



European network against racism

# ENAR Shadow Report 2009-2010

## **ENAR SHADOW REPORT 2009/2010**

### **Racism and Discrimination in Cyprus**

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

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

Published by the European Network against Racism (ENAR) in Brussels, March 2011, with the support of the Open Society Foundations, the Joseph Rowntree Charitable Trust. and the Community Programme for Employment and Social Solidarity - PROGRESS (2007-2013).

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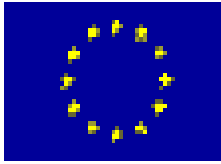
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## I. Executive summary

As in the previous years, the 2009 – 2010 ENAR Shadow Report on Cyprus covers the Republic of Cyprus as a whole, including the non government controlled areas<sup>1</sup>. Although this may result to certain difficulties or confusion concerning terminology, it is important that human rights abuse, racism and discrimination can be addressed and discussed with reference to the entire country. Once again, the division of Cyprus and the yet unresolved Cyprus problem played a significant role during the period under review in maintaining the already introvert and conservative narrative over the acceptance of difference and diversity, with nationalism, racism and discrimination being on the rise.

One of the most worrying trends was the rise of far right and extreme nationalistic and anti immigrant parties and groups, which made their presence more visible in Cyprus, to the extent that for the first time ever a far right party participated in the European Parliament elections. At the same time, the negative and racist narrative developing against migrants consequently led to the most worrying racist crime and attacks against migrants, with many cases of violent attacks being widely acknowledged and reported by the press and NGOs. And this, despite the change in the official political discourse relating to migration and discrimination issues of the Government elected to power in 2008. The positive statements of the new Government, initially signaling a change in the attitudes and policies on migration and discrimination and also calling for a more fair society, were not accompanied with specific measures and a reformed migration policy to that effect.

On the contrary, migration policies continued to be based on the temporary migration model and on discriminatory rules allowing no room for improvement of the conditions of third country nationals and no scope for gaining permanent residency rights and a possibility for integration. In practice, migration and asylum rules were more stringently applied in an effort to “tidy up” the migration policies of the country, resulting in the denial of rights to third country nationals either in the context of asylum or migration.

The number of pending asylum applications has fallen dramatically in the context of the implementation of the political decision to accelerate asylum procedures whereas at the same time the majority of the asylum applications were rejected or files were closed. At the same time, long term resident third-country nationals were still denied their right to the long term residence status, irrespective of their years of residence in the country as the Government did not effectively implement the Long Term Residence Directive or

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<sup>1</sup> The term ‘the Government-controlled areas’ refers to that part of Cyprus, which is under the control of the Government of the Republic of Cyprus and which in previous ENAR Shadow reports it was referred to as the ‘southern part,’ while the term ‘the non Government controlled areas’ refers to that part of Cyprus not under the control of the Government of the Republic of Cyprus and which was previously mentioned as northern part. It is also noted that while the Republic of Cyprus as a whole is an E.U. member state since 2004, when Cyprus joined as a full member, the application of the *acquis communautaire* is suspended in non Government controlled areas in accordance with Protocol No. 10 to the Treaty of Accession of the Republic of Cyprus to the E.U.

implemented it very strictly allowing for the status to be granted only to a handful of third-country nationals working in the international companies sector. Moreover, the relevant law has been amended so as to include integration conditions, a measure perceived by NGOs, in the context of the realities in Cyprus, as one to further restrict the rights to long term residence. Family reunification rules were largely not implemented as the current migration model does not allow any prospects of permanent residency for the majority of third-country nationals.

Although the adoption of an integration policy and an action plan were announced by the Ministry of Interior, this did not involve a broad consultation of all relevant stakeholders, including migrant communities and NGOs, but rather a discussion amongst government officials who concentrated more on one element of integration, namely the teaching of the Greek language to migrants.

The banning of the so called “artiste visas” may have improved the image of the Government as regards its anti-trafficking policies, without however solving the problem of trafficking of women for sexual exploitation. Trafficking for sexual exploitation of women from third countries continued to raise serious concerns as other ways have been devised by traffickers, whereas the measures for the identification, support and protection of victims remained substantially unaltered. At the same time, many cases of labour trafficking, including of EU nationals, were brought to light without the authorities being willing to accept them as such or any structures being put into place for the support of the victims.

The economic crisis affected all the population seemingly to a lesser extent than in other countries, but with unemployment rates rising for the first time in Cyprus in many years. Measures taken to tackle it and to support vulnerable groups not only excluded those most vulnerable, namely migrants and refugees but, on the contrary, directly affected them negatively as they suffered the consequences of a policy that aimed at supporting the employment of Cypriots and EU nationals and the dismissal of migrants.

The above situation calls for an urgent reevaluation of the migration and asylum policies of the country and the adoption of a coherent and comprehensive anti-discrimination and anti racist policies to match the expressed political will of the Government for a change in society and for fighting discrimination and social exclusion of third-country nationals and other vulnerable groups, such as Roma and Turkish Cypriots living in the Government controlled areas.

In the non government controlled areas the most notable change was the election into the “presidency” of Dervis Eroglu, the leader of a nationalistic party (UPB – National Unity Party), which brought with it a series of changes in the attitude of the T/C community as regards the negotiations but also a change in policies on the ground as regards history books used and religious instruction in schools.

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### III. Introduction

Political debate continues to be defined and limited to the long division of the island and its people and particularly the two main communities, Greek Cypriots (G/C) and Turkish Cypriots (T/C) since 1974. As a result, the phenomena of racism, discrimination and migration are overshadowed and marginalised. However, this report highlights the urgent need to effectively address them as racism and discrimination against ethnic minorities<sup>2</sup>, particularly of migrant background, are on the rise. Within the Cypriot society there is a common belief, fed upon narratives around the Cyprus problem, cultivated and encouraged by mass media, politicians and the Church, that migration constitutes a national threat. Consequently, migrants and especially those of Muslim persuasion are identified as a potential threat to the ethnic and religious balances between the two dominant communities, and as endangering a possible solution to the Cyprus problem. At the same time, however, the Cyprus problem may be seen as in itself fuelling racism in the post 1974 era in Cyprus<sup>3</sup>. As an intractable unresolved problem of ethnic conflict between the two communities for long, it could be regarded as *"The major source of such disregard for people outside one's own ethnic group [...] and no solution currently on the table would address this."*<sup>4</sup> Repeated plans put on the table for the solution of the Cyprus problem have failed to even take cognisance of the fundamental nature of today's Cypriot society: in the last 20 years or so, with migration and the free movement of people as a result of Cyprus's accession to the EU, the Cypriot society is irrevocably multicultural. The Cyprus problem is therefore indelibly linked to politicians' and society's at large perceptions about and treatment of ethnic minorities, which as described in this report they continue to remain largely excluded and are faced with institutional discrimination and racism.

At the same time, the talks between the two leaders during the period under review progressed at a very slow pace and produced no visible results. Extreme nationalism continued to grow, amongst other reasons, as a side effect of the left party coming to power for the first time ever in Cyprus<sup>5</sup>. The rise of nationalist discourse is evident in most mainstream political parties, whilst openly chauvinistic discourse is also manifested in the emergence of a new political party, ELAM (National Popular Front), which may be defined as far right, nationalistic and anti immigrant and which in 2009 participated for the first time in the European Parliament Elections, as well as to a number of extreme right, neo-nazi and neo-fascist organisations..

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<sup>2</sup> The term 'ethnic minorities' covers not only ethnic minorities with a citizen status such as Latins, Armenians and Maronites but also the 'unrecognised' minority of Roma and those of migrant and refugee communities living in Cyprus either on a permanent or temporary basis.

<sup>3</sup> James Mackay, "Cyprus Problem is fuelling racism", The Guardian, 3 August 2010, <http://www.guardian.co.uk/commentisfree/2010/aug/03/cyprus-problem-fuelling-racism>. Accessed September 2010.

<sup>4</sup> Ibid.

<sup>5</sup> AKEL, the only left party in Cyprus, and President Christofias, its former Secretary General, was elected to Government in the last 2008 Presidential Elections with the support of DIKO, a center –right political party and EDEK a socialist party. EDEK subsequently withdrew from the Government due to disagreements on the way the Cyprus problem was dealt by the President.

Moreover, in 2009 and early 2010 ELAM organised and carried out several campaigns against migrants. In December 2009, it organised a march against migrants, which was met by a protest of the Anti-fascist Initiative, which was formed by various groups and individuals in reaction to ELAM's anti immigrant agenda. Initial euphoria after the 2008 elections about the strong leadership of the critical Ministries in fighting racism and discrimination has diminished in the years to follow and under review in this report. The Government, despite its stated political will to fight racism and discrimination and promises for a fair society, not only failed to a large extent to address in a comprehensive manner racism and discrimination as well as the situation of migrants, asylum seekers and refugees, but it has actually proceeded to implement the immigration policies in an even stricter manner. These policies, in the light also of the economic crisis, have led to further exclusion, marginalization and discrimination against ethnic minorities with migrant background. Measures taken to address the economic crisis affected mainly those most vulnerable to discrimination and racism, whereas the economic crisis itself was used against migrants, asylum seekers and refugees, who have been targeted as scapegoats for the rise of unemployment, poverty and criminality.

