

european network against racism

# ENAR Shadow Report 2006

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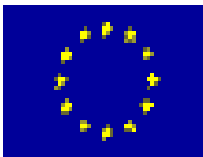
### RACISM IN CYPRUS

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**KISA – Action for Equality, Support, Anti-racism**

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

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

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## 1. Executive summary

Since the 2005 ENAR Shadow Report on Cyprus, limited progress has been made, with some progress seen through the implementation of the antidiscrimination laws by the Equality Body. In view of this general lack of progress and especially against a political landscape that shapes an increasingly inward-looking and less tolerant society, from the NGO perspective, the report emphasises that there is still a lot to be done to tackle racism and discrimination and to support vulnerable groups.

In the 2006 Report the vulnerable groups to racism and discrimination, both at the institutional and the socio-economic levels, continue to be identified as migrants in general and notably migrants without papers, asylum seekers and migrant women (domestic workers and sex workers). E.U. nationals, particularly from the new member states of the E.U. as well as Pontians, religious minorities such as Jehovah's Witnesses and Muslims as well as "Gypsies" also face racism and discrimination.

No substantial developments have taken place in relation to the need identified by many national and international organisations, for Cyprus to adopt modern migration laws, in accordance with international human rights law and standards, or a comprehensive migration and asylum policy which will address the need for the integration, participation and social inclusion of migrants. As a result, migrants in general, as the most vulnerable group, continued to face serious forms of discrimination and human rights violations, especially in employment, housing, education, health care and access to goods and services, deriving, amongst other factors, directly or indirectly from the restrictive and discriminatory migration model adopted by the Government.

Policing and racial profiling, detention of migrants, racist violence and crime and the response of the media to racism and discrimination raise serious concerns in Cyprus as they are not adequately and systematically addressed, if at all. Despite the establishment of a bureau for the monitoring of racist incidents and crime by the Police in 2005, no reports on the data collected and their analysis have been made to date.

Victims of discrimination are still left without independent support, including representation before the competent authorities or courts, as no body has been designated as responsible for such a purpose, nor are NGOs funded to carry out this role. This is evident both from the limited number of complaints before the Equality Body and the fact that no cases were brought before the courts. In that respect, NGOs should be strengthened to provide this independent assistance to victims but also to become equal partners whose voices are heard in the fight against discrimination and racism.

The Report also makes some recommendations, the main ones being the immediate need for the adoption of a modern legal framework on migration and a comprehensive migration and asylum policy in accordance with International and Community law standards. It is also recommended that an action plan against discrimination and racism be urgently adopted that should include at least monitoring mechanisms and structures to unveil discrimination, facilitate sensitisation and awareness raising of the Cypriot society, provide information to vulnerable groups, undertake research on the attitudes prevailing in the Cypriot society, data collection on victims of discrimination and racist crime or racial profiling and promote measures to fight institutional racism and discrimination.

## 2. Introduction

In the year under review, the public and political debates and discourse on the issues, developments, efforts and expectations about the procedure to reach an agreement ending the de facto division of the country since 1974, was once again of paramount significance and overriding all aspects of public and political life of Cyprus. Although the 'Cyprus problem' in itself is partly an issue related to racism and discrimination<sup>1</sup>, these are unfortunately issues that, because of political expediencies, are not adequately addressed and discussed openly, either in the context of the problem itself or in more general terms, by the political parties or society at large.

Up to the 1970s, Cyprus was a country of emigration. Rapid economic development created labour shortages that became acute from the mid 1980s onwards. At the same time, the patriarchal structures of the Cypriot society continued to be dominant, irrespective of the massive integration of women in the labour market. As a result, the needs in the sphere of social reproduction were met by an equivalent massive employment of migrant women, who took up jobs as domestic workers, caretakers of children, elderly people, people with special needs and other vulnerable groups of people. Thus, in the beginning of the 1990s the doors were first opened for 'importing foreign workers'<sup>2</sup> which, on the one hand, aimed to meet the above needs and, on the other, to reduce labour costs. Today, there are approximately 100.000 or more migrants, asylum seekers and refugees living in Cyprus. It is estimated<sup>3</sup> that about 25% of them are "without papers".

The Republic of Cyprus has opted for the temporary work model for migrant workers, known as the "guestworkers concept". Under this model, residence permits are entirely linked to employment permits, in specific sectors of the economy and areas of work and to specific employers, under working conditions strictly defined by the government and for a maximum period of residence and employment in Cyprus (currently set at four years). The migrants' position under such a model is extremely vulnerable vis-à-vis both the state and the employers, making it almost impossible to protect their rights, which are very often violated<sup>4</sup>.

The model of temporary stay of migrants in Cyprus is used as a pretext for the lack of any substantial integration policies and measures. As a result, the Cypriot

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<sup>1</sup> Cyprus has a strong and long multi-ethnic and multi-religious background, with different ethnic and religious communities living on the island. Despite this background, Cyprus did not manage at the early stages of its establishment to integrate all the communities and to secure their equal participation. This issue remains one of the most serious challenges for any possible future solution of the Cyprus problem.

<sup>2</sup> This is the terminology used by Government Officials, the social partners and the society at large for the migration of migrant workers to Cyprus.

<sup>3</sup> There are no official statistics verifying this figure. Indeed, the absence of official data on migration and many, if not all, its aspects is seriously lacking in Cyprus and often gives rise to discriminatory and outright racist generalizations.

<sup>4</sup> For a more detailed presentation of the migration model in Cyprus, please see the «Employment» section below.

government has never established or developed integration programmes for migrants.

Finally, the inability to effectively protect the rights of migrants in combination with the very short residence period set by the authorities, constitute the main factor for the steady increase in the number of migrants without papers and of asylum seekers.

This report seeks to analyse the situation on racism and discrimination in Cyprus, a new member state of the European Union which, since 2004, should have already started implementing the Community anti-discrimination, immigration and asylum laws. It will address the legal and political framework related to racism and discrimination, the vulnerable communities, the major areas where racism and discrimination are more likely to take place and the response of the government to the situation.

### 3. Communities vulnerable to racism

This area is almost totally devoid of easily and or readily available data. Even though there have been or are still in process some research projects addressing this issue, either directly or indirectly, nevertheless research on racism and discrimination is still very scanty<sup>5</sup>. The only official data on communities vulnerable to racism is found in the Report of the Body against Racism and Discrimination (Ombudsman/Equality Body) covering 2005, which was only recently published in 2007<sup>6</sup>. From the complaints submitted to the Equality Body, it is noted that the most vulnerable groups to racial or religious discrimination are migrants, both third country nationals, particularly asylum seekers and migrants without papers, and E.U. nationals, particularly Pontians and citizens of the new member states as well as Turkish-Cypriots, lesbians and gays, “gypsies” and Jehovah’s Witnesses. Migrants in detention, normally for deportation purposes, or imprisoned for non serious immigration law offences, also face serious abuse of their rights and institutionalised discrimination<sup>7</sup>.

The fact that migrants form the most vulnerable group is also evident from the huge number of migrants appealing for help to NGOs in 2006<sup>8</sup>, reports in the media, and reports from academic institutions and international organisations such as the Council of Europe<sup>9</sup> and the United Nations<sup>10</sup>. All the above indicate the continued abuse of human rights in certain ‘problem areas’, which include police abuse and degrading treatment, particularly of asylum seekers and migrants in general, violence against women and trafficking in human beings, particularly of women for sexual exploitation<sup>11</sup> and other migrant workers for labour exploitation, and institutional racism and discrimination in the provision of services by government authorities.

More specifically, migrants from third countries are regularly victims of institutionalized racism, stereotyping<sup>12</sup> and stigmatisation and are perceived by society as the cause of many social and economic problems, such as unemployment and low wages, crime, break-up of marriages, etc. They work under worse conditions and receive lower wages than Cypriots. Some are victims of labour or sexual exploitation. The overwhelming majority of migrants are excluded socially, economically, politically and culturally, and they are subject to

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<sup>5</sup> It is important to note that the Equality Body has conducted 4 research projects on religious, sexual orientation and gender discrimination and on discrimination on grounds of disabilities, the results of which are expected to be published in 2007.

<sup>6</sup> Unfortunately the 2006 Report has not yet been published.

<sup>7</sup> Ombudsman’s Office, Body Against Racism and Discrimination, Annual Report 2005, no publication date.

<sup>8</sup> Migrant and Refugee Center, Activities and Services Report for 2006, Nicosia, March 2007

<sup>9</sup> ECRI, Third Report on Cyprus, May 2006

<sup>10</sup> Concluding comments of the Committee on the Elimination of Discrimination against Women, CEDAW/C/CYP/CO/5, United Nations, 30 May 2006

<sup>11</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus, p. 1, and U.S. State Department, Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report 2007.

<sup>12</sup> Markides, Constantine, ‘Media racism highlighted in meeting’, *Cyprus Mail 2007*, archive article - 24 March 2006

exploitation and discrimination in all spheres of life (employment, housing, social benefits, education, etc).

Domestic workers, who form the largest single occupational group of female migrants, are particularly vulnerable as the majority live in the employers' house where no monitoring may be undertaken by the competent authorities. Additionally the employment contracts provided by Government authorities contain discriminatory and exploitative clauses such as the language of the contracts which include the obligation of workers to "obey" their employer, those concerning the wages of domestic workers (which at £150/€256 since 1990 are much below the minimum wage of £409/€702<sup>13</sup>, and the number of working hours of domestic workers (42 per week against a maximum of 40 hours of the national maximum, excluding overtime), national holidays are not recognised as paid leave on the same terms as any other employee (they are less), the deduction of trade union subscriptions and their distribution equally between the trade unions by the employer, the obligation of the employer to "make arrangements for his repatriation" beyond his employer role<sup>14</sup> misinformation or no information about rights they have and how to pursue them<sup>15</sup>. Frequently, their contracts are violated and they fall victim to abuse, sexual harassment, rape and other physical or psychological violence.

Even worse treatment is inflicted on female workers–victims of trafficking and particularly those employed as 'artistes' in entertainment places (night clubs and cabarets). It is common knowledge that sex is bought and sold in cabarets and that the current system of employment of the so-called "artistes" facilitates the exploitation of these migrant women and the serious abuse of their human rights, including discrimination.

