



european network against racism

# ENAR Shadow Report 2010-2011

## **ENAR SHADOW REPORT 2010-2011**

### **Racism and related discriminatory practices in CYPRUS**

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with the support of KISA- Action for Equality,  
Support, Antiracism**

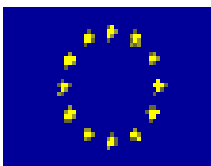
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

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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## I. Executive summary

In witness to the rising trend of extreme far right nationalistic and anti-immigrant narrative from mainstream political parties, the church, and far right parties and organisations, during the reporting period, Cyprus is once more, challenged to confront racism and related discrimination.

ELAM, the right wing extreme nationalistic party of Cyprus not only has gained support but has also participated, for the first time, in the Parliamentary elections in May 2011, winning 1.08% of the votes. Migration and asylum policies and an extremely negative narrative against migrants, asylum seekers and refugees were extensively used in their political pre-election campaign manifestos in order to manipulate voters of limited tolerance as well as the vulnerable situation of the whole society, because of the recession and the economic crisis.

The key findings of the report can be summarised as following:

There are many **vulnerable communities** in Cyprus, including, in the southern part, Turkish Cypriots, and Roma, religious groups such as the Armenians, Latins and Maronites, Pontian Greeks and other EU citizens and generally non-citizens consisting of asylum seekers, refugees, migrant workers and victims of trafficking whereas in the northern part, Turkish nationals, Greek Cypriots and Kurds are vulnerable to discrimination.

During the last two years the wrath of unfairly dismissed people and people who are unemployed has been turned towards third country nationals and particularly migrant workers and asylum seekers who “allegedly” obtain benefits from the state<sup>1</sup>, an attitude promoting racism and discrimination.

As far as **housing** is concerned, undocumented migrants and asylum seekers have had very poor access to decent accommodation. Following a proposal to enhance the living conditions and services provided at Kofinou Asylum Reception Centre, the Government proceeded with practical measures.<sup>2</sup> However, this centre provides accommodation to only around 100 people, hence the above measures do not seem to effectively address the housing needs of asylum seekers.

Some of the key findings of the Migration Integration Policy Index (MIPEX) Report<sup>3</sup> prove that there is still no real possibility for the integration of third

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<sup>1</sup> The Ministry of Labour explains in a newspaper article the benefits given to asylum seekers in order to explain statements of propaganda: <http://www.sigmalive.com/news/local/275151>, accessed 15 July 2011.

<sup>2</sup> Following a proposal to enhance and ameliorate the living conditions and services provided to asylum seekers at Kofinou Reception Centre, in order to adopt modern principles of organisational management, parallel to the provision of comprehensive social welfare support, the Government proceeded in awarding the contract to ENOROS Consulting Ltd, in 2009.

<sup>3</sup> <http://www.mipex.eu/print/210>, accessed 20 July 2011.

country nationals in Cypriot Society, due mainly to the migration model followed by the state.

The **Health Care System** in Cyprus is based on four types of coverage depending on the category that a person is said to belong to. The current public healthcare system is non-contributory and non-compulsory; hence it does not practically cover all residents of Cyprus. De jure and de facto discrimination against third country nationals legally residing in Cyprus continues to exist in access to medical care and the provision of necessary treatment.

Albeit the educational seminars and trainings and the significant efforts of the Police Force to avoid **ethnic profiling**, it is evident through NGO reports and academic research that policing is somehow based on ethnic profiling.

**Racist violence and crime** are either underreported or poorly documented by the Cypriot police and corresponding authorities, resulting in inadequate data to provide evidence of the existence of racist violence and crime.

**Access to goods and services** is usually hindered by the language barrier and the general attitude of civil servants to decide who "deserves" their attention and services.

Racism and related discrimination in **the media** seems to be underreported when taking into consideration Cyprus Radio Television Authority<sup>4</sup> records.

The current political debate on migration in Cyprus claims to reject fascist and racist attitudes. However, reality proves otherwise as the majority of political parties, even the mainstream ones, have evidently shifted to far right and extremist narrative, particularly during the pre-election period.

One of the main developments in raising the awareness of the public opinion on issues of Discrimination in 2010, was a campaign initiated by the Cyprus Ombudswoman's Office and which was funded by the European Commission programme "Progress", of the Directorate-General for Employment, Social Affairs and Inclusion Organisation.<sup>5</sup>

Furthermore, the newly adopted National Action Plan for the Integration of third country nationals<sup>6</sup> portrays positive measures towards integration, including elements of support and information of TCNs who are legally residing in the country, utilising and/or activating local government, and the participation of civil

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<sup>4</sup> <http://www.crtv.org.cy/> , accessed 15 July 2011.

<sup>5</sup> <http://www.no-discrimination.ombudsman.gov.cy/drastiriotites-ekdiloseis/ekstrateia-evaisthitopoiisis-2010> , accessed 15 July 2011.

<sup>6</sup> Available in Greek at: [http://ec.europa.eu/ewsi/en/info\\_sheet.cfm?ID\\_CSHEET=44](http://ec.europa.eu/ewsi/en/info_sheet.cfm?ID_CSHEET=44) accessed 6 December 2011.

society.<sup>7</sup> It remains however to be seen how these policies will be eventually implemented as, to date, not much has been done in relation to the integration of migrants.

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<sup>7</sup> Trimikliniotis N., Demetriou C., *Labour Integration of Migrant Workers in Cyprus: A Critical Appraisal*, Chapter in Mojca Pajnik and Giovanna Campani (2011), *Prekarious Migrant Labour Across Europe*, MIROVNI INŠTITUT, Ljubljana 2011, pp. 73-96

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### III. Introduction

Following the 1974 Turkish invasion, Cyprus is de facto divided in two areas; one part includes the areas controlled by the Government of the Republic of Cyprus, in the South, and the other part includes the non-Government controlled areas in the North.<sup>8</sup> The data presented in this report refer to racism and related discrimination in the entirety of the island. This may pose some difficulties or confusion in terminology, just like in the previous ENAR Reports.

It is vital to stress that the current situation of the divided island promulgates and promotes de facto discrimination and racism in multiple respects. Racism and related discrimination is often being surpassed and restricted by the current existing situation of the Cyprus problem as well as other unexpected tragic events. It is not surprising that historically, general discriminatory practices in Cyprus were neither researched nor challenged.<sup>9</sup> The dominance of the 'national question' resulted in a very weak tradition of anti-discrimination laws and policies being in operation, with the exception of gender discrimination, where some measures did exist. Prior to accession to the EU, research on discriminatory practices was virtually non-existent as the monitoring systems were either archaic or underdeveloped.

This year, the effect of the economic recession is dreadfully visible in contrast to other years, not only for migrants or asylum seekers but for the entirety of the population of the island. Despite the former Minister of Finance's comforting comments, maintaining that Cyprus' economy is as solid as a rock,<sup>10</sup> Cyprus now has to cope with the rising level of unemployment, which is also causing rising incidents of racist and discriminatory behaviour, as the current narrative directly targets migrants and asylum seekers as those 'responsible' for unemployment in the country.

Violent racist incidents as well as indirect inducement of racism and hate towards migrants were evident during 2010-2011. The circulation of e-mails "revealing" the Government's tolerance and unacceptable behaviour towards a person presented as "Turkish", who was indeed a Kurd of Turkey and a recognised refugee in Cyprus augmented the rage of misinformed people. In fact, the technique of twisting stories to raise people's wrath and feelings of insecurity and hate against Government policies is a common practice of politicians in Cyprus, wishing to manipulate people's perceptions, just before the elections.

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<sup>8</sup> The northern part of the island is under the control of Turkey since 1974 and has proclaimed itself as the « Turkish Republic of Northern Cyprus », an entity not recognised by the international community.

<sup>9</sup> Trimikliniotis N., Demetriou C., Evaluating the Anti-Discrimination Law in the Republic of Cyprus: A critical reflection, THE CYPRUS REVIEW (VOL. 20:2 FALL 2008), p. 83.

<sup>10</sup> Palala Nansia, Charilae you ridiculed us Internationally: heavy accusations against Stavrakis by Nikolas (Papadopoulos), Simerini newspaper, 20 May 2011.

The aim of this report is to identify racism and related discrimination in Cyprus, in the fields of employment, housing, education, health, criminal justice, access to goods and services, and in the media, in an effort to focus on vulnerable communities and especially people of African descent, since 2011 has been proclaimed as the international year of people of African descent by the UN.

This is followed by a commentary on political and legal developments, the main purpose is to provide solid and practical recommendations to the Government, the people and NGOs in Cyprus.

Through presenting the NGOs' good practices and responses, this report aims to demonstrate a holistic understanding of the current issues around the racism and discrimination status quo in Cyprus, in a socio-legal context.

The methodology followed in this report was mostly literature based, using both primary and secondary sources. The primary sources utilised comprise of the legislation of Cyprus, whereas secondary sources include the use of official statistical data, data collected by NGOs through empirical research, academic articles, books, newspaper articles and official press releases, as well as official reports provided by Government departments.

The absence of official data and research, particularly in regard to discrimination, is one of the main limitations of this study; hence data collection by the Government is also one of the final recommendations.

This report covers the time-period of March 2010 to March 2011.



## IV. Communities vulnerable to racism and discrimination

The word "community" is defined as a social group of any size whose members reside in a specific locality, or share government, and often have a common cultural and historical heritage.<sup>11</sup> The mere membership to a community often constitutes a reason for experiencing racism or being discriminated against. In Cyprus, there are two dominant recognised communities, namely Greek Cypriots which form the majority and Turkish Cypriots.

The Cyprus Constitution is silent about minorities or any special rights they may have. However it provides for the recognition of the religious groups of Armenians, Latins and Maronites<sup>12</sup> traditionally present on the island at the time of independence of Cyprus with some special rights related to their culture, religion and education. Even those religious groups however, had to adhere in one of the two dominant communities. A small Roma community also present on the island is not recognised as a religious or ethnic minority.

Nevertheless, one cannot claim that the demographic situation has not been altered since 1960. Mainly, but not solely, due to the accession of Cyprus in the European Union in 2004, the population in Cyprus and its ethnic composition has grown in variety and numbers. According to the latest Demographic Report of 2009,<sup>13</sup> the population of Cyprus was estimated at 892,400 at the end of 2009. Out of the total population, the Greek Cypriot community constitutes 75,4%, the Turkish Cypriot community 10,0%, foreign residents constitute 14,6%, Armenians form 0,3% of the total population, Maronites 0,5% and Latins 0,1%. Adding to the above, in 2009, net migration<sup>14</sup> decreased to 1.846 compared to 3.595 in 2008. It is therefore evident that many more ethnic and religious communities, mainly of migrant background, have been established and developed in Cyprus since its independence. However these remain to a large extent non-integrated in the Cypriot society with limited rights and certainly are not recognised as official ethnic minorities.

Greek Cypriots are usually the perpetrators of racist attitudes as they form the great majority of the population; nevertheless, they become a community vulnerable to discrimination as soon as they cross the Green Line<sup>15</sup> to the North. A recent incident, in November 30th 2010, the name day of Apostolos Andreas, Turkish police in the non-controlled areas of the Republic of Cyprus denied the

<sup>11</sup> <http://dictionary.reference.com/browse/community>, accessed 3 August 2011.

<sup>12</sup> The Cyprus Constitution, Article 2 defines them as religious groups.

<sup>13</sup> Republic of Cyprus, Statistical Service, Demographic Report 2009, Cyprus, February 2011.

<sup>14</sup> Net migration is the balance between in migration and out-migration. It may be expressed as a rate per 1000 mid-year population.

<sup>15</sup> As defined in Article 1 of the Council Regulation (EC) No 866/2004 of 29 April 2004, the term «line» means: (a) for the purpose of checks on persons, as defined in Article 2, the line between the areas under the effective control of the Government of the Republic of Cyprus and those areas in which the Government of the Republic of Cyprus does not exercise effective control;

Greek Cypriot Bishop the right to practice the religious ceremony in Apostolos Andreas Church in Rizokarpaso, an area in the northern part of Cyprus, indicates religious as well as ethnic and racial discrimination against the enclaved people who live in Rizokarpaso, and other Greek Cypriots who wished to visit the Monastery<sup>16</sup> at that time. On the other hand, Turkish Cypriots who are living in the Government controlled areas are invariably facing discrimination through some particular administrative processes<sup>17</sup> especially regarding property issues which will be shown below.

As mentioned earlier, discrimination is generally evident against non-citizens. Discrimination however, does not only emanate from a person's racial, ethnic, or religious identity. It is observed that discrimination is also triggered from one's gender, age, sexual orientation, in combination with race and ethnicity.

It is however important to notice that tolerance of third country nationals also depends on their economic situation. If a non-citizen is, for example, a rich business man from Qatar, and although he may have a different ethnicity, appearance and religious beliefs, factors which could trigger discrimination against him, it is rarely the case that he will be directly discriminated against in the Republic of Cyprus.<sup>18</sup> On a parallel note, investments by Russian millionaires have been welcomed by Cypriots who are not particularly racist towards non-citizens with assets being also the main category of persons, if not the only one, entitled to long term residence status and/or citizenship according to Government policies.

The year 2011 was proclaimed by the United Nations General Assembly as the International Year for People of African Descent, aiming at strengthening national actions and regional and international cooperation for the benefit of people of African descent in relation to their full enjoyment of their rights, their participation and integration in society as well as the promotion of knowledge and respect for their diverse heritage and culture.<sup>19</sup> In Cyprus, people of African descent are usually discriminated against on the grounds of their colour, descent and ethnicity.

In the northern part, the most vulnerable communities are invariably Turkish nationals<sup>20</sup> and/or other migrants, victims of trafficking, refugees and asylum

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<sup>16</sup> Vasiliou, Vasos, *Not allowed to practice the religious ceremony*, Philefteros Newspaper, 1st December 2010, p. 36.

<sup>17</sup> The Ombudswoman reported that, when dealing with property issues, the procedures, in regard to what is required from Turkish Cypriots, are discriminatory. Turkish Cypriots who never left their properties and currently live in the south are required to get permission from the Ministry of Interior Affairs for any procedure regarding their properties, whereas this is not the case for other citizens. Also see footnote 127.

<sup>18</sup> Psyllides, George, *Qatar deal will draw in more foreign investment*, Cyprus Mail, 23 April 2010.

<sup>19</sup> Source: <http://www.unesco.org/new/en/culture/themes/dialogue/the-slave-route/right-box/related-information/2011-international-year-for-people-of-african-descent/>, accessed 4 August 2011, Last updated: 2 August 2011.

<sup>20</sup> The term Turkish nationals refers to 'settler migrants' from Turkey including different ethnic backgrounds, such as Kurds, Alevis, Laz, et al, who were brought an masse by Turkey to the northern part of Cyprus after

seekers, Maronites, Roma and Greek Cypriots. The Kurdish population is increasingly facing discrimination since the election of the right-wing National Unity Party (UBP). In recent years there has been a rise in the number of African students coming to the north to get a college education.<sup>21</sup> Though there is not explicit systematic discrimination faced by this group, it seems necessary to mention the lack of some regulations to integrate them into society and allow them to benefit from goods and services on the same level with every other member of the society. To that end, for this year's report a focus group was conducted with African students in order to frame the problems they are facing.

Multiple-discrimination was also evident against vulnerable groups especially in terms of gender, sexual orientation, and ethnicity.

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the 1974 events. It also refers to Turkish nationals who migrated to the north of Cyprus for employment or other purposes, such as studying. In order to avoid politically sensitive terms, the Report refers to 'Turkish nationals' or 'migrants' in general instead of distinguishing between 'settlers' and 'migrants'.

<sup>21</sup> For instance, in 2009 Girne American University signed an agreement with Zimbabwe TP World Student Services after opening a representation office in Morocco. These steps inevitably reflected upon the number of students coming to the north of Cyprus. (see; <http://www.gau.edu.tr/tr/125/haberler/gau-nun-afrika-acilimi-genisliyor>, accessed August 30 2011.)

## V. Racism and related discrimination in employment

### V.i Manifestations of racism and related discrimination in employment

The consequences of the global economic recession have also affected Cyprus and were particularly visible during the reporting period. The unemployment percentage reached 6.9% in March 2011 from 6,41% in March 2010.<sup>22</sup> The most recent statistics have shown unemployment rate to reach 7,5%. These statistics do not include third country nationals. Third country nationals are not included in the unemployment lists and this results in the deprivation of access to the services of the Department of Labour.<sup>23</sup> The plain denial of this basic right for third country nationals presents a gross manifestation of racist discrimination on behalf of the Government.

Nevertheless, the perception of the general public in Cyprus is that there is a problem of unemployment for university graduates, as well as older senior-position employees who are being replaced by EU and mostly non-EU citizens, who are satisfied with a lower pay. This perception creates a feeling of injustice and promotes racism and discrimination amongst Cypriots and migrants or EU citizens. However, as regards third country nationals this perception is totally wrong as they are not entitled to have access to any such positions. This group are only allowed to be employed in low skilled, low paid jobs that Cypriots are not willing to work in and only after the employer proves that Cypriots or EU nationals were not available.

