbered 45.986 (or 13,5% of the workforce). Even the latter number is a gross underestimation of the real number of third-country migrants, estimated at 160.000-170.000. This was verified by the Minister of Interior at a conference on *EU Immigration Policy and the Southern Europe Experience*, held on 13 June 2008, who said that 22% of the population in Cyprus was made up of non-Cypriots. In the view of the NGO community, this disparity between the two sources of official data as well as the underestimation of the numbers of migrants reflects the indifference of the government towards migrants. It must also be noted that neither of the above sources take into consideration the large numbers of undocumented migrants, who are totally absent from any official statistics.

¹² The term Turkish nationals refers to “settler migrants” or “settlers” from Turkey from different ethnic backgrounds, such as Kurds, Alevites, Laz, et al, who were brought an masse by Turkey to the northern part of Cyprus after the 1974 events and settled in abandoned Greek Cypriot properties. It must be noted that the issue of the “settlers”, the number who will be agreed to stay on in Cyprus after a solution, etc, is one of the most contentious issues on the talks agenda for the reunification of the island. It also refers to Turkish nationals who migrated for employment or other purposes, such as studying, to the north of Cyprus. As it is very difficult to distinguish between the different groupings of “settlers” and/or migrants and in order to avoid politically sensitive terms, the Report refers to “Turkish nationals” or “migrants” in general.

¹³ Re Jaako Laakso, Rapporteur, *Colonisation by Turkish settlers of the occupied part of Cyprus*, Report Committee on Migration, Refugees and Demography, Parliamentary Assembly, Council of Europe, Doc. 7999, PACE (n.p., 2 May 2003), p. 1 [http://www.cyprus.gov.cy/moi/pio/pio.nsf/All/F8A417A0530CA515C2256DC200389A3C/\\$file/2%20may%202003.pdf?OpenElement](http://www.cyprus.gov.cy/moi/pio/pio.nsf/All/F8A417A0530CA515C2256DC200389A3C/$file/2%20may%202003.pdf?OpenElement), accessed 5 June 2008.

Re. Mete Hatay, *Beyond Numbers, An Inquiry into the Political Integration of the Turkish ‘Settlers’ in Northern Cyprus*, PRIO Report, 4/2005, p. 7, www.prio.no/upload/345/beyond_numbers_reduced.pdf, accessed 3 June 2008.

¹⁴ In addition to the Greek Cypriots (G/C) and Turkish Cypriots (T/C), who are the two main communities of Cyprus, there are also three religious minorities in Cyprus, i.e. the Armenians Cypriots, the Maronite Cypriots and the Latins who are also recognised as minorities under the Council of Europe Framework Convention on Minorities.

concentrated in the regions of Karpasia (Karpaz) and Morphou (Guzelyurt). Even though local legislation prohibits discrimination and the 1975 Vienna III Agreement defines the treatment of Greek Cypriots and Maronites, there is clear inconsistency in relation to the respect of basic rights by the authorities, which makes daily life both difficult and uncertain. Complaints usually relate to issues such as property, residency, 'citizenship' rights and freedom of movement.

Roma communities have been living in the whole of Cyprus for hundreds of years but their precise numbers remain unknown as many of them prefer to remain invisible and to assimilate in fear of being stigmatised. Unlike the other minority communities in Cyprus (Maronites, Latins and Armenians), the Roma are not recognised as being entitled to religious minority rights but are deemed part of the Turkish Cypriot community with no special rights at all.

Concerning refugees and asylum seekers, it must be noted that the situation in the northern part of Cyprus is characterised by insufficient cooperation with international bodies protecting refugees, inadequate local legislation, non-recognition or lack of institutionalisation of asylum rights, insufficient know-how within the administration, media and society at large on how to deal with asylum seekers and lack of political will to protect refugees. Even though international and European legal instruments (e.g. the 1951 Refugee Convention and the European Convention on Human Rights) are reflected in domestic law in the northern part of the island, they have practically never been applied either by the authorities or in a judicial procedure. The European Court of Human Rights holds Turkey responsible for safeguarding human rights in the northern part of the island. The ECtHR ruled that 'The obligation to secure, in such an area, the rights and freedoms set out in the Convention derives from the fact of such control whether it be exercised directly, through its armed forces, or through a subordinate local administration.'¹⁵ In effect, the rights of refugees and asylum seekers are totally disregarded and their fate is subject to the arbitrary practices of the authorities¹⁶. After pressure by a few NGOs, authorities have finally stopped deporting all persons who wanted to submit asylum claims and they are now eligible to submit their applications to UNHCR located in the buffer zone¹⁷. Despite this mechanism, the authorities occasionally still use the inadequacy of the legislation in this field to deport people before they can apply to UNHCR.

15 European Court of Human Rights case of Loizidou vs Turkey, para. 63, Application no. 15318/89

16 This is a NGO evaluation of the situation that cannot be borne out by official data. In fact, the authorities refuse to give any statistics and it is doubted whether any such data are actually kept on the basis that no asylum procedures are applied in the north.

17 The "buffer zone" is a neutral area between the southern and northern parts of Cyprus and over which some form of governance or management is exercised by UNFICYP, the peace-keeping force of the UN stationed in Cyprus since 1974 and even before (1964).

5. Manifestations of racism and religious discrimination

5.1 Employment

In the southern part of Cyprus, the discriminatory practices against migrants as regards employment rights remained the same during the year under review. Migrants, especially from third countries and including asylum seekers, continued to be the most vulnerable group regarding discrimination in employment in Cyprus during 2007.

This could not have been changed of course as the highly discriminatory migration and asylum policies in place in Cyprus remained intact during the period under consideration. More specifically, the employment policy of the Ministry of Labour and Social Insurance prescribes that third-country nationals have access only to specific occupations and specific sectors of employment, while they can obtain a permit to work for a specific employer only if the latter is already in possession of a permit¹⁸ to employ third-country nationals. In addition, third-country migrants' access and conditions of employment is regulated according to the decisions of the Ministerial Committee on Employment¹⁹, a body which is not established by law. These decisions are not published anywhere and therefore the employment policies for third-country nationals continue to be decided in a non transparent manner²⁰. The only exception to the above rule is the employment policies for asylum seekers which, according to the Refugee (Reception Conditions) Regulations, should be published in the official Gazette of the Republic. According to the decision on the employment of asylum seekers²¹, they can have access only to the agricultural and farming sectors and only after the first six months from the submission of their application. According to the UNHCR, there were 6.790 new asylum applications in 2007, an increase of 49% over the previous year²². The total number of asylum seekers in Cyprus in 2007 was 11, 802 concerning 10, 313 cases pending examination²³.

On 21 December 2007, the Equality Body (Ombudsman) released a report on the conditions of access to employment for asylum seekers²⁴, following the

¹⁸ Employers can obtain such permits only if they can prove that they cannot recruit Cypriots or European citizens for specific vacancies. However, as this is an extremely time-consuming and complicated procedure, most employers do not follow it.

¹⁹ The Committee comprises the Ministers of Labour & Social Insurance, Interior, Justice & Public Order, and Commerce, Industry & Tourism.

²⁰ Instead, the decisions become known after internal circulars based on the Committee decisions are circulated to the District Labour Offices and/or to other competent services, such as the migration authorities. However, internal circulars in turn, cannot be accessed either by the individuals concerned or NGOs representing them, so migrants end up being informed of their rights and change of policies, from the public servants working in these services and who implement the decisions and circulars more often than not in an arbitrary manner. It has to be noted that the only category which is regularly and officially informed of any policy changes is that of the Private Employment Agencies, as the whole system of employment of third-country nationals depends on these agencies.

²¹ Order of the Minister of Interior (Κ.Δ.Π. 418/2007)

²² UNHCR, *Asylum Levels and Trends in Industrialized Countries, 2007 – Statistical Overview of Asylum Applications Lodged in Europe and Selected Non-European Countries*, (Geneva, 18 March 2008)

²³ Statistics of UNHCR Representation in Cyprus

²⁴ Re Equality Body Ombudsman, *Report regarding the limitations to the right to work of asylum seekers* (original in Greek: *Έκθεση της Αρχής Ισότητας αναφορικά με τους περιορισμούς στο δικαίωμα απασχόλησης των αιτούντων άσυλο*)

submission of 22 complaints by asylum seekers to the Authority. According to the report, the above decision is considered as ‘one of the measures taken in order to discourage the submission of asylum applications’ [and that the] ‘selection especially of the agricultural and farming sector [...] seems not to be accidental, taking into consideration that the terms and conditions of employment in this sector are among the worst in Cyprus, ... [and] working conditions are extremely degrading and hard.’ The report concludes that the decision is discriminatory and violates community law as it “suits no legal purpose,” while it “leads to the violation of the principle of equality in employment²⁵”. Even though the report proposes the immediate revision of the above decision, no such action has yet been considered by the competent authorities.

The report also concludes that seasonal workers working in the farming and agricultural industry are victims of discrimination, exploitation and degrading treatment. The unacceptable collective agreement signed between all the trade unions in the agricultural sector continued to be in force in 2007, with terms and conditions that combined to the employment policies of the state are similar to those of slavery²⁶.

Other areas with regard to access and conditions of employment where third-country nationals are highly discriminated against are the following:

- The right to change employers. Unlike all other workers who have the right to choose their employer, migrants can change employers only in case of a labour dispute and after permission by the Labour Disputes Committee²⁷ or if they obtain a “release agreement” by their employer. This creates conditions of particular vulnerability for migrant workers leading quite often to super exploitation. In 2007, following the transposition of the Long-Term Residence Directive²⁸ and in an effort to restrict migrants’ access to the long term residence status, the conditions imposed on “release agreements” between employers and migrant workers became even more stringent and could be valid only if signed at least one year before their contracts expired. This further restriction means that the majority of migrants are even more vulnerable during the last year of their contract as, in effect, they cannot report any violation of their rights at work. As these violations are very frequent, a large number of migrants prefer not to report them because they are asked by the Labour Disputes Committee to “voluntarily repatriate”. If they do not, they are considered to reside “illegally” in Cyprus, arrest and liable to deportation orders.

(Nicosia, 21 December 2007)

²⁵ Ibid

²⁶ For example, employers have the choice of paying workers reduced wages if they provide accommodation and food for them. This is highly problematic, not only because workers end up with lower salaries, but also because they have to live in appalling conditions. In addition, the proximity of their “living” quarters to their working places in effect means that they are on call for 24 hours a day, especially in cases of animal farming.

²⁷ The Committee operates under the Civil Registry and Migration Department of the Ministry of Interior.

²⁸ According to the Directive, migrants who reside legally and continuously for at least five years in a E.U. member state can apply for long-term resident status, which entitles them to rights similar to those of E.U. citizens, including the rights of full access to employment and to family reunification. For the transposition of the Directive into national law, please see section VI.ii Migration and Integration below.

■ The right to social insurance. Although migrants, as all employed persons, are obliged by law and do contribute to the Social Insurance Fund²⁹, they do not enjoy any of the rights and/or benefits accrued therefrom. They cannot register in the official unemployment registers and cannot, therefore, apply for assistance to find new employment (if and when they are permitted to do so), nor are they entitled to unemployment or other social insurance benefits, such as sickness and holiday. In addition, they do not receive any pension, because of their short-term contracts, and cannot transfer their pension rights to their home countries. Successive Cypriot governments have repeatedly refused to sign any bilateral agreements to this effect with countries of origin of migrants to Cyprus. As a result, migrant workers, with the blessing of the authorities, are totally unprotected in all aspects of social insurance.

Along with migrants' limited and strictly regulated access to employment and to the change of employer, which defines their position and role in the economy as the main source of cheap labour, the complete lack of social insurance protection only adds to their vulnerability, extreme manipulation and super exploitation.

Of particular concern is the fact that work-related accidents are more frequent among migrants compared to Cypriots, as the former are more easily exposed to health and safety risks at work. In 2007, more than 17 people died as a result of accidents at work and the majority of them were migrants³⁰. The results, if any, of investigations launched on the conditions under which fatal accidents concerning migrants occurred³¹ were not publicised³².