Another vulnerable community is that of asylum seekers, who form the group with the most limited rights after migrants without papers, who have no access to rights at all. In general, asylum seekers have very limited access to decent reception conditions and the rights provided in the reception conditions Directive<sup>16</sup>. Hence, they are very vulnerable to racism and discrimination as they are particularly marginalised. The political jargon about asylum and asylum seekers is more often connected and directly linked to 'illegal' migration and smuggling of migrants<sup>17</sup>, creating thus further stereotyping and racist attitudes amongst society. The desperation and dead-end situation that they found

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<sup>13</sup> There is no national minimum wage in Cyprus. The government sets minimum wage rates for occupations "in which the wages paid to employees are unreasonably low".

<sup>14</sup> Contract of employment – sector domestic workers, Ministry of Interior. Contract of employment – sector night clubs and cabarets, Ministry of Interior. Contract of employment – general sector, Ministry of Labour, Contract of employment – Agriculture Sector, Ministry of Labour. The office of the Commissioner for administration – Report of the Body for Equality 2/2005.

<sup>15</sup> For example in the contract it is stated that it is prohibited to change their employer whereas in practice there are some possibilities for change of employer under certain circumstances (see Annexes I-III).

<sup>16</sup> Directive 2003/9/EC on the minimum reception conditions of asylum seekers.

<sup>17</sup> Various speeches of the Ministers of Interior, Justice and Public Order as well as reportings from press.

themselves in led to a dynamic uprising of asylum seekers - the first of its kind - in May 2006.<sup>18</sup>

Accession of Cyprus to the E.U. in 2004 has also led to a rise in internal migration of E.U. nationals, particularly from the new member states. E.U. nationals also fall victim to stereotyping and discrimination and cases of trafficking have been reported.

Pontians, who originate from the Caucasus region but have Greek backgrounds and passports, are victims of racist comments and suffer exclusion, even though the majority are European citizens. This discrimination and racism is extended to their children at school, where there have been many incidents of open demands by parents' associations to remove Pontian children from particular schools<sup>19</sup>.

Muslims are also faced with increasingly degrading treatment as a result of suspicion of involvement in terrorist activities and are seen as potential Turkish allies. Other groups experiencing racism and severe social exclusion are religious minorities, such as the Jehovah Witnesses and a group referred to as "Gypsies" whose way of life resembles that of Roma.

The discriminatory treatment of Turkish Cypriot children regarding the acquisition of Cypriot citizenship<sup>20</sup>, continued during the reporting period<sup>21</sup>. The Authority against Racism and Discrimination replied to the complaint submitted by KISA in 2004, stating that she had requested that the competent Ministers examine the issue and take the necessary corrective measures. Despite this positive response, the Authority against Racism and Discrimination avoided taking a clear position on whether the provisions constitute direct or indirect discrimination and ultimately the competent Ministries did not amend the law and continued to follow the same practice.

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<sup>18</sup> [www.kisa.org.cy/EN/news/364.html](http://www.kisa.org.cy/EN/news/364.html), Uprising of Asylum Seekers in Cyprus, 4 – 24 May

<sup>19</sup> It is interesting to note that when they first came to Cyprus, they were referred to as "our brothers" Greco-Pontians, whilst they are now referred to as Russian-Pontians.

<sup>20</sup> According to the Law, children may acquire Cypriot citizenship automatically either from the mother or father. Where one of the parents of the child is not Cypriot and enters or resides illegally in the country then the child does not get Cypriot nationality automatically, it needs to be approved by the Council of Ministers. This mainly affects the Turkish Cypriot children whose parents may be Turkish Cypriots and Turkish persons residing illegally in the country.

<sup>21</sup> This issue was also identified as indirect discrimination in the 2006 ECRI Third Report on Cyprus.

## 4. Manifestations of racism and religious discrimination

### 4.1 Employment

According to the Planning Bureau, the Cyprus Government's 'think tank', "the economy of Cyprus has experienced significant economic growth in recent years and has managed to achieve a GDP per capita higher than the EU average. Also, a very satisfactory feature of the economy of Cyprus, in contrast with the European experience, has been the consistently low levels of unemployment. However, this is far from the whole picture ... serious structural imbalances can potentially hamper the prospects for future growth."<sup>22</sup> The statement ends with the following: "The unsatisfactory performance of the agricultural and industrial sectors of the economy have created a framework where the economy depends more and more on low skill, low productivity and low wage labour, in particular migrant labour."

Although migrants' labour is currently estimated at approximately 20-25% of the total labour force<sup>23</sup>, migrants continue to constitute the most vulnerable group in the labour market in Cyprus. This, despite the fact that in 2004 migrants' labour was responsible for more than half of the average annual growth of the Cypriot economy.<sup>24</sup>

It must be stated from the outset that the migration and asylum policies of Cyprus are based on a model that is not only in itself discriminatory but also encourages and promotes violations of the labour and social rights of workers and discrimination based on nationality or on racial or ethnic grounds.

The main characteristic features of this model are the following:

- 1) Cypriot and European citizens and their family members have priority and full access to the labour market in all sectors. Recognised refugees have, by law, the same rights as Cypriots regarding access to the labour market.
- 2) Other third country nationals are allowed to work only in specific sectors set by the Ministerial Committee on Employment<sup>25</sup> and only if there are no

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<sup>22</sup> "Operational Programme Employment, Human Capital and Social Cohesion 2007-1013" Planning Bureau, Government of the Republic of Cyprus, July 2007.

<sup>23</sup> Employment Forecasts for Foreign Labour in Cyprus 2004-2007, Human Resource Development Authority of Cyprus, March 2007.

<sup>24</sup> The Economic Impact of Foreign Workers in Cyprus, Economic Research Unit, University of Cyprus, No. 10-05, December 2005.

<sup>25</sup> The Ministerial Committee on Employment is not established by law and arguably operates in an untransparent manner. It defines some aspects of migration and asylum, as there is no body mandated to set out a comprehensive migration and asylum policy. It consists of the Ministers of Interior, Labour and Social Security, Justice and Public Order and Commerce Industry and Tourism.

Cypriot or other European citizens or members of their families who want to take up the job.

### 3) Third country nationals:

- May be employed only in specific sectors and by specific employers for a maximum period of four years.<sup>26</sup> A change of employer is only allowed in practice<sup>27</sup> if there is a labour dispute<sup>28</sup> and only if the migrant has “proven” the violation of his/her employment contract or if he/she is “released” by the employer and provided that a permit to find a new employer is granted by the Migration Officer;
- In effect, migrants represent a cheap labour force, concentrated in specific sectors of economic activity where there is demand for unskilled, low-paid and low-prestige jobs in which Cypriots or other European citizens show no interest, often with extremely adverse terms and conditions of work, such as farming and agriculture, construction, tourism, etc, regardless of their skills and qualifications. As such, they are at high risk of extreme poverty and social exclusion. The Ministry of Labour has had a substantial increase in the number of complaints of labour exploitation. Migrant workers, primarily from Eastern Europe and South-East Asia were reportedly forced to work 13 hours a day, 7 days a week, for very low wages or sometimes without any wages paid at all<sup>29</sup>. KISA has handled cases where either E.U. nationals from the new member states or third country nationals were recruited by traffickers, under false representations for employment in Cyprus. There were reports of mistreatment of domestic workers and other migrant workers. There were also allegations that their employers fired them without cause in violation of their contracts<sup>30</sup>.
- Migrants are not included in the unemployment registers of the Ministry of Labour and Social Insurance, nor can they benefit from the Department of Labour’s employment services for helping citizens to find employment.
- They almost always depend on the services of private employment agencies, which operate for the recruitment of migrant workers as well as the change of employer. In practice, even though it is prohibited by law,

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<sup>26</sup> Up until May 2005 the maximum period was six years. Following transposition of the Long Term Residence Directive, this period was limited to 4 years, arguably so that migrants would not get permanent residency rights as provided for by the Directive.

<sup>27</sup> In the contracts themselves it is stated that change of employer is prohibited.

<sup>28</sup> Labour disputes are in the first instance examined by the Ministry of Labour and Social Insurance and, if no compromise can be reached, by the Labour Disputes Committee. Neither of these bodies and procedures are regulated by law and they operate without transparency and without legally defined procedures and procedural guarantees. On the other hand recourse to the Labour Courts by third country nationals does not safeguard their stay in Cyprus, even until their case appears before the court, nor are they granted the right to find a new employer or to have their residency permit renewed.

<sup>29</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus. Released by the Bureau of Democracy, Human Rights, and Labour, March 6, 2007, p. 13.

<sup>30</sup> Ibid.

many such agencies charge migrants exorbitant amounts of money for finding them new employment. In view of the significant profits of such agencies, as well as the exclusion of migrants from the public labour services, the operation of these agencies may be said to be part of the system that leads to the exploitation of migrants.

- Migrants are not included in any of the Action Plans of Cyprus, in relation either to the implementation of the Lisbon Employment Strategy or to that of Social Cohesion and Social Exclusion. The only reference made to third country nationals is the need to reduce their numbers. In the National Report on Strategies for Social Protection and Social Inclusion 2006 – 2008, the needs of migrants for integration and inclusion are not taken into account. On the contrary, the Report states the need for better monitoring and management of employment of third country nationals so as not to become a potential threat for the inclusion of the other vulnerable groups of society.
- Employment contracts of migrants are not concluded freely between the two parties, but are prescribed and supplied by the Department of Labour, except the contracts of domestic workers and "artistes", which are supplied by the Ministry of the Interior, implying that these two categories are not workers<sup>31</sup>.
- In the majority of the cases, migrant workers cannot claim social security benefits, such as unemployment or sick pay while in Cyprus. Nor can they claim pensions unless they become citizens, as no bilateral agreements with the main countries of origin of migrants have been signed by Cyprus, which would allow migrants to claim their pensions in their home countries<sup>32</sup>. The social security system in Cyprus is based on obligatory contributions from every employed person on the one hand, while, on the other, benefits and pensions are granted only once working people make a certain amount of contributions, the exact amount of time depending on the particular case. Taking into account the temporary migration model of Cyprus, the majority of migrant workers never complete the contributions required by the Law in order to benefit from the pensions scheme. It is not an exaggeration to say that for many years migrant workers have been, and still are, the main net contributors to the Social Security Fund without getting any benefits from this.