The as yet unresolved Cyprus problem, the rise in extreme nationalism and the economic crisis have led the Cypriot society to an even more reticent perspective, fearful and hostile to non Cypriots, including EU nationals, and to considering them as a threat to the national identity and economic well being of Cypriots. Violent racist incidents increased alarmingly during the period under review, involving attacks against individuals or groups of migrants, shops owned by migrants and cultural and religious places of migrants by groups of usually teenager members of far right parties and organizations.

The continued lack of the necessary legal framework in the non Government controlled areas as well as the lack of the implementation of any practical measures to address racism and discrimination have further deteriorated the situation of vulnerable groups.

This report aims to provide an overall picture of the situation of racism and discrimination on the island of Cyprus. It aims to provide information on the manifestations of racism and discrimination from an NGO perspective and to analyse the political and institutional framework that allows them to flourish. Finally, the report suggests measures that could be taken to actively and effectively tackle racism and discrimination.

## IV. Communities vulnerable to racism and discrimination

The term 'communities' in Cyprus has always been perceived to include only the two dominant communities, the G/C and the T/C. The 1960 Constitution provides for a rigorous bicomunal system of governance with shared power between the two dominant communities. Traditional ethnic minorities long established on the island, namely Armenians, Latins and Maronites, were mainly defined by their religion<sup>6</sup> and had to adhere to one of the two dominant communities. All three have elected to belong to the G/C community. A small Roma community was never defined as either a religious group or an ethnic minority but they have always been perceived to belong to the T/C community.

The bi-communal conflicts of 1963-64, the de facto division of Cyprus since 1974 and the unresolved Cyprus problem for almost 50 years now, have all stripped this rigorous bi-communalism of its substance, whereas at the same time the Cypriot society has grown to a multicultural society through immigration from third countries since the beginning of the 1990s and later on through the freedom of movement of persons after accession to the European Union.

Despite the strict migration model of the Cyprus Government that denies any real prospect of integration of the majority of migrants in Cyprus, as they are considered temporary and transient, ethnic minorities of migrant background are progressively being established in the country. According to the last Demographic Report of 2006 of the Statistical Service of Cyprus, the population in the Government controlled areas reached 778,700 persons, of whom 75,0% are Greek Cypriots, 0,4% Armenians, 0,6% Maronites, 0,1% Latins and 13,7% Migrants<sup>7</sup>. These data include the 24.000 (some 3% of the population) naturalized third country nationals, of whom 20.000 people were naturalized due to some family relation to a Cypriot citizen.

According to the data of the Civil Registry and Migration Department of 2009, the ethnic minority populations with migrant background are estimated to be around 140 000 people<sup>8</sup>. These figures exclude undocumented migrants, who are estimated at around 30,000 as well as a number of Turkish Cypriots and a small Roma minority who live in the government controlled areas.

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<sup>6</sup> According to Article 2 of the Constitution they are defined as religious groups.

<sup>7</sup> Republic of Cyprus. Statistical Service. *Demographic Report 2007*: Cyprus. Cyprus: April 2009.

<sup>8</sup> According to the data of the Civil Registry and Migration Department of the Ministry of Interior in April 2009, the allochthonous ('alien') minorities composed of non-Cypriot population reached in 2009 approximately 140.000 persons (around 18% of the general population), made up of mainly the following ethnic groups: a) Third Country nationals 65.957 persons: 8,47 % of the population composed mainly of the Filipino, Sri Lankan, Russian, Vietnamese, Indian, Ukrainian, Moldavian, Bangladeshi, Egyptian, Pakistani and Syrian communities; b) ethnic groups from EU countries: 72.264 persons, 9,28 % of the population composed mainly of the Greek, British, Romanian, Bulgarian and Polish communities. These figures come from field work carried out at the Civil Registry and Migration Department in April 2009 by the Executive Director of KISA.

According to statements of the Minister of Interior at a meeting in the House of Representatives held on 26/10/09<sup>9</sup>, it is estimated that around 60 000 of migrants living with residence permits in Cyprus have employment permits. According to the same statements, 33 000 migrant workers with a residence and employment permit are domestic workers and 27 000 are farm workers. Moreover, during the first six months of 2009, roughly 2000 undocumented migrants left Cyprus voluntarily, while it is estimated that “the migratory flow” from the non government controlled areas, which consists mainly of asylum seekers, has decreased considerably<sup>10</sup>. It is evident from the above figures that one fifth more or less of the population is non Greek Cypriot.

Whereas in the period under review, discrimination and xenophobia was evident also against EU nationals, particularly Bulgarians, Romanians and Polish, third country nationals, particularly those working in unskilled or low skilled employment, that is the overwhelming majority, continued to experience the most severe forms of racism and discrimination. Racism and discrimination could be evidenced on multiple grounds, particularly on grounds of ethnic origin and religion but also on gender as well as sexual orientation.

In the non Government controlled areas, Turkish nationals<sup>11</sup> and/or other migrants, victims of trafficking, refugees and asylum seekers, Maronites and Greek Cypriots and Roma still constitute the most vulnerable communities to racism. Since the last ENAR Shadow report, no legal framework was introduced against discrimination and racism or to regulate issues directly or indirectly related to discrimination such as asylum, immigration or trafficking in human beings. The demographic composition of the non governmental areas remained undisclosed in this reporting period as well. Multiple discrimination, particularly on grounds of ethnic origin, gender and sexual orientation, was also evident against vulnerable groups.

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<sup>9</sup> Agathocleous, Cyprus Mail 27/10/09

<sup>10</sup> Ibid.

<sup>11</sup> The term Turkish nationals refers to ‘settlers’ or ‘settler migrants’ from Turkey from various different ethnic backgrounds, such as Kurds, Alevis, Laz, et al, who were brought en masse by Turkey to the northern part of Cyprus after the 1974 events and settled in abandoned Greek Cypriot properties. It must be noted that the issue of the ‘settlers’, the number who will be agreed to stay on in Cyprus after a solution, etc, is one of the most contentious issues on the talks agenda for the reunification of the island. It also refers to Turkish nationals who migrated for employment or other purposes, such as studying, to the north of Cyprus. As it is very difficult to distinguish between the different groupings of ‘settlers’ and/or migrants and in order to avoid politically sensitive terms, the Report refers to ‘Turkish nationals’ or ‘migrants’ in general.

## V. Manifestations of racism and religious discrimination

### V.i Employment

The labour market landscape of Cyprus during the period under review remained unchanged as regards the general framework of the rules and applied policies. What obviously changed the situation, however, were the measures taken as regards the implementation of these policies in the context of the economic crisis.

As mentioned in previous ENAR Shadow Reports, access to the labour market as well as to the enjoyment of labour rights in the Government controlled areas, as a matter of law, depend on nationality and/or legal status. Cypriots, EU nationals and third country nationals who have been recognised refugees, victims of trafficking or as long term residents<sup>12</sup> have in law equal access to employment in every sector of the economy<sup>13</sup>. Third country nationals who are migrant workers, asylum seekers or students have, as a matter of law and policy, limited access to employment but they are supposed to enjoy equality of treatment as regards terms and conditions of employment, with the exception of their right to choose and/or change their employer. There are some third country nationals whose status is not regulated by the law at all, such as third country nationals married to Cypriot citizens for whom there is no provision in any law to cover their situation and therefore access to employment is regulated as a matter of administrative practice<sup>14</sup>.

Irrespective of the legal framework, which suggests equality of treatment at least for some categories of ethnic minorities, discrimination towards asylum seekers, refugees, third country migrant workers, non-white and Muslim Cypriot citizens and non citizens as well as EU nationals continued to be prevalent in employment.

The economic crisis has evidently impacted the migrant communities in more ways than one. The Government in its effort to tackle rising unemployment focused its campaign on 'illegal and undeclared employment' and the Police have been executing island-wide operations for mass arrests and deportations of 'illegal' migrants<sup>15</sup>. Such measures, together with the operation of a citizens' hotline for reporting 'illegal and undeclared employment' to the authorities<sup>16</sup>, have also been accentuated by the mass media as a

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<sup>12</sup> The number of recognised long term residents third country nationals given further down in this report is so low however, that they may not be considered to change substantially the situation of third country nationals who remain for a lot of years in Cyprus.