Female migrants are even more vulnerable to racism than male migrants as they are subjected to multiple discrimination 'by virtue of being *female*, *foreign*, and *poor* in a very male-dominated and status oriented society³³'. The majority of third-country migrant women are restricted to work only as domestic workers, which inevitably leads to the loss of any other identity they have. The greatest majority of domestic workers live in their employers' house, with all the implications on their rights that this entails. In view of the sanctity of the private home, the competent authorities can perform no monitoring or inspection of working, health and safety conditions. In addition, their employment contracts, drawn by the Civil Registry and Migration Department, instead of the Ministry of

²⁹ Indeed, recently (in May 2008) a representative of the Ministry of Labour and Social Insurance made a statement that the only reason the Social Insurance Fund is not yet faced with a serious deficit is because of the contributions of migrants.

³⁰ Re Kyritsis, Pambis, General Secretary of PEO (Pancyprian Federation of Labour, one of the largest trade unions in Cyprus), Address at the Launch of the Campaign *Health and Safety at Work* (Nicosia, 22 October 2007)

³¹ Re Christodoulou, Dora, *Wounding of a Syrian Worker* (in Greek: *Τραυματισμός Σύρου Εργάτη*) *Phileleftheros* (2 November 2007)

³² It is interesting to note, once again, that migrants are invisible in official statistics. The statistical data of the Department of Labour Inspection of the Ministry of Labour and Social Insurance do not include any reference to the country of origin of people involved in accidents at work, http://www.mlsi.gov.cy/mlsi/dli/dli.nsf/dmlindex_en/dmlindex_en?OpenDocument

³³ Re Sainsbury, Sondra, *The Silent Presence: Asian Female Domestic Workers and Cyprus in the New Europe in Performing Identity/ Crossing Borders Conference* (May 2007), http://research.tru.ca/ciacac/media/sainsbury_2007.pdf, accessed 5 June 2008.

Labour and Social Insurance as is the case with other migrants, prescribe very restrictive, discriminatory and exploitative terms and conditions of work, including their inability to join a trade union, much longer hours than the national average of 38-40 hours per week, no set resting time, etc. The monthly wages, set by the government, of migrant domestic workers are also indicative of the discrimination they are subjected to. In 2007, the salary of domestic workers was raised to CYP 165/ 282 EURO. Before this, their monthly wages were the same as those set in 1990 (£150/ 256 EURO), which is much lower than the minimum wage³⁴, (in 2007 the minimum wage was £409/ 699 EURO). As demonstrated by the large number of complaints to NGOs, such as KISA³⁵, as well as by recent research³⁶, their contracts are often breached by their employers, who frequently exercise both physical and psychological violence against them, including verbal and physical violence, sexual harassment and rape.

The situation is much worse for victims of trafficking. Although the Trafficking Law was reviewed in July 2007 prohibiting all forms of trafficking³⁷, the policies of the government did not change at all and visas for “artistes”³⁸ were still issued by the Migration Department. During 2007 there were reports as well as testimonies that individuals continued to be trafficked ‘through and within the country’ and ‘there were also allegations of police corruption related to trafficking’³⁹. Cyprus is used as a transit point for women (mostly women from Eastern Europe, Philippines, China and increasingly in recent years from Latin American countries) to be trafficked elsewhere. Even though there are no official statistics regarding the number of victims of trafficking, it is estimated that 1200 women were employed as “artistes” during 2007⁴⁰, while according to the chairperson of the international organisation STOP⁴¹, who visited Cyprus in November 2007, the numbers are even higher, with 4000 women trafficked every year for sexual exploitation through Cyprus⁴².

Nevertheless and despite all odds, during the reporting period 54 women complained to the authorities and relevant charges were pressed⁴³. There were also 105 arrests of persons engaged in cases linked to prostitution and sexual exploitation and 78 of them concerned particularly trafficking charges. According to police data, 90 cases were brought to court, while 15 other cases were still

³⁴ In Cyprus there is no national minimum wage. Instead, there is a minimum wage for a limited number of occupations, which do not include that of domestic worker.

³⁵ Re KISA, *Contribution to Cyprus’ report on the Resolution of the General Assembly of the United Nations 60/139 on “Violence against women migrant workers”* (Nicosia, 7 May 2007)

³⁶ Re MIGS (Mediterranean Institute of Gender Studies), *Resource Book, Integration of Female Migrant Domestic Workers: Strategies for Employment and Civic Participation*, , Final Results of an INTI project (Nicosia, May 2008)

³⁷ The previous law perceived trafficking only in relation to sexual exploitation and did not provide much for victims’ rights.

³⁸ “Artistes” is a glorified term applied only to women working in cabarets, night clubs and similar establishments. According to popular perception, artistes are sex workers.

³⁹ Re Bureau of Democracy, Human Rights, and Labor, *2007 Report*, op. cit.

⁴⁰ Re Lambraki, Antonia, *Prostitution of Unknown Dimensions* (in Greek: *Πορνεία Αγνωστων Διαστάσεων*,) *Phileleftheros* (14 November 2007)

⁴¹ Stop Trafficking Of People

⁴² Re (Unsigned article), *Against Prostitution* (in Greek: *Κατά της Πορνείας*), *Phileleftheros* (18 November 2007)

⁴³ Re Bureau of Democracy, Human Rights, and Labor, *2007 Report*, op. cit.

being investigated at the end of 2007⁴⁴. Although the police acknowledged 54 trafficking victims, the Welfare Services dealt with 87 cases of victims of trafficking⁴⁵.

Also in 2007, the case of Oxana Rancheva, a victim of trafficking who was killed in 2001 under dubious circumstances, was reopened by her father who applied to the European Court of Human Rights for remedy as he was not satisfied with the verdict (of accidental death) of the police in Cyprus. The ECtHR responded to his application⁴⁶ and the case was pending before it at the end of 2007.

EXAMPLES OF NGO GOOD PRACTICE

STIGMA, a Russian Church affiliated NGO runs a shelter for victims of trafficking in Limassol. The shelter provides also for psychiatric support. Victims of trafficking are referred to the shelter by both governmental authorities (such as the Welfare Office and the police) and non-governmental organisations. Psychologists are employed at the shelter, offering their services free of charge to the victims of trafficking.

KISA operates two Refugee and Migrant Centres (one in Nicosia and one in Limassol), which offer information and support and counselling services to migrants and refugees free of charge. Victims of trafficking also apply for information and social support.

In 2007, KISA, CFPA (Cyprus Family Planning Association) and the Association for the Prevention and Handling of Violence in the Family conducted a *Public Awareness Raising Campaign to Combat Trafficking in Women for Sexual Exploitation*, with the production and circulation of leaflets, billboards and TV and radio

In view of their status, undocumented migrants, who are estimated to be 50 000 – 60 000⁴⁷, are also extremely vulnerable to racism and discrimination in employment and totally unprotected by law. So, not only do they not enjoy any rights but they are persecuted by the authorities, intimidated and threatened by employers and used as a scapegoat for a number of social ills by the media and society at large.

Foreign students do not as yet have any access to employment. Although the

⁴⁴ Of the 90 cases that were brought to court, 45 are still in the course of trial, 15 were suspended by the Attorney General with the decision that the respondents would be prosecuted again in view of new evidence, 7 were rejected, 6 were discharged, 4 were processed in a different way and 4 were withdrawn by the public prosecutors.

⁴⁵ Ibid.

⁴⁶ Re Stavrinou, Tonia, *The death of an "artiste" at the ECJ* (in Greek: Ο θάνατος «καλλιτέχνηδας» στο ΕΔΑΔ), *Phileleftheros* (17 November 2007)

⁴⁷ This was confirmed by Mr Neoclis Sylikiotis, Minister of Interior, in a recent interview to Stefanos Evripidou of the *Cyprus Mail* (1 June 2008)

relevant European Directive⁴⁸ was transposed in the national legislation in September 2007, it had not been implemented by the end of the year.

Although recognised refugees have the same rights as Cypriot and European citizens and have, in theory, full access to the labour market, they too are discriminated against. Very often, even District Labour Offices seem unaware of refugees' rights. Persons under subsidiary protection used to have the same rights as recognised refugees after the completion of one year under this status and thus, they had also full access to employment. In 2007, however, as a result of the transposition of the Directive 2004/83/EC⁴⁹, the government opted for the very minimum standards permitted by the Directive, and their rights have been curtailed to having access only to specific sectors of the economy, where there is demand for unskilled, low-paid and low-esteemed jobs.

EXAMPLES OF NGO GOOD PRACTICE

KISA was a partner in the project "Social Rights for Asylum Seekers, Social Rights for All", implemented under the EQUAL Initiative and funded by the European Social Fund and the Republic of Cyprus. The aim of this pilot project was to contribute to the implementation of the social rights of asylum seekers and refugees. The target group (50 asylum seekers) received language and orientation to Cyprus training, vocational training in three occupations (assistant cooks, assistant secretaries and assistant cooling engineers) and were placed in selected enterprises relevant to the training they had received. Although most of the project's activities were concluded in July 2007, many of the participants were still employed at the end of the year.⁵⁰

In the northern part of Cyprus, the development of the economy has been largely shaped by its dependence on Turkey, which includes the "currency union", as well as by the economic isolation, as a result of the political situation since 1974. A strong indication of this is the average per capita income of the Turkish Cypriot community. In 2004 for example this was estimated 67% of the Greek Cypriot community's average per capita income when taking into account the purchasing power parity⁵¹. However, in recent years this situation seems to change with noticeably faster growth rates, especially in certain sectors such as the construction industry⁵².

The situation concerning access to employment and other rights is determined

48 Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service

49 The Refugee Law of 2000 – 2007

50 The project was implemented by the Development Partnership "Equality and Solidarity for Asylum Seekers – Guarantee for Employment and Freedom", which was coordinated by Intercollege (since, University of Nicosia). In addition to KISA, the other partners were: PEO (Pancyprian Federation of Labour), OEB (Federation Employers and Industrialists), Social Lab (a research institute) and the Ministry of Interior.

51 Re World Bank, Report on *the Sustainability and Sources of Economic Growth in the Northern Part of Cyprus, Vol. II: Technical Papers* (8 June 2006), p. 9.

52 Again, this is a point of grave concern in the southern part of Cyprus as the majority if not all development projects are constructed on the land of Greek Cypriots who were displaced in 1974.

mostly by the status of migrants, i.e. if they are registered and have work permits or not. The majority of those registered are employed in tourism (hotels, casinos and restaurants), industry, banks, universities and other sectors requiring skilled labour⁵³. According to the "Labour and Social Security Ministry", 56.490 work permits were granted to foreign workers in the northern part of Cyprus in 2007.

As in the south, work permits must be obtained by employers before the migrants arrive, who are restricted to the specific job for which the permit has been issued, and do not have the right to change jobs unless they leave the country and re-apply to return.

Migrant workers are also restricted in their right to join a trade union and membership is extremely low. When migrant workers want to join a trade union or make a collective agreement with their employer, their work permits are cancelled. In 2007, 4 workers lost their jobs at the International University of Cyprus when they attempted to join a trade union⁵⁴.

However, the position of "unregistered workers", who are estimated to number some 30,000⁵⁵, is even worse. They form the mass of a cheap labour force employed mainly on construction sites, at petrol stations, in the catering industry, as domestic workers and as gardeners⁵⁶. Although, new regulations have been issued to avoid "illegal" employment (such as refusing work permits to persons arriving only with an identity card and obliging employers to apply for work permits before migrants arrive)⁵⁷, the figure for undocumented migrants is still high⁵⁸ and undocumented migrants suffer the worst forms of discrimination with regard to working conditions and wages.⁵⁹

As in the southern part of Cyprus, in the north migrants also seem to be at more risk with regard to accidents at work. In 2007, a Turkish construction migrant worker was found dead on a construction site. His friends stated that 'he had fallen down the previous day and had hit his head but he did not want to see a doctor because he did not have any money'⁶⁰. According to statistics of the "Minister of Labour and Social Security", seven persons died in construction accidents in 2007 in the northern part of Cyprus.⁶¹

Although prohibited by law, both registered and unregistered migrant workers are forced to do over-time without any extra payment. The authorities have only 19 inspectors and effective inspection regarding labour rights and standards is

⁵³ Re Mete Hatay, op. cit.

⁵⁴ Re http://www.kibrisgazetesi.com/index.php/cat/2/news/38956/PageName/lc_Haberler

⁵⁵ According to a statement of the "Minister of Interior" Uzkan Murat, Kibris newspaper (5/5/2005)

⁵⁶ Re Mete Hatay, op. cit.