Domestic workers make up one of the largest groups of migrants in Cyprus, numbering some 25,000 in 2006<sup>33</sup>. In addition to female migrant workers, a large

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<sup>31</sup> The contracts provided by the Government can be found at the following e-address:

[http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlforms\\_gr/dmlforms\\_gr?OpenDocument&Start=1&Count=1000&Expand=2](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlforms_gr/dmlforms_gr?OpenDocument&Start=1&Count=1000&Expand=2)

<sup>32</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus, released by the Bureau of Democracy, Human Rights and Labour, 6 March 2007, p. 12.

<sup>33</sup> Mediterranean Institute of Gender Studies, *Integration of Female Migrant Domestic Workers*, [http://www.medinstgenderstudies.org/wp/wpcontent/uploads/study\\_visit\\_reportcyprus\\_5-6-07\\_final.pdf](http://www.medinstgenderstudies.org/wp/wpcontent/uploads/study_visit_reportcyprus_5-6-07_final.pdf), p. 2.

group of female third country nationals enter the country to be employed as 'artistes' (i.e. sex industry workers). Both groups are extremely vulnerable.

According to the Report of the Equality Body for domestic workers their low wages constitute discrimination. These wages have been set at 150CYP net salary since 1990, and they have not been increased since then nor have they benefited from the periodic automatic inflation adjustment other workers benefit from. The Government has not complied with the recommendations of the Equality Body issued in 2005.

Discrimination and violation of employment and other rights are also the rule rather than the exception in the case of female workers who are victims of trafficking, especially in the 'sex industry'. These migrant women are granted residence/work permits for extremely short periods (six months maximum) and allowed to re-enter the country after a lapse of a six month period. In addition to being forcibly sexually exploited, many of these migrant women live in overcrowded conditions, are literally kept locked up during non-working hours or prevented from going out. They are often physically and psychologically harassed, intimidated, threatened, abused and violated and have their passports and other personal documents withheld for the whole period of their stay and work in Cyprus<sup>34</sup>. These working conditions provide an incentive for the trafficking and further exploitation of women and give traffickers the opportunity to move women around the region for purposes of sexual exploitation, thus taking advantage of short term contracts in different countries. The instability women are subjected to and the ensuing insecurity, along with all the above-mentioned violence or threat of violence and other violation of their rights, keep them disempowered and unable to react<sup>35</sup>.

Residence permits may be extended and female victims of trafficking may be granted permission to change employer or employment sector only in very exceptional and limited circumstances and only if they collaborate with the police.<sup>36</sup> However, many victims of trafficking are reluctant to collaborate with the police for fear that the police themselves are implicated in the trafficking ring, or for fear of deportation.

The government maintains that most women who qualified as trafficking victims chose to return voluntarily to their home countries without testifying in court. There were reports that cabaret owners and agents for dancers pressured women to withdraw complaints to the police or not to follow through with their

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<sup>34</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus. Released by the Bureau of Democracy, Human Rights, and Labour, March 6, 2007, page 10-11 and U.S. State Department, Victims of Trafficking and Violence Protection Act of 2000: Trafficking in Persons Report 2007 on Cyprus.

<sup>35</sup> Ibid. It is stated in the same report on page 10 "Some NGOs alleged that government officials with overseeing and policing responsibility over the sex industry, themselves frequented cabaret's and night clubs"

<sup>36</sup> Republic of Cyprus: Information Leaflet for women-nationals of third countries, who enter the Republic of Cyprus for employment as artistes in entertainment places (cabarets), Civil Registry and Migration Department, Ministry of the Interior, 2006. Published by the Press and Information Office, Printed by the Government Printing Office.

intention to testify in court<sup>37</sup>. Of 90 women who requested police protection during the year, the government reported that 59 returned to their home countries and 31 were waiting to testify at trials.<sup>38</sup>

Asylum seekers have no access to employment for the first six months after they file their application, after which they only have limited access to jobs in agriculture and farming. Those who choose not to take jobs in this sector are considered voluntarily unemployed and thus denied access to welfare benefits. According to the State Department Report on Human Rights Practices in Cyprus, some asylum seekers had difficulty securing employment<sup>39</sup>, and even though migration services were responsible for enforcing the minimum wage for foreign workers, they did not actively do so<sup>40</sup>.

However, the reality is far worse than mentioned in the report, as the majority of asylum seekers do not have access to the labour market or to welfare benefits<sup>41</sup> and end up working illegally under very exploitative conditions.

Even those working legally in the limited employment positions in the farming industry are exploited. It is useful for the reader to have a picture of the working conditions in agriculture and farming for asylum seekers or seasonal workers: The terms of employment provide for a minimum salary that is below the minimum wage, set by the Minister of Labour and Social Insurance for specific occupations and by the collective agreements for others. Board and lodging, provided by the employer, range from inadequate to very poor. In many cases, workers are expected to live in barns with animals or make-shift sheds; while there is no provision for persons with families, which means that either families are made to live under the same conditions as the working member of the family or the family stays behind but has no housing. Thus, in addition to poor wages, long hours, hard working and living conditions, asylum seekers and their families are forced to complete isolation and social exclusion as a result of this policy of restricted access to the labour market<sup>42</sup>.

In addition to migrant workers with papers, some estimates place 1 in every 6 or 7 workers in Cyprus in the category of migrants without papers, resulting in a large 'para-economy' with serious social and economic consequences, such as discrimination, mistreatment and exploitation of migrants without papers, as well as lost revenues from social security contributions and taxation, etc<sup>43</sup>.

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<sup>37</sup> U.S. State Department, *Country Reports on Human Rights Practices 2006*, Cyprus, p. 10.

<sup>38</sup> *ibid.*

<sup>39</sup> U.S. State Department, *Country Reports on Human Rights Practices 2006*, Cyprus, Released by the Bureau of Democracy, Human Rights and Labour, 6 March 2007, p. 6.

<sup>40</sup> *Ibid.*, p. 12.

<sup>41</sup> The Welfare Services stated that of the 12,000 asylum seekers in Cyprus, only 300 cases received welfare benefits. However, there is a constant demonisation of asylum seekers as they are perceived as the ones who come and get "our" welfare benefits and live off our taxes etc.

<sup>42</sup> KISA – Action for Equality, Support, Antiracism. *Asylum law, policies and practices in Cyprus – An Overview based on asylum cases*. June 2005. p. 15, 16, 17.

<sup>43</sup> *Ibid.*, p. 13

Migrants without papers are the lowest category of workers as they have no rights at all. Quite often, it is reported either on television or in the press that a migrant injured in a car accident or in a labour accident escapes from the scene without any medical care for fear that they will be arrested.

Despite all the difficulties faced by migrants, their employment continues to increase. After accession to the EU in 2004, more workers from EU and candidate countries came to Cyprus. According to the Department of Labour<sup>44</sup>, the composition of the migrant labour force in 2006 continued to be mainly third country nationals. The number of EU workers coming to Cyprus, however, shows an increasing trend whereas the number of third country nationals coming to Cyprus is declining.

The Department of Labour claims that the policy of the Cyprus Government is to ensure equal treatment between migrant and indigenous workers. The Department declares that it safeguards this through employment contracts with the same terms and conditions of employment that apply to Cypriot employees<sup>45</sup>. Reality however is somewhat different, as has been explained above. The contracts given by the Labour Department themselves contain discriminatory clauses, in line with the discriminatory migration model in place, and use a language that inhibits migrants from claiming their rights<sup>46</sup>; they are misleading as to even the limited rights of migrant workers, etc. Moreover, it is reminded that the Department of Labour is not responsible for domestic workers and artistes as their contracts, which are worse than those of the rest of migrant workers, are the responsibility of the Ministry of the Interior. As a result, the Ministry of the Interior accepts contracts which arguably would not be accepted by the Labour Department as they violate the labour and human rights of migrants. In addition, the inspectors of the Department of Labour have not yet been granted any powers to investigate cases of racial discrimination in employment as the necessary regulations to provide for such powers have not been issued.

In Cyprus there is a strong tripartite partnership in the area of employment. This partnership includes the government, represented mainly by the Department of Labour of the Ministry of Labour and Social Insurance, the employers, represented mainly by the two largest employers' organisations (Employers' and Industrialists' Federation – OEB, and the Cyprus Chamber of Commerce and Industry - CCCI), and the trade unions, the largest of which are the Pancyprian Federation of Labour (PEO) and the Cyprus Workers' Confederation (SEK).

The Employers and Industrialists Federation (EIF) and the Cyprus Chamber of Commerce and Industry (CCCI) have on occasions stated that every effort is

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<sup>44</sup> Ibid.

<sup>45</sup> This is not so however, as the contracts of employment contain all the restrictions deriving from the migration model followed and different contracts are given depending on the sector, i.e. different contracts for the building industry, the hotel and catering sector, etc, and different for domestic workers.

<sup>46</sup> For example "the employee, shall devote all of his/her time, attention, knowledge and skills solely to the business and the interest of the employer".

made to prevent racial discrimination in employment by issuing guidelines to their members<sup>47</sup>.

Overall, employers' organisations in Cyprus support a liberal policy with regard to the employment of migrants, mostly on the basis of their lower labour costs. In the view of some commentators, this attitude has contributed decisively to the introduction of a 'cheap migrant labour force'. Furthermore, in the context of the temporary model of migration of third country nationals as seen above, it is evident that employers have acquired the ability to bypass the principle of equal treatment for migrant workers with relative ease. It must be said, however, that certain positive policies and measures are being taken by the employers' organisations, as for example their participation in various European programmes, such as the EQUAL Initiative, the 2007 EU Year of Equal Opportunities for All, etc, in an attempt to inform their members and raise awareness against discrimination in the work place.