<sup>13</sup> The Refugee Law of 2000 as amended (Law No 6(I)/2000), The Aliens and Immigration Law (CAP 105), Law on Combating of Trafficking in Human Beings and for the Protection of the Victims of 2007 (Law No 87(I)/2007), Law on the Right of the Citizens of the Union and the Members of their Families to free movement and residence in the Republic (Law No. 7(I)/2007).

<sup>14</sup> In a recent judgement of the Supreme Court of Cyprus however, it was held that third country nationals members of families of Cypriot citizens should enjoy the same status as that of the members of the family of EU nationals. As a result, Law N. 7(I)/2007 transposing Directive 2004/38/EC may be said to apply also for third country nationals members of the family of Cypriot citizens, Judicial Review Appeal 45/07, Decision of 27 April 2010.

<sup>15</sup> 'They came out picking up foreigners in Nicosia' *Politis Newspaper*. 18 March 2009. <http://www.politis-news.com>. Accessed September 2010; 'Cleaning operation of the Police against foreigners'. *Phileleftheros Newspaper*. 17 March 2009. <http://www.philenews.com/main/default.aspx>. Accessed September 2010.

<sup>16</sup> Minister of Labour and Social Insurance, 'The Global Economic Crisis and its consequences on employment' Speech at the Seminar of INEK-PEO, 19 March 2009. Also 'Press release on the understanding amongst social

"solution" to the economic crisis. Those most vulnerable to exclusion, such as ethnic minorities with migrant background and particularly undocumented migrants, as well as Turkish Cypriots, have been used as scapegoats, while their protection against discrimination became even more difficult. Moreover, the Ministry of Labour in collaboration with the Human Resource Development Authority (a semi-government organisation and the national training agency) have introduced and widely publicised training schemes with subsidies for employers willing to "change" their workers of ethnic minority with migrant background with Cypriots or EU nationals. As a result, many third-country migrants have lost their jobs and in many cases their residence status as well.

Despite the fact that in 2008 the employment sectors and occupations asylum seekers had access to<sup>17</sup> were extended to include four more sectors other than the agricultural sector, the Labour Offices of the Department of Labour continued to offer jobs to asylum seekers almost exclusively in agricultural. According to KISA's records, this policy has been applied even to vulnerable groups of asylum seekers, who are unable to do heavy work due to health problems, to families with children or single women with or without children. Incapacity to take up such work resulted in them being declared as "voluntarily unemployed" and therefore not entitled to welfare benefits either. Moreover, according to KISA's records, during the period under review, the Labour Department refused to approve the issuance/ renewal of employment contracts of asylum seekers in sectors other than agricultural, even when the contracts related to employment in permissible sectors of employment.

The above policies seriously curtailed asylum seekers' already limited right to employment and access to material reception conditions allowing them to live a life in dignity.

Recognised refugees and persons with subsidiary protection in employment, usually work in low skilled or unskilled jobs, as they find it difficult to find any other job in accordance with their qualifications. This is mainly due to the fact that there is no effective system in place for the recognition of their diplomas and academic qualifications, whereas in the majority of professions regulated by law, third country nationals either as a matter of law and/or practice are excluded on grounds of nationality and/ or ethnic origin. One sector of employment in which a large number of recognised refugees used to be employed, is that of private security companies. In the period under review, the relevant law<sup>18</sup> was amended in order to exclude the employment of anybody who is not a Cypriot or EU national. A direct result of this was that many refugees were fired after Police orders to the relevant companies. The Equality Body, under the Ombudsman's office, issued a report according to which their dismissal was illegal as it was on grounds of ethnic origin and, therefore, in violation of article 6 of the Law on

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partners about the employment of third country nationals' *Ministry of Labour and Social Insurance* of 30 January 2010. Web. <http://www.cyprus.gov.cy/moi/pio/pio.nsf/All/421CDBDC0BF6CFF1C225754E0049D122?Opendocument&print>. Accessed September 2010

<sup>17</sup> According to the Refugee Law of Cyprus and the Regulations issued under that law, asylum seekers have no access to employment during the first six months after the submission of their asylum application; after this period, they have restricted access to the labour market in defined by the Minister of Labour and Social Insurance sectors or employment.

<sup>18</sup> The Private Companies Providing Security Services Law (O peri Idiotikon Grafeion Ypiresion Parohis Asfaleias Nomos tou 2007) (Law 125(I)/2007)

Equal Treatment in Employment and Labour<sup>19</sup>. Taking into account that the dismissal of these persons was also effected after strict instructions given by the Police to their employers, the Equality Body also concluded that instructions to discriminate were also involved within the meaning of the Law and therefore prohibited discrimination. Despite the findings of the Equality Body, the Police has not initiated either the amendment of the Law or its directions to the private security companies so as to conform with the decision.

The Strategy for the “Employment of Foreign Workers” which was renewed in 2007<sup>20</sup>, continued to be based on the temporary migration model of “guest workers”. TCN migrant workers are permitted to stay in Cyprus for a maximum period of four years, which prevents them from any real possibility of integration and permanent residence, whereas it leads many of them to remain in an undocumented manner so as to be able to work for some more years. Exceptionally, some categories of TCN migrants that “serve” vulnerable groups of Cypriots, such as old people and persons with health problems, may stay longer, but only for as long as their employers need them. Moreover, TCN migrant workers continue to have the obligation to have a contract with a specific employer to whom their residence permit is also linked. The only way for a TCN worker to be able to change employer remained either through a successful labour dispute complaint or a “release agreement<sup>21</sup>”. Furthermore, the services offered by the Labour Department to Cypriot citizens and EU nationals remain inaccessible to TCN migrant workers, who are forced to rely on private employment agencies. Besides, during the period under review, migrant workers, although legally obliged to contribute to the Social Insurance Fund, they continued as a matter of practice, according to reported cases from NGOs, not to be permitted to apply for unemployment and other benefits, even though Ministry officials had announced that this situation would be changed.

More than half of all registered migrant workers are women, who are employed as domestic workers. A sub-committee of the Council of Ministers continues to determine the wage of domestic workers, which in 2009 was set at €310 per month, almost one third of the amount set as minimum wage in relevant sectors of employment<sup>22</sup>. The employment contracts of domestic workers that are still prepared by the Migration Department, as opposed to all other employment contracts that are prepared by the Labour Department regulate the hours and conditions of employment. Yet, enforcement of the law cannot be efficient or systematic as the competent authorities do not have the right to enter homes for checks, due to the right to private and family life. As a result, violations of the employment contracts of domestic workers are frequent and domestic workers are typically required to work additional hours and denied holidays without extra

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<sup>19</sup> This is the law transposing Council Directive 2000/78/EC and 2000/43/EC (as regards employment) – Law 58(I)/2004

<sup>20</sup> Republic of Cyprus. Ministry of Labour and Social Insurance. *Employment strategy for foreign labour force in Cyprus*. Cyprus: July 2007.

<sup>21</sup> Third country nationals have the right to register with a new employer only within one month from the day the “release agreement” was signed, otherwise they are considered to be “illegal” migrants and arrest and deportation orders are issued against them, constituting them subject to arrest, detention and deportation.

<sup>22</sup> The current monthly minimum wage, which is regulated by the Ministry of Labour and Social Insurance, for employees considered to be particularly vulnerable in eight occupations, as from April 2010, is €887 after six months (€835 under six months).

pay. In many cases, domestic workers report abuse, both verbal and physical, sexual harassment and rape. It is no coincidence that during the period December 2008 – early February 2009 the Labour Department received 26 complaints for sexual harassment in the workplace, all of them concerning female migrant domestic workers<sup>23</sup>. Furthermore, the employment contracts of domestic workers continue to contain clauses that prohibit their participation in any political activity.<sup>24</sup>

The only positive development is that since January 2009, the “release agreement” can be signed after the first six months of employment and during the subsequent three years, whereas, before that, TCN workers could only sign it after the first year of employment and not later than after three years of employment. The Ministry of Labour and Social Insurance announced, on different occasions, the beginning of a process for the adoption of a new policy for the employment of domestic workers which should better reflect their duties and to adjust their salaries so as to represent their skills and duties. However nothing has been done to that effect as yet.

The above policies make TCN workers fully dependable on their employers and conducive conditions for exploitation, especially during the first six months of employment. It is also important to note that the whole system of submitting and examining complaints for labour disputes is in itself problematic, as the relevant procedures lack transparency. When submitting such complaints, migrant workers have the burden of proof, without any legal aid, that the terms of their employment have been violated. As a result, they are usually denied the right to change employer, which is particularly necessary in cases of serious violations of the contract, and they are asked to leave Cyprus immediately. If they do not, they are subject to arrest and deportation. Moreover, the relevant labour disputes committee usually takes 3 to 18 months to examine a complaint, a period during which the complainant migrant workers have no access to employment or social assistance. Additionally, there are no enforcement mechanisms for the implementation of the decisions of the Labour Dispute Committee, unless it involves the declaration of a migrant as “illegal”, leaving the implementation of the decision entirely on the will of the employer. These problems have been repeatedly identified by NGOs offering services to migrant workers but also by the Ombudsman<sup>25</sup>.