⁵⁷ Regulation on Work Permits, 43/2007

⁵⁸ Interview with the President of Devimci Isci Sendicaksi (Revolutionary Trade Union)

⁵⁹ Re http://www.kibrisgazetesi.com/index.php/cat/2/news/38956/PageName/lc_Haberler

⁶⁰ Re http://www.kibrisgazetesi.com/index.php/cat/2/news/40762/PageName/lc_Haberler

⁶¹ Re http://www.kibrisgazetesi.com/index.php/cat/2/news/56355/PageName/lc_Haberler

therefore insufficient⁶².

Victims of human trafficking, which is increasing at a very fast pace, face forced labour, physical violence, inhuman treatment, sexual exploitation and debt bondage. Furthermore, by law, the Turkish Cypriot authorities keep their passports and restrict their freedom of movement⁶³. Despite the seriousness of the issue, the penal law does not so far criminalise human traffickers. Very few prosecutions have been brought against employers of trafficked women working in “places of entertainment”, where forced prostitution is clearly taking place. Another similarity with the southern part of Cyprus is that the “Ministry of Labour and Social Security” in the north does not consider itself responsible for such cases although their working conditions are worse than for the rest of migrant workers. Instead, the “Ministry of Interior” is responsible for monitoring the employment conditions in “night clubs”, where most of the trafficked women are employed and violations of labour laws occur.

Concerning refugees and asylum seekers, there is no law to regulate asylum in the northern part of Cyprus. The UNHCR operates in the north of the island in order to accept asylum applications and pays a small per diem allowance to asylum seekers and refugees when the asylum procedure starts. Once asylum seekers make their application to the UNHCR, the authorities in the north allow for residence until the asylum procedure ends, at which point the UNCHR resettles refugees in accepting countries or, if rejected, return the applicants to their country of origin. During their stay in the north, asylum seekers are subjected to the same laws and regulations applying to other migrants concerning work permits, including the condition of entering the country with a valid passport⁶⁴. This means that asylum seekers, in most cases, are prevented from working legally.

5.2 Housing

As the government maintains a housing policy that is addressed only to Cypriots and European citizens, third-country migrants and refugees continue to be ghettoised in urban areas, especially in the old part of the capital, Nicosia. As a result of the absence of monitoring by the authorities, landlords exploit migrants by renting premises that are not suitable for habitation and do not comply with health and safety standards, at exorbitant rents. It is often that such premises lack water and/ or electricity supply. Overcrowding, with six-eight or even 10-12 people sharing a two- or three-bedroom apartment as a result of high rents and lack of adequate income or any income at all, is also the norm among migrants. Landlords take advantage of the absence of monitoring, as well as of the fact that migrants, especially undocumented migrants, will not risk complaining, since they are not protected by the law. Usually, no contracts are signed between landlords

⁶² Interview with the President of Devimci Isci Sendicakisi (Revolutionary Trade Union)

⁶³ Re Ceren Goynuklu, *Human Trafficking in TRNC and its Legal Assessment*, *Gaile Magazine* (March 2008)

⁶⁴ Article 7 of the Regulation on Work Permits, 43/2007

and migrant tenants, which landlords take advantage of and force tenants to leave. Moreover, although this is prohibited by law⁶⁵, often landlords discriminate against migrants and refuse to rent them decent housing, forcing them to live under undignified conditions.

As per the migrant employment contracts, drawn by the Department of Labour of the Ministry of Labour and Social Insurance, employers have the right to deduct an amount of money⁶⁶ from the salaries of migrant employees for providing them with board and lodging. This results in migrants, especially asylum seekers who are obliged to work in the agricultural and farming sector as well as seasonal workers, living in uninhabitable and unhygienic dwellings, such as barns and stables. In addition, asylum seekers have a “choice” of either leaving their families behind or moving with their families to rural areas in order to work, in which case the whole family is isolated from society, with no access to public services (such as health and welfare services) and NGOs, and in many instances, children are indirectly obliged to discontinue their education.

The only Reception Centre for asylum seekers, located at Kofinou, a remote and isolated area, with a capacity of 80 places, is totally inadequate to meet the housing needs of some 12 000 asylum seekers. According to a recent report of the Equality Body (Ombudsman)⁶⁷, living conditions at the Centre (one room per family or even two at times of additional demand, no health or other public services, total lack of recreational activities for children, etc) do not conform to basic health and hygienic standards. In addition, with a very inadequate public transport service⁶⁸, access to the labour market, public services and NGOs is very difficult. Moreover, the Centre is reserved only for families and single women, a policy that is in itself discriminatory, especially in view of the fact that the majority of asylum seekers are single men. Finally, the right of the Centre’s inhabitants to observe their religious practices is curtailed as is their right to cultural diversity regarding food as there are no cooking facilities for preparing their own food.

According to the findings of the RUBSI survey ‘*Policy and Practice: Issues of Ethnicity and Race in Contemporary Cyprus*’⁶⁹, 87% of the respondents stated that finding accommodation is between difficult and impossible. For 54% of them, the reason for this was the extremely high cost of renting, for 22% lack of

⁶⁵ Article 4 of Law 59(I)/2004 expressly prohibits discrimination on the grounds of race and ethnic origin in the provision of housing.

⁶⁶ 10% for accommodation and 15% for food. This however is prohibited under the ILO Conventions as workers are entitled to their salary which should be paid and be substituted with in kind contributions. For years the Government of Cyprus is hiding behind this arrangement for domestic workers claiming that their actual salary is not CYP 150 but CYP 350 since food and accommodation is also provided for them by the employer.

⁶⁷ Re Equality Body (Ombudsman), *Report on the Reception Centre for Asylum Seekers at Kofinou* (in Greek: *Έκθεση της Αρχής κατά του Ρατσισμού και των Διακρίσεων Αναφορικά με το Κέντρο Υποδοχής Αιτητών Ασύλου στην Κοφίνου*), A.K.P. 70/2005, (Nicosia, February 2007)

⁶⁸ The nearest bus stop is two kilometres away and buses run infrequently.

⁶⁹ RUBSI and University of Nicosia, *Policy and Practice: Issues of Ethnicity and Race in Contemporary Cyprus* (Nicosia, December 2007)

assistance, while 19% reported race-related reasons, such as the colour of their skin. Moreover, 77% of respondents share an apartment or a house with another two to five persons and 83% are dissatisfied with their housing conditions.

EXAMPLES OF NGO GOOD PRACTICE

One of the main issues brought to KISA's Refugee and Migrant Centres by migrants is housing. Very often the Centre's counsellors mediate with landlords in order to protect the rights of migrant tenants. For example, usually landlords refuse to sign contracts with migrant tenants and in many cases they illegally threaten or force migrants to leave. In such cases, the Centres' counsellors mediate with landlords, bringing to their attention that such actions are illegal.

In the northern part of Cyprus, even though there are no housing statistics based on ethnicity or status, it is well known that migrants live in the worst housing conditions. They often live in urban areas or on the construction sites where they work. In Nicosia, those without families tend to reside in "hostels" within the walled city, often sleeping up to 20 people in a single room. In Morphou (Güzelyurt), during the orange-picking season, migrant workers live in nylon tents within the groves. In Kyrenia and Famagusta, they live on construction sites and in hostels. Some are forced to sleep on the ground. They can even be seen sleeping after working hours on chairs in restaurants where they work. Those who with families tend to stay in derelict and often dangerous old buildings. Commonly, four or five families reside together in one single dwelling⁷⁰.

There are some 12 shanty towns where migrant workers stay as reported by newspapers. Mostly, Turkish and Pakistani migrants live there, without sanitation, electricity or any other infrastructure services. Some of the shanty towns are established at outrageous places such as waste disposal areas, garbage dumping grounds and cattle barracks. It was reported by newspapers that two shanty towns were closed down in 2007.⁷¹

As mentioned above, the UNHCR provides for the needs of asylum seekers in the north until their application status is determined. The housing, however, that is provided by the UNHCR lacks basic amenities such as heating and cooling, while it is often overcrowded.

In 2007, the Turkish Cypriot Human Rights Foundation (TCHRF) helped Iraqi asylum seekers to submit their asylum applications to the UNHCR and helped five children, who were kept in the Social Services Children Centre for almost three months in an environment where they had very limited contact with the outside world until their parents' trial ended, to enrol in schools.

⁷⁰ Re Mete Hatay, op. cit.

⁷¹ Estimates based on news archive of the TCHRF.

Houses in Rizokarpaso belonging to Greek Cypriots were demolished in 2007 by the Turkish Cypriot authorities who claimed that it was an operation (demolition of all old houses) all over the northern part of Cyprus. The United Nations Peace Keeping Forces in Cyprus (UNFICYP) protested to the Turkish Cypriot side about the practice of demolishing houses without the owners' consent⁷².

Trafficked women also live in inadequate housing. The "hostesses" are assigned accommodation by the night club. According to legislation, however, accommodation for "artistes" must be outside the night club's location⁷³.

5.3 Education

Education is provided free of charge to every resident of Cyprus (in both parts of the country), up to the age of 18, while mandatory education is up to the age of 15. Nevertheless, in the southern part of Cyprus there have been reports of schools requiring residence permits in order to enrol children of migrants. There have also been reports of children not admitted to school because their parents did not have residence permits⁷⁴.

At secondary-education level, there is no provision of extra tuition of Greek language for those migrant pupils who enter secondary schools without previous knowledge of Greek. The result of this policy is that these pupils merely attend school, without being able to comprehend lessons or to sit in exams for gaining a school-leaving certificate. No other integration programmes and measures have been taken in schools in order to accommodate the needs of migrant children.

Recognised refugees and persons under subsidiary protection, who according to the law should have access to public education at all its levels, cannot be enrolled in the University of Cyprus, due to lack of any mechanism for the recognition of their academic qualifications gained in their country of origin. This gap leads to discrimination in the field of education and further strengthens the stereotypes who want refugees and migrants in general to be of low education and only capable of low skilled work.

In addition, religious instruction (which refers only to the Greek Orthodox religion) is mandatory in state schools, with the exception of children whose parents request that their children be exempted from it. This policy however produces indirect discriminatory practices, as it is based on the presumption that Greek Orthodox religion is the norm and everything else deviant. Moreover, no religious education is provided for children of a different religion than the predominant one in order to accommodate their religious diversity⁷⁵. Textbooks (especially history

⁷² Re Report of the Secretary-General of the United Nations Operation in Cyprus, S/2007/328, p.6, <http://daccessdds.un.org/doc/UNDOC/GEN/N07/360/85/PDF/N0736085.pdf?OpenElement>, accessed 23 June 2008.

⁷³ Re Prologue Consulting, *Women Trafficking in Turkish Cypriot Community*, (Nicosia, n.d.), p. 6

⁷⁴ Such incidents were reported to KISA.

⁷⁵ This is also evident from the fact that the government sponsors the fees of T/C, Latin, Maronite and Armenian (although the three latter religious groups "belong" to the G/C community) students to attend private schools, an action that indirectly

books) used at primary and secondary schools contain language that is biased against Turkish Cypriots and Turks. Also, according to anecdotal evidence, there have been teachers who used handouts and held discussions that incorporated insulting for T/C language in the classroom⁷⁶.

The political problem of Cyprus has evidently had an impact on academic freedom. Political pressure continued to be exercised by the government on universities in the south in order to refrain from developing any relations with universities in the north, since the government considers them to be “illegal”⁷⁷.

Moreover, the Trade Union of the Turkish Cypriot teachers filed an application at the Supreme Court against the decision of the Council of Ministers in 2005 to run in Limassol, a mixed elementary school including a specialised programme and staff to fulfil the needs of the Turkish Cypriot students. According to the Union, the Council of Ministers does not, under the Constitution of 1960⁷⁸, have the competence to decide about questions of education of Turkish Cypriots. The Supreme Court trial is still pending since May 2006. The Court suspended the trial on 12 October 2007, without however appointing a new trial date. The rationale of the government is that no Turkish Cypriot had ever requested a Turkish-language school⁷⁹. This is of course an inadequate explanation, since the government has the obligation to meet the needs of all members of population, whether they request it or not.

EXAMPLES OF NGO GOOD PRACTICE

In 2007, in response to complaints about migrant children not admitted to school because their parents did not have residence permits, KISA intervened with the school authorities and got the children accepted. In the cases of migrant children who could not follow their classes because of no prior knowledge of the (Greek) language, KISA arranged for some of its teacher-members to give Greek language lessons to these students, in order to give them the opportunity to be able to participate on more equal terms with their classmates.