As far as the trade unions' view is concerned, their initial reaction in general during the 1990s was 'defensive' towards migrants. Sometimes, it was even accompanied by comments which were regarded as xenophobic<sup>48</sup>. This attitude gradually gave way to a more positive, albeit cautious one towards migrants, which stressed the need to reduce their numbers in parallel with the need for their full integration on an equal footing with Cypriots. A characteristic example of the changed union attitude towards migrant workers is the view that there are no 'illegal workers' but rather 'illegal employers', along with the recognition on the part of the unions that discrimination against migrants is likely to have a negative impact on the terms and conditions of employment of Cypriot workers as well. In this context, during the reporting period, PEO continued and further intensified the work of its Migrant Workers Bureau for the promotion of migrants' labour and human rights in general. Examples of these: PEO was the only trade union that presented written proposals for improvements to the government's law bill on the Long Term Residency Directive. In addition, the organisation actively supported the set up and operation of a centre for Pontians and worked in cooperation with NGOs, such as KISA. Indicative also of the impact of PEO's steady concern for the representation of migrant workers' rights is the increase of its membership among migrants.

## 4.2 Housing

The Government recently adopted a housing policy to include additional groups of persons and not only internally displaced Greek Cypriots. However, this policy

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<sup>47</sup> "Feeding in" and "Feeding out" and Integrating Immigrants and Ethnic Minorities, A Study of National Policies, Panos Pashardes, University of Cyprus, November 2006, p. 14.

<sup>48</sup> Examples of this defensive approach included the Cyprus Workers' Confederation ([SEK](#)) and the Democratic Labour Federation of Cyprus (DEOK), which often took the position that increased unemployment was due to the presence of migrants.

covers only Cypriots and, at least in theory, E.U. nationals. Migrants, asylum seekers and refugees are excluded from this policy on grounds of nationality, despite the fact that persons under international protection and long term migrants should enjoy equal treatment in housing according to Community law.

In the absence of a comprehensive housing policy by the state to address the housing needs of migrants, the phenomenon of the 'ghettoisation' of migrants persists, wherein landlords rent out decrepit premises (which often have no basic amenities such as water supply), knowing that migrants and especially migrants without papers will not dare report these to the authorities as they are not protected by law. Landlords exhibit manifest discrimination when renting out good-quality accommodation and often blatantly refuse to rent to anyone of colour or migrants in general. Although, discrimination on the grounds of race and ethnic origin in the provision of housing is prohibited, as per Article .4 of Law 59(I)/2004, there is no monitoring authority for the implementation and enforcement of the law.

According to the employment contract provided by the Ministry of Labour and Social Insurance, employers can subtract a percentage<sup>49</sup> of the earnings of migrants in exchange for providing them with board and lodging. Employers, particularly in the farming industry, very often take advantage of this term of the contract and provide accommodation that does not comply with minimum health and safety standards. The fact of the matter is that whether accommodation is provided by the employer or rented by migrants themselves, the majority of migrants live in very poor conditions in the old and marginalised parts of cities, in old dwellings abandoned by the locals. These dwellings are the cheapest to rent. Although it is argued that people of the same origins like to live together in certain areas, the fact remains that the formation of ghettos is driven by income, social status and discrimination, rather than a desire to form a community neighbourhood. Often, migrants who try to rent accommodation in better residential areas are flatly refused, or charged exorbitant rents (higher than any Cypriot would have to pay) so as to make it impossible for them to move to these better areas. It has been reported that at least one asylum seeker could not secure housing because of religious discrimination (he was a Muslim)<sup>50</sup>.

The "ghettoisation" of migrants severely limits the possibility for interaction with locals, which in turn inhibits the potential exchange of cultures and learning that is a result of diversity. In addition, it reinforces the 'them' vs. 'us' mental barrier in actual physical terms, and ensures that the cycle of prejudice against migrants

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<sup>49</sup> 10% for accommodation provided and 15% if food is also provided. This however is prohibited under the ILO Conventions as workers are entitled to their salary which should be paid and be substituted with in kind contributions. For years the Government of Cyprus is hiding behind this arrangement for domestic workers claiming that their actual salary is not CYP 150 but CYP 350 since food and accommodation is also provided for them by the employer. Granting that in the majority of cases accommodation and food is provided, nevertheless the higher amount quoted is grossly overestimated and misleading.

<sup>50</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus, Released by the Bureau of Democracy, Human Rights and Labor, 6 March 2007, p. 6.

continues and reproduces itself, in that landlords will not rent proper housing to migrants so migrants are forced to live in sub-standard housing conditions, which in turn feeds prejudice against them.

Until last year, housing for the most vulnerable groups, the unemployed or low waged workers was safeguarded through welfare benefits granted by the Department of Welfare Services. In 2006, however, the Welfare Benefits and Services Law was reviewed and amended in order to restrict coverage, which previously included all persons legally residing in Cyprus, regardless of origin or citizenship. Thus, the majority of migrants and particularly migrant workers do not benefit from such benefits. In practice, however, not even the housing needs of refugees and asylum seekers who are covered by the law are being met.

The Kofinou Reception Centre for Asylum Seekers is located in a very isolated area far away from all cities and is mainly reserved for asylum seeker families, even though the vast majority of asylum seekers are single males. The isolated location, the inadequate facilities and the poor health and hygienic standards of the Centre do not secure a dignified standard of living. Moreover, the above situation also severely hinders the religious practices of asylum seekers, their cultural diversity in terms of food and other dietary needs, and children's access to afternoon activities<sup>51</sup>.

Finally, the total capacity of the Centre (a mere 80 places) renders it inconsequential in even attempting to solve the housing problem of the 12.000 or so asylum seekers.

### **4.3 Education**

Education is provided free to all residents of Cyprus up to the age of 18. Education is mandatory until the age of 15, or nine years in education.

In the National Report on Strategies for Social Protection and Social Inclusion 2006 – 2008, many specific goals are set out with the general aim of protecting and including all vulnerable people. Much is said about women, people with disabilities, young people, the elderly, the unemployed and children. These groups of people are seen as one single social group. The needs of migrants as a particular group of people with particular needs are addressed minimally. The need for the prevention of social exclusion of children is set forth as a goal, but only two of the twelve measures to ensure that this goal is reached may be said to have some relation to migrant children. One is the reduction of inequality for students who live in lower-income areas (which is very general) and the other is the integration of children whose mother tongue is not Greek through special programmes for learning the Greek language, a measure that, if maintained in

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<sup>51</sup> Ombudsman's Office, File No. A.K.P. 70/2005.

isolation from mother tongue support, can in itself lead to assimilation rather than to integration and inclusion.

In 2006, an EU funded project entitled “Youth Against Prejudice” aimed to educate and sensitize educators so that they could better mediate pluralistic classrooms and aid in the creation and institutionalization of non-discriminatory principles amongst the student body. This is especially important because research conducted in 2005 amongst school students showed a high level of prejudice. Around 45% of the children attending a Lyceum stated that they believed the Greek race to be the supreme one in the world<sup>52</sup>.

The aforementioned project was carried out in the period 2005 - 2006 by the Equality Observatory of Cyprus in association with the Ministries of Justice & Public Order and Education & Culture. However, the project gave limited attention to issues of migrants and racial discrimination or racism.

Even though the Minister of Justice and Public Order, in a speech made on 15 February 2006, stated that all children and young people who live in the Republic of Cyprus have equal rights and should have the same opportunities in terms of education, employment and social status<sup>53</sup>, the Government persisted in its decision not to withdraw a circular issued in 2005 requesting all school headmasters in primary and secondary education to notify the Immigration Authorities about migrant children enrolled and the contact details of their parents, in order to investigate their legal status (whether they reside lawfully or not). This circular was found by the Equality Body to constitute indirect discrimination on grounds of race with regard to access to education<sup>54</sup>. The Government continued to insist that this was a matter of protection of the sovereignty of the state which overrides fundamental rights<sup>55</sup>.

With the presence of children of migrants, classrooms are indeed more diverse now than ever before. This is a relatively sudden and recent phenomenon for Cyprus (in the last few years, especially after EU accession), therefore, a great deal of work needs to be done in order to create the vision that is spoken of by officials (a society of equality, in theory and practice). In order to foster an environment of respect for diversity so that the equal right to education becomes a fact and not just a theoretical right, continuous and sustained work needs to be carried out. The principle of equality needs to be mainstreamed in every aspect of the educational system. Sporadic and once-off programmes may have some effect, but it will be minimal.

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<sup>52</sup> Leonidou, Leonidas, 'School survey finds high levels of racism', Cyprus Mail, 3 March 2006. Results of this survey were widely debated, with some politicians going as far as dismissing the findings altogether, claiming they were misleading and inaccurate. However, the feeling amongst NGOs was that this survey shows the failure of the educational system to address the issues of racism and discrimination. Perhaps the survey played a critical role in pushing the Ministry of Education to implement projects addressing the issue of racism.

<sup>53</sup> 2006, Republic of Cyprus, Ministry of the Interior. Press and Information Office (PIO). [Moi.gov.cy/moi/pio/pio.nsf](http://Moi.gov.cy/moi/pio/pio.nsf). Last accessed on 29.06.07.

<sup>54</sup> ENAR Shadow Report 2005.

<sup>55</sup> Equality Body, A.K.R. 20/2005.

At a seminar on the 'Integration of migrant children in education and society in general', organised by KISA in November 2006, it was found that in contrast to primary schools, where minimal integration programmes are offered, particularly for learning the Greek language, in secondary education there are no provisions for such programmes at all. As a result, migrant children who start their attendance at secondary school age often just attend classes without any real opportunity to either learn or understand or to get a certificate. As it is to be expected, a large number of these children finally drop out of school.

In addition, the official curricula in public schools require instruction in the Greek Orthodox religion unless parents of children of other religions request that their children be excused from such instruction and from attending religious services<sup>56</sup>. This policy creates indirect exclusive practices, because it implies that the dominant and therefore acceptable religion is Christian Orthodoxy, and everything else is deviant.

According to the State Department Human Rights Report for 2006<sup>57</sup>, "the [Cyprus] government continued to use textbooks at the primary and secondary levels that included inflammatory language derogatory of Turkish Cypriots and Turks. This was a particularly serious concern with history textbooks." In addition to this, it has been shown through research that, apart from in school textbooks, teachers themselves are more prejudiced and tend to discriminate against persons with different racial or ethnic background more than the media or their pupils<sup>58</sup>.