The lack of any legal remedies and effective safeguards from abuse of power by the authorities in cases of labour disputes and the unfair treatment of migrant workers as regards deportation procedures was also highlighted by the Ombudsman’s Office in its report of 26.11.2009 following a complaint submitted by KISA. The case concerned a

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<sup>23</sup> ‘Sexual Harassment Complaints on the Rise’. *Cyprus Mail*. 11 February 2009. <http://www.cyprus-mail.com/cyprus/sexual-harassment-complaints-rise>. Accessed September 2010.

<sup>24</sup> The clause, in Greek, prohibits ‘direct or indirect involvement or participation in any action or activity.’ In the English-language version, this has been altered to ‘any political action or activity.’ (Papadopoulou Anthoula: *The Impact of the Racial Equality Directive: A Survey of Trade Unions and Employers in the Member States of the European Union – (National Report on Cyprus)*. May 2010.)

[http://fra.europa.eu/fra/Website/research/publications/publications\\_per\\_year/pub\\_racial\\_equal\\_directive\\_en.htm](http://fra.europa.eu/fra/Website/research/publications/publications_per_year/pub_racial_equal_directive_en.htm).

Accessed September 2010.

<sup>25</sup> A/Π 445/2006 - Report of the Ombudsman in relation to the Examination Procedure of Labour Disputes between Foreign Workers and their Employers. (A/Π 445/2006 αναφορά με τη Διαδικασία Εκsetzung των Εργατικών Διαφορών ανάμεσα σε Αλλοδαπούς Εργαζομένους και τους Εργαζόμενους τους.) 12 March 2010.

domestic worker, who was arrested, detained and deported despite the fact that the Minister of Interior had given directions for her immediate release in view of her application for the status of the long-term resident still pending and she had filed a case of labour dispute at the Labour Court, which was also still pending<sup>26</sup>. According to the Ombudsman *“[t]his treatment is a sample of an extremely dangerous practice, in which the administration may make judgments and evaluations of cases for which a request is pending before a court for purposes of carrying out administrative measures, possibly unrelated to the subject of the court case. This practice poses the risk of substitution of the court’s jurisdiction in matters directly and sometimes permanently affecting the parties and furthermore with rough and unsubstantiated judgments.”*<sup>27</sup>

Pregnant migrant women are extremely vulnerable in relation to their employment, as they are often fired immediately after their employer is informed of their pregnancy. Although this is illegal, most of migrant women are not aware of this. As a result, when they are fired because of their pregnancy, instead of being protected they fall in the net of the general immigration rules and their implementation. Gender equality issues and protection of pregnancy and motherhood are not taken into account and not mainstreamed in the current immigration policies and practices, as a result of which migrant women are faced with multiple discrimination<sup>28</sup>. As the Ombudsman highlights, the existing gap in the protection of the rights of a vulnerable group of working migrant women is not consistent with the ever-growing institutional framework for the protection of pregnancy and motherhood.”<sup>29</sup>

Unfortunately and despite the recommendations the Ombudswoman makes in her report, the situation remains the same and the policies of both the Ministry of Interior and the Ministry of Labour and Social Insurance regarding pregnant TCN workers have not altered. A sad example of this situation is a case of a domestic worker, who was pressurized to authorize the Social Welfare Services to give her newborn baby for adoption, after blackmailed by both her employer and the Social Welfare Services that in case she decided to keep the baby, she would be fired and deported<sup>30</sup>.

Undocumented third country nationals, who stay in Cyprus without the right to reside or work, have no other alternative than the shadow economy. It is self evident that this means they cannot enjoy legal protection and are therefore subject to exploitation. During the period under review, access to employment was more difficult for undocumented migrants, due to the strict measures the government enforced in the context of the economic crisis to combat undocumented and undeclared work. Foreign

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<sup>26</sup> A/Π 893/2007- Report of the Ombudsman in relation to the Complaint of a Foreign Domestic worker against the Registry and Migration Department and the Police regarding the Handling of her complaint about a Domestic Dispute, her arrest and deportation. (A/Π 893/2007 Ekthesi tis Epitropou Dioikisis anaforika me Parapono Allodapis Ikiakis Voithou kata tou Tmimatou Arhiou Plithismu ke Metanasteusis ke tis Astinomias shetika me to Hirismo tis Kataggelias tis yia Ergatiki Diafora ke ti Sillipsi ke Apelasi tis.) 26 November 2009.

<sup>27</sup> Ibid.

<sup>28</sup> A/Π 705/2006 & A/Π 1720/2006 Report of the Ombudsman against the Social Welfare Services in relation to the handling of Foreign Pregnant Women’s claims for Social Welfare Benefit. (Ekthesi tis Epitropou Dioikiseos kata ton Ipiresion Kinonikis Evimerias anaforika me to Hirismo ton Etimaton Egkion Allodapon Yinekon yia Horiyisi Dimosiou Voithimatos.) 29 December 2009.

<sup>29</sup> Ibid.

<sup>30</sup> Sophi Orphanidou, ‘They are giving the child of a foreign woman for adoption’. *Politis Newspaper*, 14 May 2010.

students retained the right to work for limited hours in specific sectors, such as manufacturing, animal husbandry, housework and general repair work.

In an unprecedented case of trafficking for the purpose of labour exploitation, 110 Romanian workers were found to live in slavery like conditions, their travel documents withheld and working for nothing<sup>31</sup>. Despite initial condemnation of the situation and the declared policy to help the victims, KISA, which has been following closely the case, reports that after some direct support granted during the first days of their discovery to all the victims, only 45 of them have been identified as victims of trafficking under the law and of those only a handful were singled out as witnesses in the criminal case against the perpetrators. As a result, the majority of the victims either returned to their country or remained in Cyprus trying to find on their own their way through this. This situation also seriously jeopardizes the possibility of having eventually the victims presented before the courts as credible witnesses in order to secure the conviction of their trafficker.

In the non government controlled areas migrant workers working in the construction and agricultural sectors are to a large extent undocumented. The Turkish Cypriot Human Rights Foundation (TCHRF) has received complaints that they were subjected to reduced wages and nonpayment of wages, beatings, and threat of deportation.

An interview with Roma living in the non government controlled areas revealed that Roma were discriminated against regarding employment both in the public and private sectors due to the negative stereotyping by the general public<sup>32</sup>.

It was reported in a local paper that a Turkish Cypriot Airlines employee was fired on the basis that she got married to a Greek Cypriot for the reason of 'security'<sup>33</sup>.

TCHRF, in the context of conducting research concerning children's rights, concluded that child labour continued to be a growing problem in the non government controlled areas.

Since the last reporting period, no employment policy for refugees and asylum seekers has been adopted. It has to be noted that there is no public financial support for these group of persons due to the fact that there is no law regulating asylum in these areas. Although they are not denied work permits, the Refugee Rights Association noted that only the minority of asylum seekers and refugees were able to find employment a job in temporary jobs with very low wages.

There have been no legal or policy developments regarding the issue of trafficking for sexual or labour exploitation, as was reported in the previous shadow report. However, these issues continued to constitute a major problem.

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<sup>31</sup> Stefanos Evripidou, 'Authorities look overseas as slavery scandal widens'. *Cyprus Mail*. 11 November 2009

<sup>32</sup> Interview conducted for the purposes of this report. Morfou. 19 August 2010

<sup>33</sup> 'Traitor treatment'. *Havadis Newspaper*. 30 October 2010. [http://www.havadiskibris.com/KIBRIS/835-"Hain"-muamelesi.html](http://www.havadiskibris.com/KIBRIS/835-). Accessed September 2010.

Furthermore, as a result of no changes since the last reporting period about the involvement of migrant workers in civil society organisations, including trade unions, or availability of any organisation that aims to support migrant workers, many of them are not aware of their rights, while the problems faced by migrant workers are not voiced publicly in society.

The law on Labour, Health and Safety adopted in March 2009, which would regulate to a certain extent conditions of health and safety at work, has not yet been implemented. It is expected that the law will be implemented by the end of 2010<sup>34</sup>.

During the above mentioned interview with the official from the “Ministry of Labour”, he expressed his opinion on the situation regarding racism in the non government controlled areas in the labour market in very simple terms: “First they were employing Turkish nationals, when these people started to demand their rights they started saying that they were criminals and immoral people. Now there is a trend to employ migrant workers from Far East countries. I believe that when they learn the language and learn about their rights, they [employers] will say the same thing for them.”