In the northern part of Cyprus, the education system is based on the principles and reforms of Atatürk⁸⁰. The revision of history textbooks⁸¹ for less ethnocentric

recognises that the curricula of G/C public schools do not accept religious diversity. Ironically, it does not cover the fees of migrant children of different religion to attend private schools. They only have the right to be exempted from religious instruction if they want.

⁷⁶ Re Bureau of Democracy, Human Rights, and Labor, 2007 Report, op. cit.

⁷⁷ Ibid. According to the Report, Eastern Mediterranean University organized a peace journalism conference and invited representatives from universities in the government-controlled area. The government sent a circular to rectors on the “illegal” status of Turkish Cypriot universities, and most Greek Cypriot participants declined to participate in the conference.’

⁷⁸ According to the Constitution of Cyprus, education falls under the competence of the G/C and T/C communities respectively, therefore no mixed schools could be established. However, since the division of the island, no measures have been taken by the government to accommodate the educational needs of T/C children living in the south, whereas a G/C school continued to operate with the support of the government, for the G/C children residing in Karpasia, with a number of obstacles however, imposed by the authorities in the north.

⁷⁹ Ibid.

⁸⁰ Article 59(4) of the ‘Constitution’. These principles are: Republicanism, populism, laicism, revolutionism, nationalism, statism.

approaches compared to previous ones was a good development. Nevertheless, the education system is still based on a nationalist ideology. Activities to celebrate remembrance and national days encourage enmity against the Greek Cypriot community. For example, Cyprus history is taught at only one course-hour per week compared to four course- hours dedicated to Turkish history.

According to a statement of the President of the Turkish Cypriot Teachers' Trade Union⁸² in October 2007, 47% of school students are children of registered or unregistered migrants. In addition to the lack of adequate funding for education which, according to the Teachers' Union, results in a lack of teachers in many schools, there is no provision for supplementary Turkish language teaching to children of migrants, whose mother tongue is either Kurdish or Arabic⁸³.

Although Roma children are enrolled at school, traditionally their attendance level is low. So far, none of the successive governments in the north has implemented a specific programme to increase the school attendance of Roma children.

5.4 Health

The health system in Cyprus is a non-contributory system allowing for access to health care for every person, apart from undocumented migrants who are only entitled to emergency care. However, the conditions and more particularly the fees which have to be paid for medical treatment as well as the practices followed by the competent authorities are deeply discriminatory on grounds of nationality as well as legal status.

According to the law, EU nationals, recognised refugees and long term residents are entitled to public health care services under the same conditions as Cypriot citizens. Cypriots citizens with an income below a defined threshold as well as special categories, i.e. civil servants and semi-government employees, are entitled to medical treatment free of charge or they pay part or the full amount of the fees depending on income criteria⁸⁴.

Migrants, other than asylum seekers and victims of trafficking, can receive medical care only if they pay the full amount of the fees provided in the Law, independently of their income⁸⁵. As a result access to public health care for migrants is indirectly prohibited. Moreover, a parallel health care system has been developed with regard to migrants, based on compulsory basic health care private insurance plans, the cost of which is shared between employers and employees, with the exception of migrants who are members of trade unions who

⁸¹ Since 2004, the Cyprus history book taught in Turkish Cypriot schools has been revised twice and these revisions have involved either amending historically incorrect information, or eliminating various nationalistic pictures and text

⁸² Re http://www.kibrisgazetesi.com/index.php/cat/2/news/47655/PageName/lc_Haberler

⁸³ Re Mete Hatay, op. cit.

⁸⁴ However, the majority of Cypriots are either entitled to free medical care or pay partly the fees.

⁸⁵ For example, a domestic worker with a state-set salary of Euro 256 would have to pay the full amount of fees, whereas a Cypriot or EU national with the same salary (if any) would get the treatment free of charge.

are covered by the medical schemes applicable to all trade union members⁸⁶. At the same time, under the employment contracts provided by the public authorities, the responsibility for the health care of the migrants rests with the employer. The above system basically 'cleared' the state of any responsibility regarding the health care of migrants.

The system of compulsory health insurance plans is problematic in its nature, since these plans do not cover many health risks, such as, for example, gynaecological examinations. This leaves migrant women, who are the majority of migrants⁸⁷, particularly vulnerable. It is worth noting that while the gynaecological Pap Test is available to all Cypriot and EU female nationals, free of charge, irrespective of income, the government refuses to make this available to migrant women, who are the most vulnerable female group in the country. Further, although the employer is obliged to provide for any medical care not included in the insurance plan, there is no monitoring by the authorities to safeguard this right, nor are there any consequences on employers who do not meet this obligation. For example, it was reported to KISA that a migrant domestic worker was dismissed when she was diagnosed to have cancer. When she submitted a complaint for labour dispute to the District Labour Office, she was told "unofficially" that although her employer had violated the terms of the contract, which according to the Aliens and Immigration Law is a criminal offence, he would not be prosecuted. In the process, the domestic worker also found out that the employer had not paid for her health insurance for more than a year either.

The only exception to the above rule, and this because of community law obligations, are asylum seekers and victims of trafficking. According to the Refugee Law, asylum seekers, who do not have enough means of subsistence, have the right to access to public health services free of charge. The same holds for victims of trafficking. In reality, however, there are many asylum seekers who are denied access to medical care because they are not issued with a medical card. There were complaints of asylum seekers who were refused a medical card because they did not have a residence permit or a confirmation by the Social Welfare Services that they were recipients of public assistance and therefore they could not prove that they did not have enough means of subsistence. In both cases, asylum seekers obtained access to public health services free of charge and were granted a medical card, with the intervention of NGOs and/ or the Ombudsman.

According to the government policy, migrant women with work permit of 'artistes' (in the sex industry) are required to undergo HIV testing, upon entry and

⁸⁶ It is noted that on their arrival to Cyprus, migrants are required to undergo medical examinations in order to verify that they are in good health. If a medical problem is found, the migrant is not issued with a residence permit and is subject to deportation. If a medical problem arises during the migrant's stay, the employer must arrange for medical care.

⁸⁷ According to the 2006 Cyprus Labour Force Survey (op. cit.), 69,4% of third-country migrants in 2006 were women.

thereafter at regular intervals. If they are found HIV-positive they are simply deported.

EXAMPLES OF NGO GOOD PRACTICE

CFPA provides gynaecological examinations at very low prices, as well as education and information to women regarding issues of family planning and protection from sexually transmitted diseases. A large number of migrant women visit both the clinic and the offices of CFPA and benefit from the services provided. Additionally, CFPA provides information and education to migrant women working in the sex industry in their own language.

KISA receives many complaints from asylum seekers that they are refused to be issued with a medical card. In such cases, the Migrant and Refugee Centre intervenes with the Ministry of Health or hospitals, in order to ensure that asylum seekers obtain a medical card and therefore access to medical care. KISA also comes across cases of migrant workers, who need to undergo some special medical treatment, but either their insurance do not cover it, or they do not have a health insurance at all and their employer refuses to pay for it. In these cases, KISA first communicates with the employer and the insurance company; in case a solution is not found, it intervenes with the Ministry of Health so as to ensure that migrant workers will receive the necessary medical care free of charge, if it is possible.

In the northern part of Cyprus, according to the constitution, it is the duty of the state to ensure that every person enjoys physical and mental health care and receives adequate medical attention. The families of migrant workers with social security can benefit as much as Turkish Cypriots, while those of migrant workers with social security can only benefit in emergency situations.

A Turkish Cypriot doctor visits the Maronite village of Koruçam (Kormacitis) every week but as the majority of its population cannot speak Turkish or English, there is a practical problem of communication with the doctor⁸⁸.

Migrant sex workers and/or victims of trafficking with sexually transmitted diseases are deported instead of getting appropriate treatment. There is no information as to whether these women reach their countries, or if they are simply re-routed to another destination⁸⁹. There is no guarantee that they will be able to receive health treatment whenever they have been sent. These women cannot oblige their clients to use protection according to the common practice of the night clubs, if a man is a 'regular' customer, he will not have to use protection. Some of these evade health checks by declaring themselves to be "bar-maids"⁹⁰.

88 Interview with Antonis Hadjiroussos, Maronite Representative in the House of Representatives, 23 May 2008

89 Re Prologue Consulting, op. cit. p. 5

90 *ibid*, pp. 12-13

5.5 Policing and racial profiling

Both the Constitution, the national law and international Conventions ratified by Cyprus prohibit torture and other cruel, inhuman or degrading treatment or punishment by all state agencies, including the police. The effectiveness, however, of the existing mechanisms for investigating and/ or curtailing such practices is highly inadequate. The operation in 2007 of the Independent Authority for the Investigation of Claims and Complaints against Members of the Police Force has not changed the situation and no positive developments were observed towards this direction during the reporting year.

Even though it has been repeatedly demonstrated that the police make use of violence widely and regularly, the excessive use of violence against migrants and mass violation of their rights is an area of grave concern to human rights organisations and other NGOs and agencies, including mention in international reports⁹¹. This applies to all departments and services of the Police Force in Cyprus, including the Aliens and Immigration Police, which is the executive branch of the decisions of the Director of the Civil Registry and Migration Department (Migration Officer). They are responsible for border and passport control, registry and control of migrants and they are the contact points with migrants on an everyday basis implementing the decisions of the Migration department. The Aliens and Immigration Police have been repeatedly accused of discrimination against migrants from third countries.

The most extreme example of police violence during 2007 is the death of an asylum seeker from Syria during a police operation on 16 November 2007 in the village of Pyla⁹². The police were on an operation to trace and arrest “illegal” migrants, while the victim got shot by a policeman as reportedly, he was attempting to escape arrest. Later, the Chief of Police stated that an administrative investigation was to be conducted but he avoided to make any statement or to give any relevant information to the media about the incident. The chairperson of the Independent Authority also stated that the Authority instigated an investigation of the case⁹³. There are yet no results of any of the investigations.

An independent investigation of the death of another Syrian asylum seeker, who was killed in 2005 while in custody, was completed in 2007 but the results were submitted to the Attorney General for evaluation. The Chief of Police had stated at the time that the asylum seeker was killed by a police officer in self-defence. It is left to the reader to judge what kind of self-defence that was since the asylum

⁹¹ Re STEPS Consulting Social Study for European Parliament, op. cit.

⁹² Pyla is a mixed village (i.e. with Greek and Turkish Cypriot inhabitants), situated at the “buffer zone” and hence a point of entry to the areas controlled by the government of the Republic of Cyprus for would-be asylum seekers and/or irregular migrants.

⁹³ Re Vasilas, Pamos, *Pyla: A dead Syrian at a brawl with a police officer* (in Greek: Σύρος Νεκρός από συμπλοκή με αστυνομικό), Phileleftheros newspaper (17/11/2007).

seeker held no gun and was shot at the back while trying to escape. The coroner's investigation of the case was still pending at the end of 2007⁹⁴.

In another case, three asylum seekers from Syria reported that they were abused by members of the police in January 2007. After visiting their former employer in order to demand their salaries which he had withheld, the car of the three asylum seekers was stopped at gunpoint by the police. Ten police officers forced them on the ground and beat them up. Following this, the three victims were charged for resisting arrest and hindering police officers to carry out their duties, while two of the victims were charged with residing "illegally" in Cyprus⁹⁵ and the driver of the car with reckless driving and driving without a licence and insurance⁹⁶. The victims reported the incident to KISA, which filed a complaint to the Attorney General, who informed KISA that he had decided that the investigation of the case should be "interrupted" and the case "filed", providing no further explanation about his decisions. The Attorney General also informed KISA that he had decided to drop all charges laid against the victims by the police, a decision that leaves a lot to be answered both in terms of justice as well as transparency.

The rights of unaccompanied minors are not protected by the police, who seem unaware of this group's special rights. According to the relevant country report on unaccompanied minors⁹⁷ cited above, 'The police appear to be unaware of the rights [sic] of unaccompanied minors, as there are complaints by NGOs and as the report of Ombudsman (File No. A/Π8222/2005) illustrates. The way unaccompanied minors are apparently routinely detained and repatriated [sic] illustrates the failure or inadequacy of Police training or implementation of the provisions stipulated by the law.'