It should also be noted that no sufficient measures have been taken for the promotion of the education of adult migrants. There are no vocational training programmes for migrant workers and no impetus to provide such programmes, as migrant workers are considered temporary and employed in areas that require unskilled labour, even if they are educated and qualified (sometimes more than locals)<sup>59</sup>. Even though the Ministry of Education & Culture insists that the Adult Education Institutes are sufficient to meet the needs of migrants, especially in terms of language learning, they are not frequented by migrants. Nevertheless, the few courses that are specially designed by individual colleges and NGOs for migrants are very successful.

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<sup>56</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus, released by the Bureau of Democracy, Human Rights and Labour, 6 March 2007, p. 6.

<sup>57</sup> Ibid., page 21.

<sup>58</sup> Harakis, K., Ekdosis Sakkoula, 2005 "Antikoinoniki simperifora ton neon tis kyprou- Ratsistikes taseis".

<sup>59</sup> "Feeding in" and "Feeding out" and Integrating Immigrants and Ethnic Minorities. A Study of National Policies. Panos Pashardes, University of Cyprus, November 2006, p. 18.

#### 4.4 Health

According to the law, public medical care is available free of charge if asylum seekers, refugees and victims of trafficking do not have enough means of subsistence and for E.U. nationals under the same terms as for Cypriots. The remaining migrants are only covered by basic health insurance which is paid for by both the employer and the employee. Employers are obliged to provide health insurance to employees regardless of their ethnic origin and can deduct 50% of the insurance expenses from the earnings of the employees. Migrants who are members of trade unions are covered by the medical schemes applicable to all trade union members.

Compulsory health care insurance is, however, discriminatory as it does not cover for example, gynaecological examinations, whereas the majority of migrants in Cyprus are women. Migrant women are extremely vulnerable in this field, as they do not have access to sexual and reproductive health programmes, which are so vital for this group, as indeed for all women. For example, while the gynaecological Pap Test is freely available to all Cypriot and EU female nationals, the Government refuses to make it available to migrant women.

Even though asylum seekers and refugees are entitled to free medical care, in practice there are serious obstacles to obtaining such care. First and foremost there is the language barrier, which creates serious communication problems between doctor and patient. Due to the unavailability of translators in hospitals, this communication problem leads to inequality of treatment. In addition, delays of the Migration Department in processing paperwork for asylum seekers means that they are often left without residence permits for long periods of time, which in effect means they cannot obtain a medical care card, thus effectively denying them access to obtaining the social benefits provided for by the law.

On their arrival in Cyprus, migrants are required to undergo medical examinations in order to verify that they are in good health. If a medical problem is found the migrant is not issued with a residence permit and is subject to deportation. If a medical problem arises during the migrant's stay, the employer must arrange for medical care. According to the Government policy, in the case of migrants with work permits of 'artistes' (in the sex industry), they are required to undergo HIV testing every 3 months. If they are found HIV-positive they are deported.

The Cyprus Family Planning Association, an NGO working on the issues of sexual and reproductive health and rights, provides information and education to migrant women working in the sex industry in their own language. The education provided includes issues of protection from sexually transmitted diseases. An indication of the lack of satisfactory health care for migrant workers is also the fact that of the 10 clients who visit the CFPA clinic weekly, approximately one

third are migrants and the number is rising, whereas the numbers of Cypriot clients is falling <sup>60</sup>.

#### 4.5 Policing and racial profiling

The new Independent Authority<sup>61</sup>, established by law and appointed by the President of the Republic in April 2006 to investigate complaints against the police, assumed its duties in May 2006. The Independent Authority lacked sufficient resources to thoroughly investigate all complaints received, which include those relating to events that occurred before it became operational. There is no research that documents public opinion of the police force, therefore, the claim that public opinion of the Police Force shows mistrust, and the belief that many police officers are corrupt, cannot be substantiated. We can, however, examine media reports relating to the Police in order to ascertain the discursive reality around the Police Body, which reflects this view.

On 19 December 2006, an article in *Politis* newspaper described a complaint filed against two males who were pimping migrant women. The complaint was made against them by a customer who perceived that he received unsatisfactory service. After the complaint was investigated, it turned out that one of the men involved in the case was a member of the Police Force during the period in which the crime was committed. What is most telling is the fact that the brothel (set in an apartment) was advertised in the pink section of a classifieds newspaper that has island wide distribution. So fearless of not being caught by the authorities were the two males who set up this business that they advertised publicly. Also telling is the fact that indeed, they were not caught by the authorities but were essentially incriminated by a disgruntled customer<sup>62</sup>.

The *Politis* newspaper published an article on 6 of April 2006 that listed many incidents of police brutality, some involving asylum seekers, Cypriot citizens, women and children. The article listed all these incidents to show that police brutality does not occur sporadically – that is, it is not the exception to the rule but is quite a common and a well known fact. Of course, notes the article, the majority of members of the police force do not participate in such acts and are enraged that their good reputation is trodden on by some members of the Police Force<sup>63</sup>.

In its Country Report on Human Rights Practices 2006, the U.S. State Department has cited reports of police abuse and degrading treatment of

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<sup>60</sup> Interview with Director of CFPA Ms Despo Hadjiloizou, 5 July 2007.

<sup>61</sup> Independent Authority For the Investigation of Claims and Complaints Against Member of the Police Force.

<sup>62</sup> Nearchou, Yiannis. *Politis* Online. Article number 681844. *Politis* Newspaper 19/12.2006, page 49. [www.politis-news.com/cgibin/hweb](http://www.politis-news.com/cgibin/hweb)? Last accessed 19/12/2006.

<sup>63</sup> Nearchou, Yiannis. *Politis* Online. *The List of Shame*. Article number 622838. *Politis* Newspaper, 06/04/06, p. 26. [www.politis-news.com/cgin/hweb](http://www.politis-news.com/cgin/hweb)? Last accessed 06/04/06.

persons in police custody and of asylum seekers<sup>64</sup> Concerning the Central Prison, reports have been made regarding the discriminatory treatment of prisoners who are neither Greek Cypriot nor European Citizens. Turkish Cypriots, despite the fact that they are Cypriot citizens, are discriminated against and do not enjoy the rights provided for by the Prison Regulations to all Cypriots. For example, they are not allowed unescorted leaves of absence as it is the case of Greek Cypriots, while the duration of the leave of absence is much shorter than that provided to Greek Cypriots. Concerning the migrant prisoners, not only do they not have access to the above rights but they are not allowed transfer from the 'open' prisons to the "closed" ones as provided for by the relevant laws. In addition, both migrants, even if they are married to a Cypriot and thus with an unlimited period of stay permit as well as Turkish Cypriots have no right of hospitality at the "Hostel", and therefore do not participate in the specific programme of reintegration of prisoners in the Society.

A May 16 report by the COE's European Commission Against Racism and Intolerance (ECRI) stressed that the lack of a comprehensive immigration and integration policy puts migrants and asylum seekers in a vulnerable position. They are vulnerable to human rights violations, exploitation and discrimination in detention centres. Concern was expressed for the extensive use of detention for both migrants and asylum seekers, and the conduct of law enforcement officials who have been allegedly accused of mistreatment<sup>65</sup>.

Prison overcrowding of the Central Prison in Nicosia is a problem, with the prison at times holding almost double its capacity. 14% of the prison population are inmates imprisoned for entering or living in the country illegally<sup>66</sup>. Although detention can only follow judicially issued arrest warrants and detention must not exceed more than one day without referral of the case to a court for extension of detention, this procedure is never applied to migrants who are arrested for entering or residing in the country illegally. In these cases, migrants are often arrested and detained on the basis of arrest and deportation orders by the Migration Officer and migrants /asylum seekers without travel documents are detained indefinitely as the authorities do not know where to deport them to. The Ombudswoman, in her report of a case that dealt with the long term detention of a person under deportation, concluded that the indefinite detention of these migrants (asylum seekers and those awaiting deportation) without a Court order and without committing any crime, under the conditions prevailing in the detention centres which are designed for short detention periods, amounts to inhuman treatment<sup>67</sup>. In her report, the Ombudswoman suggested that a maximum holding period for such individuals needs to be set so the abuse of their rights can be prevented. In addition, she encourages the use of restrictions rather than detention<sup>68</sup>.

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<sup>64</sup> U.S. State Department, *Country Reports on Human Rights Practices 2006*, Cyprus, Released by the Bureau of Democracy, Human Rights and Labour, 6 March 2007, p. 3.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid. In 2006 the prison's capacity was 340, although at times it held up to 670 inmates.

<sup>67</sup> Ombudsman's Office, File No. A/Π 2103/2005

<sup>68</sup> Ibid, p. 7.

The government claimed the right to deport foreign nationals for reasons of public interest, whether or not they had been charged with, or convicted of a crime<sup>69</sup>. An example of this treatment is the case of a 38 year old mother from Serbia who was held for almost a month in detention while the decision to cancel her deportation was in the process before Courts. The mother of two children who were enrolled in public schools could not handle being detained in prison and agreed to her own deportation<sup>70</sup>. Many such cases have been reported, including cases of wrongful arrest (the wrongful arrest of an asylum seeker<sup>71</sup>), mass arrests of foreigners, etc. 186 members of the Police Force were examined by a Disciplinary Committee, resulting in two cases where police officers were actually imprisoned<sup>72</sup>.

Both the Ombudsman and NGOs received complaints that police and prison officials subject migrant inmates to discriminatory treatment and random violence and abuse. Migrant inmates also claimed that prison officials ignored their calls for protection from other violent inmates, and prevented them from reporting mistreatment without the prison officials being also present. It has also been reported that inmates incarcerated for non-violent crimes are held with dangerous criminals and rapists<sup>73</sup>.

On 4 May, Asian and Middle Eastern detainees held in the Detention Centre - Block 10 of the Central Prison in Nicosia - protested about the duration of their detention – sometimes for over a year – the majority of whom being rejected asylum seekers who could not be sent back to their countries of origin or asylum seekers who had been arrested for illegal entry or residence and they remained under detention with arrest and deportation orders until their asylum applications could be considered. On 30 May, 29 migrant detainees started a hunger strike in protest over their detention. They demanded of the Immigration authorities that they be given an answer to their applications for asylum, instead of being held for such a long period (even up to 20 months) under unacceptable conditions<sup>74</sup>.