## **V.ii Housing**

The focus of the government housing policy’s provisions in the period under consideration continued to be on Cypriots and with scant reference to EU nationals. Rent control laws remained discriminatory against non-Cypriot tenants.

No shelter was made available other than for victims of trafficking for sexual exploitation. Victims of labour trafficking or other forms of exploitation, homeless migrants or homeless asylum seekers or refugees continued to rely on their communities’ support or just left on the street. The situation is even worse for the more vulnerable groups amongst them, as for example pregnant migrant women who, when dismissed from their jobs because of their pregnancy, have no access under the law to housing benefits or any other public benefits. At the same time, none of the NGOs working with migrants, refugees or victims of trafficking received any public or other funding during the period under review so as to provide some basic shelter or housing facilities.

Moreover, the situation has actually worsened further, since the current Government tabled a bill at the House of Parliament which was unanimously voted<sup>35</sup>, rendering the renting of accommodation to undocumented migrants a criminal offence. This has directly affected all ethnic minorities with migrant background as landlords became very reluctant to rent premises to migrants in general, fearing that if the latter found themselves in an irregular situation they (landlords) would commit a criminal offence. At the same time, this provided the opportunity for other landlords, not caring about the

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<sup>34</sup> Interview with an official of the “Ministry of Labour” conducted for the purposes of this report. Nicosia. 1 September 2010.

<sup>35</sup> The Aliens and Immigration (Amendment) Law (Law No 143(I)/2009

enforcement of the law, to raise immediately the rents of very bad, unhygienic and cramped accommodation mostly in the old city of Nicosia.

As a result of the lack of any housing policy for them, in combination with their low income and high rents, migrants, asylum seekers and refugees continue to be ghettoised in the old city of Nicosia, a district that continues to enjoy a bad reputation for its dilapidated buildings that do not meet even the very basic health and safety standards and lacking basic amenities like electricity and running water. During the period under review, the Nicosia Municipality inspected the dwellings of the old city and identified 40 of them to be unsuitable for habitation. The owners, who typically did not live in them but rented them out to migrants, were asked to evacuate them. In April 2010 the Nicosia Municipality's decided to evict the tenants of 14 of these buildings as the owners did not comply with the above decision<sup>36</sup>. The harsh measures were considered necessary by the Municipality because they posed a threat to public health<sup>37</sup> and in an effort to improve living conditions for migrants<sup>38</sup>. However, given the lack of any housing policy for migrants, these measures are likely to lead migrants to an even worse situation in relation to their living conditions. In light of their extremely low income in conjunction with high rents, migrants have no other alternative but to share dwellings in big groups. With measures such as their eviction from inappropriate dwellings, they will have to rent more appropriate and more expensive lodgings in even larger groups, or they will be forced to homelessness. Indicative of the fact is a case that, in May 2009, the European Anti-Poverty Network brought to the public eye of a migrant family with a two year old child living in a container outside a factory in Nicosia<sup>39</sup>.

The housing and living conditions of migrant workers continued to be extremely poor. According to the policy of the government, domestic and agricultural workers are usually accommodated by their employers, who are responsible for all of their living expenses. Agricultural workers normally live in wretched conditions in isolated areas in dwellings that do not comply with any basic health and safety standards. In April 2009, two female agricultural workers were found dead in their lodging. The two women died of asphyxiation. As it was reported in the press, "they were cooking over a brazier with charcoal until 11 pm, which they then took inside their room to keep warm overnight."<sup>40</sup>

The housing conditions of asylum seekers remain complicated. The Kofinou Reception Centre, which is the only such centre in Cyprus, had the capacity to accommodate up to 60 persons, whereas in 2009 alone there were 2011 asylum seekers waiting for the examination of their asylum applications<sup>41</sup>. In 2009, English lessons were added to the activities offered to the residents of the Centre and Greek lessons continued to be

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<sup>36</sup> Patrick Dewhurst, 'Homelessness Looms in Old City Clearout'. *Cyprus Mail*. 11 April 2010. <http://www.cyprus-mail.com/cyprus/homelessness-looms-old-city-clearout/2010041>. Accessed September 2010.

<sup>37</sup> Patrick Dewhurst, 'Evicted for Safety, but Where Do They Go?'. *Cyprus Mail*. 16 May 2010. <http://m.cyprus-mail.com/features/evicted-safety-where-do-they-go/20100516>. Accessed September 2010.

<sup>38</sup> Patrick Dewhurst, 'Homelessness Looms in Old City Clearout'. *Cyprus Mail*. 11 April 2010. <http://www.cyprus-mail.com/cyprus/homelessness-looms-old-city-clearout/2010041>. Accessed September 2010

<sup>39</sup> Jacqueline Theodoulou, 'Cypriot Less Poor but Migrants Still in Dire Straits'. *Cyprus Mail*. 22 May 2009. <http://www.cyprus-mail.com/cyprus/cypriots-less-poor-migrants-still-dire-straits>. Accessed September 2010.

<sup>40</sup> 'Migrant Workers Found Dead In Room'. *Cyprus Mail*. 6 April 2010.

<sup>41</sup> Asylum Service, *Yearly Totals 2002 – 2010 until 31 October 2010*.

offered during the period under review. Also, satellite TV was installed at the recreation room. An argument between residents of the Centre on 10/5/10 ended up in injury of a resident, who was stabbed by another resident<sup>42</sup>.

The Social Welfare Services are responsible to cover the material reception conditions of asylum seekers, including housing. In practice, this responsibility is dispensed with through the provision of welfare benefit. This system is highly problematic, as many asylum seekers do not apply for welfare benefit because they are not informed about their right to do so. Moreover, NGOs report that the Social Welfare Services constantly try to find excuses to stop the welfare benefits given to asylum seekers. But even those asylum seekers who do receive welfare benefits face problems because, more often than not, the amount allocated for rent does not correspond to the real amount they have to pay for it. As a result, asylum seekers are forced to stay in poor housing conditions, in many instances renting a room, which they have to share with other one or two or more persons. Furthermore, the Social Welfare Services show unjustified delays in examining applications for welfare benefits – it usually takes at least two months and sometimes up to four months for an application to be examined. Taking also into consideration that the procedures for examination of asylum applications have been accelerated, in some cases, asylum seekers never receive welfare benefit, as their asylum application is examined before their application for welfare benefit is. In a recent report of her Office, the Ombudswoman states that there are “unjustified delays in the allocation of specific allowances (Christmas and Easter allowance, heating allowance, etc.), whereas some of them were paid only after the intervention of my Office”<sup>43</sup> and emphasises the fact that these are issues affecting the wider population of asylum seekers who receive public assistance<sup>44</sup>. In the same report, the Ombudsman finds as problematic the fact that in the Regulations on the Reception Conditions of Asylum Seekers there is no specific provision and no single interpretative guidance regarding the content attributed to the term "material reception conditions" of asylum seekers, resulting to an open interpretation, depending on what the Social Welfare Services consider to be "material reception conditions" of asylum seekers and without addressing the individual needs of each asylum seeker.

The housing situation of the Roma community continues to be reported as very unsatisfactory. They continue to live in special settlements of prefabricated houses in remote rural areas. Despite that over the years the houses inhabited by the Roma have been maintained and repaired by the Government, the condition of the houses remain substandard and more often unfit for human habitation<sup>45</sup>.

Despite the fact that Law 59(I)/2004 forbids property-owners to discriminate on the basis of race and/ or ethnic origin, such discrimination is still prevalent in Cyprus while neither

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<sup>42</sup> 'Afghan Knifed'. *Cyprus Mail*. 12 May 2010. [www.cyprus-mail.com/cyprus/afghan-knifed/20100512](http://www.cyprus-mail.com/cyprus/afghan-knifed/20100512). Accessed September 2010.

<sup>43</sup> Α/Π 799/2006 Ekthesi tis Epitropou Dioikiseos anaforika me tin Kalipsi ton Ilikon Sinthikon Ipodohis ton Aititon Asilou apo tis Ipiresies Kinonikis Evimerias. 9/7/09

<sup>44</sup> Ibid.

<sup>45</sup> Nicos Trimikliniotis and Corina Demetriou, *the Housing Conditions of Roma in Cyprus*, RAXEN Thematic Study, (2009)

property-owners nor tenants are aware of the fact that this constitutes a violation of the law. Nevertheless, it is not anticipated that this situation is likely to change because, among other factors, NGOs that provide free services to migrants and refugees do not receive any funding for including this field in their services, while legal aid is still inaccessible to migrants and they cannot, therefore, pursue their rights in relation to housing in court.