In addition to discrimination and abuse of migrants' rights, the police also persecute NGOs and human rights defenders. A case in point is the five-year long campaign the police conducted against KISA and its leadership. For the second time, in 2007⁹⁸ Doros Polykarpou, KISA's Chairperson at the time, was taken to court for "disobeying a court order and [for] receiving stolen goods". The charges concerned the failure of the police to confiscate the product of fund raising (£573 - €979), which KISA had conducted in 2001 to collect funds for the medical expenses of a migrant domestic worker, which her employer was obliged by law to pay but refused to do so and there was no national mechanism to force him to assume his responsibilities. As a result of KISA's public intervention and pressure on behalf of the migrant domestic worker, the authorities consented to providing the required operation free of charge. Because of a legal void, according to which fund raising for health purposes is not regulated and this

⁹⁴ Re Bureau of Democracy, Human Rights, and Labor, *2007 Report*, op. cit.

⁹⁵ Their applications for asylum were rejected.

⁹⁶ Many insurance companies in Cyprus refuse to insure migrants, which is a clear case of discrimination.

⁹⁷ Re Trimikliniotis, Nikos, and Demetriou, Corina, op. cit.

⁹⁸ The case was actually filed by the Police Chief of the Nicosia District on 6/1/2/2006 but the court hearings took place in 2007 and early 2008.

considered to be prohibited⁹⁹, the police, acting at the request of the then Migration Officer, seized the opportunity and filed a criminal case against KISA, through its Chairperson and Treasurer, for conducting a money collection without permission. The first court decision (dated 16 June 2004) included an order for confiscation of the money collected, which had been moved, long before the case was filed, to a different account kept for paying for other migrants medical expenses. The second court case was finally dropped by the police attorney on 22 January 2008, with the Attorney General's agreement, as it was realised that the charges were completely unfounded and would not stand in court. In a press release, widely publicised, KISA states that '[t]he withdrawal of the prosecution of KISA is a significant victory for the human rights movement in Cyprus and a slap on the face for the authoritarian methods of the government and the police against freedom of expression, different and independent opinion, criticism and every voice protesting and claiming human rights in Cyprus. The outcry and coordinated mobilisation, both in Cyprus and abroad, including ENAR, against the campaign of the police and the state authorities to criminalise and silence KISA and its leaders, have played a substantial role in the withdrawal of the case¹⁰⁰'.

Finally, racial profiling is not an uncommon practice of the police, although this is not officially admitted. KISA has noted that police practise racial profiling against people of Turkish (Kurds), Bangladeshi and Pakistani origin and repeatedly submitted complaints to the Ombudsman and the Independent Authority for Investigation of Claims and Complaints against Members of the Police Force. It is a common practice of the Immigration Police to illegally arrest and detain asylum seekers of Turkish nationality and Kurdish origin when they submit asylum applications and to fail to inform the competent authorities¹⁰¹ of the change of address of asylum seekers of Pakistani or Bangladeshi origin¹⁰². The Ombudsman published in 2007 a report regarding a case of an asylum seeker of Turkish origin, who was illegally arrested and detained when he applied to the police to submit his asylum application. Although the Ombudswoman states in her report that, according to the available data, she did not 'determine that the manner in which the complainant was treated is due to his nationality', yet she concluded that the 'detention of the complainant was lacking legal ground', it did not comply with the provisions of the Refugee Law, whereas it lodged a risk of violation of the principle of prohibition of "refoulement"¹⁰³.

⁹⁹ Money collections for health purposes are a usual occurrence in Cyprus, with many announced on TV and radio. Even though none receives a state permit, they are tolerated and, at times, endorsed by the state, prosecuting only cases where it is obvious that a money collection constitutes either embezzlement or fraud.

¹⁰⁰ Re KISA, *The Police Fail to Criminalise KISA's Struggle*, <http://www.kisa.org.cy/EN/news/572.html>, January 2008.

¹⁰¹ The Asylum Service and the Refugee Reviewing Authority.

¹⁰² According to the Refugee Law, asylum seekers have the obligation to inform authorities of their address. In case an asylum seeker changes his/ her address, he/ she has to report the new address to the Immigration police, which is responsible to inform the Asylum Service/ Refugee Reviewing Authority. In case the Asylum Service/ Refugee Reviewing Authority cannot trace an asylum seeker, his/ her asylum file is closed. Consequently, the Migration Officer issues arrest and deportation orders against him/ her.

¹⁰³ Re Equality Body, *Report concerning the Arrest and Detention of An Asylum Seeker from Turkey* (in Greek: *Έκθεση της Αρχής Κατά του Ρατσισμού αναφορικά με τη Σύλληψη και Κράτηση Αιτητή Ασύλου από την Τουρκία*) (Nicosia, November 2007 - A.K.P. 11/2007)

In the northern part of Cyprus, the police operate under the authority of the Security Forces Commandership¹⁰⁴. As the transitional article 10 of the constitution authorises the Turkish army to lead only in defence matters, the truth is that the Turkish Cypriot police operates under the authority of the Turkish Army. There is no independent authority established by law to investigate complaints against the police. The only available source of information on the matter is a Report by the US State Department 2004¹⁰⁵, according to which '[a] high percentage of cases were closed based on confessions or written testimonies taken during initial police interrogation under these conditions. Such cases generally did not reach the courts.' Since then, no reform has been made and there have been no major changes on the issue. In 2007, there were no investigations resulting in the prosecution of police officers for the abuse of detainees during the year.¹⁰⁶

Unregistered migrant workers are often the target of police raids aimed at finding the culprits of petty crimes¹⁰⁷.

There were reports that police subjected Greek Cypriots and Maronites to surveillance. Although the authorities reported otherwise, a Maronite representative confirmed that houses in three villages were occupied by the Turkish military during the year¹⁰⁸.

As there are no asylum procedures in the north of Cyprus, every "illegal" entry is considered by the authorities as a crime. In 2007, it was reported for instance that two Iraqi families were arrested while they were trying to cross into the southern part of Cyprus. After they were caught they revealed that they had entered on fake ID cards. The public attorney prosecuted them with the charge of illegal entry to the country and one of them was kept in prison for almost five months, while he had to pay for his medical expenses when he was ill. His wife and his brother's wife stayed in prison for three months.

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The intervention of the TCHRF and Humanitarian Relief Mission was instrumental in this case as the asylum seekers were allowed to make their asylum applications to the UNHCR and the children were assisted with their enrolment in school.

In another incident, nine Syrians and one Iraqi family were caught in a truck where they were hiding in order to enter the north of Cyprus illegally. The Iraqi

¹⁰⁴ Article 3, Law 51/1984, Law on Police Organisation (Establishment, Mission and Authority)

¹⁰⁵ Re US Bureau of Democracy, Human Rights, and Labor, *2004 Report*, <http://www.state.gov/g/drl/rls/hrrpt/2004/41676.htm>, accessed 23 June 2008

¹⁰⁶ Re Bureau of Democracy, Human Rights, and Labor, *2007 Report*, op.cit.

¹⁰⁷ Re Mete Hatay, op. cit.

¹⁰⁸ Re Bureau of Democracy, Human Rights, and Labor *2007 Report*, op.cit.

family were deported by police authorities immediately without any trial and without the knowledge of the "Civil Immigration Department".

5.6 Racist violence and crime

In recent years, Cyprus has not experienced an increase of systematic and open racist attacks and crimes. However, violent acts with racist background and connotations are on the increase, while there have been certain incidents where racism was more overtly the driving force behind the attacks. NGOs and individuals that support migrants and express themselves against xenophobia, racism and discrimination can also be attacked by individuals, groups or organisations of racist ideology¹⁰⁹.

In 2007 KISA was a target of racist violence by extreme nationalists. More specifically, on 31 March the outer walls of KISA's premises in Nicosia were vandalised, with the Nazi symbol of swastika and the nationalistic slogan "Zito to ethnos" (Long live the nation) sprayed on the entrance door and walls. A few days later, dirt was left outside the entrance of the offices. On the same day, an event organised by Turkish Cypriot and Greek Cypriot organisations for the opening of Ledra Street was attacked by a group of 30 Greek Cypriot extreme nationalists¹¹⁰.

On 1 August 2007, a report of the Equality Body (Ombudman) was published¹¹¹ concerning an accusation submitted by the Director of the RAXEN National Focal Point for Cyprus¹¹² that the police failed to prosecute a group of youngsters who had systematically racially harassed a Cypriot of African origin and threatened members of his family. The police prosecuted the victim for attacking the youth but failed to do anything about those who harassed him because, as the police alleged, the victim had not filed a complaint. In the report, the Equality Body (Ombudwoman) decided that as these acts (racial harassment and threats) were prohibited by law, the police was obliged to investigate and prosecute those responsible. The report concluded that 'the police had failed, in that instance, to fulfil its role and mission', recommending that 'the police investigate the case anew and take all necessary legal measures'.

Additionally, in September 2007 the Turkish Cypriot press reported that a Turkish Cypriot and his family were verbally abused and received threats by a Greek Cypriot whilst driving their car in the government-controlled part of Nicosia. According to the report, the Greek Cypriot also damaged the car of the Turkish Cypriot family with a metal bar¹¹³.

¹⁰⁹ Re Human Rights First, *Hate Crimes – 2007 Survey*, <http://www.humanrightsfirst.info/pdf/07601-discrim-hate-crimes-web.pdf>, accessed 26 June 2008.

¹¹⁰ Re Leonidou, John, *Extremists Target KISA*, *Cyprus Mail* (1 April 2007)

¹¹¹ Re Equality Body (Ombudsman), Case AKP 7/2006 (1 August 2007)

¹¹² RAXEN is part of FRA – The European Agency for Fundamental Rights

¹¹³ Re Bureau of Democracy, Human Rights, and Labor, *2007 Report*, op. cit.

It is noted that the police have not activated the monitoring mechanism set up in 2005 for the identification, monitoring, collection, analysis and evaluation of racist violence and crime. Thus, there was no response to KISA's complaint about the attack against its premises or to other complaints the organisation made regarding attacks on migrants.

In the north of Cyprus, some migrant workers reportedly became victims of racist violence. There are no legal provisions for criminalising racial or other hate-motivated violence and crimes. Hate-motivated crimes have never been on the public agenda and the government has no policy to prevent these.

5.7 Access to goods and services in the public and private sector

In neither part of Cyprus are official data available on access to goods and services. In the south, the research survey *'Policy and Practice: Issues of Ethnicity and Race in Contemporary Cyprus'*, found that 63% of the respondents reported that they suffered from discrimination and prejudice on a daily basis, while 47% reported institutional discrimination against them from the Immigration Police, the Civil Registry and Migration Department, the Police Force, the Welfare and the Health Services.

During 2007 there were some cases of Turkish Cypriots, who reported that they encountered problems with the issuance of official documents, such as identity cards. A number of Turkish Cypriots submitted complaints to UNFICYP regarding their living conditions in the south. Moreover, there were complaints that the law providing for automatic citizenship for children of Turkish Cypriots married to Turkish citizens was disregarded by the government, as the Ministry of Interior consistently required approval from the Council of Ministers in order to verify the citizenship of such children¹¹⁴.

In the north, lack of specific legislation concerning access to goods and services makes it even more difficult for NGOs to either monitor or deal with the issue.

5.8 Media, including the internet

A large section of the media in the southern part of Cyprus is inundated with xenophobic and racially biased reporting. Third-country nationals are demonised, stereotyped and stigmatised and systematically projected as a potential threat to public safety and social cohesion and as the source of all social and economic evils, anything from unemployment to low wages, the proliferation of divorce and increase of crime. In most reports involving migrants, the media simply adopt the views of the authorities, including the police, or of society in general, which perceives them as uncivilised and regards them as the savage Other¹¹⁵, while in

¹¹⁴ Re Bureau of Democracy, Human Rights, and Labor, *2007 Report*, op. cit.

¹¹⁵ Re Sainsbury, Sondra, *The Silent Presence: Asian Female Domestic Workers and Cyprus in the New Europe in Performing Identity, Crossing Borders Conference* (May 2007).

many cases they are attributed completely nonhuman aspects. Very rarely are migrants or their organisations given the opportunity to present their views on matters directly affecting them or to defend themselves.

However, there are exceptions to the rule, with some media maintaining a positive attitude and therefore a more informed presentation of issues concerning migrants. Amongst these are *Cyprus Mail Newspaper*, which is consistently and persistently present in all issues about migration, xenophobia, discrimination and racism, *Radio Astra*, which very often presents the views of NGOs such as KISA, *Ergatiko Vima (Labour Platform)*, the newspaper of the trade union organisation PEO (Pancyprian Federation of Labour), which offers space for articles from the Russian-speaking community, and *Politis Newspaper*, which hosts a supplement of the Philippino community, as well as a few individual journalists in newspapers and on television and radio, who are also commendable in their efforts to present a fairer and more comprehensive view of migration and speak out against racism and its manifestations.