According to the 2006 Annual Police Report, one of the main priorities for the Cyprus Police Force in 2006 was illegal immigration<sup>75</sup>. According to the same report, the vast majority of calls to the Citizens' Telephone Line pertained to (among others but first on the list) illegal immigrants.<sup>76</sup>

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<sup>69</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus, released by the Bureau of Democracy, Human Rights and Labour, 6 March 2007, p. 3.

<sup>70</sup> Nanos, Costas. Politis Online. *Yasmin broke and Agreed to be Deported*. Article number 622844. Politis Newspaper, 06/04/06, p. 43. [www.politis-news.com/cgin/hweb?](http://www.politis-news.com/cgin/hweb?)

<sup>71</sup> Kalatzis, Manolis, Politis Online. *The Police Apologizes for its Mistake*. Article number 641046. Politis Newspaper, 29/04/06, p. 44. [www.politis-news.com/cgin/hweb?](http://www.politis-news.com/cgin/hweb?)

<sup>72</sup> Hadjivasilis, Michalis. *186 Police Officers Pass Through Disciplinary*. 18 January 2007. [www.phileleftheros.com/main/showarticle\\_prt.asp?id=460553](http://www.phileleftheros.com/main/showarticle_prt.asp?id=460553)

<sup>74</sup> Kalatzis, Manolis, Politis Online. *Hunger Strike by 29 Asylum Seekers*. Article number 636476. Politis Newspaper, 08/06/06, p. 21. [www.politis-news.com/cgin/hweb?](http://www.politis-news.com/cgin/hweb?)

<sup>75</sup> CYPRUS POLICE ANNUAL REPORT 2006. Research Office, Research and Development Department, Police Headquarters, Nicosia, January 2007, p. 8.

<sup>76</sup> *Ibid.*, p. 29.

In 2006 the Police intensified its suppressive measures (mass operations and arrests, detention, deportation) in the context of the so -called fight against “illegal immigration”. According to the Official Police Report for 2006, the number of “illegal immigrants” fell from 1280 in 2005 to 631 in 2006. The reasons given by the police for this are preventative measures and increased infrastructure for the surveillance of the coast<sup>77</sup>.

KISA as well as other NGOs have repeatedly expressed their concerns over the mass violations of the human rights of migrants resulting from such practices of the police. The ineffectiveness of such measures is proven, amongst others, from the fact the numbers of migrants without papers are rising rather than reducing as the migration model followed by the Government creates everyday more migrants without papers. Nevertheless no debate has yet started on the possibility of regularisation of migrants without papers, as has happened in other EU member states.

The Aliens and Immigration Police are the executive branch of the decisions of the Director of the Civil Registry and Migration Department (Migration Officer). They are responsible for border and passport control, registry and control of migrants, and they are the contact points with migrants on an everyday basis implementing the decisions of the Migration Department. The Aliens and Immigration Police have been accused of discrimination in their behaviour and manner towards migrants they perceive to be from third countries.

A most worrying aspect of policing and racial profiling is the abuse of power and discrimination occurring at the points of entry to the Republic of Cyprus. KISA had information that in the reporting period, persons of African or Asian origin were not allowed entry to the Republic even though they held the necessary visas from the consular authorities of the Republic. No justification was given in these cases and no rights of appeal to such decisions are provided in the relevant legal framework. Moreover, KISA had information that at the points of entry to the Republic, asylum applications were refused and asylum seekers were sent back to countries where they feared persecution in violation of the Refugee law and the principle of prohibition of “refoulement”.

Even though some positive steps were taken to address the serious issues mentioned above, the whole area of policing and racial profiling continues to be particularly worrying and problematic. Training programmes for the sensitisation of these officials on anti-discrimination, anti-racism and human rights laws and practices must be intensified and at the same time opened to NGOs and migrant organisations.

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<sup>77</sup> Ibid., p. 63.

#### **4.6 Racist violence and crime**

Cyprus has not experienced in the recent years systematic and open racist attacks and crimes. Despite this fact, an increase of violent acts with racist background and motives was observed.

On 22 November, a group of Greek Cypriot teenagers entered the grounds of a private English school and attacked a group of the school's Turkish Cypriot students. An earlier incident, between a Turkish Cypriot and a Greek Cypriot pupil at the same school, was presented by the media as a verbal insult of the Greek Cypriot by the 11 year old Turkish Cypriot student. The Cypriot government condemned the attack against the Turkish Cypriot students described above, but at the same time it attempted to play down its significance, stating that it was in no way indicative of a broader atmosphere of racial hatred against Turkish Cypriots<sup>78</sup>. Accordingly, no results were published and it is not known if any persons actually taking part in the attack were charged, even though there was a criminal investigation concerning the incident.

During the reporting period, KISA received various complaints from migrants for violence and attacks against them from young persons, particularly in Limassol. According to the victims, the attacks were sometimes aiming at stealing their money and sometimes to their intimidation and humiliation. With regard to the particular cases, complaints were made, about the ineffective and delayed response of the authorities regarding the investigation of the cases and the identification of the perpetrators.

Under the circumstances, it is impossible to evaluate the dimensions and extent of this particular problem since the police are not in a position or, rather, they have not taken the political decision to actually identify, monitor, collect, analyse and evaluate data on racist crime. This is the situation despite the fact that it introduced a bureau for the monitoring of racist incidents and crime which has been in operation since 2005.

#### **4.7 Access to goods and services in the public and private sector**

Although there is no data on this issue, some complaints have been made to the Ombudsman's Office concerning the hindrance of access to goods and services by migrants and EU nationals.

In a particular complaint (A.K.I. 12/2006), it was clear that access to entrepreneurship in the service sector (tourist services) was barred due of to the language pre-condition which stipulates that anyone wishing to start a business in this field should know one of the two main languages of the island.

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<sup>78</sup> Ibid.

In another set of cases (A.K.R. 47/2005, A.K.R. 101/2005, A.K.R. 107/2005), EU nationals complained against the public office service that issues drivers' licences, for the unwarranted requirement of certification of residency for the last six months in Cyprus, from the Immigration Department, claiming that it was difficult for them to obtain drivers licences in Cyprus.

Moreover, KISA reported to the Authority Against Racism and Discrimination cases of discriminatory treatment by insurance companies against third country nationals and E.U. nationals (particularly Greeks of Pontian origin) with regard to access to automobile security schemes.

#### **4.8 Media, including the internet**

In March 2006, KISA and the Union of Journalists in Cyprus organised a workshop about the media and their role in relation to racism and discrimination. The President of the Union of Journalists, Andreas Kannaouros, said at the workshop that while the media had promoted more discriminatory attitudes in the past than at present, journalists still “continue to demonstrate negative tendencies” in the way they report race-related issues<sup>79</sup>.

At the workshop, the fact was noted that, in the majority of the cases, journalists concentrated only on the negative aspects of migration rather than adopt a more comprehensive and balanced approach, while not taking into consideration the voices of the migrants and their organisations. Instead, they tend to reproduce and disseminate police reports on the various issues. Two positive examples, however, are *Politis* Newspaper, which offers one of its supplements on a regular basis to articles coming from the Philippino Community, and the *Cyprus Mail Newspaper*, which is consistently and persistently present on all issues about migrants. Another positive example is the newspaper of PEO, the Trade Union, – “Ergatiko Vima” which offers free space for articles from the Russian speaking community.

Another conclusion of the seminar was that some of the worst stereotyping in the media comes is transmitted via television news. “There was once a man who had been found to be deceiving people with some sort of alleged voodoo magic,” Kannaouros said. “When they reported it on the television, they used images of African culture and used tribal African rhythms. ...” “In other words, they identified African culture with deception. That was a blatant case of racism.”

KISA is of the opinion that journalists, as indeed similar to other professionals such as lawyers, avoid being identified with issues related to the rights of migrants and refugees, fearing negative stigmatisation by society and the

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<sup>79</sup> MEDIA RACISM HIGHLIGHTED IN MEETING (Cyprus) 24/3/2006, *Cyprus Mail* <http://www.cyprus-mail.com/news/>

authorities. Public and private statements from governmental officials and police officers generated a negative picture and discourage professionals who want to identify themselves with the rights of migrant and refugees. A typical example was a lawyer's refusal in Limassol of KISA's request to represent an asylum seeker accusing the police of ill-treatment, stating that: "You have to seek representation by a big and powerful office because if I take on this case, my life would be like hell in the courts for the next six months".

An example of the bias evident in the news reporting media can be seen in an article in the *Phileleftheros* (island wide daily newspaper) entitled 'Foreigners and Cypriots exist in the same numbers' that feeds irrational fears of being overtaken by foreigners. The whole article is about the Cypriot population falling, while foreign population numbers rise<sup>80</sup>. Articles such as this play on the indigenous population's fear of losing their cultural and national identity;.

During the reporting period verbal harassment of Turkish Cypriot journalists by members of ultra nationalist Greek Cypriot groups have been widely reported<sup>81</sup>. Moreover, after the attack against the Turkish Cypriot students at the English School from by the Greek Cypriot nationalist youth, a debate was stirred amongst the media and the authorities, about the website of the so- called Youth organisation E.F.EN.<sup>82</sup>, members of which were the main suspect of the attack at the English School. The website of E.F.E.N contains nationalistic, racist and fascist material related more to Turkey and the Turkish people. However, no competent or other authority enforced Law No 26(III) of 2004, which criminalises acts of racist and xenophobic nature on the internet by bringing any action against E.F.E.N.

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<sup>80</sup> Dalitis, Frixos. Phileleftheros Online. *Foreigners and Cypriots exist in the same numbers*. 06.10,2006. [www.phileleftheros.com/main/main.asp?gid=283&id=439313](http://www.phileleftheros.com/main/main.asp?gid=283&id=439313)

<sup>81</sup> State Department report, p. 5.

<sup>82</sup> E.F.E.N. the initials in Greek for Greek Voice of Greek Soul Youth.