Unfortunately, the rage of unfairly dismissed people and people who are unemployed is turned towards third country nationals who “allegedly” obtain benefits from the state.<sup>24</sup> All trade unions are calling for more restrictions in the employment of TCNs, although the employers’ organisations are firmly in favour of more migrant workers to fill in the jobs that Cypriots are unwilling to take. Fringe and extreme political parties, right wing groups and initiatives have developed further and adopted political discourse connecting unemployment to the presence of migrant workers and asylum seekers; some of these articulate clearly racist discourse and have repeatedly used violence against migrants in the streets.<sup>25</sup> Unfortunately the same narrative was even adopted by mainstream political parties, particularly during the pre-election period, as well as the Church.

<sup>22</sup> [http://sdw.ecb.europa.eu/quickview.do?SERIES\\_KEY=132.STS.M.CY.S.UNEH.RTT000.4.000](http://sdw.ecb.europa.eu/quickview.do?SERIES_KEY=132.STS.M.CY.S.UNEH.RTT000.4.000), accessed 19 July 2011.

<sup>23</sup> Job seekers who are entitled to register with the District Labour Offices in order to receive assistance in finding employment are listed in the Ministry of Labour official website: [http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlsearch\\_en/dmlsearch\\_en?OpenDocument](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlsearch_en/dmlsearch_en?OpenDocument) accessed 6 December 2011.

<sup>24</sup> The Ministry of Labour explains in a newspaper article the benefits given to asylum seekers in order to explain statements of propaganda: <http://www.sigmalive.com/news/local/275151>, accessed 3 August 2011.

<sup>25</sup> Trimikliniotis N., Demetriou C., *Labour Integration of Migrant Workers in Cyprus: A Critical Appraisal*, Chapter in Mojca Pajnik and Giovanna Campani (2011), *Precarious Migrant Labour Across Europe*, MIROVNI INŠTITUT, Ljubljana 2011, pp. 73-96

The general perception in Cyprus is that discrimination in employment is also reported to be against Greek Cypriots. Employers, especially in the farming and building industries prefer to recruit migrants who can be treated in a different, discriminatory way, in contrast with other employees, by receiving lower wages, at times no wages at all, and who are forced to work in dreadful working conditions.<sup>26</sup>

On the basis of current policies, asylum seekers are generally restricted from full access to the labour market.<sup>27</sup> The initial governmental policy restricting asylum seekers' access to employment in the farming and the agricultural sector has been denounced as discriminatory and unlawful by the Ombudswoman.<sup>28</sup> This is also the opinion shared by several NGOs, as a result of which they have broadened the employment sectors that asylum seekers have access to.<sup>29</sup> Nevertheless, it is reported by NGOs that the employment offices continue to offer jobs to asylum seekers only in the agricultural industry.

It is worth noticing that, according to the Eurostat 2011 edition,<sup>30</sup> Cyprus, amongst four other Member States, portrays the exception to the lower employment rate of foreign born women in the prime working ages of 25-54. This is, however, due to the fact that the majority of migrant workers are women working as domestic workers.

Another issue that falls under the category of racial discrimination in employment is the labour trafficking situation in Cyprus. As mentioned in the previous Report<sup>31</sup>, competent authorities continue to be reluctant to recognise victims of labour trafficking, often attributing their situations to mere "labour disputes". It was observed that, during this reporting period, victims of labour trafficking were

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<sup>26</sup> According to the HUMA Report research, people working in the sectors of activity with the most difficult working conditions also felt they were at risk of an occupational accident or that their work could adversely affect their health. This was the case for 86% of the people working in farming or agriculture and 75% of those working as cleaners in companies. However, workers in all other sectors of activity also felt this way. In total, more than half of the workers interviewed felt their health could be harmed by the conditions in which they worked or that they were at a risk of an accident at work.

<sup>27</sup> HUMA Network, Health for Undocumented Migrants and Asylum Seekers, Access to Health Care and Living Conditions of Asylum Seekers and Undocumented Migrants in Cyprus, Malta, Poland and Romania, 2010, p. 43.

<sup>28</sup> Equality Body, Ombudsman, *Report regarding the Limitations to the Right to Work of Asylum Seekers* (original in Greek: *Εκθεση της Αρχής Ισότητας αναφορικά με τους Περιορισμούς στο Δικαίωμα Απασχόλησης των Αιτούντων Άσυλο*). Nicosia. 21 Dec. 2007.

<sup>29</sup> After the 6-month waiting period, asylum seekers have access in the following employment sectors: agriculture (labourers), animal husbandry (labourers), fishery (labourers), manufacture (forage production labourers), waste management (labourers), wholesale trade repairs (gas station and car wash labourers and freight handlers of whole sale trade), building and outdoor cleaners, distributors of advertising and informative material and food delivery ([http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlemploymentasylum\\_en/dmlemploymentasylum\\_en?OpenDocument](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlemploymentasylum_en/dmlemploymentasylum_en?OpenDocument) accessed 3 August 2011.)

<sup>30</sup> Eurostat European Commission, *Indicators of Immigrant Integration: A pilot study*, Eurostat Methodologies and Working papers, 2011 edition, ISSN 1977-0375, p. 62.

<sup>31</sup> Available at: <http://cms.horus.be/files/99935/MediaArchive/publications/Cyprus.pdf>, accessed August 3 2011.

denied access to protection mechanisms and support. In contrast with victims of trafficking for sexual exploitation, victims of trafficking for labour exploitation are not generally seen as victims. Although GRETA reports that more needs to be done for the situation of trafficking in Cyprus, the country officials tend to deny the gravity of the problem.<sup>32</sup>

Human trafficking remains a major problem in the northern part of Cyprus as well. Victims of trafficking are subjected to conditions of forced labour. According to local authorities, women working in nightclubs and pubs who received “hostess” or “barmaid” work permits in 2010 came mainly from Moldova, as well as from the Ukraine. Local NGOs reported the great numbers of trafficked foreign women who are deprived of their freedom in nightclubs.<sup>33</sup>

According to the Turkish Cypriot Human Rights Foundation (TCHRF), other human trafficking victims are mostly coming from Philippines, Vietnam, Bangladesh, Pakistan, Turkmenistan, and Azerbaijan.<sup>34</sup> They are brought to the non-government controlled areas through agencies that are located in the countries mentioned above. The agencies are paid 4000-6000 dollars and they promise the victims a well-paid job. However, upon the arrival of the victims their passports are taken from them, with the pretext of work permit applications, and never returned to them so that people have no option to escape. Sometimes people are held liable to pay large sums of money to the agencies that assisted them to travel to Cyprus. Since people cannot afford to pay this amount in cash, they are forced into labour in order to repay their debts. People are exposed to violent treatment and threats, while at the same time their inability to speak Turkish as well as their limited awareness of their rights, exposes them to further discrimination.

In line with the general status of migrants, TCHRF continued to receive complaints that they are facing violence and threats, are forced to work with very low wages and in some cases they do not even get paid for a long period of time.<sup>35</sup> In one of the cases TCHRF helped a migrant from Cameroon to find a job at a restaurant and after a week he was fired on the grounds that ‘the customers would not have confidence of his hygiene and that the employer’s grandchildren were afraid of the way he looked.

In the northern part, migrant workers in construction, agriculture, catering sectors and domestic services, are mostly undocumented. In 2010, in 584 inspected

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<sup>32</sup> Hami Natalie, “More needs to be done to combat trafficking”, 14 September 2011, Cyprus Mail.

<sup>33</sup> Gunalp, Çağıl, “Yasal değişiklikte İsveç ve Norveç model alınmalı” (Sweden and Norway should be a model for legal amendment) 21 April 2010, Yeniduzen Newspaper. Accessed December 2011

<sup>34</sup> U.S Department of State, Office to Monitor and Combat Trafficking in Persons, *country Report on Trafficking in Persons in Cyprus- 2011*

<http://www.state.gov/documents/organization/142982.pdf> (pp.129), accessed December 7 2011.

<sup>35</sup> This information was received on the basis of author’s personal experience at the TCHRF in handling such cases.

workplaces 316 workers were discovered to be undocumented and 162 of them were deported out of 1672 workers in total.<sup>36</sup> In the first four months of 2011 the “Ministry of Labour and Social Security” inspected 207 businesses and reported 650 documented and 234 undocumented workers. The “PIO” fined these businesses with 343,137 Turkish Liras (~140,000 Euro).<sup>37</sup> Also, undocumented migrant women are often employed for cleaning services and are working without insurance.

Considering the fact that the migrant workers in the north are mostly hired in the construction sector, it is worthwhile mentioning the lack of safety measures in this particular field. According to the statistics provided by the “PIO”, there were 42 occupational accidents reported, in which 42 workers were injured and one worker was killed. The nationalities and legal status of these workers were not provided by the report.<sup>38</sup>

In February 2010 three sisters of Kurdish origin who were working at a duty-free shop at Ercan Airport in the north were fired. In an interview with the media the women claimed they were fired because they were Kurdish. The airport security manager claimed that the police did not approve the renewal of the women's airport identity credentials.<sup>39</sup>

Child labour is a growing problem especially in agriculture and manufacturing sectors. Children working in these sectors are mainly Turkish nationals.<sup>40</sup>

#### **Examples of NGO Good Practice**

Several NGO's, including **KISA and Future Worlds Centre**<sup>41</sup> denounce Government policy to restrict asylum seekers access to employment in low skilled or unskilled jobs which may not correspond to their degrees or status.

**Social Risks Prevention Foundation**, which operates in the north, published press releases on the matter of child labour and established a 24-hour hotline for reporting child abuse.<sup>42</sup>

<sup>36</sup> “TRNC Public Information Office” Website

<http://www.trncpio.org/trncpio/tr/index.asp?sayfa=haberdetay&newsid=1832>, accessed 03 July 2011.

<sup>37</sup> Ibid.

<sup>38</sup> *Havadis Newspaper* “Beş yılda 1266 iş kazası, 221 hayat” (1266 occupational accidents, 221 lives in five years), 13 February 2011

<sup>39</sup> Ayten Kara, “Kürt kökenliyiz diye Ercan’a girişimiz yasak” (We are forbidden to enter Ercan, because we are Kurdish) *Yeniduzen Newspaper*, 10 February 2010

<sup>40</sup> Didem Mentek, “Devlet eliyle çocuk istismarı” (Child exploitation through the hand of the state) *Yeniduzen Newspaper*, October 24 2010

<sup>41</sup> <http://www.futureworldscenter.org/> accessed 15 July 2011.

<sup>42</sup> Social Risks Prevention Foundation Press Release, available at: “Çocuk istismarı artık ihbar edilebilecek” (Child abuse now can be reported), *Yeniduzen Newspaper*, November 22 2011. [http://www.yeniduzen.com/detay\\_ars.asp?a=25992](http://www.yeniduzen.com/detay_ars.asp?a=25992) accessed December 7 2011.

## V.ii The political and legal context

According to the Department of Labour Relations,<sup>43</sup> they demonstrate a policy to protect the rights of all workers that are employed in Cyprus, who can be Cypriots, EU nationals, or migrant workers who originate from Third countries, through its complaint resolution procedures. A special mechanism for resolving complaints of migrant workers, is established at each District Labour Relations office, to examine complaints regarding violations of employment contracts, within three weeks of receipt.

However, in reality, the above-mentioned system presents many deficiencies. To mention only a few, this system only applies to third country migrant workers and mainly domestic workers in an effort to address the deficiencies of the migration model, which does not allow, as a rule, a change of employer or sector of activity. Asylum seekers and other TCN's do not fall into a category covered by the above system. It is not regulated by law, there are no transparent procedures in place as to the procedural guarantees available to migrants in that context whereas there is a serious gap in the mandate of this mechanism as certain kind of complaints may be addressed by them as they only examine labour disputes.

According to the Ministry of Labour, in 2010, 1210 complaints were submitted by domestic workers alone, whereas from January to March 2011, 279 complaints were submitted in total.<sup>44</sup> The Department of Labour Relations is also the competent authority for enforcing labour legislation in Cyprus, including the protection and safeguarding of employee rights and the improvement of living and working conditions. It is worth noticing however that Labour legislation determines and safeguards minimum terms of employment.

Although no national minimum wage covering all occupational categories has been approved, an annually issued Order<sup>45</sup>, provides for a minimum level of wage for specific occupations, such as clerks, shop assistants, child-care assistants, nursing assistants, security guards and employees with sanitation and caring duties in clinics, private hospitals and homes for the elderly, in an effort to protect vulnerable groups of employees. As of the 1<sup>st</sup> of April 2011, the minimum wage, upon recruitment, is initially 855 Euros and after six months of continuous employment with the same employer is 909 Euros.<sup>46</sup> However these sectors of employment, do not cover those sectors the majority of migrant workers and asylum seekers are working in, such as domestic work and work in the farming industry. The salary of domestic workers for example, is lower than the minimum wage and it is currently set by the Ministry of Labour at 325 Euro per month. The

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<sup>43</sup> Official Information obtained from the Department of Labour and Social Insurance, 2010-2011.

<sup>44</sup> Official Information obtained from the Department of Labour and Social Insurance, 2010-2011.

<sup>45</sup> Ministry of Labour, Employment Guide, available at: [http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/All/3FA318672CAB10D5C22575D8003D278E/\\$file/Employment%20Guide.pdf?OpenElement](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/All/3FA318672CAB10D5C22575D8003D278E/$file/Employment%20Guide.pdf?OpenElement), accessed 6 December 2011.

<sup>46</sup> Council of Minister Order of minimum wage for 2011, available at: <http://www.eurofound.europa.eu/eiro/2011/05/articles/cy1105029i.htm>, accessed 6 December 2011.



same applies to the farming industry where, on the basis of a collective agreement between the trade unions and the employers, in the absence of the migrant workers who are the only ones working in farming industry. Both salaries are well below the minimum welfare benefit granted by the state in order to secure a life in dignity, to which, in any event, migrant workers do not have access.

According to the Social Insurance Department of the Ministry of Labour and Social Insurance, the Government Social Insurance Scheme includes all the employed people in Cyprus and offers insurance cover through contributions to the Social Insurance Fund, during their stay in Cyprus. Furthermore, Social Insurance Legislation provides for pensions to be exported without restrictions to any country in the world with no prerequisite of a special agreement between Cyprus and another country. This is only true however as regards some kind of pensions, such as widow's pensions and disability pensions. Pensions granted on the basis of years of work in Cyprus may only be paid if one is resident in Cyprus and completes the necessary years of employment.<sup>47</sup> In order for pension rights to be able to be transferred to a third country, a bilateral agreement to that effect needs to be signed and no such bilateral agreement has been signed between Cyprus and major countries of origin of migrant workers.

Currently there are no new legislative or political developments in the area of discrimination and racism in employment. Cyprus has not yet transposed the EU Directive<sup>48</sup> which sets minimum standards on sanctions and measures against employers of illegally staying TCNs, although national legislation does provide for certain sanctions.<sup>49</sup>

The authorities in the north continued to ignore the human trafficking problem in the area. No necessary measures were taken to protect the victims or to prosecute their traffickers. Despite public visibility of the matter and the reports of local observers<sup>50</sup>, the authorities did not identify any trafficking victims in this reporting period.

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<sup>47</sup> Ministry of Labour, Employment Guide, available at: [http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/All/3FA318672CAB10D5C22575D8003D278E/\\$file/Employment%20Guide.pdf?OpenElement](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/All/3FA318672CAB10D5C22575D8003D278E/$file/Employment%20Guide.pdf?OpenElement), accessed 6 December 2011.

<sup>48</sup> 2009/52/EC.

<sup>49</sup> Article 14B of the *Aliens and Immigration Law* Cap. 155.

<sup>50</sup> Many articles appeared on local newspapers on the issue of human trafficking. Also in 2010 several conferences were organized by the Kyrenia American University and Eastern Mediterranean University. The TCHRF published press releases and gave interviews to the media. See, for instance; Gunalp, Cagil, "Yasal değişiklikte İsveç ve Norveç model alınmalı" (*Sweden and Norway should be a model for legal amendment*), *April 21 2010*, Yeniduzen Newspaper, [http://www.yeniduzen.com/detay\\_ars.asp?a=19561](http://www.yeniduzen.com/detay_ars.asp?a=19561) accessed December 7 2011, Kibris Daily, "İnsan ticareti birinci sırada" (Human trafficking ranks first), December 10 2011 [http://www.kibrisgazetesi.com/popup.php/cat/2/news/107706/PageName/lc\\_Haberler](http://www.kibrisgazetesi.com/popup.php/cat/2/news/107706/PageName/lc_Haberler), accessed December 7 2011

As mentioned in the previous Shadow report,<sup>51</sup> in 2007 an Anti-Trafficking Bill was drafted in the north but there still have not been any developments in the legislation. The issue of human trafficking is mostly confused with prostitution or smuggling. The crimes related with trafficking are prosecuted under the titles of “living off the earnings of prostitution” or “encouraging prostitution”.<sup>52</sup> However these laws fall short in covering other serious crimes such as rape or forced prostitution and exploitation.

There have been no policies developed for identifying trafficking victims, or to encourage anti-trafficking efforts of NGOs, or to provide shelter or specialised support for the victims. Deportation is the most common way of responding to the help requests of the victims.