In 2007 Turkish Cypriot advertisers claimed that Greek Cypriot newspapers declined to contain commercial advertisements for business situated in the north of Cyprus. Similar arguments were originally made in 2004 by the vice chairman of the Turkish Cypriot Advertisers Association¹¹⁶.

The Radio and Television Authority, which is the body mandated by law to, among other things, ensure that human rights are upheld and respected by the media, has never, as far as we know, intervened in any of the media reports that grossly violate the human rights of migrants.

In the northern part of Cyprus, a section of the media systematically makes xenophobic and racist broadcasts and promotes racially-hatred comments against Greek Cypriots and Greeks. This is intended to degrade, intimidate or to incite violence or prejudicial actions against Greek Cypriots. Sometimes, newspapers dedicate a full page to news about crimes committed by Greek Cypriots, inferring that crime is only happening in the south of the island.

On the other hand, another section of Turkish Cypriot newspapers tends to particularly discriminate and demonise all Turkish nationals. In reports about criminal cases where non Cypriots are involved, his/her nationality is stressed by the media, which is not the case when Turkish Cypriots are involved.

Anybody entering the country without a permit is reported as a criminal by the majority of the mass media. The terminology used by the media does not differentiate between asylum seekers, refugees, economic migrants, undocumented migrants or criminals, who are all put into the same category. So, it is very common to see headlines such as “Refugee Hunt” or “Fugitive

¹¹⁶ Re Bureau of Democracy, Human Rights, and Labor, *2007 Report*, op. cit.

Refugee”.

The "High Broadcasting Council" is an independent and autonomous public corporation supervising radio and television broadcast. Although, authorised by the law, it has never started any criminal proceeding against any racist broadcasting where some TV and radio stations systematically carry out racist broadcast.

6. Political and legal context

During the reporting period, the political climate in the southern part of Cyprus, largely shaped by the 2004 referenda about a possible settlement of the Cyprus question and the extremely introvert outlook that was systematically cultivated, remained basically unchanged. This, along with a sense of insecurity, fear and mistrust that was instilled in people, created a collective mentality fearful of everything “foreign”, including in many instances of Cyprus’s European partners. In this state of siege, society had closed in on itself and there was almost no room for openness, diversity, inclusion or criticism. The dominant political powers that conceived, developed and imposed this climate also attempted to neutralise and silence even those social sections and forces that have traditionally been vocally and actively opposed to this inward-looking, chauvinistic, exclusive and dangerously verging on to xenophobic and racist society.

It was within this socio-political climate that the “Movement for the Salvation of Cyprus”¹¹⁷ made its public appearance in November 2007. The objectives of this organisation are ‘the salvation of Cyprus from the thousands of foreigners and illegal immigrants who are flooding Cyprus and who will change the demographic scene, with the result of Greek Cypriots being in the minority in 20 years’ time.’ What is very interesting to note is that before the intervention of ENAR-Cyprus and other NGOs with press statements and media debates, this racist organisation was initially supported by politicians and other public figures, including the then Minister of Justice and Public Order, the Honorary President of the EDEK Socialist party and the Archbishop of Cyprus, who had all accepted invitations to participate and speak at the inaugurating meeting of the Movement. After the uproar, these politicians all conveniently declined the invitation and did not participate in the meeting.

However, the advent of the presidential election campaign in the middle of the year appeared to provide a way out of this seemingly impregnable and stifling stalemate. Instrumental in this development were two facts: The break up, on the one hand, of the governing coalition between AKEL, the left-wing party, and President Papadopoulos and, on the other, the candidacy of Demetris Christofias, President of the House of Representatives and AKEL’s leader.

The election in February 2008 of Demetris Christofias is considered to be a victory of the progressive political forces in the country, both in terms of the hopeful perspective it gives to a solution of the Cyprus problem as well as for a “human-centred” government, with social policies and measures, for example, in favour of vulnerable groups of the population, such as women, single parents and elderly people. Migrants, refugees and asylum seekers were not included

¹¹⁷ In Greek: Κίνηση για τη Σωτηρία της Κύπρου.

specifically in the President's election programme; however, he made a general statement that the human rights of migrants should be respected. It remains therefore to be seen whether the new President will honour his pledges for such a government, the policies and measures of which should include these especially vulnerable groups.

In the north of Cyprus, a pro-peace left party has been in the "government" since 2004 with a right-wing coalition partner, mainly supported by nationalist Turkish Cypriots and Turkish nationals with voting rights. This "government" has a more flexible approach to asylum seekers and refugees, Greek Cypriots and Maronites, with better practices but no adequate laws yet to protect these groups.

Tension is still high between groups who support cooperation and understanding between Greek Cypriots and Turkish Cypriots and on the other hand groups who see the North of Cyprus as an extension of Turkey. During and after the Annan plan period, pro peace groups were defamed by the Turkish Army and right wing media, including prohibiting pro solution media from taking part in a military exercise. search-and-rescue manoeuvres. The "state" television channel manager has been attacked by right wing media after showing a film which allegedly was insulting the Turkish army. He was later replaced.

The defamation of pro-peace solution groups and their demoralization after the Annan Plan referendum failure inactivated the sections and groups of society that traditionally support human rights, cooperation and understanding between the Greek Cypriots and Turkish Cypriots. However, the victory of Demetris Cristofias in the recent presidential elections in the south has made the Turkish Cypriot society more optimistic again regarding the unification of the island and the starting of negotiations recently.

6.1 Anti discrimination

There was not much change during the reporting period concerning the actual and effective implementation of the antidiscrimination Directives, which had been transposed in the legal order of Cyprus since 2004¹¹⁸. The three most serious issues that need once again to be commented on as to the effective implementation of antidiscrimination laws are as follows: Firstly, no specific horizontal action plan was ever adopted by the competent authorities to address the issue of discrimination and racism after the transposition of the Directives¹¹⁹. Secondly, unlike other national laws, providing for a competent authority to

¹¹⁸ Law 59(I)/2004 on Equal Treatment (Racial or Ethnic Origin), Law 58(I)/2004 on Equal Treatment in Occupation and Employment and Law 42(I)/2004 on Fighting Racial and other forms of discrimination (Commissioner of Administration)

¹¹⁹ The horizontal character of the Race Directive should have lead the competent authorities to adopt an action plan as to how discrimination should be tackled with regard to all the areas coming under the scope of the directive, to address issues of multiple discrimination, positive action and awareness raising as to the responsibilities of the public and private actors in order also to fight insitutional racism and discrimination, etc..

monitor their implementation¹²⁰, the relevant antidiscrimination laws do not provide for any competent authority responsible for monitoring compliance with their provisions. Thirdly and most importantly as it is also violates the Race Directive, the antidiscrimination laws do not provide at all for a body responsible for providing victims with independent assistance. As a result, four years after the enactment of the laws, no discrimination cases were ever brought before the national Courts. Despite the fact that the Ombudsman (Equality Body) has examined various complaints and/or initiated investigations on discrimination, that is an extra judicial mechanism which does not provide for any possibility for the compensation of the victims. It has to be noted that from the very beginning of the transposition of the Race Directive a major misconception persisted, in our view, as to the role and functions of the equality bodies. In Cyprus, the Ombudsman is considered to be the Equality Body with powers to investigate complaints or to initiate investigation of discrimination cases, to impose fines and other penalties, etc, as well as to make recommendations for reviewing legislation found to be discriminatory. It may be possible that the two of the three functions of the Equality Bodies, as defined under Article 13 of the Race Directive, could be considered to come under the mandate of the Ombudsman¹²¹. However, the function of providing independent assistance to victims of discrimination is not compatible with the other functions of the Ombudsman which investigates complaints itself. Moreover, the Ombudsman cannot represent victims before the Courts or any other authority¹²². As a result, victims are left without any independent support which, in the absence also of any legal aid scheme regarding discrimination cases as well the lack of funding of NGOs for providing this kind of support, render access to judicial review and compensation rights basically impossible for victims of discrimination.

However, in view of the obligations of the National Implementing Bodies (NIBs) of the *European Year of Equal of Opportunities for All (2007)*¹²³ *Towards a Just Society*, the Ministry of Justice and Public Order, which was the NIB in Cyprus, issued the *National Strategy and Priorities for the European Year 2007 – Equal Opportunities for All – Cyprus*. Also, under the *European Year 2007*, for the first time ever, NGOs and other civil society stakeholders were included in the National Working Group for the implementation of activities for combating discrimination and racism. All in all, 12 projects¹²⁴, which involved a much larger number of organisations, were implemented during the *European Year 2007*,

¹²⁰ Such as the gender equality in employment laws, where the inspectors of the Department of Labour have the responsibility to monitor compliance of employers with the provisions of the law.

¹²¹ It has to be noted however that the functions of conducting independent surveys concerning discrimination and publishing independent reports and making recommendations on any issue relating to such discrimination are not specifically provided for in the law. They may be derived from the general powers of the Ombudsman to investigate complaints and produce a report on each complaint.

¹²² Re Holtmaat, Rikki, Catalyst of Change? Equality Bodies According to Directive 2000/43/EC – existence, independence and effectiveness, European Network of Legal Experts in the non-discrimination field, European Commission (March 2006)

¹²³ European Council Decision 771/2006/EU of 17/5/2006

¹²⁴ Re European Year of Equal Opportunities for All 2007 – Cyprus, http://ec.europa.eu/employment_social/eyeq/index.cfm?page_id=418, and http://ec.europa.eu/employment_social/eyeq/index.cfm?page_id=418&language=EL, accessed on 20 June 2008

including anti-discrimination and anti-racist events (such as the launching and closing events of the *European Year 2007* and the *Rainbow Festival, a multicultural antiracist event* organised in 2007 for the 10th year), awareness-raising and sensitisation campaigns about discrimination on grounds such as race, disability, gender and sexual orientation), documentaries, publications and a children's summer camp¹²⁵.

In addition, the Ministry of Justice and Public Order issued the following three publications, again as required by its NIB obligations under the *Year 2007*: (a) "National Activities of the European Year of Equal Opportunities for All (2007) – Let's make Equality a Reality" (Greek and English version), (b) "Report of the Republic of Cyprus Against Discrimination in the fields of the EU Acquis – Policy and measures against discrimination" (Revised Edition 2007 – Greek and English version) and (c) "A brief description and evaluation of the 12 Network Projects of the European Year (2007) co-financed by the European Commission"¹²⁶.

Under the project "Activities aiming to raise awareness on issues of discrimination and on the rights and obligations stemming from recently enacted antidiscrimination legislation", implemented during 20/11/2006 – 20/10/2007, the Equality Body organised awareness-raising activities that included public opinion surveys and publications on issues of discrimination. In particular, four surveys were conducted on the following: (a) Attitudes and beliefs of Greek Cypriots towards people of Pontian ethnic origin and the attitudes and beliefs of people of Pontian origin towards Greek Cypriots, (b) Attitudes and beliefs of Christian Orthodox Cypriots towards people of different religion who reside in Cyprus, (c) Attitudes and beliefs of Cypriots towards people with disabilities and (d) Sexual harassment at the workplace. The results of three of the surveys were presented at two conferences and one press conference. The leaflets published under the project were: (a) A "Code of Good Practices" concerning combating of sexual harassment at the workplace, (b) two "Learn your rights" information leaflets concerning people with disabilities and women in employment, and (c) a general information leaflet in Greek, English and Turkish, providing information on anti-discrimination legislation and the functions of the Equality Body.

Moreover, the Technical Assistance Information and Exchange Office (TAIEX) of the European Commission with the financial support of the European Commission and in collaboration with the Ministry of Justice and Public Order, the Law Office of the Republic, the Supreme Court and the Pancyprian Lawyers' Association held a seminar on 14 December 2007 regarding the implementation of the E.U. Directives concerning non-discrimination¹²⁷.

¹²⁵ We note with regret that the children's camp, organised by the Archbishopric of Cyprus, accepted only children of the Christian Orthodox religion, which is in itself discriminatory. This was pointed out by KISA's representative at the National Working Group but the camp went ahead as planned regardless.