## 5. Political and legal context

Two major events shaped the developments and parameters shaping the ability of the Cypriot society to accept difference and become a more open and inclusive one. The disappointment and negative feeling of the international community and particularly of the European Union towards the Greek Cypriot community, in response to the results of the referenda on the Cyprus problem in 2004, led to the growth of the already existing fear about a potentially negative and destabilising role of international actors towards safeguarding the interests of the Greek Cypriots in a possible future solution. The continuation of this situation in the last couple of years increased the feeling and shaped a clear tendency of a society under threat that needed to be defended.

Parallel to the above, the intention of particular political circles to reshape the political landscape and balances in the country, by forming a strong block with a militant nationalistic approach, was seen as achievable only by the marginalisation and stigmatisation of those parts of the society that were perceived as potential obstacles. Part of this effort was the creation of a socio-political atmosphere that distinguished those disagreeing with this militant approach as representatives of foreign interests<sup>83</sup>. In this political context, the civil society, intellectuals, journalists and other professionals who were committed to reconciliation amongst the various ethnic communities and the building of a more tolerant and inclusive society were directly and indirectly attacked and defamed.

On the other hand, those social actors who traditionally represented the more tolerant approach and the need for cooperation and understanding between the Greek Cypriots and Turkish Cypriots as well as the communities in Cyprus, found themselves unable to react as they were neutralised. As a result of this situation, there was hardly any substantial opposition in society, which in turn led to a one-dimensional society much less tolerant and less open than before, to diversity in general.

### 5.1 Anti discrimination

Even though Cyprus transposed Directives 2000/78/EC and 2000/43/EC into its domestic legal order since 2004, by the end of 2006, no action plan for the effective implementation of the antidiscrimination Directives had yet been adopted. Following infringement procedures by the European Commission regarding the shifting of the burden of proof provisions, the said legislation was in

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<sup>83</sup> For a more detailed account of the atmosphere prevailing in the country after the 2004 referenda see the Documentary of the journalist Makarios Drousiotis, "I perireousa atmospera" (The case of the "ambient atmosphere").

the process of being amended in 2006 so that the relevant provisions would also apply with regard to any judicial procedure, apart from the criminal procedures. Moreover, amendments were promoted so that the victims do not have to prove the prima facie elements of discrimination before the burden of proof shifts to the other side.

However, even with these amendments, there is still a large gap as the Race Directive is not correctly transposed on various other issues. Firstly, no body has been set up as the body responsible for providing independent support to the victims. The Equality Body cannot have this role as it is also a body examining complaints and cannot therefore provide independent assistance to victims. NGOs are not funded to provide this kind of support. Secondly, the shifting of the burden of proof provision, is not applicable to the procedures before the Equality Body as the relevant provisions are limited only to judicial procedures. Finally, the shifting of the burden of proof provision does not apply when NGOs or others bring proceedings on behalf of or in support of the victims before any competent administrative or judicial authority.

In addition, there is no monitoring authority defined in the law responsible for the correct and effective implementation of the law. The only mechanism available for enforcing the law is that governing the submission of complaints to the Equality Body or the initiation of judicial proceeding before the courts. Given that independent support is not available to victims of discrimination and no legal aid is provided for court proceedings in these cases, the majority of the victims are very unlikely to pursue their rights in accordance to the said Directives. This is also evident by the fact that no cases have been reported as yet pending before the Cypriot Courts on the basis of the Directives.

In the absence of a comprehensive anti-racist and anti-discrimination policy of the Government as well as of an action plan against racism and discrimination where the role of each authority will be clearly defined, it may be said that the burden for carrying out the very difficult task of awareness raising and sensitisation of the Cypriot society is left solely to the Equality Body, which is trying to do its best under the given circumstances of limited funding and staffing problems.

## **5.2 Migration and integration**

The restrictive migration policies of the Government continued and became even more stringent in 2006. The call also of ECRI to the Cyprus Government in its 2006 report to adopt a comprehensive immigration and integration policy remained unaddressed for yet another year<sup>84</sup>. The long-awaited transposition of the Long term Residents Directive and the Family Reunification Directive, which

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<sup>84</sup> ECRI, Third Report on Cyprus, May 2006

was due in January 2006 and October 2005, respectively, did not take place in the reporting year. On the contrary, in 2006 the Government continued the illegal deportations of long-term residents as well as a policy of turning long-term residents to migrants with no papers<sup>85</sup> as they refused to renew, issue or extend their residence permits with the aim of restricting their right to even submit an application.

Initially, the Supreme Court of Cyprus in a couple of first-instance decisions approached the matter in accordance with community law and from the human rights perspective of the long term migrants. Unfortunately, however, after these first decisions, the Supreme Court backed up the discriminatory policies of the Government. In a case decided on appeal<sup>86</sup>, the Supreme Court held that after the publication of the Directive and before the expiry of the transposition period, the authorities have no obligations under the Directive, whereas it is only with the transposition of the Directive into national law that rights may be granted to migrants. This line of reasoning contravenes the case law of the European Court of Justice with regard to the legal effects of the Directives. This decision was followed by numerous other first instance decisions of the Supreme Court with the same line of reasoning, providing thus legitimacy to the Government's policies and practices regarding the long-term residents.

KISA has initiated applications of long-term migrants on the basis of the direct effect of the Directive, after the transposition period elapsed. However, the majority of the applications were rejected, always in the same line of reasoning that third country nationals, even though some of them already resided for seven years legally in the country, could not benefit from the provisions of the Directive as firstly it has not been transposed and secondly, they are temporary workers and therefore excluded from the scope of the Directive<sup>87</sup>.

The Government submitted the relevant Bill<sup>88</sup> to the House of Representatives only in March 2006 but this had not been enacted by the end of the year. It is regrettable that, according to articles in the press, in an accompanying note for submitting the Bill to the House of Representatives, the competent Ministry of the Interior referred to "the serious consequences" that the intended law would have brought onto Cypriot society, such as the "adverse effects" on the quality of the services provided by the state to its citizens", "the adverse effects and instability in the labour market for citizens (e.g. increase in unemployment levels)", the "adverse consequences on the social welfare system, the public assistance and social insurance funds, the state housing schemes, scholarship schemes and other state sponsorships", as well as on the demographic character of the

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<sup>85</sup> Report 1558/2006, The Office of the Commissioner for Administration, 30 October 2006 and "Analysis and Positions on the policy and proposed bill of the Cyprus Government for the transposition of Directive 2003/109/EC (long term residents), Directive 2003/86/EC (family reunification) and Directive 2002/90/EC (facilitation of unauthorised entry)", KISA, April 2006, submitted to the House of Representatives and the European Commission.

<sup>86</sup> Vera Joudine, Appeal 55/06, 28 July 2006

<sup>87</sup> For a detailed analysis of the Cyprus Government policies with regard to the Long term Residence Directive you may visit KISA's website at <http://www.kisa.org.cy>

<sup>88</sup> "The Aliens and Immigration (Amendment) Law of 2007.

Republic. What is even more regrettable is that these serious consequences were established, according to the Ministry itself, arbitrarily and not based on any documented research. This is evidence of the discriminatory attitudes underlying the Government's policies on migration and asylum.

Another major development in the legal framework, related to racial discrimination, was the review and replacement of the Public Benefits and Services Law in 2006. The law now covers only Cypriots, E.U. nationals and specific categories of migrants and not everybody legally residing in the Republic as was previously the case. It has thus restricted access to welfare benefits and services only to those migrants that it is obligatory to cover under community law i.e. asylum seekers, refugees, long-term residents and victims of trafficking. As a result, the majority of migrant workers and other categories of third country nationals do not have any access to such benefits, irrespective of the fact that the majority contribute to the Social Security Fund as workers and to the economy of Cyprus as students, workers and consumers and of course irrespective of their needs. From the point of view of anti-discrimination international law and practice this is totally unacceptable as this law and policy is not based on any objective criteria and constitutes a direct discrimination on grounds of nationality and indirect discrimination on grounds of race or ethnic origin.

The continued absence of an integrated and well co-ordinated migration policy, which would also include the most pertinent aspect of the integration of migrants into the Cypriot society, was also evident in 2006. The lack of an integration policy for migrants in combination with the particular migration model that Cyprus continues to apply, has fostered more racism and discrimination against migrants.

Moreover, the debate on integration was very limited if evident at all, during the year under review. For example, due to the under-development of corporate social responsibility in Cyprus in general, companies do not take part in the debate on integration, nor do they take on any commitments in the matter. Actions are encouraged only through voluntary organisations. Migration policies are not gender sensitive and do not include any gender specific policies. This means that the specific needs of female migrant workers cannot be met, leaving them more vulnerable to exploitation, and even double or triple discrimination due to their gender, migrant status and employment status<sup>89</sup>.

### **5.3 Criminal justice**

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<sup>89</sup> Mediterranean Institute of Gender Studies, *Integration of Female Migrant Domestic Workers*, [http://www.medinstgenderstudies.org/wp/wpcontent/uploads/study\\_visit\\_reportcyprus\\_5-6-07\\_final.pdf](http://www.medinstgenderstudies.org/wp/wpcontent/uploads/study_visit_reportcyprus_5-6-07_final.pdf), p. 2.

### **5.3.1 Racism as a crime**

The Police have not announced any data or statistics on any racist crime or incidents that took place in the reporting period despite the operation of the Office of Combating Discrimination and Racism of the Police since 2005.

Moreover, no national debate has taken place on the EU Framework Decision on Racism and Xenophobia in the reporting period. Despite ENAR-Cyprus Co-ordination's letter to the Ministers of Justice & Public Order and of the Interior, to address the issues raised by ENAR at the Council of the E.U., no response was given regarding Cyprus' position at the Council.

### **5.3.2 Counter terrorism**

For the first time ever, the Government introduced an anti-terror Bill<sup>90</sup> to the House of Representatives in 2006<sup>91</sup>. The Bill is still under discussion and the final text is not yet agreed. However, serious concerns are raised concerning the initial provisions of the Bill, particularly as to the powers of the police authorities to collect, provide or exchange information, including sensitive data related also to race or religion as there are no data protection rules in the Bill itself or any links to the data protection laws. The Bill also provides that the authorities may, on grounds of serious elements related to terrorist activities or participation in terrorist organisations, prohibit the entry of, deport or exclude from refugee status any foreigner irrespective of any safeguards provided under the Aliens and Immigration Law, the Refugee Law or international human rights law. Taking into account the various incidents of arrest and deportation of migrants of Muslim religion in the previous years on the mere suspicion or information received by the authorities of them being involved in terrorist activities, the new law is certain to further deteriorate the already vulnerable situation migrants and persons with different religion are in, in Cyprus.