Even though prostitution is illegal in the north, night clubs are widespread and their employees are required to have weekly check-ups for sexually-transmitted diseases by law<sup>53</sup>, a practice that indicates the tacit approval of authorities that these nightclubs are just a curtain in front of the trafficking industry. It has also been reported by local newspapers that the local police is cooperating with the traffickers, hence they are directly involved in trafficking<sup>54</sup>. Another important point in this regard is that the amount of “taxes” paid by these nightclubs reaches very high numbers. Even though the numbers for 2010 were not publicised, it is known that in the course of two years (2008-2009) the nightclubs in the north paid approximately 7 million TL (3 million Euro) for taxes and the numbers are expected to be similar for 2010.<sup>55</sup> The authorities issued 977 “hostess” and 16 “barmaid” work permits in 2010.<sup>56</sup>

Given the fact that migrant workers are mostly employed in the sectors that are highly risky with regards to occupational accidents, it is worth noting that “Occupational Health and Safety Law” is in force since 2009<sup>57</sup> which indicates

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<sup>51</sup> Available at: <http://cms.horus.be/files/99935/MediaArchive/publications/Cyprus.pdf>, accessed August 30 2011.

<sup>52</sup> UNHCR Trafficking in Persons Country Report 2011- Cyprus available at: <http://www.unhcr.org/refworld/docid/4e12ee852.html>, accessed December 7 2011

<sup>53</sup> “Law for night clubs and other entertainment facilities” Article 94(1) published in the Official Gazette no:7/2000.

<sup>54</sup> See, for instance; Abdullah Azizoglu, “Burada sebze satılmıyor” (It’s not goods sale), *StarKibris Newspaper*, <http://www.starkibris.net/index.asp?haberID=3201> accessed December 7 2011; Selda Icer, “Gece kulupleri hastalik saciyor” (Night clubs are contagious), *Kibrispostasi*, May 2 2010, accessed December 7 2011; Aysu Basri Akter, “Saati kac para?” (How much for an hour?), *Yeniduzen Newspaper*, May 5 2011,

[http://www.yeniduzen.com/detay\\_ars.asp?a=30896](http://www.yeniduzen.com/detay_ars.asp?a=30896) accessed December 7 2011

<sup>55</sup> Aral Moral, “İnsan ticaretinden 2 yılda 7 milyon TL” (7 Million TL from human trafficking in 2 years), *Havadis Daily*, 29 April 2010

<sup>56</sup> U.S Department of State, Office to Monitor and Combat Trafficking in Persons, *country Report on Trafficking in Persons in Cyprus- 2011*

<http://www.state.gov/documents/organization/142982.pdf> (pp.129), accessed August 30 2011.

<sup>57</sup> “Law” 35-2008 available online under the title “İş Sağlığı ve Güvenliği Yasası” at ; <http://www.mahkemeler.net/cgi-bin/elektroksharf.aspx?which-letter=%C4%B0> (in Turkish)

that the authorities paid attention to this matter. However, there are crucial problems with its implementation. There is a necessity to include and/or update several regulations to improve the scope of this law. Additionally, on the basis of the TCHRF experience in handling such cases, it was observed that the workers who filed complaints did not receive satisfactory legal protection and could face dismissal. Despite the fact that workers did have the legal right to remove themselves from situations that endangered their health or safety without risking their continued employment, the lack of awareness of such legal protection and the issues with the implementation remained as the obstacles.

On a positive note, the "Labour Office Directorate" organised a certificate programme in January 2011 with the aim of educating businesses on occupational safety.

The laws in the north generally provide protection for children from exploitation in the workplace, however it was reported that in 2010, there were serious shortcomings in their implementation.<sup>58</sup> This point is worth noting within the scope of this report, since the majority of child labour used is of the children of migrant families, especially of those coming from Turkey. In August the "Ministry of Labour" established a "street support team" to prevent child labour and other abuse of children. The team is responsible for identifying child abuse, and it consequently urged the public to report any cases of exploitation.<sup>59</sup>

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<sup>58</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010*

<http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm> (pp.51), accessed August 30 2011.

<sup>59</sup> "Ministry of Labour and Social Security" Website <http://www.csqb.eu/index.php?men=380>

## VI. Racism and related discrimination in housing

### VI.i Manifestations of racism and related discrimination in housing

As mentioned in the previous Report, the situation of housing has not been altered. The focus of the government housing policy during the reporting period continued to be on Cypriots with limited reference to EU nationals. Rent control laws remained discriminatory against non-Cypriot tenants. Migrants continue to live in their vast majority in dilapidated buildings in the centre of the major cities paying exploitative rents.<sup>60</sup>

Although the Government states that there are no reported cases of homeless asylum seekers or migrants, NGO experience proves that there are migrants and asylum seekers who are homeless. The difference between Cyprus and other countries is that, in Cyprus, homeless people are not in the streets; they live with members of their communities, on a temporary basis, and they often change houses every day as people supporting them cannot help them for many days.

According to the Refugee (Reception Conditions Regulations) of 2005<sup>61</sup> in the case of an application by an asylum seeker for public assistance, special provisions apply in order to cover immediate basic needs and accommodation by providing interim payments for the first six months, during which asylum seekers do not have any access to the labour market. Subsequently, if they cannot find employment in the sectors they are allowed to be employed in, which is normally the case in the context also of the economic crisis, they are considered as voluntarily unemployed and the welfare benefits are cut and therefore they do not have the means to satisfy their housing needs.

According to the LIBE Committee of the European Parliament, it appears that undocumented migrants and asylum seekers have very poor access to decent accommodation in Cyprus. The reception centres have a very low capacity, and single men are not accepted.<sup>62</sup>

Turkish Cypriots living in the south have made few formal complaints to the United Nations Peacekeeping Force in Cyprus (UNFICYP) about their living conditions in the south, despite the fact that as citizens of the Republic have equal rights to the housing policies of the Government. In most cases, these complaints concerned the lack of affordable accommodation, which may be said to prove that, in practice, they are discriminated against.

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<sup>60</sup> Available at: <http://cms.horus.be/files/99935/MediaArchive/publications/Cyprus.pdf>, accessed 30 August 2011.

<sup>61</sup> Regulation 598/2005.

<sup>62</sup> Jeanine HENNIS-PLASSCHAERT in the Report of the delegation of the LIBE commission on the visit to Cyprus ( 25th to 27th May 2008), Brussels, July 22nd 2008, p.5

Since the last reporting period there were no positive developments in the northern part of Cyprus in terms of the living conditions of the migrants and other groups vulnerable to discrimination. It is well known that many Turkish workers live in dilapidated buildings in the old town of Nicosia, with up to 20 persons sleeping in one room. Many migrants are settled in the old town due to relatively low rents. However the rents are low due to the lack of certain basic amenities, like water and/or electricity. Undocumented workers are the main groups of people that live under these unhealthy conditions.<sup>63</sup> Similarly, people working in the agricultural and construction sectors were reportedly forced to sleep on the ground, and people working in restaurants were seen sleeping on chairs in the establishments where they worked.<sup>64</sup>

The living conditions of the Roma, in both the north and south of the island continued to be very poor. During a field trip to the Roma neighbourhood in Famagusta<sup>65</sup> in the north it was noticed that the living spaces were mostly built with sheet metal, lacking the most basic amenities.

A caravan camping site in Famagusta has been increasingly becoming a permanent residence for Turkish nationals due to low rents.<sup>66</sup> Caravans and/or pre-fabricated living spaces that are designed for holidays are now rented to families in need by Turkish Cypriots. At the time of writing, there were six families living in the site.

#### **Examples of NGO Good Practice**

**KISA** has been advocating for years for the adoption of a comprehensive housing policy for all persons living in Cyprus, including migrants, refugees and asylum seekers in accordance with the principle of equal treatment.

**KISA** suggested the establishment of reception centres for asylum seeker in the major cities to cover the housing needs of asylum seekers where they could also have access to all other reception conditions.

## **VI.ii The political and legal context**

<sup>63</sup> *Kibris Daily* "Ne kapi ne pencere!" (No doors, no windows!), 24 March 2011

<sup>64</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010*, <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm>

<sup>65</sup> A field trip was done for the purposes of this report due to the lack of information on this matter. Two families were interviewed briefly.

<sup>66</sup> Kocareis Caravan Camping Site was visited for the purposes of this report and an interview was conducted with the site guard.

The Republic of Cyprus is, according to Article 9 of the Constitution<sup>67</sup> a welfare state that provides for public assistance within the framework of the Public Assistance and Services Law of 2006 (L.95(I)/2006) which aims to ensure a socially acceptable minimum standard of living for persons (and families) legally residing in the Republic of Cyprus, subject to eligibility criteria. In particular, only persons from certain categories, whose economic resources are insufficient to meet their basic and special needs, as defined in the legislation, may apply for public assistance, which may be provided in the form of monetary support and/or services under specific criteria. Housing needs are always covered through public assistance benefits.

The Social Welfare Services claim to provide services to all the people legally residing in the Republic of Cyprus regardless of ethnic background, religion, sex, sexual orientation, etc. Nevertheless, this is not true as only certain categories of persons are entitled to public welfare assistance under the law whereas in practice, even those entitled to it under the law may face problems accessing those benefits.

According to the Government, the Public Assistance and Services Law (Law 95(I)/2006), clearly states that public assistance is not provided for any period during which the applicant voluntarily remains unemployed or underemployed or deliberately refuses to attend vocational training programs approved by any competent authority of the Republic of Cyprus.

Moreover the law provides that public assistance benefits may be granted only to asylum seekers, refugees and persons under subsidiary protection or the residence permit on humanitarian grounds and victims of trafficking. All other third country nationals of any category are excluded from the law on grounds of their nationality and legal status.

According to the Social Welfare Services, even in the case of undocumented migrants, who might face food insecurity, extraordinary benefits may be granted on an ad hoc basis according to Article 4 of the Public Assistance and Services Law. However, it has to be noted that this discretion is rarely exercised in regard to undocumented migrants as not only would they not be granted such benefits in practice but they would not even dare apply or present themselves to the Welfare Services in fear of arrest and deportation. KISA has dealt with many cases of rejected asylum seekers who have been arrested for “illegal stay” after being reported to the police by the Welfare Services.

Following a proposal to enhance and ameliorate the living conditions and services provided to asylum seekers at Kofinou Reception Centre, in order to adopt modern principles of organisational management, parallel to the provision

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<sup>67</sup> The Cyprus Constitution, Article 9 “Every person has the right to a decent standard of living and to social security. A law shall provide for the protection of the workers, assistance to the poor and for a system of social insurance”.

of comprehensive social welfare support,<sup>68</sup> the Government proceeded in awarding the contract to ENOROS Consulting Ltd,<sup>69</sup> in 2009. However, according to the Reception Conditions Regulations the Kofinou Reception Centre is supposed to be a temporary and transitional measure until asylum seekers manage to find appropriate housing and integrate in the local community. It is also strange that the Centre continues to house recognised refugees and persons under subsidiary protection.

Just as in the previous ENAR Shadow Report,<sup>70</sup> discrimination on grounds of race or ethnic origin in rental accommodation continues to persist against migrants, asylum seekers and refugees, despite the fact that this is banned under Law 59(I)/2004. Both property-owners and tenants are not sufficiently informed that this constitutes a breach and, due to the lack of any specialised services to victims of such discrimination or legal aid, no cases were brought forward before the courts.

What is not considered by the government when they allow delays in the payment of housing or other benefits to asylum seekers or refugees is the fact that this often provokes them to breach the law in order to get food, shelter, water or electricity. A recent case of electricity and water theft by an asylum seeker, who resides in a rented flat in Paphos, was clearly a result of this delay. Now, not only does he and his girlfriend face eviction, since the Greek Cypriot owner has not received any rent payment, but the Greek Cypriot owner stated that she will never rent a flat to an asylum seeker or a refugee again due to her bad experience and the fact that she also felt responsible for her tenants theft of water and electricity. These incidents are part of a vicious cycle created by unjustifiable delays or denial of rights, ultimately promoting racism and xenophobia<sup>71</sup>.

There were no positive developments in policies and/or regulations to improve the living conditions of migrants and groups vulnerable to discrimination, in the north. Invariably there was no housing support for refugees and asylum seekers provided by the authorities in this reporting period.

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<sup>68</sup> Spaneas S., *Asylum Reception Centre at Kofinou: developing the fundamentals for transforming it to a learning organisation*, in Magriplis, D. (ed), *We and the others* (in greek), Salonica: Stamoulis publications (2011 in press).

<sup>69</sup> <http://www.enoros.com.cy/english/eidiseis.php>, accessed 3 August 2011.

<sup>70</sup> Available at; <http://cms.horus.be/files/99935/MediaArchive/publications/Cyprus.pdf>, accessed August 3 2011.

<sup>71</sup> Letter of Complaint to Electricity Authority Cyprus dated 22 July 2011, Ref. MN2/306.3.2.

## VII. Racism and related discrimination in education

### VII.i Manifestations of racism and related discrimination in education

Larnaca was the centre of racist and discriminatory behaviour in Cyprus during 2011. Due to the high concentration of migrants and a comparatively large Muslim population, numerous racist incidents in education were recorded.<sup>72</sup> One incident involved attacks against Arab-speaking students at the school of Vergina in Larnaca.<sup>73</sup> The incident was motivated by earlier demonstrations by Palestinian asylum seekers and refugees for the failure of the authorities to secure them with access to employment or access to welfare benefits, which also resulted in the bodily harm of a police man by a Palestinian asylum seeker. The Mayor of Larnaca, referred to the incident in the school as one promulgated by fanatics and urged political parties to take a stance. Demonstrations against migrants and asylum seekers followed.<sup>74</sup>

Some of the key findings of the Migration Integration Policy Index (MIPEX) Report<sup>75</sup> include the fact that, while all migrant children can access compulsory schooling with some measures to target needs, undocumented children may be excluded in practice. A positive measure, however, is that students who enter the system may benefit from the 2008 Programme for the Smooth Integration of Non-Greek Speaking Students.<sup>76</sup> However, efforts to integrate intercultural elements into the curricula are encountering resistance. As mentioned in the previous Report, parents and teachers associations are still vividly opposed to any alterations of the educational system that includes intercultural elements. One of the main problems, which may be indirectly related to discrimination and the way the educational system fulfils the needs of migrant students, is the fact that young people with migrant backgrounds are generally at greater risk of dropping out from school without having obtained an upper secondary qualification. Cyprus is one of the EU countries where the gap between the proportions of migrants and of the total population who leave education and training early, is greater than 10%.<sup>77</sup>

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<sup>72</sup> Cyprus News Report, Sarah Fenwick, "President Demetris Christofias, Attorney-General Petros Clerides and Minister of Justice Lukas Lukaz met yesterday to discuss measures to fight racism and extreme nationalism in the wake of violent events that happened towards the end of last year", 6 January 2011, <http://www.cyprusnewsreport.com/?q=node/3636>, accessed 6 December 2011.

<sup>73</sup> POLITIS Online, *The next day at Vergina Lyceum: protests and abstention from classes*, 17 February 2011, <http://www.politis.com.cy/cgibin/hweb?-A=204714&-V=articles>, accessed 14 July 2011.

<sup>74</sup> POLITIS Online, *The next day at Vergina Lyceum: protests and abstention from classes*, 17 February 2011, <http://www.politis.com.cy/cgibin/hweb?-A=204714&-V=articles>, accessed 14 July 2011.

<sup>75</sup> <http://www.mipex.eu/print/210>, accessed 15 July 2011.

<sup>76</sup> <http://www.mipex.eu/print/210>, accessed 15 July 2011.

<sup>77</sup> Eurostat European Commission, *Indicators of Immigrant Integration: A pilot study*, Eurostat Methodologies and Working papers, 2011 edition, ISSN 1977-0375, p. 156.



Coming back to the discrimination between the two main communities, Greek Cypriots and Turkish Cypriots: there is still much progress to be made in the educational sphere. According to a research study by the Open University of Cyprus,<sup>78</sup> Greek-Cypriot children's perceptions about Turkish-speaking children are located within a socio-political context in which children experience the intersection of categories, particularly race and ethnicity but also gender and social class. Greek-Cypriot children are particularly sensitive to skin colour, race and ethnicity and have a strong emotional investment in themselves as white Greeks and of Turkish-speaking children as invariably 'Turks'. The only exception is evident in relation to children who speak Greek very well and dress/behave according to the majority group's accepted norms; all other Turkish-speaking children are viewed stereotypically and are marginalised. The findings suggest that attention needs to be given to intercultural education that helps teachers become sensitive to issues related to racism and its intersection with nationalism.