As mentioned in previous reports, the majority of migrant workers in the non government controlled areas live in inadequate and inappropriate housing conditions. In 17/01/2010, after a storm, the tents of 450 migrant workers were burnt. Fortunately, there was no loss of life but this incident showed the poor housing conditions and the potential risks to migrants and their families.

During an interview with a member of the Roma community, it was reported that many Roma families are concentrated in specific areas and live in overcrowded conditions<sup>46</sup>.

It is well known that migrant workers employed in the construction industry are accommodated on the construction sites which are not provided with even basic sanitary amenities. The situation regarding construction sites that are not in residential areas, which is mostly the case, is accentuated further because employers abuse and exploit more easily those migrant workers who do not know the area or do not speak the language. Finally, during the reporting period, there continued to be no housing support for asylum seekers and refugees.

### **V.iii Education**

The data in the education statistics of the Ministry of Education and Culture refer to Greek-speaking Cypriots and “*allophones*<sup>47</sup>” and therefore, there is no data with reference to migrants. However, it is estimated that the proportion of school students with a migrant background enrolled in public schools in 2009 – 2010 is 11.7 per cent<sup>48</sup>. Education in Cyprus is still deficient of a formal integration plan for children with non-Cypriot backgrounds and most teachers do not receive specialist training in bilingual or multilingual education. Since migrants are still ghettoized in certain areas, migrant children often constitute a large proportion or the majority of students in certain schools, a factor, which, as also noted in the 2008 Shadow report, hinders language acquirement and integration. This phenomenon also holds for Roma children.

According to the report published by the European Commission in November 2009<sup>49</sup>, “[i]n many Member States residential patterns also lead to a high concentration of Roma children (e.g. Cyprus, [...]) in certain schools, resulting in so-called ‘ghetto schools.’ The same applies also for children with migrant background. These schools follow the official

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<sup>46</sup> Interview conducted for the purposes of this report. Morfou. 19 August 2010

<sup>47</sup> *Allophones*: persons, whose mother tongue is other than Greek.

<sup>48</sup> Nicola Ioannou. ‘Migrants are ‘dirty’ and ‘uncivilised’ schoolchildren say’. *Cyprus Mail*. 30 June 2010

<sup>49</sup> Chopin, Isabelle & Gounari, Eirini-Maria, Developing anti-discrimination law in Europe: The 27 Member States compared (2010). European Commission, Directorate-General for Employment, Social Affairs and Inclusion: November 2009.

curriculum but the quality of the education and physical conditions of the buildings is often inferior.” Moreover, according to the same report, in Cyprus “school absenteeism and disproportionately high drop-out rates are serious issues among the Roma, [...] communities”<sup>50</sup> Nevertheless, the Cypriot government does not seem to have taken any particular measures, other than language courses, for the integration of Turkish Cypriot , Roma or migrant children in education.

Although language courses are offered to non Greek speaking students, mainly in primary education, the programmes offered do not seem to have contributed to the real integration and support of non Greek speaking children in the educational system of Cyprus. Whereas in primary education things may be easier, in secondary education language barriers do not allow students in the majority of cases to continue their education, as a result of which there is a high percentage of drop-outs from children with migrant background. Moreover, there are no programmes for teaching children with migrant background also their mother tongue and culture, and neither are there any programmes to support parents to help their children with their educational advancement at school.

The Greek Orthodox religion, which is considered to be the norm is still dominant in school education and Christian Orthodoxy remains the subject matter of religious studies lessons. These lessons are not compulsory for non Greek-Cypriot pupils, whose parents can ask the school for their children to be exempted from them. However, the result of this is for non Greek-Cypriot pupils to feel and to be, to some extent, excluded from school society. Religious, nationalist and ethnocentric symbols, such as religious icons and Greek flags are still commonplace in classrooms. School textbooks, despite the announced policy of the Ministry of Education to review history books in the context of the educational reform, still glorify Greece and Greek people, while biased accounts of history induce and instill feelings of resentment against Turks and Turkish Cypriots. This practice is even more evident during celebrations of national days and especially those related to Greek history, when pupils are expected to hold Greek flags and memorise songs and poems that are biased against Turks and Turkish Cypriots. Biased and racist language against Turkish Cypriots, Turks, Muslims and even migrants in general still exists in schools, according to anecdotal evidence.

In February 2009 POED, the primary school teachers union, issued and distributed to teachers a circular with which it asked its members not to implement the visits of Turkish Cypriot students and teachers to public primary schools that were proposed by the Ministry of Education and Culture in an effort to strengthen the efforts to cultivate a culture of peaceful coexistence between G/C and T/C. The Ombudswoman, in her capacity as the Authority against Racism and Discrimination, investigated the case and in the relevant report she issued on 5/6/09, stated that “*the circular indicates a distrust and suspicion towards the Turkish Cypriot pupils and teachers, which is inconsistent with the overall objective of the Ministry and with the stated goals of the organization*”

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<sup>50</sup> Ibid.

itself.”<sup>51</sup> However, in September 2009 POED announced that it “decided to maintain its ban on direct contact with Turkish Cypriot teachers and pupils in state primary schools in the government-controlled areas.”<sup>52</sup>

The most perturbing aspect in education remains the spreading and promotion of racist attitudes. According to a survey carried out by the Centre of the Advancement of Research & Development in Educational Technology (CARDET), between March and June 2010, 54 per cent of the 10 – 16 year-olds have a negative stance towards migrants, consider them to be “dirty,” “uncivilized”, “dangerous” and “criminals”<sup>53</sup>. Moreover, a common belief of school students seems to be that “migrants make Cyprus worse, they steal jobs from Cypriots, they are responsible for the increased crime rate and they constitute a threat to national identity”<sup>54</sup>. According to the findings of the survey, only one quarter of school children have a positive stance towards migrants. However, the Ministry of Education and Culture insists on claiming that “we do not think we have a serious problem [with racial discrimination]”<sup>55</sup> and that “in schools where there are a large number of students from different ethnic backgrounds a harmonious relationship prevails between the students from different ethnicities and the Greek Cypriot students”<sup>56</sup>.

During 2009 the Ministry of Education and Culture implemented the project “Innovation and Creativity against Discrimination”, the aim of which was to educate pupils against discrimination and especially racial discrimination, in society.

One DHSY (right wing party) Member of Parliament tried to bring up the issue of children wearing scarf in school as being contrary to western values, in line with discussions about the scarf in other European countries<sup>57</sup>. Fortunately, both the school headmaster and the Ministry of Education dismissed his comments immediately, highlighting that this was not an issue in Greek Cypriot schools, the scarf does not offend anybody and every child has the right to be respected as regards their religion and culture. However, this does not address the issue of whether the mono-religion educational system in Cyprus violates the rights of every child not of Christian religion in Cypriot schools.

Roma living in the Government controlled areas show low attendance in school whereas the Government does not seem to have taken any particular measures to address the problem and to integrate Roma children in the education system. The same applies as regards Roma living in the non government controlled areas as again there are no

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<sup>51</sup> Stefanos Evripidou, ‘Ombudswoman: Teachers Union Showing Distrust and Suspicion Towards Turkish Cypriot Pupils’. *Cyprus Mail*. 06 June 2009. [www.cyprus-mail.com/cyprus/ombudswoman-teachers-union-showing-distrust-and-suspicion-towards-turkish-cypriot-pupils](http://www.cyprus-mail.com/cyprus/ombudswoman-teachers-union-showing-distrust-and-suspicion-towards-turkish-cypriot-pupils) Accessed September 2010

<sup>52</sup> Charles Charalambous, ‘Schools Union Maintains Ban On Direct Contact with TCs’. *Cyprus Mail*. 18 September 2009. [www.cyprus-mail.com/cyprus/schools-union-maintains-ban-direct-contact-tcs](http://www.cyprus-mail.com/cyprus/schools-union-maintains-ban-direct-contact-tcs). Accessed September 2010

<sup>53</sup> Ibid.

<sup>54</sup> Ibid.

<sup>55</sup> Sebastian Heller, ‘No Real Problem with Racism in Cyprus’ Schools Says Minister’. *Cyprus Mail*. 9 January 2010. [www.cyprus-mail.com/cyprus/no-real-problem-racism-cyprus-schools-says-minister/20100109](http://www.cyprus-mail.com/cyprus/no-real-problem-racism-cyprus-schools-says-minister/20100109). Accessed September 2010

<sup>56</sup> Ibid.

<sup>57</sup> Vasos Vasou, Istories gia mantiles, Politis 5.5.2010

specific programmes to increase the school attendance of Roma children<sup>58</sup>. On the other hand, the Roma language is in danger of extinction but no measures have been taken either in the government or non government controlled areas to keep the Roma language alive.