¹²⁶ Re Ministry of Justice and Public Order, *Brief Cyprus's report on issues concerning the fight against discrimination/ Measures taken in the field of non-discrimination*, February 2008,

mjpo.nsf/0e1012448b5b9766c2256ede00482425/b0fc8c0fcf7db557c2256f0a0037f720/\$FILE/briefCyreport_2008.doc, accessed on 12 June 2008

¹²⁷ Ibid

However, the situation concerning discrimination and racism cannot, in our opinion, be reversed by these activities whilst, at the same time, institutional discrimination and racist policies and/or practices are maintained and whilst politicians and other public figures openly articulate racist and discriminatory statements, as it has been demonstrated elsewhere in this report.

Lastly, it must be pointed out that the existing methods of data collection in relation to discrimination and its assessment are highly problematic. The Equality Body indicated that the system of record-keeping about racist incidents by the police suffers of 'pathogenesis' and that police records regarding racist incidents do not correspond to the real extent of the situation. She further suggested to the police that it was necessary to improve their action in the field of combating racist incidents and racist crime as well as racist violence in general, and to develop effective methods of encouraging and facilitating the reporting of racist incidents¹²⁸. Her recommendations have not, to our knowledge, yet been adopted.

In the north of Cyprus an anti-discrimination law has not been enacted as yet. After the 2004 referenda, the Turkish Cypriot administration decided to proceed with the adoption of the EU acquis and has been holding consultations with the European Commission to adjust the relevant laws in 12 chapters¹²⁹. However, anti-discrimination is not included in these chapters. Furthermore, the government had no action plan in order to combat racism or raise public awareness.

6.2 Migration and integration

The government failed once again in 2007 to adopt a long promised modern migration legal framework. It has to be noted that the Aliens and Immigration Law is dated back to the 1930's, when Cyprus was still a colony of the United Kingdom. Since then, it has of course been amended repeatedly in order, among other reasons, to be harmonised with community law. However, its underlying principles which conceive 'aliens' as subjects only of obligations and not rights, the large discretion of the migration authorities on matters of allowing residence, deportation and detention, the lack of specific legal status with rights and obligations for certain categories of migrants etc, still remain.

Moreover, the government's restrictive migration policies and practices continued in 2007, while it could not delay any further the transposition of the Long-Term Residence Directive¹³⁰. Even though the transposition deadline was on 23

¹²⁸ Re Equality Body, *Report on Case (A.K.P. 7/2006)* (Nicosia, August 2007)

¹²⁹ The 12 chapters are: free movement of capital, public tender, company law, competition law, financial services, agricultural and rural development, food safety, transportation, statistics, studies of social politics, environment, protection of consumers and their health.

¹³⁰ Council Directive 2003/109/EC of 25/11/2003 concerning the status of third-country nationals who are long-term residents.

January 2006, Cyprus transposed it into national law with more than one year's delay on 14 February 2007¹³¹. However, the long-awaited transposition changed very little in the situation of the thousands of expectant third-country migrants who had been residing in Cyprus for five years or more as there was further delay in its implementation. Even then, the policy of the Migration Department, which is the responsible authority for its implementation, has systematically been one of undermining both the letter and the spirit of the Directive by restrictively interpreting the provisions of both the Directive and the law so as to exclude from their scope the majority of third country nationals, otherwise eligible for the long term residence status¹³². So, in addition to the delays in processing applications and rejecting almost every single one of them, the Department also pursued a policy of arrest and deportation of a large number of eligible applicants on the ground that they were "illegal". The "illegality" of residence of long-term third country nationals had been the outcome of the deliberate actions of the Department in the long period pending the transposition of the Directive, during which the Department had refused to renew residence and work permits to eligible migrants in order to reduce the number of eligible migrants and to deter those remaining to apply for long-term residence status. KISA has repeatedly submitted complaints to the Ombudsman and the Ministry of Interior as well as to the European Commission.

The government's position regarding the Long-Term Directive is indicative of its stubborn refusal to develop a comprehensive migration policy that would ensure the respect of migrants' human rights, according to international and European law and standards. It is also indicative of the total disregard of Cyprus's obligations as a member of the E.U. to develop a coherent and effective integration policy and, in particular, a national plan in accordance with the 11 Common Basic Principles¹³³ for the integration of migrants. By failing to introduce even a modicum of integration policies, the government has further impacted the problems and difficulties arising as a result and which affect not only migrants but society as a whole. This is also in contradiction to its own statements of intent, as they are set in no less a document than the National Strategic Development Plan 2007–2013, where 'The formulation of a comprehensive strategy on foreign workers' is set as one of the instruments for implementing its development objectives for employment.¹³⁴

Developments during the year under review verify our assessment of the government's policy on migration and integration. In May 2007, it was announced that the Council of Ministers approved a decision to set up a committee for

¹³¹ With the amendment of the Aliens and Immigration (Amendment) Law 8(I)/2007.

¹³² More specifically, the Department interpreted article 3 (2)(e) of the Directive which excludes from its scope TCNs whose residence permit is temporary and officially limited, in a way that independently of the years of residence, TCNs fell outside the scope of the Directive as, according to a Council of Ministers Decision, the maximum years of residence for TCNs is four years and their residence permits are officially limited.

¹³³ Re Commission of the European Communities, *A Common Agenda for Integration Framework for the Integration of Third-Country Nationals in the European Union*, Brussels, 2005, http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf

¹³⁴ Re Planning Bureau, *National Strategic Development Plan 2007–2013* (n.d.), p. 12

developing a policy framework for the social integration of migrants. According to the decision, the committee would consist of representatives of departments and services of the Ministry of the Interior, which was to chair the committee, and representatives of the Ministries of Labour and Social Insurance, Health and Education and Culture. The committee would also hold a dialogue with NGOs, representatives of migrant communities and specialists, in order to manage a policy framework and a package of relevant measures that would be incorporated in an action plan regarding the integration of immigrants¹³⁵. Despite the announcements and promises, nothing had materialised by the end of the year.

Additionally, although the Trafficking Law was amended in July 2007¹³⁶ prohibiting all forms of trafficking¹³⁷, government policies have not changed at all and visas for “artistes” are still being issued by the Migration Department, whereas victims of trafficking continued to be left unprotected. The government claims that many trafficking cases are dropped because most of trafficking victims withdraw the charges and/ or return home. The truth is, though, that most of trafficking victims are forced by the reality of their situation to do so. In many cases the victims are being harassed and threatened, even with loss of their lives, by their victimisers to withdraw the charges while the police prove unable to protect them. In addition, in many cases victims are forced to return home because they do not have any resources to sustain themselves in Cyprus as they are not allowed to work in another sector of employment during court proceedings and the Social Welfare Services take about 6–12 months to examine applications for public assistance. Moreover, the “shelter” provided to victims of trafficking by the Social Welfare Services, in homes for the elderly funded by the government¹³⁸ or similar institutions, has proved totally inadequate for the needs of trafficking victims, including those of physical safety. On 26 November 2007, a state-run shelter for victims of trafficking began its operation in Nicosia, a decision that has been at the centre of a public controversy ever since for two main reasons. Firstly, the shelter is located in the periphery of the Central Prison, a location that is not conducive to providing the required physical and psychological support and counsel to the victims of trafficking and their integration. The Human Rights Committee of the House of Representatives suggested that the shelter was unsuitable and encompassed great risks for the victims. Nonetheless, both the Social Welfare Services and the Attorney General insist on maintaining the shelter as it is. In fact, the Attorney General has stated that the location of the centre guarantees the protection of the victims¹³⁹. Secondly, the proximity of the shelter to the country’s penal institution, by associating trafficking victims with the prison’s inmates, creates negative connotations and gives the message that the victims “are kept where they

¹³⁵ Re Leonidou, Leo, *Integration Policy Hailed as a Step Forward*, *Cyprus Mail* (5 May 2007)

¹³⁶ Law No. 87(I)/2007 on Combating of Trafficking of Human Beings and for the Protection of the Victims

¹³⁷ The previous law perceived trafficking only in relation to sexual exploitation and did not essentially provide for victims’ rights.

¹³⁸ Re Bureau of Democracy, Human Rights, and Labor, *2007 Report*, op. cit.

¹³⁹ Re Lambraki, Antonia, op. cit.

belong”, under lock and key.

Moreover, the General Attorney has told the Chairperson of the international organisation STOP¹⁴⁰ that the problem of trafficking in Cyprus is not one of ‘tragic dimensions’ and characterised the extent of the problem and estimations of the number of victims as ‘exaggerations’, since, according to him, sexual exploitation of women is only the ‘exception’. Indeed, he refused to accept that victims are being forced to prostitution and suffer violence and deprivation of their human rights¹⁴¹. Additionally, on 7 November 2007, the Chairman of the Human Rights’ Committee of the House of Representatives stated that Cyprus is not a transit point for the trafficking of women for sexual exploitation, provocatively implying that victims of sexual exploitation arrived in Cyprus to work as prostitutes of their own free will. According to the same article, he also stated that there was ‘no racism in Cyprus, just a little xenophobia’¹⁴².

In the northern part of Cyprus, although some amendments have been made to the immigration law, such as toughening the granting of work permits, and better implementation of existing immigration law, it would be an exaggeration to claim that there was a migration policy in place. Migration from Turkey to Cyprus has always been a problematic issue in the north of Cyprus. According to the relevant Protocol, people can travel freely between the north of Cyprus and Turkey. On the other hand, the government has imposed restrictive clauses on work permits in order to avoid non legal employment. Although, new laws protect migrant workers from exploitation, some problems are observed with regard to their implementation.

Migrant workers face exclusion from society and are often seen as potential criminals and have very limited contact with local people, while there is no government programme to integrate them into society.

Regarding asylum seekers and refugees, positive developments have been observed, the main one of which is that immigration authorities do not, in theory, deport people who apply for asylum to the UNHCR. However, this policy is implemented almost only when NGOs intervene. Furthermore, during the year, five Iraqi children started attending school. On the other hand, asylum seekers and refugees are not allowed to work. However, there was still a lack of a legal framework for the protection of refugees and asylum seekers.

In the first quarter of 2007, 130 migrants, smuggled in by boats,¹⁴³ were caught by the police. A person died when a boat was abandoned. In order to avoid human smuggling and trafficking, the authorities are in the process of introducing a new law.

¹⁴⁰ Op. cit.

¹⁴¹ Re Stavrinou, Tonia, A “Blow” to Trafficking (in Greek: «Γροθιά» στο Σωματεμπόριο), *Phileleftheros* (7 November 2007)

¹⁴² Re A Shocking Contempt for Human Rights, *Cyprus Mail* (9 November 2007)

¹⁴³ Re Yeniduzen (3 May 2007)

6.3 Criminal justice

6.3.1 Racism as a crime

The organisation Human Rights First released a survey¹⁴⁴ regarding hate crimes¹⁴⁵ in 2007. According to the survey, Cyprus is one of the 24 member states of OSCE¹⁴⁶ 'that still have no express legislative provisions for penalty enhancement based on bias motivations'¹⁴⁷.

The annual report of the Fundamental Rights Agency (FRA), submitted to the European Parliament in August 2007, stresses the absence of national data regarding hate crimes in Cyprus, which had been the only member state without any relevant data available. The chairman of the Human Rights Committee of the House of Representatives stated that 'We didn't produce a report because we believe there is no racism in Cyprus. We admit that there is little xenophobia, but it's not racism'. In the same statement, he stated that 'Some women or young people [may be] afraid of coloured foreigners in the Ledra area, but no serious crime [has] ever occurred and it's not likely that hate crimes will occur in Cyprus', while also rejecting the existence of religious discrimination¹⁴⁸.

In the north of Cyprus, there were no legal developments, data collection or analysis in the area of racism as a crime during the reporting period.

6.3.2 Counter terrorism

No counter terrorism measures have yet been officially introduced. Yet, during the reporting period, according to KISA's information, there were cases of Muslim migrants who were arrested under the pretext that the police had had information or suspicions that they had been involved in terrorist activities.

This kind of incidents rises of course important ethical questions about the authority of the police to arrest people merely on suspicions or on the basis of vague information they may receive, and the sources of which are never revealed. Such practices confirm that members of the police transgress their powers and are likely to incriminate people of ethnic and religious minority communities unfairly and without evidence.