### **5.3.3 Racial profiling**

After some incidents of attacks against women around December 2005 and after evaluating the situation, the police came to the conclusion that the suspect was the same person in all cases. They then came up with a portrait of this person whose characteristics were easily identifiable as those of a migrant rather than a Cypriot, stating also that the suspect was most probably a "foreigner". As a result, a number of migrants were arrested without any court warrant and they were obliged to provide genetic material to be compared to that of the perpetrator of the crimes. Moreover, the way the police and the Minister of Justice and Public

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<sup>90</sup> Bill entitled "The Fight against Terrorism Law, 2006".

<sup>91</sup> It is worth noting that the Bill has been introduced for harmonisation purposes with the framework decisions and common positions of the E.U. on terrorism and financing of terrorism.

Order handled the investigation led quite a lot of persons to indiscriminately report migrants to the police as the possible perpetrator. The whole issue got out of hand to the point that the police force itself issued a press release asking people to be more “careful” on who they reported<sup>92</sup>.

### 5.3.4 Social inclusion

“The continuing lack of a comprehensive immigration and integration policy has resulted in a particular vulnerability of immigrants, including domestic and other foreign workers, to human rights violations, exploitation and discrimination.”<sup>93</sup>

More particularly, as also mentioned above, migrants from third countries are more often victims of institutionalised racism, stereotyping and stigmatisation and are perceived by society as the cause for many social and economic problems, such as unemployment and low wages, crime, break-up of marriages, etc. They work under worse conditions and receive lower wages than Cypriots. Many of them are victims of labour or sexual exploitation. The overwhelming majority of migrants are excluded socially, economically, politically and culturally, and they are subject to exploitation and discrimination in all spheres of life (employment, housing, social benefits, education, etc).

In December 2003, within the process of Cyprus’ accession to the European Union, the Government of Cyprus and the European Commission co-signed a joint memorandum on Social Inclusion in Cyprus, with the purpose of preparing the country for full participation in the open method of co-ordination<sup>94</sup>, an approach developed by the EU in order to enable the co-ordination and harmonisation of the national social policies with the Lisbon Strategy and targets for 2010.

Within the above framework, in 2004 the Government developed its first National Action Plan (NAP) for Social Inclusion. The data on which the analysis of the NAP was based referred to the 1996/1997 Family Budget Survey (FBS)<sup>95</sup>; that is almost a decade ago. Apart from the outdated data, the Statistical Services of the Cypriot Government did not include migrants in their data collection in the relevant period. The lack of reliable and accurate data on the one hand and, on the other, the erroneous assumption of the Government that the presence of migrants in Cyprus is temporarily limited and that there is, consequently, no need for their integration into society, led to the total exclusion of migrants from the Social Inclusion Plan.

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<sup>92</sup> Giorgos Michaelides, “Esteilan 15 “drakous” sto Arhigio Astinomias, Simerini newspaper, 12 January 2006.

<sup>93</sup> European Commission against Racism and Intolerance, Third Report on Cyprus, Strasbourg, 16 May 2006, p. 6.

<sup>94</sup> Joined Memorandum On Social Inclusion of Cyprus, Brussels, 18 December 2003.

<sup>95</sup> Implementation and Update Report on the National Action Plan for Social Inclusion 2004-2006, Nicosia, June 2005.

According to the National Report on Strategies for Social Protection and Social Inclusion<sup>96</sup> the priorities of the Cypriot Government in the area of Social Inclusion for the period 2006-2008 are:

- Reduction of the risk of poverty in general and especially for the population aged 65+.
- Integration of vulnerable groups into the labour market.
- Prevention of the social exclusion of children.

If we take into consideration on the one hand that Cyprus does not have a long history of migration and as a result migrants are not usually found in the population aged 65+, and, on the other hand, the fact that in the above Report vulnerable groups are defined as “older persons (55-64), women, persons with disabilities, public assistance recipients and the unemployed in general”<sup>97</sup>, it is very obvious that migrants are not among the social groups considered in need of support for their inclusion in society, at least not until 2008. On the contrary, migrants are seen as a potential “threat” for undermining the inclusion of the above vulnerable groups, “since these persons are affected by the influx of foreign labour force in Cyprus”<sup>98</sup>.

Similarly, NGOs active in the field of social inclusion and support of migrants are not included in the consultations for the development of such plans, and are very limited if not totally excluded from financial and other support by the government.

The only exception to this situation is the limited effort to integrate children who do not speak Greek, including migrant children, into the educational system through special Greek language teaching.

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<sup>96</sup> National Report on Strategies For Social Protection and Social Inclusion, Lefkosia, September 2006.

<sup>97</sup> Ibid., p. 6.

<sup>98</sup> Ibid., p. 19.

## 6. National recommendations

Cyprus needs urgently a modern migration legal framework that conforms to Community and international human rights law and standards and a comprehensive migration and asylum policy that addresses the need for the integration, participation and social inclusion of migrants. Racism, xenophobia and discrimination cannot be successfully tackled under the current situation.

It is a well-known axiom that anti-discrimination and anti-racism laws are not in themselves enough to tackle discrimination and racism, especially racist crime, either in the public or the private sectors. Victims of discrimination and racism need independent structural and systematic support and assistance and specific policies and measures; including legal representation; otherwise, laws will never develop their full potential to fight discrimination.

A well thought out action plan against racism and discrimination is needed which must be based on a transparent and comprehensive anti-racist and anti-discrimination strategy, which would cover horizontally all the sectoral policies of the Government and mainstream anti-discrimination policies. The action plan must at least include monitoring mechanisms to unveil discrimination, sensitisation and awareness-raising of the Cypriot society, information to the vulnerable groups, research on the multiple aspects of racism and discrimination, including attitudes prevailing in Cyprus, data collection on victims of discrimination and racist crime, racial profiling, etc, as well as active and concrete measures to fight institutional and societal racism and discrimination.

More specifically:

- Independent support and assistance to the victims, including their representation, is of paramount importance in order to enable and empower victims to actually claim their rights. The Government should either decide to establish an independent body offering such support or fund NGOs that are actively engaged in providing such support through specific programmes.
- The Government should adopt clear and comprehensive policies with regard to, at least, all the separate spheres where Community anti-discrimination law applies. Employment, housing and education are of particular importance as they are the major problematic areas for the migrant population of the country as well as for the persons with different religious beliefs than those of the majority.
- Local authorities must also be sensitised to the critical role they have to play, in particular with regard to housing as well as to the integration and social inclusion of migrants.
- Training of the administration in general, and particularly of the Migration Department, the Asylum Service, the Welfare Services, Health Services

- and the police, on antiracism and antidiscrimination is absolutely necessary to tackle institutional racism and discrimination, racial profiling and police abuse against vulnerable groups. Equally important is the training of labour inspectors of the Department of Labour in order to identify discrimination and other working rights violations in employment in cooperation civil society organisations.
- The legal framework governing the Equality Body/Authority Against Racism and Discrimination should be simplified so that it functions as a single equality body for all grounds of discrimination and racism, in all the sectors provided for under Community law or with regard to any rights provided for by the law, so that it would be able to also unveil discrimination on multiple grounds.
  - The Equality Body should be further strengthened with the necessary infrastructure and personnel in order to effectively investigate complaints and to monitor the situation on racism and discrimination in Cyprus.
  - The Police should start collecting data and information on racist crime and racial profiling in order to have a more accurate picture of the situation in the country and to subsequently develop the necessary measures to tackle such phenomena.
  - Effective monitoring of the police is of paramount importance. The Independent Authority for investigating complaints against the police should start functioning properly and assume its full responsibilities.

If the Government seriously and sincerely wants to fight racism and discrimination, it should be open to co-operation with NGOs as they are the natural allies of the victims and are the ones the victims of racism trust the most. The NGO society should be strengthened and participate on an equal basis whereas its voice should be seriously taken into consideration by all the actors involved in the fight against racism and discrimination.

## 7. Conclusion

Cyprus still fails to adequately address racism and discrimination as a serious violation of the human rights of the victims of such practices and actions. As an EU member state, it must recognise that it has to comply with community rules on anti-discrimination, asylum and immigration. It has to realise that the inclusion of migrant communities and ethnic and religious minorities with the adoption of a comprehensive and effective integration policy, which would allow full participation and the social inclusion of these communities, is now more important than ever if racism and xenophobia are to be combated effectively. Therefore, Cyprus needs a general “overhaul” in the way it perceives its overall policies in relation to “diversity”.

The Cypriot society was never a compact, homogeneous one; on the contrary, it was always multicultural and multi-religious. Turkish Cypriots, Maronites, Latins, migrants, asylum seekers, refugees and other ethnic and religious minorities are very much part of this modern multicultural and multi-religious society, and should be treated as such. Policies and practices should be developed to promote social integration, enrich society and create conditions of equality for all its inhabitants, irrespective of national, ethnic, racial or other origin, religious belief, gender or other background or characteristic.

The implementation of the anti-discrimination Directives and the establishment of the Equality Body and the Body against Racism and Discrimination are important steps to this direction. This body, through its reports so far, has shown that it can live up to the expectations of those who fight discrimination and racism as well as of the victims. It needs, however, to take much more drastic steps to enforce its decisions and to use to the maximum the powers vested in it by the law in the exercise of its powers, particularly towards the police and other administrative authorities where institutional racism is manifested and/or persists.

The anti-racist movement in Cyprus is growing. The establishment of ENAR-Cyprus co-ordination in 2006, consisting of 10 different member organisations and informal groups of migrants and asylum seekers, is evidence of this. NGOs respond to the need for fighting racism and discrimination and also to discriminatory laws and practices of the government by assisting the victims and trying to put pressure on and influence the policies of the state. In this fight, NGOs need to mobilise their members but also society at large, seek co-operation and form joint action programmes with other organised sections of society and enlist the assistance of the mass media.

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