A similar study concludes that Greek-Cypriot teachers perceive Turkish-speaking children in racialised, ethnicised and classed ways, and the socio-political structures in Cyprus influence teachers' negative discourses and practices toward these children. Nevertheless, astonishing as it may seem, several teachers admit they are racist, claiming that they are justified to act in these ways in light of the political situation in Cyprus.<sup>79</sup>

Similarly, a study looking into the Greek-Cypriot teachers' perceptions of the integration of immigrant children in a Greek-Cypriot public primary school through the framework of difference-blindness, demonstrates that despite their good intentions, teachers utilised a difference-blind ideology to rationalise practices of social exclusion of non-Cypriot students in what was considered an 'integrated' school environment.<sup>80</sup> Nevertheless, it is important to note that discrimination in schools is also evident in the north; as stated in the previous ENAR Shadow Report, textbooks sent to a Greek Cypriot school in Rizokarpasso are still censored by the Turkish Cypriot authorities and the textbooks that are deemed to be "derogatory are not sent back to the government-controlled area".<sup>81</sup>

As far as religious or cultural diversity in schools is concerned, which is also guaranteed under the Charter of Fundamental Rights, a recent grievance reported to the Ombudswoman resulted in a complaint against the procedure used by the Ministry of Education and Culture to exempt students from

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<sup>78</sup> Zembylas M., *Children's construction and experience of racism and nationalism in Greek-Cypriot primary schools*, *Childhood* 17: 312 (Sage Pub.2010).

<sup>79</sup> Zembylas M., *Greek-Cypriot Teachers' Constructions of Turkish-speaking Children's Identities: Critical Race Theory and Education in a Conflict-ridden Society*, *Journal of Ethnic and Racial Studies*, PP, PP (2010) 1372-1391.

<sup>80</sup> Theodorou, Eleni, "Children at our school are integrated. No one sticks out": Greek-Cypriot teachers perceptions of integration of immigrant children in Cyprus, *International Journal of Qualitative Studies in Education*, Vol. 24, issue 4, (Taylor & Francis online, 2011).

<sup>81</sup> Bureau of Democracy, Human Rights, and Labour, U.S. Department of State, *Country Report on Human Rights Practices in Cyprus – 2009*.

<http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136026.htm>, accessed 30 August 2011.

participation to religious education class. According to the European Network of Legal Experts Report<sup>82</sup> and the non-binding report of the Ombudswoman,<sup>83</sup> the procedure of exempting a Jehovah's Witness student from religious education class resulted in stigmatisation from other students.

In this reporting period, there was a controversy over the budget of the English School, a semi-state-owned private school and the only public/private school where both G/C and T/C students study. The House of Finance Committee threatened to withdraw the annual funding of the school due to the proposal of the school to include Muslim holidays and November 15,<sup>84</sup> as holidays/training days respectively in the school calendar. Despite the statement of the headmistress of the school that the aim was to ensure the rights of students who are attending a multicultural school not to miss any classes, this led to an outrage of both G/C and T/C parents and some political parties. The majority of the members of ESPA (English School Parents Association) were also against the idea on the grounds that Muslim holidays are not national holidays.<sup>85</sup> The English School was subject to another controversy in the following months after the election of ESPA's new committee because no Turkish Cypriot parents were elected in the committee.

A recent study by the Mediterranean Institute of Gender Studies<sup>86</sup> (MIGS) demonstrated that race and gender stereotypes in Cypriot society are replicated in schools. First generation migrant girls were interviewed to check for race and gender stereotypes at school. Eastern European girls were considered 'easy' with boys showing a sexual interest in them, a Filipina was asked to run errands, while the researchers reported that the migrants themselves adopted racist behaviour. Verbal abuse was considered a private affair by the migrants who did not report such incidents to school or government authorities.<sup>87</sup>

In the non-Government controlled areas, compulsory religion classes for secondary and high school students remained a controversial issue. The content of the classes was reported to be highly biased. In an interview, a psychological counsellor at a secondary school stated that some students are terrified by the stories of demons, angels, hell etc.<sup>88</sup> It is well known that these classes cover exclusively Sunni doctrines and use very uncompromising language.

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<sup>82</sup> European Anti-Discrimination Law Review, No. 12-2011, July 2011, p. 51, [http://www.migpolgroup.com/public/docs/194.European\\_Anti-discrimination\\_Law\\_Review\\_12\\_29.07.2011\\_EN.pdf](http://www.migpolgroup.com/public/docs/194.European_Anti-discrimination_Law_Review_12_29.07.2011_EN.pdf), accessed 17 August 2011.

<sup>83</sup> Ref. No. A.K.R. 135/2009.

<sup>84</sup> The anniversary of establishment of *de facto* TRNC. The English School suggested to declare this date as a "training day" so as to allow for Turkish Cypriot students not to attend

<sup>85</sup> Stefanos Evripidou- Cyprus Mail (25 June 2010) "Unholy spat dogs English school" – Kibris newspaper (8 July 2010) "Turk ogrencileri istemiyorlar" ('They don't want Turkish students')- Mel Cyprus Today (30 June 2010) "Muslim Holidays spark cash row"

<sup>86</sup> <http://www.medinstgenderstudies.org/>, accessed 30 August 2011.

<sup>87</sup> Pantelides Poly, *Stereotyping foreigners at school*, 16 June 2011, Cyprus Mail.

<sup>88</sup> For the purposes of this report an interview was conducted with a psychological counsellor at Canbulat Secondary School.

### Examples of NGO Good Practice

**Yeia Milia NGO**<sup>89</sup> aims to create a space within the city walls of Nicosia that will act as an open workshop for young people in Cyprus, irrespective of their race and origin, which will facilitate their running of their own creative and community team projects.

## VII.ii The political and legal context

According to information received by the Ministry of Education, the Cyprus Pedagogical Institute<sup>90</sup> has organised activities and events throughout 2010 and 2011 with the aim of preventing racist behaviour and promoting respect and acceptance of difference. Some of these activities include seminars addressed to Primary and Secondary School Teachers and Administration, seminars at schools about: Intercultural Education, Acceptance and Exclusion, Intercultural Education and Learning Greek as a foreign language, etc. The Cyprus Pedagogical Institute has also taken the initiative to organise events at schools promoting intercultural diversity, respect and acceptance of difference. Another important study, undertaken by the abovementioned Institute, evaluated student's behaviour towards migrants.<sup>91</sup>

The Advisory and Professional Education Service<sup>92</sup> that operated under the Ministry of Education and Culture, is often involved in programs aiming at the prevention of racist behaviour and the cultivation of respect and acceptance of diversity. Through the course of Social Education, taught as a half term course at the 3<sup>rd</sup> year of Secondary school for children aged 14-15, teachers promote discussion amongst their students on matters concerning mutual respect and acceptance.

The Secondary school of Faneromeni<sup>93</sup> in Nicosia currently operates under the regime of the Educational Priority Zone Schools,<sup>94</sup> because the majority of students come from families of migrants. The teacher of Social Education at this school was involved with several programs including research about the experiences of migrant female students, distribution of informative leaflets about interracial relations, a campaign against bullying which involved a theatre play and a related poster competition.

Similar events and activities have been organised at the Secondary School of Faneromeni in Larnaca, also a school of the Educational Priority Zone (ZEP).

<sup>89</sup> <http://yeiamilia.wordpress.com/>, accessed 3 August 2011.

<sup>90</sup> <http://www.pi.ac.cy/pi/index.php?lang=en>, accessed 2 August 2011.

<sup>91</sup> <http://www.moec.gov.cy/ysea/index.html>, accessed 15 July 2011.

<sup>92</sup> <http://www.moec.gov.cy/ysea/index.html>, accessed 15 July 2011.

<sup>93</sup> [http://www2.cytanet.com.cy/fanerom-dim/zep/html/aead\\_oaianuiaico.html](http://www2.cytanet.com.cy/fanerom-dim/zep/html/aead_oaianuiaico.html), accessed 2 August 2011.

<sup>94</sup> EPASI, Cyprus Case Study Report 1, Education priority Zones (ZEP), Department of Elementary Education, University of Patras, 2007, <http://www.epasi.eu/CaseStudyCY1.pdf>, accessed 2 August 2011.

Another good practice and policy example is the full-time employment of an Arab-speaking interpreter at the Lyceum of Makarios III in Larnaca, where a significant number of students are Arab-speaking. This measure has significantly improved the integration of Arab-speaking students at the school with a prospect of avoiding their marginalisation.

Additionally, the Administration of Secondary Education of the Ministry of Education and Culture was also involved in activities promoting cultivation of peaceful coexistence, mutual respect and cooperation between Greek Cypriots and Turkish Cypriots with the aim of eradicating the occupation and reunifying the country.

There have been no legislative or political developments in the area of discrimination and racism in education during the reporting period. What has to be noted, however, is that there were some positive efforts on behalf of the Ministry of Education in order to address issues of multiculturalism or racism and discrimination in schools. It is obvious that a lot more need to be done in this field. One of the most important aspects is the integration of migrant children in schools in a way that allows for their equal and full participation and which also provides them with equal opportunities.

In the northern part of Cyprus the “Ministry of Religious Affairs” organised a summer school for religious education<sup>95</sup> despite the opposition of trade unions and civil society organisations. This issue increased concerns especially after religion classes became obligatory in secondary and high schools. KTOS (Cyprus Turkish Teachers Trade Union) stated that these concerns are stemming from the idea that these practices are intentionally designed to assimilate the community living in the north and are oppressive to the Cypriot culture.<sup>96</sup>

As mentioned in the previous report, history books were changed in 2009 by the ruling party UBP in a more nationalistic, militaristic, ethnocentric, and dogmatic fashion and this nationalistic policy in history education continued to be manifested in varying forms.<sup>97</sup>

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<sup>95</sup> Despite the rephrasing of the “ministry”, these courses are known as “Quran courses” and are designed to indoctrinate children of very young age with the certain aspects of Islam.

<sup>96</sup> KTOS Official Website

<http://www.ktos.org/en/haberlerimam%20hatip%20liselerinin%20acilmasi%20kaosa%20neden%20olacak>, accessed August 30 2011.

<sup>97</sup> POST Research Institute Official Website

<http://postresearchinstitute.files.wordpress.com/2011/02/tarih-kitaplarinin-yeniden-yazilmasi.pdf> (In Turkish) , accessed August 30 2011.

## VIII. Racism and related discrimination in health

### VIII.i Manifestations of racism and related discrimination in health

According to the Government, the category of undocumented migrants is the only category of people who are not eligible for free medical care under the current health system. However, this is not true in reality as many other TCN's, such as migrant workers are also excluded and discriminated against.

The Ministry of Health claims that every person can have access to medical services free of charge in case of an emergency. This, according to the Ministry of Health, ensures the immediate response to emergency incidents for the whole population. However, this is far from satisfactory as medical care does not consist only of emergency care but of any medical care and treatment needed. In essence, the current system allows for a domestic worker who earns 325 Euro per month and a G/Cypriot business person earning thousands of euro per month to pay the same amount for health treatment only on the grounds of their nationality.

According to the Ministry of Health, the Minister has discretion to provide medical treatment to undocumented migrants free of charge, especially pregnant women and children. Indeed, in practice the Minister may exercise such discretion in particularly difficult cases of undocumented migrants but does so very rarely and only after a lot of pressure from NGOs such as KISA. This may not be equated to the right to have access to health care under equal treatment for the whole of the population residing in the country.

With reference to persons in detention, legally they are entitled to access the healthcare public services free of charge and to communicate with a doctor of their choice in the presence of a police or prison officer, depending on where he/she is detained (in a police detention centre or in the prison).<sup>98</sup> In practice, access is not always granted because public hospitals deny it to migrants detained for the purpose of deportation as the Ministry of Health claims that third country nationals, on the basis of the relevant general legal framework mentioned above, are not entitled to free health care services. According to the general legal framework, only persons in custody waiting for their trial and convicts have access to free healthcare. As a result, detainees with arrest and deportation orders have access only to emergency treatment.

Within the framework of the HUMA Report, a survey was conducted to identify the percentage of asylum seekers and undocumented migrants who experienced

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<sup>98</sup> HUMA Network, Health for Undocumented Migrants and Asylum Seekers, Access to Health Care and Living Conditions of Asylum Seekers and Undocumented Migrants in Cyprus, Malta, Poland and Romania, 2010, p. 28, 29.

difficulties in accessing health care. Among the respondents, 89% testified to have encountered one or several difficulties and barriers when attempting to access healthcare during one year of living in Cyprus.<sup>99</sup> The main barriers encountered by the asylum seekers interviewed include the following: 27% said that the consultations and/or treatment were too expensive, and 19% cited the complexity of procedures for obtaining health coverage; in addition, 23% encountered a language barrier, which can contribute to a lack of understanding of the procedures. The language barrier may also mean that they had problems being understood by the health professionals and/or understanding what was said to them. Another 25% claimed they lacked sufficient information about their entitlements to healthcare and on where to go. Almost 30% had to cope with a long waiting list, but this is not necessarily discriminatory because the long list is a disadvantage of the healthcare system which affects the entirety of the population. Also 15% of respondents felt they had been discriminated against when attempting to seek healthcare in the past year in Cyprus. Furthermore 10% of the respondents claimed they were afraid of being arrested when they consulted a medical facility.

Additionally, it is crucial to note that according to the above survey respondents from Sub Saharan Africa and Asia were more likely to be denied access to healthcare than respondents from other regions and this irrespective of their legal status. This finding shows that such refusals to healthcare may have been motivated by discriminatory and racist practices.

Another critical issue is access to healthcare for pregnant women. Asylum seeking women should receive prenatal care free of charge if they have a medical card A, but undocumented women have to pay the full costs of pre and post-natal care. There were cases reported to NGO's of hospital authorities informing the immigration police about the women's irregular status, leading to arrest and, when the health situation of the mother or the child allowed, deportation. In the case of a domestic worker who was dismissed because of her pregnancy, and therefore after 7 years of legal residence in Cyprus, she became undocumented, the child was born prematurely and both mother and child were in serious need of healthcare and were treated in a public hospital. However, upon treatment and because the woman was liable to pay the fees, the child was taken away from the woman who was put in detention, and both she and her child were threatened with deportation. The matter was finally resolved with the intervention of KISA.<sup>100</sup>

Everyone can benefit from the healthcare system in the northern part. The only exception is that of undocumented migrants and they are only entitled to use emergency services. This issue is highly problematic given the fact that there is

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<sup>99</sup> HUMA Network, Health for Undocumented Migrants and Asylum Seekers, Access to Health Care and Living Conditions of Asylum Seekers and Undocumented Migrants in Cyprus, Malta, Poland and Romania, 2010, p. 51.

<sup>100</sup> Article from the *Cyprus Mail*, 22nd of May 2010.

no policy and/or regulation regarding asylum seekers in the north and they are destined to be undocumented.

Deportation of persons with HIV virus continues to be a government practice. One Nigerian student with HIV virus was deported in 2010.<sup>101</sup>

Under the Vienna III Agreement<sup>102</sup> the Greek Cypriots living in enclaves in the northern part of Cyprus are entitled to receive medical treatment from Greek Cypriot doctors in order to avoid the language barrier. Despite the mentioned requirements of the Agreement, the authorities only permitted such care to be provided by registered Turkish Cypriot doctors. The alternative option of these people is forcing them to travel to the government controlled areas for medical care.<sup>103</sup>

### **VIII.ii The political and legal context**

The current Health Care System in Cyprus covers individuals in four different ways depending on their socio-legal categorisation, with the exception of third country nationals who always have to pay the full fees irrespective of income, unless they are long term residents, asylum seekers, refugees or victims of trafficking. Public healthcare provision in public facilities is either free of charge; or co-paid. Health coverage funded by employers and trade unions is mainly in private facilities; and private health insurance schemes also exist.<sup>104</sup> The current public healthcare system is non-contributory and non-compulsory. It is directly funded by state funds and through the fees charged to those obliged to pay for medical care.

The Health Care system in Cyprus operates according to the Governmental Medical Institutions and Services General Regulations of 2000-2007.<sup>105</sup> The basic principle is that health services are provided by State Medical Institutions and the main consideration in regard to becoming a beneficiary depends on a person's income as well as that of his or her family's, their marital status, their needs due to illnesses and their occupation and their nationality and legal status.

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<sup>101</sup> "Sinir disi edilecek" (She will be deported) *Kibris Daily*, 27 May 2010

<http://www.kibrisgazetesi.com/print.php?news=94334>, accessed August 30 2011.

<sup>102</sup> United Nations, *Vienna Convention on the Law of Treaties*, 23 May 1969, United Nations, Treaty Series, vol. 1155, p. 331, available at: <http://www.unhcr.org/refworld/docid/3ae6b3a10.html>, accessed 6 December 2011.

<sup>103</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010*

<http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm>, accessed August 30 2011.

<sup>104</sup> HUMA Network, *Health for Undocumented Migrants and Asylum Seekers, Access to Health Care and Living Conditions of Asylum Seekers and Undocumented Migrants in Cyprus, Malta, Poland and Romania*, 2010, p. 15.

<sup>105</sup> Regulations 225/2000, 660/2002, 455/2004, 364/2005. 629/2007.

According to the above Regulations the following could be eligible to become beneficiaries of the system: Cypriots and EU citizens who reside permanently in Cyprus, third country nationals who also reside lawfully in Cyprus and used to be insured in another EU Member State, third country nationals with long term residence status, asylum seekers and recognised refugees, as well as victims of trafficking.

Other third country nationals, who work in Cyprus as well as students, are obliged to have private medical insurance, whereas patients who do not fall under the abovementioned categories must pay the relevant fee. Only emergency care is granted free of charge for all.