In the non government controlled areas, despite the strong opposition of Teachers Trade Unions and other civil society organizations, compulsory religion classes for public secondary and high school students were introduced in the 2009-2010 education year. An Alevi organization, Pir Sultan Abdal Association, complained that this course was based on Sunni Islamist thought and it was discriminatory for Alevi children<sup>59</sup>.

A researcher with the Post Research Institute expressed the view that the history education in the non government controlled areas was highly political. She described the changes in history books in state schools used for the academic year 2009-2010 compared to the history books used in the period 2004-2008 as dramatic; the books currently used as pervaded by nationalistic themes, written from a nationalist viewpoint and from the Turkish perspective and monolithic. She stressed that the change was visible even from the cover of the books<sup>60</sup>. Common historical struggles of Cypriots from different ethnic backgrounds are no longer discussed. She pointed out that these books were written under the supervision of academicians in Selçuklu University in Turkey while the previous ones were written by Turkish Cypriot historians.<sup>61</sup>

National Security classes have been introduced for high school students, delivered by military officials dressed in military uniform and the curriculum is prepared by the military. Studies on these classes show that they are xenophobic and sexist; the books used define patriotism, nationalism and national values not in the universal/general sense, but in the ethnocentric sense of being Turkish and Sunni Muslim; the national identity is defined in an exclusive manner through threat and enmity; and diversity is depicted as a problem.

In state primary schools it is compulsory that students read 'Andımız' (Our Vow) during the morning assembly. The practice has been criticized to be militarist and racist<sup>62</sup>.

According to the Human Rights Report of the US Department of State, textbooks sent to a Greek Cypriot school in Rizokarpasso were still scanned by the Turkish Cypriot "authorities" and the textbooks that are deemed to be 'derogatory' are not sent back to the government-controlled area<sup>63</sup>.

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<sup>58</sup> Nicos Trimikliniotis. "The Cypriot Roma and the Failure of Education: Anti-Discrimination and Multiculturalism as a Post-accession Challenge" *The Minorities of Cyprus: Development Patterns and the Identity of the Internal-Exclusion*. Ed. Nicholas Coureas and Andrekos Varnava. Cambridge: Cambridge Scholars Publishing, 2009.

<sup>59</sup> Interview with Selver Kaya, President of Pir Sultan Abdal Association, on 14/09/2010

<sup>60</sup> The cover displays pictures of Turkish and Ottoman soldiers whereas the books enforce the idea that northern Cyprus is an extension of Anatolia, they call the 1974 'Peace Operation' when "Turkey saved Turkish Cypriots", the government controlled areas are seen as a 'neighbour country' and no historical developments are mentioned after 1974.

<sup>61</sup> Interview with Mehves Beyidođlu Önen, researcher of Post Institute on 19 September 2010

<sup>62</sup> "Our Vow" includes lines such as 'I am Turkish, I am right, I am hard-working', 'my existence shall be a present to the Turkish existence', 'How happy I am to say that I am a Turk'.

<sup>63</sup> Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, *Country Report on Human*

## V.iv Health

Although Cyprus has been planning to introduce a “National Health System” since 2001, this has still to be achieved. The current healthcare system is compartmentalised into five major categories in terms of the financial burden to patients: Public healthcare facilities, which provide healthcare on the basis of a means test, either provide it free of charge or they charge patients, normally at lower rates than in private facilities; trade union medical funds, to which both employers and employees contribute, provide care mainly in private facilities; private health insurance schemes, either paid by individuals or their employers or both, provide healthcare only in private facilities; and, healthcare is obtained directly by individuals either in private or public facilities. The public healthcare system is non contributory and non compulsory and is directly funded by the state as well as from the fees charged to patients. The system is linked neither to the social security system nor to taxation.

In relation to nationality and status of patients, the public healthcare system has also different schemes for different categories of non-Cypriots. However, the main criterion for free access to healthcare is income.

Entitlement to free access to the public healthcare system varies according to nationality, legal status and professional sector and it can be rather minimal. The law provides that persons under international protection have the right to equal treatment as nationals with regard to free medical care<sup>64</sup>. Asylum seekers are entitled to free health care in case they do not have enough means of subsistence, whereas recognised victims of trafficking are entitled to free healthcare. The rest of the categories of people in Cyprus, i.e. mainly migrants and foreign students, are completely excluded from public healthcare<sup>65</sup> and they either depend on trade union medical funds or they have to resort to private healthcare. The parallel therefore healthcare system with regards to migrants, which was described in previous reports, persists.

Because of this situation, especially vulnerable groups of migrants such as migrant women face a particularly difficult situation in relation to their access to prenatal and postnatal care, since this is not covered by the basic insurance plans they and their employers pay for. Indicative of the realities migrant women are confronted with in the government controlled areas is the case of a migrant domestic worker, who was billed with €5.583 for the post-natal care of her premature baby and €2.800 for a caesarian section<sup>66</sup>.

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*Rights Practices in Cyprus – 2009.* <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136026.htm>

<sup>64</sup> *O peri Prosfigon Nomos tou 2000* (Refugee Law), section 21(1)(b).

<sup>65</sup> According to the Regulations anyone who is not a national or an EU citizen should pay the full fees provided in the regulations, irrespective of income, with the exception of persons under international protection, asylum seekers and victims of trafficking.

<sup>66</sup> Patrick Dewhurst, ‘Housemaid Hit With €5,500 Bill for Baby’s Care’. *Cyprus Mail*: 24 September 2009. [www.cyprus-mail.com/cyprus/housemaid-hit-5500-bill-baby-s-care](http://www.cyprus-mail.com/cyprus/housemaid-hit-5500-bill-baby-s-care). Accessed September 2010.

Even for asylum seekers that are supposed to be covered by the public health care system, problems still exist because the medical card they are given is only for a limited period of time (for six or three months and sometimes for as short a period as three weeks) and therefore they are sometimes denied access to medical care altogether. There were complaints of asylum seekers, who were refused a medical card because they did not have a residence permit or a confirmation by the Social Welfare Services that they were recipients of public assistance and therefore they could not prove that they did not have enough means of subsistence. Moreover, NGOs report that sometimes doctors deny asylum seekers full access to the public health services, especially if they have to undergo expensive examinations/ operations, or any other expensive treatment. In some cases, doctors refer asylum seekers to private health services, where they have to pay, and they do not inform them of their right to undergo certain examinations/ treatment in public hospitals. Furthermore, refugees are denied healthcare when they have to be referred for treatment abroad or in the private sector, as certain examinations and treatments are not available in public health services and others are not available in Cyprus at all. The Ministry of Health justifies this by arguing that the scheme under which examinations/ treatment abroad or in the private sector refers only to Cypriot nationals and EU citizens, ignoring the fact that the Refugee law provides that recognised refugees have equal social rights to Cypriots and asylum seekers are entitled to full medical care free of charge.

The health system in the non government controlled areas is similar to the one in the government controlled areas in the sense that everyone can access it except for undocumented migrants who are only entitled to emergency care. The situation is highly problematic concerning asylum seekers, who are treated as undocumented migrants. Furthermore, access to healthcare is denied to victims of sex trafficking who, if they are found to suffer from any sexually transmitted diseases, are considered as a “danger to public health” and instead of being treated they are deported<sup>67</sup>.

Although, under the Vienna III Agreement<sup>68</sup> and in order to overcome the language barrier, medical care to Greek Cypriots living in the enclaves in the non government controlled areas is supposed to be provided by Greek Cypriot medical personnel, presumably from the government controlled areas, the Turkish Cypriot authorities only permit such care by registered Turkish Cypriot doctors. It has also been reported that in order to obtain medical care enclaved Greek Cypriots have to go to the government-controlled areas<sup>69</sup>.

## **V.v Policing and ethnic profiling**

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<sup>67</sup> Law no 7/2000 as amended by Law no 30/2007

<sup>68</sup> The agreement is the sole legal document until today ensuring rights relating to education, health care and practice of religion to Greek Cypriots that remained in the non governmental areas after the de-facto split of the island in a view to help to lead a normal life.

<sup>69</sup> Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, *Country Report on Human Rights Practices in Cyprus – 2009*. <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136026.htm>

As stated in previous reports, Cyprus has signed many international Conventions and adopted laws that prohibit police from practicing racial profiling and discriminating on grounds of race and ethnicity. Regrettably, however, the implementation of the above laws and Conventions is not satisfactory when it comes to practice. There are no efficient mechanisms to monitor the implementation of the above laws and Conventions, or to evaluate the number and dimensions of complaints regarding racist or discriminatory behavior by police.

NGOs report that, due to fact that the measures taken to combat unregistered and illegal employment, targeted [?] undocumented migrants working in the shadow economy, migrants and other non-Greek Cypriot workers are regularly being asked for papers, work permits, etc. As noted in previous reports, such methods that are based on the logic of 'stop-and-identify on suspicion' constitute direct racial profiling, as they target non Greek Cypriot workers.