¹⁴⁴ Re Human Rights First, *Hate Crimes*, *op. cit.*

¹⁴⁵ According to the survey, 'Hate crimes – also known as bias crimes – are crimes motivated in whole or in part by racism, antisemitism, anti-Muslim prejudice, homophobia, and related forms of prejudice and hatred', p.8

¹⁴⁶ Organisation for Security and Cooperation in Europe

¹⁴⁷ Re Human Rights First, *op. cit.*, p. 3

¹⁴⁸ Re (unsigned article), *We didn't produce a report because there's no racism in Cyprus*, *Cyprus Mail* (30 August 2007)

6.3.3 Racial profiling

There were no legal developments pertaining to racial profiling in 2007. As mentioned previously in the present report, racial profiling is in practice employed fairly widely by the police, even though there is neither an official admission of the fact or official data to verify the fact.

Nevertheless, KISA received complaints that police practise racial profiling against people of Turkish, Bangladeshi and Pakistani origin. More specifically, it was noted that the Immigration police arrest and detain asylum seekers of Turkish origin when they apply to the police to submit their asylum applications, whereas they repeatedly fail to inform the competent authorities of the change of address of asylum seekers of Pakistani or Bangladeshi origins.

As also mentioned above, in the north of Cyprus, in criminal cases where non Cypriots are involved, the nationality of alleged criminal is always reported in the media, while this is not the case when Turkish Cypriots are involved, unless they are involved jointly with a non-Cypriot or in criminal cases abroad.

6.4 Social inclusion

'...everyday societal discrimination against migrants was positively correlated with the level of difficulty in finding employment and negatively correlated with membership of community, religious or social organisations and certain types of membership activities, respectively. The above results support the conclusion that as migrants become economically and socially isolated in the host society with limited participation in the community and little public voice, they are likely to receive little public support and sympathy and encounter more discrimination.¹⁴⁹'

The survey came to the above conclusion because it had found that only 17% of respondents were members of a community organisation or informal group. So, in addition to being subject to exploitation and discrimination in all spheres of life, migrants are also socially, politically and culturally excluded.

Despite this undeniable fact, the government continues to exclude migrants from the most vulnerable groups and, therefore, all policies and measures addressed to alleviate their vulnerability and facilitate their inclusion and integration. In the National Report on Strategies for Social Protection and Social Inclusion¹⁵⁰, for example, migrants are not included in the government's priorities aimed at the integration of vulnerable groups in the labour market for the period 2006-2008. On the contrary, migrants are cited as an obstacle and a threat to the integration of other vulnerable groups. It must be noted that, oddly, migrants are

¹⁴⁹ Re RUBSI survey, op. cit.

¹⁵⁰ Re Ministry of Labour and Social Insurance, *National Report on Strategies for Social Protection and Social Inclusion* (Nicosia, September 2006)

acknowledged as one of the “new” vulnerable groups in the National Strategic Development Plan 2007–2013 as well as in the National Reform Programme – Progress Report¹⁵¹, which is indicative of the confusion and lack of coordination of the various government departments competent for migration. This confusion and lack of coordination creates a number of problems to migrants who are often referred from one to the other of the different competent departments and agencies in order to have even the simplest of issues resolved.

However, despite the inclusion of migrants in the vulnerable groups in need of support, the only measure proposed in the above two documents for the integration of migrants is the provision of ‘more Greek language courses to immigrants to help their integration into the labour market’¹⁵² However, even this limited measure remains a half-fulfilled promise as the language courses are available only at a limited number of Adult Education Institutes and on set days and hours and therefore not easily accessible to the majority of migrants.

For children of migrants, the Ministry of Education has in the last few years been in the process of facilitating a limited programme of integration with the creation of the “Education Priorities Zones Programme” (EPZ), which aims to ‘reduce inequalities in the educational attainment among pupils in urban communities, particularly the ones with a high proportion of immigrants’¹⁵³. There are three EPZ operating, covering 17 school units (three gymnasiums, for children aged 12-15, and 14 primary schools, for children aged six to 12). Within the framework of the EPZ programme, the Pedagogical Institute in cooperation with the Educational Psychological Service offers seminars aiming at providing specialised training to teachers in the implementation of relevant actions.

Although the government, in all the above policy statement documents, fully recognises the need to alleviate child poverty, it has nevertheless failed to take any specific measures to address problems particularly acute among migrant children, such as poverty, sub-standard housing, supervision after school as the majority of migrant parents work long hours, recreation spaces, etc.

As the RUBSI survey concludes, ‘... reported institutional discrimination [is] correlated with everyday societal discrimination. The link between institutional and society discrimination indicates that perhaps combating discrimination against migrants needs to be examined in terms of both government policies and practice and cultural integration of immigrants into the host society. This combined approach may help the government build a fairer, more culturally and racially tolerant society’¹⁵⁴.

¹⁵¹ Re Planning Bureau, *National Reform Programme of Cyprus – Progress Report* (2007)

¹⁵² *ibid.*

¹⁵³ *ibid.*

¹⁵⁴ Re RUBSI survey, *op. cit.*

7. National recommendations

7.1 General

- The government must acknowledge that racism and discrimination in Cyprus is a rising phenomenon that needs to be tackled with concrete and targeted measures, through a horizontal action plan covering all aspects and areas where discrimination and racism persist, including institutional racism.
- The government should mainstream the right to equality in all its policies, and particularly its migration and asylum and social and employment policies
- A new modern legal framework on migration defining the legal status and the rights attached to it of migrants is absolutely necessary if discrimination against the most vulnerable group of migrants is to be effectively addressed.
- Integration measures and policies need to be urgently adopted and mainstreamed in all policies in order to be effective.
- In the north of Cyprus, a census should be carried out urgently in order to have a more accurate picture of the ethnic background of the population in order to adopt and develop the necessary integration and antidiscrimination policies.
- In the north of Cyprus police forces should be governed by civilians and an independent authority should be established to investigate complaints against the police.

7.2 Anti discrimination

- The establishment of a body providing independent assistance to victims of discrimination is urgently required to enable victims to pursue their rights.
- Restrictions to access to social rights on the basis of nationality, ethnic origin or legal status should be revoked.
- Specialised training of public servants who deal with migrants and refugees, so as to be aware of their special needs and sensitive to their problems. Such training should be compulsory for all public servants at Health Services, Social Welfare Services, Education, Department of Labour, Migration Department, Asylum Service and the Police force. The same should be done for the authorities in the north of Cyprus
- Education, in both south and north of Cyprus, as the cornerstone of human development, should be cleared from nationalistic and religious elements and should promote the principles and values of anti-discrimination, anti-racism and respect of difference and cultural diversity.
- In the north of Cyprus, anti-discrimination legislation transposing the EU Directives as well as international antidiscrimination legal standards, such as the International Convention Against Racial Discrimination, should be urgently put in place.
- In the north of Cyprus an independent institution or board or an Office of Ombudsman has to be established in order to investigate complaints of victims of discrimination and racism against private persons or public bodies.

7.3 Migration and integration

- The big challenge for the government is to realise that in order for the situation of migrants to be improved, policies and practices regarding the employment of migrants should drastically change. The improvement of migrants' working and living conditions will also provide for their full inclusion and participation in society and empower them to pursue their rights against discrimination. In order to materialise these goals, the government should develop and put in place a comprehensive migration policy that would meet European and international standards for the respect of human rights. The new migration policy should also include an integration policy of migrants. The government should ensure that the process leading to the development of a new migration and integration policy includes consultations with all interested social actors and NGOs as well as migrant communities. Finally, the long-term residence status should be seen by the government as an integration measure for migrants and not as a threat to Cyprus and its demographic deficit.

In the meantime, the government should adopt the following measures and practices:

- Third-country nationals who, on the date of the entry into force of the Long-Term Residence Directive, fulfilled its residence requirements should be granted the long-term residence status, irrespective of their subsequent legal or "illegal" stay.
- The employment contracts of migrant domestic workers must be modified so as to equate them with those of other migrants and set their wages with at least the national minimum wage.
- Asylum seekers and persons under subsidiary protection must be given full access to the labour market.
- Migrants should be given broader access to the labour market.
- The Ministry of Interior should immediately terminate the issuance of working permits for "artistes"
- Implementation of material reception conditions (especially regarding housing) for asylum seekers.
- Implementation of alternative measures to detention of migrants and asylum seekers in relation to their status.
- An effective action plan for the integration of migrants has to be developed and put in place.
- Local authorities must also assume their share of responsibility to people from different ethnic and/ or religious backgrounds and therefore, launch programmes through which to assist them, especially in relation to housing and health care.
- The programme of Greek language classes for migrants should be extended in order to make it more easily accessible to all migrants.

- The government should promote and encourage research in the fields of migration, asylum, discrimination and racism.

In the North of Cyprus an integrated migration policy has to be developed as well as the necessary infrastructure to accommodate the needs of migrants. Stricter labour inspections should be undertaken to ensure the implementation of the social security and labour laws, whereas a refugee or asylum law is urgently needed to address the problems asylum seekers are facing.

7.4 Criminal justice

7.4.1 Racism as a crime

- The Police must establish an objective and effective way of data collection regarding racism as a crime and, subsequently, take relevant measures in order to fight such phenomena. The same should be also done in the north of Cyprus.
- Police officers must receive specialised training in order to identify racist crime and how to deal with the victims of racism and be sensitive to their needs.
- The Police must open communication channels with NGOs in order to report and eliminate such incidents.
- Both in the south and north of Cyprus race motivated crimes should be included in the penal law.

7.4.2 Racial profiling

- Enhance the monitoring mechanisms of the police on racial profiling
- The police must assume the responsibility to gather data on the practice of racial profiling by its members and take the relevant measures, including training, in order to fight such phenomena.

7.5 Social inclusion

- The government must establish collaboration with NGOs in order to facilitate the social inclusion of migrants and other people from different ethnic and/ or religious groups.
- Migrant communities should be empowered and strengthened in order to participate fully on the society
- The government, academic institutions as well as local authorities must perform activities in order to inform migrants of their rights and sensitise Cypriots about the special needs of migrants and vulnerable groups.

8. Conclusion

With discrimination and racism on an upward surge, at the end of 2007, Cyprus found itself inadequately equipped and lacking the political will to meaningfully address discrimination and racism, affecting both migrants and society as a whole. It is our contention that today, not tomorrow, Cyprus must meet its obligations and undertake its responsibilities as a member of the EU in relation to community rules and policies on anti-discrimination, asylum and immigration. The state has to acknowledge that the integration of migrant communities and ethnic and religious minorities with the adoption of a comprehensive and effective migration and integration policy, which would respect human rights and allow full participation and the inclusion of these communities, is crucial in order to effectively fight discrimination and racism, to build a cohesive and inclusive society and to further enrich its multicultural nature, encompassing all its communities and inhabitants, free of xenophobia, discrimination and racism.

The empowerment of the communities of migrants, asylum seekers and foreign students, manifested in protests and other mobilisations, in the more active participation of these communities in the life and action of civil society, especially against discrimination and racism and for claiming their rights, as well as in the beginnings of self-organisation, is a significant development that must be evaluated and supported accordingly.

The growth of research and development of data collection in the fields of discrimination and racism, as indicated by the large number of research studies, surveys and projects implemented and/or published in 2007, is also encouraging and critically important for strengthening the fight against discrimination and racism. In addition to the thematic value per se of these research studies and projects, the publicity they receive and the ensuing debates on their results are instrumental in providing information and raise public awareness about the issues. This, however, does not exonerate the state from its obligations to update and extend its data collection systems and procedures to include migrants.

Despite the government's position towards NGOs active in the fight against racism and discrimination, which in 2007 culminated in the total failure to criminalise KISA, the major and oldest NGO in Cyprus in the field, the anti-racist movement in the country is growing. With this growth, come higher expectations from migrants who are victims of racism and discrimination and have their rights violated and, therefore, increased responsibility for NGOs. These can only be met by strengthening the organisational base of NGOs and mobilising their members, more cooperation amongst NGOs and between them and other organised sections of society. This is a challenge that the civil society in Cyprus cannot afford to miss.

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10. Annex 1: List of abbreviations and terminology

KISA – Action for Equality, Support, Antiracism (NGO)

Ombudsman – The Office of the Commissioner For Administration

Equality Body – The Body Against Discrimination and Racism and the Equality Authority, both of which are under the Ombudsman’s Office.

MIGS – Mediterranean Institute of Gender Studies (NGO)

Migration Department – Civil Registry and Migration Department, which operates under the Ministry of Interior of Cyprus

RUBSI – Research Unit in Behavior & Social Issues

TCHRF – Turkish Cypriot Human Rights Foundation



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