Currently there are no new legislative or legal developments in the area of discrimination and racism in the health care system. It is worth mentioning however that the New Health Insurance Scheme has not yet been implemented by the Government. This System will be based on contributions from the government, employers and employees, hence providing at least universal coverage to all persons legally residing in Cyprus and who are contributing to the system. It would still not resolve the problem of equal access to health care to all persons without discrimination, such as non-economically active migrants or undocumented migrants, but it would at least address the problems of the majority of migrant workers. It is unfortunate that in the context of the economic crisis the implementation of the system has once again been postponed.<sup>106</sup>

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<sup>106</sup> HUMA Network, Health for Undocumented Migrants and Asylum Seekers, Access to Health Care and Living Conditions of Asylum Seekers and Undocumented Migrants in Cyprus, Malta, Poland and Romania, 2010, p. 15.



## IX. Racism and related discrimination in criminal justice

### IX.i Manifestations of racism and related discrimination in criminal justice

According to statistics provided by the Police Anti-discrimination Unit, during 2010, 30 cases/incidents were recorded, three of which were unresolved, one case was categorised as "Otherwise Disposed", 18 cases are being dealt with by the Attorney General's Office to be submitted in court, six cases are still under investigation or have been transferred before the Committee of Juvenile Offenders and two cases are still under investigation.<sup>107</sup> Of these incidents, one was an offence concerning the promotion of racial discrimination through the internet and nine cases concerned offences against an individual. During 2010, there were no recorded incidents, by the Police Anti-discrimination Unit, in which the perpetrator was a member of the Police Force.

According to the Independent Authority of the Investigation of Allegations and Complaints against the Police (IAIACP),<sup>108</sup> up until June 2011, IAIACP received 62 complaints against the Police, from Greek Cypriots, Turkish Cypriots, EU citizens and third country nationals. When comparing and contrasting the percentages with the statistics of 2010, it is observed that most complaints are reported by Greek Cypriots, something that raises concerns over the availability or accessibility of this mechanism to the most vulnerable groups to racial abuse or violence from the police, such as migrants and refugees or asylum seekers.

In 2011, there was one complaint relating to the use of unjustified violence and racist behaviour against a Syrian national, and one complaint referring to an allegation of illegal search and racist behaviour against a family from Zaire. Investigations are on-going for both complaints.

In 2010, IAIACP received one complaint from a Turkish Cypriot referring to an allegation of abuse and racist behaviour, but after investigation, no case was established.

Despite the above statistics kept by the police, in reality there is a noticeable rise in racist violence and race related mob attacks and crime. For example, as reported by KISA<sup>109</sup> in July 2010, in the centre of the capital Nicosia, during a demonstration by the ultra-nationalist youth group ELAM (Greek popular front), some Asian students were chased and a Nigerian passer-by was badly beaten

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<sup>107</sup> Data provided by the Police Anti-Discrimination Office in an official letter dated 15 July 2011.

<sup>108</sup> <http://www.iaiacap.gov.cy/> It is very interesting to notice that the English version is under construction but the complaint filing online procedure is open in both languages.

<sup>109</sup> Chowdhury Sharif, Kassimeris Christos, "*Racist Violence in Cyprus*", Supported by KISA, published by ENAR, 2007-2013.

and forced into the path of a moving car just because of his colour and race.<sup>110</sup> According to the victim, the police did not provide the Nigerian passer-by with any information as to the investigation of the case.

### IX.i.i Policing and ethnic profiling<sup>111</sup>

The Cypriot legal framework, which will be further analysed, contains strict provisions against ethnic profiling by the police. Nevertheless, and despite the educational seminars and trainings and the significant efforts of the Police Force to avoid ethnic profiling, it is evident through NGO reports and academic research that policing is subconsciously based on ethnic profiling.<sup>112</sup>

Not only it is a practice of the police to use in their “sweep operations”<sup>113</sup> but it is also a practice mainly used against TCN’s. According to a recent empirical study, African migrants confront ethnic profiling discrimination by the police at a greater extent.<sup>114</sup> A paradigm presented in the aforementioned study included a person of African descent who admitted that, while working at a construction site, he faced discrimination by the police due to his colour. He stated that if the police drive by and sees only white people working, they will not usually stop to ask for their papers. But if they see black people working on the site, then they most probably stop and ask for their documents. This statement of police practice observation presents discrimination and ethnic profiling.<sup>115</sup>

In an interview with a newspaper, Kurds living in Rizokarpaso expressed that they are often faced with racist attitude from the police. It was mentioned in the interview that many times, without any legitimate grounds, their houses were raided in the middle of the night by the political bureau and ransacked. They expressed how oppressive the UBP administration has been towards Kurds in the past and how this attitude continued to be apparent after the re-election of UBP in 2009.<sup>116</sup>

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<sup>110</sup> Cyprus Mail, ‘Our View: A very peculiar type of free speech’, , <http://www.cyprus-mail.com/opinions/our-view-very-peculiar-type-free-speech/20100725> accessed June 2010

<sup>111</sup> The Open Society Institute defines “ethnic profiling” as the “use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity” .

<sup>112</sup> Trimikliniotis N., Demetriou C., *Labour Integration of Migrant Workers in Cyprus: A Critical Appraisal*, Chapter in Mojca Pajnik and Giovanna Campani (2011), *Precarious Migrant Labour Across Europe*, MIROVNI INŠTITUT, Ljubljana 2011, pp. 73-96

<sup>113</sup> “Sweep operations” are police operations during which people are being stopped in the streets or harassed in their homes and taken to police stations on the basis of the colour of their skin. 2009-2010 ENAR Shadow Report, Cyprus, p. 26.

<sup>114</sup> Trimikliniotis N., Demetriou C., *Labour Integration of Migrant Workers in Cyprus: A Critical Appraisal*, Chapter in Mojca Pajnik and Giovanna Campani (2011), *Precarious Migrant Labour Across Europe*, MIROVNI INŠTITUT, Ljubljana 2011, pp. 73-96

<sup>115</sup> Trimikliniotis N., Demetriou C., *Labour Integration of Migrant Workers in Cyprus: A Critical Appraisal*, Chapter in Mojca Pajnik and Giovanna Campani (2011), *Precarious Migrant Labour Across Europe*, MIROVNI INŠTITUT, Ljubljana 2011, pp. 73-96

<sup>116</sup> Çağıl Günalp, “Evlere Polis Baskını” (‘Police Raid In Houses’), *Yenidüzen Newspaper*, 9 Temmuz 2010

In the focus group report with African students which was conducted for the purposes of this report, it was expressed that many times they were stopped by the police in the streets, questioned about where they were going and/or coming from and sometimes their bags were searched.

As mentioned in the previous reports, there is a general perception in the northern part that the most of the crime is committed by Turkish nationals. Growing numbers of African migrants has added people of African descent to this discriminated against list. The role of the media in this regard cannot be underestimated and will be covered below.

#### **Examples of NGO Good Practice**

During 2010, eight complaints were reported to the IAIACP through a local NGO, **KISA** which offers information and support to victims of racist violence and crime on how to pursue their complaints.

#### **IX.i.ii Racist violence and crime**

Racist violence and crime are either under-reported or poorly documented by the Cypriot police and corresponding authorities, resulting in inadequate data to provide evidence for the existence of racist violence and crime. Most data for this report is collected from academic articles, newspapers and NGO reports.

Racist violence and crime in Cyprus is, very often, connected to the extreme right organisation ELAM (National Popular Front), promulgating and promoting extreme views against migrants, asylum seekers and Turkish Cypriots and Turks.

The attacks mostly occurred around the cars of Turkish Cypriots from which the assailants could differentiate non-RoC licence plates.<sup>117</sup> In March, approximately two hundred Greek Cypriot hooligans who support the APOEL football club mobbed two Turkish Cypriots in their car when they crossed to the south to watch the game. One of the two victims mentioned in his interviews with local media that two young people whose faces were covered with scarves, pointed out on the licence plate and shouted something in Greek from which he could only understand the word 'Turko' (Turkish). He explained that in the course of 10 seconds two hundred Apoel fans encircled the car, started to pound on the car as they were making threatening gestures. The two Turkish Cypriots were helped by a small group of Greek Cypriots who shielded the car until the police arrived and dispersed the crowd. A police investigation did not produce evidence against a

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<http://www.yeniduzen.com/detay.asp?a=22046>, accessed August 28 2011.

<sup>117</sup> In the northern part of Cyprus, the licence plates are different than those used in the Republic of Cyprus.

specific individual, and the case was classified as "undetected."<sup>118</sup> Two fans of the same football club attacked another Turkish Cypriot car after a match in May. In his interview with the media, the victim said that he reported the incident to the Cypriot police at the Nicosia check point but they refused to file his complaint.<sup>119</sup> Another attack was carried out in September 2010 on a Turkish Cypriot woman's car when it was parked in a car park in south Nicosia.<sup>120</sup>

One of the most prominent examples demonstrating ELAM's attitude and the effect on people is the attacks against participants of the 13<sup>th</sup> Annual Rainbow Multicultural Festival on the 5<sup>th</sup> of November 2010, organised by KISA, which resulted in an attempted murder against a T/C musician who was stabbed, and heavy bodily harm against other T/Cs and migrants. What is of serious concern however, is that the police, who did nothing to prevent the above mentioned violence and attacks, did not prosecute anyone for the attacks against the T/C's and migrants but, instead, has accused the Executive Director of KISA with rioting. The criminal case is still pending in Court, despite the criticism and pressure put on Cypriot authorities from international, European and national inter-governmental organisations, NGOs and EU institutions as well as other governments.

Another reported incident of racist violence was the attack on a 15-year-old Cypriot girl of African descent which was beaten by a large group of schoolchildren. Her father attempted to file a complaint with the police three times before finally being allowed to do so. Not a single individual was arrested in relation to this crime despite there being witnesses.<sup>121</sup>

Authority figures strongly condemned the attack and admitted that Cypriot children were still having difficulty accepting a multicultural society, stating that

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<sup>118</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010*

<http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm>

"Turkish Cypriots want to thank fans who rescued them from APOEL mob", *Cyprus Mail*, 1 April 2010

<http://www.cyprus-mail.com/cyprus/turkish-cypriots-want-thank-fans-who-rescued-them-apoel-mob/20100401>, accessed August 30 2011.

Ergul Ernur, "Ölümden döndüler" ("Near death experience"), *Kibris Daily*, 30 March 2010

[http://www.kibrisgazetesi.com/popup.php/cat/2/news/90040/PageName/lc\\_Haberler](http://www.kibrisgazetesi.com/popup.php/cat/2/news/90040/PageName/lc_Haberler), accessed August 30 2011.

<sup>119</sup> Emre Diner, "Vurdular, kirdilar" ('They hit, they broke'), *Kibris Daily*, 4 May 2010

<http://www.kibrisgazetesi.com/index.php/cat/21/news/92578/>, accessed August 30 2011.

<sup>120</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010*

<http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm>, accessed August 30 2011.

Ergun Yahat, "Bayram dayagi" ('Pounding in Bairam'), *Kibris Daily*, 11 September 2010

[http://www.kibrisgazetesi.com/index.php/cat/2/news/101559/PageName/lc\\_Haberler](http://www.kibrisgazetesi.com/index.php/cat/2/news/101559/PageName/lc_Haberler), accessed August 30 2011.

<sup>121</sup> Zalaf A., Wood A., *A comparison of attitudes to the police between Greek Cypriots and ethnic minorities living in Cyprus*, *International Criminal Justice Review*, (Sage Pub., 2009 19:381)

this case had strong elements of racism and aggression and that these issues need to be addressed by political leaders and society overall.<sup>122</sup>

In the northern part, police abuse of the detainees and prisoners continues to be a crucial issue. In August, a Cameroonian asylum seeker, who had been arrested and jailed in July for possessing fraudulent travel documents, claimed in a media interview that he was beaten by the police to get information from him about how he obtained his passport and subjected to racial insults by other prisoners and prison officials. The TCHRF filed complaints with the prison authority, but no results were reported. During his detention, the Refugee Rights Association (RRA) prevailed upon a court to reverse the individual's deportation order.<sup>123</sup>

In June 2010, a Turkish prisoner in the north attempted to commit suicide in the Central Prison and died in the Nicosia hospital the next morning. TCHRF published a press release, which highlighted that the individual had complained about the brutal attitude that wardens had towards prisoners. The head of the Wardens Union strongly denied the allegations and stated that the prisoner had psychological problems and had attempted suicide several times before.<sup>124</sup>

#### **Examples of NGO Good Practice**

**The Euro-Mediterranean Human Rights Network (EMHRN), The Platform for International Cooperation on Undocumented Migrants (PICUM), The European Network Against Racism (ENAR), and Migreurop** were all present for the second trial hearing against KISA's Executive Director (mentioned above), demonstrating their condemnation to the prosecution and their support to KISA's Executive Director and stating that: "...we believe it is aimed at damaging the reputation and hindering KISA's efforts, an organisation that has been fighting xenophobia and racism in Cyprus for the last 13 years. We see no other motive behind the trial than to silence a human rights activist who has worked courageously to defend the cause of people in need of support and protection." "What is even more alarming is that the main witness in this case is the leader of the extreme right-wing in Cyprus, who organised the racist march."<sup>125</sup>

<sup>122</sup> Zalaf A., Wood A., *A comparison of attitudes to the police between Greek Cypriots and ethnic minorities living in Cyprus*, International Criminal Justice Review, (Sage Pub., 2009 19:381)

<sup>123</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010* <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm>, accessed August 30 2011., "KKTC'de sadece dayak yedim" ("I only got beaten in 'TRNC'), *Havadis Newspaper*, 28 August 2010, accessed August 30 2011.

<sup>124</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010*

<http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm>, accessed August 30 2011.

Turkish Cypriot Human Rights Foundation Website:

<http://www.ktihv.org/Tr/content/view/184/41/>, accessed August 30 2011.

<sup>125</sup> Dewhurst Patrick, *Foreign NGO's monitor KISA's trial*, 23 July 2011, Cyprus Mail.

### **IX.i.iii Counter terrorism**

Counter terrorism in Cyprus is dealt with by the Counter Terrorism Office of the Police Force, as well as a special office in the Ministry of Foreign Affairs. Most counter terrorism International Conventions have been ratified and transposed into Cypriot law.<sup>126</sup> In 2010, a new law on combating terrorism was enacted.<sup>127</sup> This law includes a list of terrorist offences, corporate liability for terrorist offences, witness protection, compensation to victims of terrorism and it also includes the power to restrict entry into the Republic of Cyprus for migrants, asylum seekers, irrespective of other relevant laws.

The Police Counter Terrorism Office coordinates the actions against international terrorism, taking into consideration the obligations derived from the prevailing International Conventions, United Nations Resolutions as well as European Legislation. The Office acts as the contact point, for the exchange of information and requests concerning terrorism with relevant police authorities of the European Union countries and the authorities of third countries.<sup>128</sup> The basic responsibilities and the competences of the Counter Terrorism Office include the collection, analysis and evaluation of information about terrorism and the collaboration with other government institutions on the fight against terrorism.

Currently there are no reports of Cypriot citizens or persons belonging to ethnic minorities of being detained or investigated for terrorism. However, migrants may have been deported many times on national security grounds, without the Immigration Authorities giving reasons. As a result the possibility of terrorism being the ground for deportation may not be excluded.

As mentioned above there have been many raids of the homes of Kurds living in Rizokarpaso by the political bureau. Although there is no official statement on the reason for the raids, given the fact that raids were organised by the political bureau gives a hint that they are a counter-terrorism practice.<sup>129</sup>

### **IX.ii The political and legal context**

According to the police some of the most important measures adopted with regard to support for victims, the investigation of offences, and the prosecution of offenders, are related to actions funded by the EU. More specifically, during 2010, the Cyprus Police Force completed the project "Cyprus Police Against

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<sup>126</sup> Law 29(III)/2001, Law 44(III)/2007, Law 19(III)/2000.

<sup>127</sup> Law 110(I)/2010, Law Combating Terrorism

<sup>128</sup> Cyprus Police website

<http://www.police.gov.cy/police/police.nsf/All/DA6A0A5EECDD1498C22578A900271B21?OpenDocument>, accessed 3 August 2011.

<sup>129</sup> The indication could be interpreted as an investigation of their affiliation with PKK. The Kurds expressed their regrets to the press for being treated as such only because of their origin.

Discrimination, for Diversity”, funded by the Government and “Progress”, an EU Program. Adding to the above, the Police also organised educational courses aiming at combating racism, promoting acceptance of difference through better policies and police practices: In March 2010, two Conferences were organised about police against discrimination, and protecting diversity, with the participation of experts as well as police members, Government representatives and NGO’s representatives. In December 2010, a Festival for the Day of Diversity was organised by the police, including music, dance from different national groups, and food and information leaflets in Vietnamese, English, Sri Lankan and Bengali languages.

The police also issued an educational manual of multicultural awareness as well as organising another seminar at the European Police College (CEPOL) in 2011 in Nicosia, focusing on the subject of “Management of Diversity”, with the participation of members of the police from different EU Member States. A similar training seminar was organised in Ireland in 2011, in which a member of the Police Anti-Discrimination Office participated in the Project “European Diversity in Policing – Pan cultural professionalism (skills) effective policing and building bridges to contemporary societies” by the European Diversity in Policing organisation.

New regulations on the Detention of Illegal Immigrants<sup>130</sup> were issued in 2011, including training the personnel of the detention centres. The training includes lessons concerning discrimination, racism, and xenophobia. Some of the basic rules and legal principles taught are the following: it is considered a criminal offence, under Law 12(I)/67 to promote racism and any kind of racial discrimination, Law 59(I)/2004 provides equal treatment irrespectively of ethnic or racial descent and Law 42(I)/2004 more specifically provides for the combating racial and other types of discrimination.<sup>131</sup>

The Penal Code<sup>132</sup> refers to promoting hostility within communities and religious groups for the reasons of race, religion, colour or gender is a criminal offence, under article 47, punishable for 5 years maximum imprisonment.

With reference to the EU Framework decision on racism and xenophobia<sup>133</sup> the proposal of transposing the above Framework decision was deposited in the House of Parliament on the 4<sup>th</sup> of November 2010, as a Law enactment proposal “Law on combating certain forms of manifestations of racism and xenophobia through criminal law 2010.”<sup>134</sup> The Bill was examined by the Committee of Legal Affairs and a revised text was submitted from the Office of the Attorney General of the Republic, which is still pending.

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<sup>130</sup> Regulating Administrative Act under article 9, 161/2011, on the Detention of Illegal Immigrants Law 2011.

<sup>131</sup> The abovementioned laws and all Cypriot laws can be found either at <http://www.cylaw.org/>, the free-of-charge online legal portal, or by subscription for the latest legal updates at <http://www.leginetcy.com/>.

<sup>132</sup> Chapter 154.

<sup>133</sup> EU Framework decision on racism and xenophobia 2008/913/JHA, OJ L 328 of 6.12.2008.

<sup>134</sup> Issue No. 23.01.051.187-2010.

The Police Anti-Discrimination Office is a special department, under the Cyprus Police Force, initially introduced in 2005. Aiming to combat and prevent discrimination, racism and xenophobia, the Office collaborates with other Departments and Units of the Police Force as well as other governmental and non-Governmental Organisations and Services.<sup>135</sup>

Academics and NGOs have called for the need to establish effective mechanisms for the reporting of hate crime, and have highlighted how the underlying reasons of hate and racist crime are unreported.<sup>136</sup> Academic research suggests that there is no comprehensive study, nor is there any systematic mechanism of recording racist incidents and discriminatory practices in Cyprus. The only recording mechanism of racist crime is the one maintained by the police, a department which is under-staffed, over loaded with other duties and has limited capacity carry out this function adequately.<sup>137</sup>

Another issue presented in the above study is the emergence of an organised racist lobby group composed of certain organisations with an anti-immigration and xenophobic agenda. There are a number of publications and regular media discussions on the imminent 'dangers' of the 'Afro-Asiatic', 'Muslim-Asiatic' and 'Turko-Asiatic' 'hordes' that are ready to 'invade' Cyprus as part of a plan orchestrated by Turkey to change the demographic character of Cyprus through 'illegal immigration'. Although Turkish settlers were illegally brought into the occupied areas by Turkey to change the demographic structure of Cyprus,<sup>138</sup> the above statement is manipulated through racially motivated hate speech.

In this reporting period there were no positive developments in the political and legal sphere in order to monitor, document and penalise hate crimes and discrimination in general in the north. Moreover, despite the extensive efforts of TCHRF on raising awareness about the necessity of a hate crime law, the issue has not even been presented on the political agenda.

In the press releases and reports provided by Cyprus Turkish Bar Association and TCHRF, it was stated that the on-going maltreatment by the police in the north is fuelled by the lack of an independent authority investigating the complaints. The current "law" in place allows a confession to be enough for conviction of a detainee for the accusations. CTBA noted that such a process

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<sup>135</sup> <http://www.police.gov.cy/police/police.nsf/All/294F184C2BD794D1C22578A90026FA70?OpenDocument>, accessed 3 August 2011.

<sup>136</sup> Index:Research&Dialogue NGO, <http://www.indexcyprus.com/site/index.php>, accessed August 3 2011.

<sup>137</sup> Trimikliniotis N., Demetriou C., *Racist and related hate crimes in Cyprus*, (Cyprus: 2010).

<sup>138</sup> "...*The Assembly is convinced that the presence of settlers constitutes a process of hidden colonization and an additional and important obstacle to a peaceful and negotiated solution of the Cyprus problem...[the Assembly]...calls on Turkey as well as its Turkish Cypriot subordinate local administration...to stop the process of colonization by Turkish settlers...*" (Council of Europe, Parliamentary Assembly, [Recommendation 1608 \(2003\)](#), 24 June 2003, par. 6 and 7).



puts too much emphasis on confession and gives room for police violence in custody.<sup>139</sup>

TCHRF noted that when detainees testify, they are not permitted to be accompanied by their lawyer. Also, when an individual states in a trial that s/he has been tortured, they are not allowed to be examined by a doctor without being accompanied by a police officer. There have also been several cases when a person in detention or in prison claims to have been tortured while in detention/prison, yet the legal advisors of TCHRF were not given the permission to visit them or it was considerably delayed. With such delays there is a clear possibility of the signs of battery to disappear.<sup>140</sup> These points are remarkable within the context of this report when the demographics of the prisons are considered. According to the statistics provided by the police and prison officials there are approximately 300 prisoners and detainees held in the Central Prison, 60% of which are third country nationals, mostly Turkish nationals.<sup>141</sup>

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<sup>139</sup> Cyprus Turkish Bar Association Website: [http://www.kibrsturkbarolari.org/basin\\_bildirisi.html](http://www.kibrsturkbarolari.org/basin_bildirisi.html) (Doc. no. 4 and 5.), accessed August 30 2011.

<sup>140</sup> Ali Dayioglu, "KKTC'de artan siddet ve insane haklari ihlalleri" ('Increasing violent acts and violence of human rights in 'TRNC'), *Havadis Newspaper*, 26 February 2010 <http://www.havadiskibris.com/arsivler/Ali-Dayioglu/3377/KKTC%E2%80%99de-artan-siddet-ve-insan-haklari-ihlalleri--.html>, accessed August 30 2011.

<sup>141</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010* <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm>, accessed August 30 2011; "Agir cezalik suclarda patlama" ('Outbreak in assizes'), *Star Kibris Daily*, 12 September 2010

## X. Racism and related discrimination in access to goods and services

### X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector

Access to goods and services is usually hindered by the language barrier and the general attitude of civil servants to discriminate when deciding who deserves their attention and services.

A recent report<sup>142</sup> maintains that third country nationals encounter great difficulties in accessing health services due to language problems and racist attitudes. Most of the 1,000 legally employed migrants that were interviewed for the above study come from the Philippines, Sri Lanka and Vietnam. 70% of those interviewed were female. About a third of those interviewed, reported wanting better government services.

Racism and discrimination is also experienced in sports<sup>143</sup>. According to a recent study by RAXEN racism in sports is primarily located in professional football, manifested mostly in the racist behaviour of a small group of hooligans targeting African footballers and Turkish Cypriot fans.

Systematic and structural racism was observed in the participation of migrants and Turkish Cypriots in various ranks of the sports structure, a structure that often serves as a barrier to one's access to sport. In general, sport authorities and institutions deny the existence of racism and discrimination, and at times attempt to underplay the problem. Footballers of African descent interviewed for the purpose of the study pointed out that racist abuse by fans against them still goes on. The number of fines<sup>144</sup> imposed by Cyprus Football Association Tribunal for shouting racist slogans is indicative of the continuation of the problem.<sup>145</sup>

Public transport is mainly used by third country nationals and elderly people, as the prevailing attitude of nationals limits them to the use of private vehicles instead of public transportation.

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<sup>142</sup> The report by Marketway and Pulse Market Research was compiled on behalf of the Interior Ministry's civil registry and migration department and was co-funded by the European Union's Integration Fund.

<sup>143</sup> Nicos Trimikliniotis. "Preventing racism, xenophobia and related intolerance in sport across the European Union - RAXEN Thematic Study on Cyprus" FRA Website (2009). Available at: [http://works.bepress.com/nicos\\_trimikliniotis/27](http://works.bepress.com/nicos_trimikliniotis/27), accessed 3 August 2011.

<sup>144</sup> There were 15 fines imposed by the Cyprus Football Association from 2003 to 2009, available at <http://www.cfa.com.cy/?lang=Gr&show=news&NewsCategoryID=5>, accessed 8 December 2011.

<sup>145</sup> Nicos Trimikliniotis. "Preventing racism, xenophobia and related intolerance in sport across the European Union - RAXEN Thematic Study on Cyprus" FRA Website (2009). Available at: [http://works.bepress.com/nicos\\_trimikliniotis/27](http://works.bepress.com/nicos_trimikliniotis/27), accessed 3 August 2011.

Access to information is another critical issue where third country nationals face discrimination in Cyprus. The right to access to information is generally hindered by the inability or unwillingness of government services and authorities to publicise information, in a free of charge manner, online. What is important to note is the fact that many government websites are launched only in Greek. According to the Cyprus Constitution, article three, the official languages of the Republic of Cyprus are Greek and Turkish. English is also used as a secondary language of communication. It has to be mentioned that the website providing info on Greek language lessons for non-Cypriots, is available only in Greek.<sup>146</sup>

Besides Greek, Turkish is the other official language of RoC. However, very little information is provided in Turkish on the websites of public institutions. Although it is not an official language, there is considerably more information available in English than in Turkish. Invariably the “public body” websites in the north are almost exclusively in Turkish.<sup>147</sup> This fact results in discriminatory procedures especially when requesting information across the Green Line and also it marginalises those who do not speak Turkish.

The Ombudswoman reported that, when dealing with property issues, the procedures, in regard to what is required from Turkish Cypriots, are discriminatory. Turkish Cypriots who never left their properties and currently live in the south are required to get permission from the Ministry of Interior Affairs for any procedure regarding their properties, whereas this is not the case for other citizens.<sup>148</sup>

Some Turkish Cypriots living in the south also faced difficulties obtaining identification cards and other government documents, particularly those born after 1974.<sup>149</sup>

In the focus group conducted with African students living in the north for the purposes of this report, two Nigerian male students expressed the difficulties they have had when entering some particular bars and clubs. They were either told that the bar was fully booked or they had to have a woman friend with them in

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<sup>146</sup> Website of the Ministry of Education and Culture, [http://www.moec.gov.cy/epimorfotika/ekmathisi\\_ellinikis\\_xenoglossoi.html](http://www.moec.gov.cy/epimorfotika/ekmathisi_ellinikis_xenoglossoi.html), accessed 17 August 2011.

<sup>147</sup> Right to Access Information Project Draft Report (pp.24) [http://www.accessinfocypus.eu/images/access-info/final\\_report/Draft\\_Report\\_and\\_Recommendations\\_for\\_Consultation\\_24\\_Feb\\_2011\\_web.pdf](http://www.accessinfocypus.eu/images/access-info/final_report/Draft_Report_and_Recommendations_for_Consultation_24_Feb_2011_web.pdf), accessed 24 July 2011

<sup>148</sup> “Rum Ombudsman: Kibrisli Turklere ayrimcilik yapiliyor” (‘Greek Ombudsman: Turkish Cypriots are discriminated’), *Kibris Postasi (online newspaper)*, 13 September 2010 [http://www.kibrispostasi.com/index.php/cat/35/news/39257/PageName/KIBRIS\\_HABERLERI](http://www.kibrispostasi.com/index.php/cat/35/news/39257/PageName/KIBRIS_HABERLERI), accessed 30 August 2011.

<sup>149</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010* <http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm>, accessed August 30 2011.

order to enter. They both believe that there were racist motives behind their attitude even though they do not remember this attitude as racist. Another student mentioned that several times when he hitchhiked on the same road with non-African individuals, cars passed picked up all others except him. Another one stated that in the buses, especially in long distance trips, he is the one that is made to sit at the back and that this often happens in class too.

### **Examples of NGO Good Practice**

**Cyprus EU Association (KAB)** implemented the bi-communal “Right of Access to Information” project in partnership with Socio-political Studies Institute (IKME) of the south and Access Info Europe (AIE) in order to promote the right to accessing information, public participation in decision making processes and transparency. Throughout the reporting process, mentioned NGOs opened the report to public consultation by means of interviews with other NGOs, round table discussions with public authorities and business-persons on both sides of the island. Moreover, due to the strength of the public consultation process the “Open Cyprus Coalition” was formed.<sup>150</sup>

### **X.ii The political and legal context**

Concerning racism in sports, new measures were adopted following the enactment of a new law<sup>151</sup> prohibiting racist slogans. Although the law had some effect in limiting the use of racist banners from the football pitches, fans continue to show a racist attitude both during and after the game.<sup>152</sup>

A number of policy decisions were made by a few clubs to limit the power of neo-Nazi groups, who have infiltrated fan clubs and networks, yet no coherent results have been identified yet.

There were no new legal developments in the area of racism and related discrimination in access to goods and services.

No data is documented in the north on access to goods and services in public and private sectors and no positive developments were observed in this reporting period.

One of the major issues that need to be addressed is the issue of access to public information. The RoC does not have an Access to Information Law; the

<sup>150</sup> <http://www.accessinfocyprus.eu/>, accessed 17 August 2011.

<sup>151</sup> Law 48(I)/2008, Law to prevent and prohibit violence in Sports.

<sup>152</sup> Nicos Trimikliniotis. "Preventing racism, xenophobia and related intolerance in sport across the European Union - RAXEN Thematic Study on Cyprus" FRA Website (2009).

access is regulated with some sectorial laws which do not define clearly who can and how to access information.<sup>153</sup> Although Turkish is one of the two official languages in the Constitution, in practice there is very little information available in Turkish.

In the northern part, although the “Right to Access Information Act”<sup>154</sup> provides that information should be available to everyone in Article 5.1, Article 5.2 limits the scope to citizens only and the information provided on official websites is mostly in Turkish. Therefore, it is difficult to argue that there is non-discriminatory legislation with regards to accessing information.

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<sup>153</sup> The reference is either made to “general public”, “actors in the market” or to “citizens” in the sectorial laws and it is vague whether foreigners are included to that context. For more detailed information see; “Right of Access to Information in Cyprus Report” (pp.41-42) [http://www.accessinfocyprus.eu/images/access-info/final\\_report/Draft\\_Report\\_and\\_Recommendations\\_for\\_Consultation\\_24\\_Feb\\_2011\\_web.pdf](http://www.accessinfocyprus.eu/images/access-info/final_report/Draft_Report_and_Recommendations_for_Consultation_24_Feb_2011_web.pdf), accessed 30 August 2011.

<sup>154</sup> “Bilgi Edinme Hakkı Yasası” No: 12/2006. Available online at; <http://www.mahkemeler.net/cgi-bin/elektrosharf.aspx?which-letter=B> (in Turkish)

## XI. Racism and related discrimination in the media

### XI.i Manifestations of racism and related discrimination in the media, including the internet

According to data provided by the Cyprus Radio Television Authority,<sup>155</sup> nine complaints were reported during 2010-2011 including complaints about radio shows in which language used was offensive to certain social and political groups in 2010 and one complaint in 2011 referring to a radio show in which comments possibly promoted hate due to race differences, gender, religion or ethnicity.

Apparently, racism and related discrimination in the media seems to be underreported, since the Cyprus Media Complaints Commission refers only to one incident of racist behaviour, reported during 2010-2011. In the abovementioned incident, a university professor referred to the special representative of the UN Secretary General in Cyprus as “the black employee serving in Cyprus”, in that case, the Cyprus Media Complaints Commission found that the above comment consisted of a phrase of prejudice and discrimination according to one’s colour or race and it violated the Code of Journalistic Ethics<sup>156</sup>.

Related to the above is the recent European Court of Human Rights decision to reject as ‘inadmissible’ and ‘manifestly ill-founded’ a TV station’s complaint that its freedom of expression had been violated by the Cyprus Radio and Television Authority (CRTA).<sup>157</sup> The various violations included racist and discriminatory remarks in an entertainment series.

One episode of an entertainment series had characters commenting on Paphos as “a whores’ town” with thousands of prostitutes. “All of the Greek (kalamaroudes), which we imported then, like we import Russian women nowadays,” one of the characters said. Another character said that “in the old times, in Limassol it was all Arabs, Phoenicians, houllou, ya habbib, all of them. Most of them were darker than chocolate...” Sigma was given a fine amounting to the equivalent of €3,450 for that episode.

Both in the south and also in the north, the press commonly reports the identity, nationality (often alongside a photo) of alleged criminals when they are not Greek or Turkish Cypriot respectively. In the north an African student was in the process of being deported when diagnosed with AIDS and one newspaper reported the story alongside a picture of the student’s school ID in which very personal and

<sup>155</sup> <http://www.crtat.org.cy/>, accessed 3 August 2011.

<sup>156</sup> Official Letter of the Cyprus Media Complaints Commission, by Mr. Andreas Mavrommatis.

<sup>157</sup> Pantelides Poly, *ECHR sends Sigma packing*, 23 July 2011, Cyprus Mail.

unnecessary information was revealed such as her full name, school number, date of birth and her photo.<sup>158</sup> Moreover, the language used in such reports is often adjudicating against foreigners even when there are mere accusations.

In the north, despite the use of other languages, the media services are in Turkish and English. The Kurdish population is able to get access to Kurdish newspaper Azadiya Welat, and the television channel Roj TV, yet, none of these media services are produced in the north of Cyprus.

In an internet forum there are several discussions taking place between Greek and Turkish Cypriots under the "Cyprus problem" title. These discussions are very often loaded with racist connotations.<sup>159</sup>

### **Examples of NGO Good Practice**

In the north, the **Management Centre of the Mediterranean** together with several other NGOs and independent journalists established an online independent media centre in 2009, with the aim of focusing on issues that have the public's benefit at heart rather than serving the political interests of certain groups. To that end, throughout 2010 several seminars, workshops and conferences were organised in order to promote and strengthen media independency and to put human rights issues at the core of media practice.<sup>160</sup>

## **XI.ii The political and legal context**

In addition to the legal framework mentioned in previous Shadow reports, the legal framework includes Law 26(III)/2004<sup>161</sup> adopting the Additional protocol to the Convention against Cyber Crime with reference to the criminalisation of acts of racism and xenophobia committed through computer networks. Maximum penalty for the above acts, provided by the law reaches five years imprisonment, the equivalent in Euros of 20.000 CYP or both.

Nevertheless, the only two reported cases under the above law refer to child pornography and there is no officially reported<sup>162</sup> case concerning the criminalisation of acts of racism and xenophobia committed through computer networks.

<sup>158</sup> "Sinir disi edilecek" ('She will be deported'), *Kibris Daily*, 27 May 2010

<http://www.kibrisgazetesi.com/print.php?news=94334>, accessed 30 August 2011.

<sup>159</sup> <http://www.cyprus-forum.com/cyprus-problem.html>, accessed 30 August 2011.

<sup>160</sup> IMC Independent Media Centre Website: <http://www.medyamerkezi.org/> (Available in Turkish and English), accessed 30 August 2011.

<sup>161</sup> Law 26(III)/2004.

<sup>162</sup> Court cases in Cyprus are listed in online legal databases: [www.leginetcy.com](http://www.leginetcy.com) and [www.cylaw.com](http://www.cylaw.com), accessed 3 August 2011.

The “Law to Prevent Provocative Publications” in the north does have an article to regulate and to penalise discriminating statements,<sup>163</sup> however, there are severe problems in the enforcement. To that end, there have not been any legal or political developments in the north in order to monitor and/or report racist approaches in the media.

The main news source in the north is the non-private news agency TAK (Turkish Agency-Cyprus), which is known for highly politicising the mainstream media in relation to the ideology of ruling party. This fact becomes even more noteworthy for the purposes of this report since the current ruling party UBP is a right-wing party. That is to say, the mainstream media of the north is influenced by nationalist and discriminating narratives to a great extent.

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<sup>163</sup> Chapter 136; Article 3 and 4.



## XII. Political and legal developments in anti-racism and anti-discrimination

### XII. i. Political developments that occurred in 2010/2011:

According to the Government services one of the main developments in raising awareness of public opinion on issues of discrimination in 2010, initiated by the Cyprus Ombudswoman's Office and was funded under "Progress", of the Directorate-General for Employment, Social Affairs and Social Inclusion.<sup>164</sup> Numerous activities were organised aiming at combating discrimination and this demonstrates that political discussion on these social issues triggered some change.<sup>165</sup>

Moreover, funding was provided to the Cyprus Gender Research Centre,<sup>166</sup> for conducting research and presenting on the topic: Diagnosis of needs in training and vocational training of migrant women in Cyprus', on 1 June 2010. Funding was also provided to the Mediterranean Institute of Gender Studies (MIGS)<sup>167</sup> for the organisation of a seminar about "integration of Gender in migration policies and practices", on 21 June 2010. Furthermore, a workshop was organised on matters concerning the Maronites, Armenians, and Latins religious groups, in October 2011, which also demonstrates political will from various stakeholders to fight discrimination and racism.<sup>168</sup> However, as evident from the actions funded, it is obvious that the weight is placed on gender discrimination rather than racial or ethnic origin discrimination. Moreover, ethnic origin discrimination was linked to actions relevant to the religious groups/ethnic minorities in the strict sense. It is therefore also evident from the actions chosen by the Government for funding under 'Progress' that racial or ethnic origin discrimination is not high on the agenda.

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<sup>164</sup> <http://www.no-discrimination.ombudsman.gov.cy/drastiriotites-ekdiloseis/ekstrateia-evaisthitopoiisis-2010>, accessed 3 August 2011.

<sup>165</sup> Some of the main ones include the Media campaign with a view to raising awareness of public opinion in Cyprus against discrimination, consisting of television, radio and print messages, presented during June and July 2010, promoting respect for diversity, demonstrating that love, death, joy, pain, love, time, do not discriminate and resulting in the central message: "who are you to discriminate?"

Another important publication related to media and racism and discrimination was the issuing of Guidance for the Media against racism, xenophobia and discrimination, in September 2010. Furthermore, a Code of Good practice against discrimination for the reasons of disability in employment was also issued in September 2010.

Sponsorship was provided to a theatrical group to produce an anti-discrimination play. There were six performances between February and March 2010.

<sup>166</sup> <http://www.ekif.org/>, accessed 28 July 2011.

<sup>167</sup> <http://www.medinstgenderstudies.org/>, accessed 28 July 2011.

<sup>168</sup> INEK-PEO Labour Institute was funded to organise a training seminar about anti-discrimination legislation, in September 2010 and to upgrade the [www.stop-discrimination.org.cy](http://www.stop-discrimination.org.cy) website, and to carry out research on the extent and patterns of discrimination in the workplace with regard to immigrants, and Turkish Cypriot workers.

In March 2010, the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe observed new positive developments made by the Government of Cyprus in an effort to create a more favourable situation for effective participation of the Turkish Cypriots living in the south, in the social and economic life.<sup>169</sup>

At the same time in the latest report by the Council of Europe's European Commission against Racism and Intolerance (ECRI), it is indicated that Cyprus has a disproportionately high concentration of Turkish Cypriot and Roma pupils in some schools, vulnerable foreign domestic helpers and rising numbers of extremist anti-immigrant groups.<sup>170</sup> According to the report, although Cyprus possesses a comprehensive legal framework to safeguard equality and combat discrimination, such as the Observatory Against Violence which records and analyses episodes of violence in schools and assesses incidents of a racist nature, some issues of concern still remain. The report observes that a comprehensive integration policy is still absent in Cyprus, while the government follows a restrictive immigration policy, particularly concerning the granting of long-term residence status. Furthermore, legislation is being prepared to combat irregular migration through 'sham marriages' before they even take place. Unfortunately, a rise in prominence of extremist anti-immigration groups is evident as well as ultra-nationalist websites disseminating hate speech.

The ECRI report highlighted that the Polemidia housing settlement for Roma constitutes "de facto segregation" from the majority population while the children are denied their right to an education.<sup>171</sup>

In the northern part, though the words "racism" and "discrimination" were used very often in the political discourse in 2010, unfortunately there were no developments in the political agenda in favour of anti-discrimination nor were any legislative steps taken to tackle racism.

Due to the lack of public bodies measuring the scope and content of racist incidents, it is very difficult for NGOs to gather data and information on racism and discrimination. Hence, the NGO practices in terms of combating such issues inevitably fall short in meeting the requirements. In this reporting period the "Ombudsman office" still remains the only independent body that can deal with issues of racism and discrimination in the north, yet it only deals with the acts and services of the administration (except the "police") and its impact area is limited due to the lack of anti-discrimination laws.

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<sup>169</sup> CoE AC: Third Opinion on Cyprus, adopted on 19 March 2010; ACFC/OP/III(2010)002, para. 99, (ft 44. Of Annual Report of the United Nations High Commissioner for Human Rights and the Secretary-General, *Report of the Office of the United Nations High Commissioner for Human Rights on the question of Human Rights in Cyprus*, A/HRC/16/21, sixteenth session, Agenda item 2, United Nations General Assembly, 7 January 2011, p. 4.)

<sup>170</sup> Stefanos Evripidou, *Rise of Racist Groups in Cyprus*, Cyprus Mail, 1 June 2011.

<sup>171</sup> *ibid.*

One of the most dramatic discriminatory incidents happened in 2010/2011 in the politics of the north and was fuelled by the economic austerity package imposed by Ankara and which the ruling party National Unity Party (UBP) agreed to implement. Thousands of Turkish Cypriots protested against this, fearing that it would force them to emigrate. It included regulations the cutting of salaries of public servants up to 40% and the privatisation of some “state” owned corporations. During the protests, the discontent expressed was directed towards Ankara government, and the authorities were called to respect Turkish Cypriots’ right of self-determination. Following the protests, the Prime Minister of Turkey commented that “it’s saddening to see those *parasites* that are living at our country’s expense choosing this path” (emphasis added).<sup>172</sup> These words got a massive reaction and were condemned by the Turkish Cypriot community. Not long after Deputy Prime Minister of the time increased the controversy by defining the protests as “shameful” and labelling those who took part in the protests as “Greek collaborationists”. Cicek used a similar approach before, when a group protested against his visit to the north of Cyprus a couple of months earlier by saying “I took a look at the group, they seemed pretty similar to those across the Green Line”.<sup>173</sup> Regretfully, such incidents instigated further tension between Turkish nationals and Turkish Cypriots and were reflected in various spheres of the society.<sup>174</sup> To elaborate further, the use of such language fuelled the division between ‘us’ and ‘them’, and discontent towards Turkish Cypriots started to be increasingly manifested over the micro level issues that arose due to the lack of an integration policy, distracting people from the big picture. In turn, many Turkish nationals living in the north and also some nationalist groups, such as Genc Mucahitler Dernegi (GMD-The Association of Young Mujahedeen) became explicitly threatening towards those who criticised Turkey’s policies in any form.<sup>175</sup> It is worth noting herein that GMD was discovered to be in close contact with and connected to the UBP.<sup>176</sup>

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<sup>172</sup> “Kuzey Kibris’ta varolus sikintisi” (Existentialist worry in North Cyprus), Radikal Newspaper, February 2 2011,

<http://www.radikal.com.tr/Radikal.aspx?ArticleID=1039851&CategoryID=78&Date=13.02.2011&aType=Radi kalDetayV3> accessed December 7 2011

<sup>173</sup> “Cicek hizini alamadi” (Cicek could not hit the brakes), Yeniduzen Newspaper, November 15 2011,

[http://www.yeniduzen.com/detay\\_ars.asp?a=25815](http://www.yeniduzen.com/detay_ars.asp?a=25815) accessed December 7 2011

<sup>174</sup> There are many articles written on this matter discussing the separation between Turkish nationals and Turkish Cypriots. For instance see; Prof. Dr. Biron Ertan “Micro-fascism is rising in ‘TRNC’, *Kibris Postasi (online newspaper)*, 12 February 2011, accessed September 2 2011

[http://www.kibrispostasi.com/index.php/cat/1/tpl/messages2/msg\\_id/269/PageName/KIBRIS\\_POSTASI](http://www.kibrispostasi.com/index.php/cat/1/tpl/messages2/msg_id/269/PageName/KIBRIS_POSTASI), accessed 27 August 2011.

<sup>175</sup> For instance, many articles appeared on the media following the statements of Erdogan and Cicek on the graces of being a Cypriot, discussing and comparing the differences between Turkish nationals and Turkish Cypriots. Moreover, some racists slogans were started to be shouted at protests. On the other hand, GMD opened a highly insulting, sexist and racist banner in front of Baraka Cultural Centre (which is a leftist organization) and in their press release, they explicitly threatened those who criticise Turkey and Turks in general.

See, “Pankartli eylem” (Protest with banner), *Gundem Kibris*, 2 February 2011

<http://www.gundemkibris.com/pankartli-eylem-1243h.htm>, accessed 30 August 2011.

<sup>176</sup> Mert Ozdag “Dervis Eroglu-Genc Mucahit iliskisi” (Dervis Eroglu-Young Mujahedeen connection) *Yeniduzen Newspaper*, 3 February 2011

[http://www.yeniduzen.com/detay\\_ars.asp?a=28054](http://www.yeniduzen.com/detay_ars.asp?a=28054), accessed 30 August 2011.

## **XII. ii. Legislative/legal developments that occurred in 2010/2011:**

The main Legislation, specifically addressing the issue of equality, is the 2004 Law on Equal treatment of persons irrespective of racial or ethnic origin.<sup>177</sup> This law was enacted in order to harmonise domestic legislation with the Directive 2000/43/EC implementing the principle of Equal treatment between persons irrespective of racial or ethnic origin. The last amendments were made in 2006, hence there were no new legal developments in this field.

Nevertheless, two joined cases concerning equal treatment in education were brought before the Supreme Court of Cyprus in 2009.<sup>178</sup> These cases concerned two university students, children of a recognised refugee from Iran, who applied for the student grant from the Government. They claimed that they were denied the grant on grounds of their racial or ethnic origin, amongst other reasons. The Supreme Court held that Equal Treatment Law and Directive 2004/43/EC were not applicable to the facts presented. The spirit of the above law is the prohibition of discrimination or less favourable treatment of persons based on race or ethnic origin, including in education. Nevertheless, Law No. 77 (I) / 96, is a special financial arrangement addressed to Cypriot citizens. According to the Court, there was no unequal treatment against the Iranian students by not extending the student's grant to other groups, such as refugees. This is a completely flawed interpretation taking into account that recognised refugees have the same rights as Cypriots in relation to education. In this decision is therefore a clear example of a racially discriminatory law towards TCN's.

### **Examples of NGO Good Practice**

**KISA – Action for Equality & Support Anti-racism** has been continuously providing free legal advice and social support to migrants and asylum seekers who deal with issues of racism and discrimination up until recently when funding to continue such services was denied

**Refugee Rights Association (RRA) and Turkish Cypriot Human Rights Foundation (TCHRF)** implemented projects and published reports on the issues of minorities, refugees, racism and discrimination. RRA signed a cooperation agreement with UNHCR for the project “Ensuring the Preservation of the Rights of Refugees and Asylum Seekers”. Moreover since its establishment in 2009, RRA supported over 50 refugees and asylum seekers who were battling with the consequences of the lack of regulations concerning their status. TCHRF urged the authorities to take necessary

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<sup>177</sup> Law 59(I)/2004.

<sup>178</sup> Mohtaram Torabi v. the Republic of Cyprus through the Ministry of Finance, Case no. 1083/2009 and 1084/2009, Supreme Court of Cyprus, decision date: 28 January 2011.

measures for combating hate crimes by publishing articles, press releases  
and reports.<sup>179</sup>

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<sup>179</sup> "TCHRF demands from the authorities to take legislative measures for hate crimes" (In Turkish) <http://www.ktihv.org/Tr/content/view/199/40/>, accessed 30 August 2011.

## XIII. Migration and integration

### XIII.i Political developments that occurred in 2010/2011:

According to Migration Integration Policy Index (MIPEX),<sup>180</sup> Cyprus policies are placed in 2<sup>nd</sup> from the last of all 31 MIPEX Countries, evidently discouraging long-term migration and integration of TCN's. The relevant legal framework and migration policy provide unfavourable conditions for migrant workers, and for their long-term integration in the labour market. Not only do they have limited access to and participation in democratic public life, but it is also worth pointing out that Cyprus' policies on family reunification are rated closer to countries far outside the scope of EU law.

Furthermore, Cyprus sets nearly unfavourable legal conditions for labour market mobility by scoring an absolute zero on access.

Adding to the above, the public sector is completely dominated by Cypriot citizens and non-EU migrant workers cannot access public employment services. What is more surprising though, is the fact that migrant workers have the least favourable rights of all 31 MIPEX countries, with Cyprus alone denying them both equal working conditions and social security. It is worth stressing that even as taxpayers, they cannot claim unemployment benefits or public allowances, and once they are unemployed they no longer have a permit to stay in Cyprus.

The MIPEX results only confirm what has been repeatedly reported in previous Shadow Reports about the impossibility for migrants to integrate in the Cypriot society due to the migration policy followed in the Country since the beginning of the 1990's.

Since 2008, the case of Motilla<sup>181</sup> has been the leading case confirming the restrictive government policy preventing many temporary migrants from applying for long term residency. In this case, the court found that the nature and purpose of a potential applicants' residence could be considered to see whether they had 'put down roots'. The Court ruled that this policy was justified under the EC Directive on long-term residence. This case has been followed by other Supreme Court rulings in 2011.<sup>182</sup>

The current political debate about migration in Cyprus claims to reject fascist and racist attitudes. However, Democratic Rally of Cyprus (DISY), the right wing

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<sup>180</sup> <http://www.mipex.eu/print/210>, accessed 30 August 2011.

<sup>181</sup> Motilla v. The Republic (2008) 3 Supreme Court of Cyprus, 29.

<sup>182</sup> Issa E.B. *Alyatim v. The Republic* (2009) Case no. 1512/2009, Supreme Court of Cyprus, Decision date: 7 February 2011.

party, made 11 proposals<sup>183</sup> based, according to the party, within the EU framework, the majority of which basically refer to the suppression and criminalisation of migration rather than promoting the integration of third country nationals. The only measure relating to integration is the language courses so as to “assimilate” migrants. Some of the main measures include the necessity for strict external border controls, increased controls of the green line crossings with the means of new electronics and the use of FRONTEX.<sup>184</sup> Another proposal was the accession of Cyprus into the Schengen Agreement, a view also supported by the Minister of Interior, Mr. Neoklis Silikiotis,<sup>185</sup> not so much for reinforcing freedom of movement but rather for increasing external border controls.

DISY suggests that that Cyprus has neither developed nor implemented an effective immigration policy, a view also held by other parties namely, EDEK (socialist party) and Democratic Party (DIKO), the central-right party. DIKO also suggested that coupons for clothes and food could be given instead of money and endless appeals against refugee status rejections should be limited.<sup>186</sup>

The newly adopted *National Action Plan for the Integration of TCN's* envisages a positive measure towards integration including elements of support and information for TCNs who are legally residing in the country, utilising and/or activating local government, and the participation of civil society.<sup>187</sup> However, it is not evident how these policies will be implemented in practice. To date, apart from language courses, no other measures seem to have been taken for the integration of TCN's.

The Minister of Interior maintained that there will be constant monitoring of the progressive harmonisation of the participation of migrants with long-term stay permits in public life so that “the conditions are created which will allow them to exercise their rights as citizens.”<sup>188</sup> Despite those declarations, Cyprus is one of the few countries which did not sign and ratify the Council of Europe Convention on Participation of foreigners in Public Life at local level.<sup>189</sup> Moreover, taking into account the restrictive policies on granting long term residence status, it is

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<sup>183</sup> Asylum Aware, Newsletter no.4, April 2011, <http://asylumaware.eu/>, accessed 30 August 2011.

<sup>184</sup> Frontex, the EU agency based in Warsaw, was created as a specialised and independent body tasked to coordinate the operational cooperation between Member States in the field of border security. The activities of Frontex are intelligence driven. Frontex complements and provides particular added value to the national border management systems of the Member States. <http://www.frontex.europa.eu/>, accessed 30 August 2011.

<sup>185</sup> Gregoriou Panagiotis, *DISY 11 proposals for Migration*, Simerini newspaper, 16 June 2011.

<sup>186</sup> Asylum Aware, Newsletter no.4, April 2011, <http://asylumaware.eu/newsletter4/main.html>, accessed 3 August 2011.

<sup>187</sup> Trimikliniotis N., Demetriou C., *Labour Integration of Migrant Workers in Cyprus: A Critical Appraisal*, Chapter in Mojca Pajnik and Giovanna Campani (2011), *Precarious Migrant Labour Across Europe*, MIROVNI INŠTITUT, Ljubljana 2011, pp. 73-96

<sup>188</sup> Asylum Aware, Newsletter no.4, April 2011, <http://asylumaware.eu/newsletter4/main.html>, accessed 6 December 2011.

<sup>189</sup> Council of Europe, *Council of Europe Convention on Participation of foreigners in public life on local level*, 5 November 1992, CETS 144, available at <http://conventions.coe.int/Treaty/EN/Treaties/Html/144.htm>, accessed 6 December 2011.

questionable who, and how many, migrants will eventually benefit from participation rights.

With reference to the 11 Common Basic Principles on Integration,<sup>190</sup> there has been political discussion and debate on a number of principles; however discussion has not dictated implementation or full consideration of the principles by the Government on a formal basis, at a practical level. These principles do not seem to have been integrated in the National Action for the Integration of TCN's.

It has been argued by the former Minister of Interior that employment is a key part of the integration process, being central to the socioeconomic participation of immigrants. Although an effort was made to stress the contributions that immigrants make to the host society, this has not received much public support, as people are generally strongly biased when it comes to TCN's. Moreover, the currently migration model followed does not allow any possibility for migrant integration through employment.

The principles proposing the introduction of basic knowledge of the host society's language and history, as a means to successful integration, as well as the efforts in education were received positively, not only by the Government but also by other political parties, as mentioned above.

In the northern part, the issues concerning migration remain complex and problematic. The major migrant group is invariably that of people coming from Turkey and the political history of the island with Turkey complicates the matter to a great extent. Firstly, there is still an uncertainty with regards to the population figures and demographic composition. This uncertainty is worth noting since there are concerns over Turkey's strategic politics to change the demographics of the north. It should be noted here that the "Protocol" between Turkey and north Cyprus allows individuals to travel across freely. Moreover, there is not an effective, transparent or accountable monitoring system for "citizenship" procedures which indicates corruption in responsible bodies and institutions, and it also politicises the issue instead of it being treated as a human rights concern.<sup>191</sup> Finally, an integration policy has not yet been adopted nor have there been any attempts to develop a policy on this matter. Needless to say, this results to the social exclusion of migrants and prepares an open space for racism and discrimination.

The lack of a comprehensive migration policy resulted in great numbers of undocumented workers in the north. Consequently, these people have been unable to enjoy basic rights which seem to be a privilege of 'citizens' and they are very often victims of discrimination. Moreover, the fact that there is a policy

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<sup>190</sup> Council document on the 11 CBP:

[http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005\\_0389en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf), accessed 3 August 2011.

<sup>191</sup> There have been changes in policies in favour of Turkish nationals since UBP took over in 2009. For more detailed information see previous Shadow Report;

<http://cms.horus.be/files/99935/MediaArchive/publications/Cyprus.pdf>, accessed 3 August 2011.



only for workers that are coming from Turkey—though it is not fully efficient—has led employers to look for cheaper labour from third countries.

In this reporting period several Iraqis and Palestinians were denied entry and deported from the north of Cyprus. “Since the changing of the government in 2009, Turkish Cypriot authorities have stopped the previous policy that protected persons arriving from conflict zones, especially Iraqis and Palestinians, from being prosecuted and deported. It enabled people to have access to the territory and to the UNHCR refugee status determination procedures. Since this change, asylum seekers arriving ‘irregularly’ are arrested, detained and sentenced for illegal entry”.<sup>192</sup> However, with the intensive effort of one NGO, the Refugee Rights Association (RRA), several deportation orders were successfully cancelled. Five women--four Palestinians and one Nigerian--sought asylum in 2010, but the authorities declared them all prohibited migrants due to migration offenses and issued deportation orders. The women were assisted by the RRA and the UNHCR and permitted to seek asylum with the Republic of Cyprus.<sup>193</sup> Four asylum seekers were deported during the year despite their status. By the end of 2010, twenty-four asylum seekers (eight Palestinians, three Nigerians, one Cameroonian, one Iranian, nine Iraqis, one Turkmen and one Bangladeshi) and five refugees (one Afghan and four Palestinian) continued to reside in the north, some of whom were working or attending school.<sup>194</sup>

### **XIII.ii Legislative/legal developments that occurred in migration and integration/inclusion in 2010/2011:**

There were no legal developments on migration and integration as no legal measures were adopted to that effect.

#### **Examples of NGO Good Practice**

Alongside publishing press releases on the necessity of an integration policy, the **Refugee Rights Association** recruits volunteers to teach the Turkish language to immigrants with the aim of contributing to their integration process. Moreover, the Association also started to visit immigrant women in their houses in order to offer help if needed. This practice tries to avoid patriarchal stereotypes that migrant women encounter which mostly view a woman’s righteous position to be in the private sphere.<sup>195</sup>

<sup>192</sup> Oncel Polili, “Hard times for refugees in northern cyprus” (in Turkish), available at the RRA website: [http://en.mhdkibris.org/index.php?option=com\\_content&view=article&id=11:hard-times-for-refugees-in-northern-cyprus&catid=1:press-releases&Itemid=8](http://en.mhdkibris.org/index.php?option=com_content&view=article&id=11:hard-times-for-refugees-in-northern-cyprus&catid=1:press-releases&Itemid=8), accessed 30 August 2011.

<sup>193</sup> Bureau of Democracy, Human Rights, and Labour, US. Department of State, *Country Report on Human Rights Practices in Cyprus -2010*

<http://www.state.gov/g/drl/rls/hrrpt/2010/eur/154419.htm> (pp.46), accessed 30 August 2011.

<sup>194</sup> Ibid.

<sup>195</sup> It was stated in the interview which was conducted with Ceren Goynuklu, one of the legal advisers of the Refugee Rights Association for the purposes of this report.

The **Centre for Migration, Identity and Rights Studies** published press releases on the necessity of the enactment of migration law and the development of an integration policy, as well as raising awareness on the risks of human trafficking.<sup>196</sup>

**KISA** also organises annual integration programs such as a children's summer school.<sup>197</sup>

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<sup>196</sup> <http://www.abhaber.com/haber.php?id=34973> accessed 10 December 2011

<sup>197</sup> [http://www.kisa.org.cy/EN/activities/cultural\\_events/642.html](http://www.kisa.org.cy/EN/activities/cultural_events/642.html), accessed 8 December 2011.

## **XIV. National recommendations**

Based on the abovementioned literature, NGO views, academic views and recently published reports on anti-discrimination and anti-racism in Cyprus, the national recommendations are as following:

### **Employment**

- Regarding discrimination in the workplace, there is an inequality of power between the strong employers' representation and the weak representation of vulnerable groups, despite the apparent strength of trade unions. Hence, steps should be taken by the government to strengthen the position of migrants in the labour market by changing the migration model followed so as to disallow the discrimination and exploitation of migrant workers
- Migrant workers should be allowed to work in sectors of employment where they have skills and experience.
- Asylum seekers should have full access to the labour market pending the examination of their application on the basis of their skills and experience, so that they become productive members of the society.

### **Housing**

- The development of a comprehensive housing policy for migrants and asylum seekers is absolutely necessary on the basis of the principle of equal treatment.

### **Education**

- The Government should take urgent steps to fully implement the programme Zones of Educational Priority, to ensure that the right to education is respected in practice.
- In addition to language and culture support, a greater focus on measures to tackle discrimination and racism in schools is needed.
- The educational reform should be sped up so as to allow for an educational system that fully facilitates the mainstreaming of the principle of equality and respect for diversity and difference.
- Religious education in schools should be re-examined in the light of human rights and equal treatment.

### **Health**

- Rapid implementation of the future "National Health Insurance Scheme", based on contributions from the government, employers and employees, is needed. This will provide universal coverage to all persons residing in Cyprus and contributing to the system. .
- It is very important for the health care system to acknowledge the vulnerability of certain persons or groups of persons, such as asylum

- seekers and undocumented migrants, and provide them with access to adequate healthcare accordingly.
- Regarding the access of asylum seekers to healthcare: all existing legislation should be applied in practice, asylum seekers should be adequately and effectively informed of their right to access healthcare and of how to exercise this right.
  - Furthermore, the administrative services and health professionals of public healthcare facilities should be informed of the rights of asylum seekers to access healthcare and trained to meet the specific needs of asylum seekers.
  - Interpreters should be made available in all public health care facilities.
  - The Ministry of Health should immediately adopt the suggestion of the Commissioner for the Protection of Children's Rights that 'all children living in Cyprus, irrespective of the status of their parents, and especially the children of undocumented migrants, should have full access to health and rehabilitation services'.
  - Pregnant women, irrespective of their legal status should be allowed free and full access to healthcare: perinatal and delivery care should be provided unconditionally for all women and babies.
  - Effective access to health care for third country nationals confined in detention centres and the monitoring of detention centres by independent bodies is necessary.

### **Criminal justice**

- It is essential to further develop the Crime Report System and to improve the court archiving system so that cases are also classified by subject matter in a way that would clearly indicate any racist elements of a crime. .
- The mandate and the sanctions of the Equality Body are unsatisfactory and should be expanded. In particular, the sanctions within the Equality Body's mandate are too weak to act as effective deterrents.
- The recent emergence of anti-immigrant and ultra nationalist far right groups has not been addressed by the government. There are no convictions against perpetrators in cases of racist attacks. Both in the north and the south, hate crimes should be defined and criminalised by a specific law and necessary measures must be taken accordingly.

### **Access to goods and services**

- Allocation of the necessary human and financial resources to the Ombudsman's office is necessary to allow it to cope with the increased volume of cases it is faced with as a result of investigating ever more complaints, many of which are urgent in nature.
- Translation of official websites both in the north and the south in Turkish and English is necessary to facilitate access to services.

## Media

- Monitoring and reporting should be increased by the Radio Television Authority.

## General

- Ratification of the Convention on the Participation of Foreigners in Public Life at Local level, the European Convention on Nationality and the International Convention on the protection of the Rights of All Migrant workers and members of their Families, would be a good start for the Government to commit to its' human rights obligations.
- As mentioned in the previous Report, another general recommendation would be the revision of legislative plans to adopt a policy that requires third country nationals wishing to marry a Cypriot or an EU citizen, to pass a premarital interview with the migration authorities before being given permission to marry.
- Participation of migrants in decisions on migration policy is also deemed essential.
- A consultation process with NGOs, experts, trade unions, employers and policy/law makers is also necessary.
- A procedure should be established in order to review and revise discriminatory laws/regulations on a regular basis. The current practice where a review is only triggered once a complaint is submitted to the Equality Body and then referred to the Attorney General is deemed time consuming and is an incomplete approach.
- Challenges such as dealing with shortcomings in victim support, organisational problems, weak campaigns, lack of coordination and solidarity between NGOs,<sup>198</sup> and weak advocacy and lobbying skills should be resolved through coordination. Coordination will also raise public or private funding available for anti-discrimination NGOs, which will then render their sustainability in terms of infrastructure and personnel, more effective.

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<sup>198</sup> Personal agendas, competition for funding and various other problems stand as obstacles in the way of NGOs, preventing the building of alliances and co-operation to be effected fruitfully.

## XV. Conclusions

While the island of Cyprus has always been multicultural, socio-political developments through the years have led to an increase of the population's ethnic, linguistic, cultural and religious diversity. Specifically, the partial lifting of the restrictions of movement across the Green Line in 2003 and the accession of Cyprus to the EU in 2004 led to an increase of the population's ethnic, linguistic, cultural and religious diversity.<sup>199</sup> The significance of the civil society response and contribution is much valued, promoting discussion and debate into the issues of racism and discrimination.

As mentioned in the previous Report, the general attitude towards racism and related discrimination was not significantly altered in a positive manner. On the contrary, discriminatory and restrictive migration and asylum policies, formulating the political strategy of Cyprus since the 1990s are still in place. These policies are policies that promote human rights abuses and downgrade the meaning and purpose of the European Union's general philosophy on anti-discrimination, migration and asylum policies, especially in regard to the integration of third-country nationals.

Strong political commitment is needed for a comprehensive and drastic policy change in the field of migration and asylum so as to align itself with human rights and the principles of equality. Practical measures affecting all of the domains discussed above, especially education, as well as awareness raising of Cypriot citizens to accept diversity and equality, are important.

It is vitally important to stress the importance and value of the NGOs and wider civil society in combating racism, xenophobia and discrimination. In times of crisis and social disturbance, change in the structure and the values of society is crucial. However, due to financial and practical difficulties the future of NGO's seems to be a great challenge. Losing hope would, however, be fatal, and this is the reason NGO's are here to continue their fight of mobilising the public into a constructive dialogue with the Government.

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<sup>199</sup> Papamichael, Elena, *Greek Cypriot Teachers and Classroom Diversity: Intercultural Education in Cyprus*, in the International Handbook of Research on Teachers and Teaching, (US: Springer International Handbooks of Education, 2009), Vol. 21, p.605.

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## Annex 1: List of abbreviations and terminology

- APOEL** - Athletic Football Club of Greeks of Nicosia
- CFA** – Cyprus Football Association
- ECRI** – European Commission Against Racism and Intolerance
- Equality Body** – The “Body Against Discrimination and Racism” and the “Equality Authority, ” both of which are under the Ombudswoman’s Office.
- ELAM** – Ethniko Laiko Metopo (National Popular Front)
- ESPA** - English School Parents Association
- EU** – European Union
- HUMA** - Health for Undocumented Migrants and Asylum Seekers
- IAIACP** - Independent Authority of the Investigation of Allegations and Complaints against the Police
- INEK – PEO** – Cyprus Labour Institute – Pancyprian Federation of Labour
- KISA** – Action for Equality, Support, Antiracism (NGO)
- KTOS** - Cyprus Turkish Teachers Trade Union
- MIGS** - Mediterranean Institute of Gender Studies
- Migration Department** – Civil Registry and Migration Department, which operates under the Ministry of Interior of Cyprus
- NGO** – Non-Governmental Organisation
- Ombudswoman** – The Office of the Commissioner For Administration
- PIO** – Public Information Office
- POED** – Pancyprian Greek Teachers Organisation
- RAXEN** - European Information Network on Racism and Xenophobia
- RoC** – Republic of Cyprus
- TCHRF** – Turkish Cypriot Human Rights Foundation
- TCN** – Third Country National
- UBP** - National Unity Party (Ulusal Birlik Partisi)
- UEFA** – Union of European Football Associations
- UNHCR** – United Nations High Commissioner for Refugees

**UNFICYP**- United Nations Peacekeeping Forces in Cyprus

**ZEP** - Educational Priority Zone