The undue use of violence against migrants, especially TCN, and mass violation of their rights continues to be of grave concern to NGOs and organisations dealing with migration, asylum and human rights. Unfortunately, such practices remain common within all departments and services of the Police Force in Cyprus. The Aliens and Immigration Police, responsible for executing the decisions of the Civil Registry and Migration Department and the Migration Officer, is not an exception to the rule. According to NGO reports, the Aliens and Immigration Police, which is the main contact point with all non Cypriots and in charge of border and passport controls, registration and control of migrants, as well as for receiving asylum applications and applications for renewal of residence/ employment permits, continues to display a general attitude of discrimination against migrants and especially third country nationals. Detained rejected asylum seekers still report night arrests involving both physical and verbal violence against detainees. NGOs receive complaints by migrant workers, refugees, naturalized non-white Cypriot citizens and Turkish Cypriots regarding maltreatment, harassment and some times even unlawful detention by police. However, when complainers or NGOs officially report such incidents, the police authorities typically deny them.

Racial profiling is a practice that the police use evidently in their "sweep operations," during which people are being stopped in the streets or harassed in their homes and taken to police stations on the basis of the colour of their skin. One such operation was carried out by police in the centre of Nicosia on 25 September 2009. The operation resulted in mass arrests, detentions and deportations of migrants. On 28 September 2009, the Ombudswoman, in her capacity as the Authority against Racism and Discrimination, issued a relevant press release, in which she expressed her "repulsion and deep concern with the massive arrests of migrants in the old part of Nicosia."<sup>70</sup> Moreover, in this press release the Ombudswoman mentions that "The pattern of the operation, the setting up of roadblocks in the city centre, the invasion of migrant homes, their massive abduction to police stations, the use of handcuffs and the projection of all these images in the media with the consequent reproduction of xenophobic attitudes

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<sup>70</sup> AKP 127/2007, AKP 128/2007, AKP 123/2009 Ekthesi tis Arhis kata tou Ratsismou ke ton Diakriseon anaforika me tis Epirisis tis Astinomias yia Elegxo, Sillipsi, Kratsi ke Apelasi Metanaston me Sinoptikes Diadikasies

and racial stereotypes about the "problem of illegal migration" are phenomena that are inconsistent with the rule of law."<sup>71</sup> On 29 September 2009, the Police Headquarters issued a press release in response to the Ombudswoman's press release, in which they tried to justify their actions on the basis of the support received by the public stating that, "From the date of taking additional measures and conducting the targeted operation, the Police have received a series of phone calls from a large section of the public, expressing its approval and satisfaction over the police force's actions, asking for the continuation of the measures ..."<sup>72</sup> A climate of institutional and thoughtless racism and resentment can be certainly traced in the above statement with which the police seem to justify their illegal actions with the 'approval and satisfaction of the public,' as if the feelings of the public could legalize mass arrests and deportations or racial profiling exercised by the police. On 7 June 2010, the Ombudswoman issued a final report regarding the same events concluding that "the abduction of people against whom no arrest warrant had been issued was not found to have been based on any personalized sign of committing a crime, but only on the fact of the presence of these persons in the area and in particular on their ethnic origin."<sup>73</sup> In the same report, the Ombudswoman considers the practices used by the police during the operation to be "ethnic profiling" and concludes that such practices are extremely dangerous, as they make members of minority groups feel that they are targeted by the police.

In June 2009 the Independent Authority for the Investigation of Allegations and Complaints against the Police released their annual report for 2008,<sup>74</sup> whereas their annual report for 2009 has not yet been released. The Authority expresses a serious concern "about the bad image that the Police present lately."<sup>75</sup> Therefore, and in an attempt to contribute, as it mentions, in correcting incongruities in the Police, the Authority considered it appropriate, apart from the complaints received, to ask the Chief of Police to inform them of each case brought to his attention relevant to issues that can be investigated by them, so as for the Authority to decide if considered appropriate to intervene ex officio. According to their report, there is "some skepticism and suspicion by a section of the police force in relation to the Authority."<sup>76</sup>

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<sup>71</sup> Ibid

<sup>72</sup> Jacqueline Agathocleous, 'Police don't need anyone's permission'. *Cyprus Mail*. 30 September 2009. [www.cyprus-mail.com/cyprus/police-don-t-need-anyone-s-permission](http://www.cyprus-mail.com/cyprus/police-don-t-need-anyone-s-permission). Accessed September 2010

<sup>73</sup> Ibid.

<sup>74</sup> The report can be downloaded only in Greek at [http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/DMLannualreports\\_gr/DMLannualreports\\_gr?OpenDocument](http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/DMLannualreports_gr/DMLannualreports_gr?OpenDocument)

<sup>75</sup> Independent Authority for the Investigation of Allegations and Complaints against the Police, *Report on the Period 01/01/2008 – 31/12/2008*. June 2009.

[http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/DMLannualreports\\_gr/DMLannualreports\\_gr?OpenDocument](http://www.iaiacap.gov.cy/iaiacap/iaiacap.nsf/DMLannualreports_gr/DMLannualreports_gr?OpenDocument)

<sup>76</sup> During 2008 the Authority received 110 complaints, which is 14.6% more than last year. 54 complaints out of the 110 concerned violations of human rights by members of the police. Out of the 110 complaints, only 42 were investigated and only four are under investigation. For 33 complaints a preliminary investigation was conducted and the Authority decided not to proceed to complete investigation. Out of the 42 complaints that were investigated: the Authority decided that 26 did not reveal any disciplinary or criminal offenses. Eight were found to concern criminal offences of police officers and the Attorney General gave instructions for criminal prosecution whereas he decided not to prosecute three of them and there was still investigation undergoing regarding the other two. Another four complaints, out of the 110 that the Authority received in 2008, were forwarded to the Attorney General and a final decision is awaited. Two cases were found to concern disciplinary offenses. Of these, disciplinary action was launched only for one, whereas on the other, the Authority recommended that no disciplinary action should be taken, because of the Police's apology to the complainant. For one complaint, out of the 110, there was evidence that a citizen was abused by police, but the police officers, who abused the complainant were not identified.

The Authority investigated two cases ex officio. One of them related to a publication by a Turkish Cypriot newspaper regarding the illegal arrest and abuse of eight Turkish Cypriot workers, who worked in the government-controlled areas, by members of the Famagusta Police Department: The Authority decided that neither criminal nor disciplinary offenses emerged and the Attorney General concurred with the findings of the Authority. The second, which was still under investigation when the report was released, concerned the incidents that took place during the parade on 1 October (Independence Day of the Republic) and related to alleged illegal arrest and abuse of civilians by the police. The Authority also conducted a preliminary investigation ex officio for seven more cases, including that relating to incidents between members of KISA and the police outside the Interior Ministry on 27 January.2008, which resulted in the arrest of the Executive Director of KISA. Regarding the latter case, the investigation was completed and “the Authority was satisfied that the officers involved were acting within their duties<sup>77</sup>.” It is interesting to note however that the Attorney General, to whom the case was submitted by the police, decided to drop it because it could not stand in court<sup>78</sup>.

From the above data it is obvious that only a small percentage of complaints that reach the Authority are actually investigated for criminal or disciplinary offences, whereas a lot are dropped with the excuse of inadequate evidence.

As noted in the previous report, the police, acknowledging the need for training of police officers on racism and discrimination issues, have taken up the implementation, under the Progress programme, of training courses for police officers on racism, discrimination and multiculturalism in cooperation with the Dutch, British and other police forces. In this framework, in 2009 they organised the conference “Cyprus Police against Discrimination for Diversity.” Police experts from other EU countries were invited to the conference to speak about their experience, highlighting the importance of the elimination of ethnic profiling by the police. Another positive step is that, apart from members of the police, NGOs were also invited to participate in the conference.

Discrimination in the administration of justice was also evident in a decision of the “Assize Court”, which it only convicted a Turkish Cypriot on drug related offences to a fine despite the general practice to impose imprisonment as a penalty, as according to the Court drug related crimes in the last three years have been committed by non citizens.<sup>79</sup>

In an interview with a newspaper<sup>80</sup>, a Roma expressed the opinion that the Roma are regarded as thieves by the police and whenever such complaints are made to the police, the officers *‘come and detain the Roma and beat them up; there are many Roma who,*

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<sup>77</sup> Ibid 72

<sup>78</sup> Letter of the Chief of Police to KISA, dated 16 December 2008

<sup>79</sup> Assize Court Case no: 8730/07

<sup>80</sup> Çağıl Günalp, ‘He behaved shamefully’. *Yenidüzen Newspaper*, 17 August 2009. [www.yeniduzen.com/detay.asp?a=11286](http://www.yeniduzen.com/detay.asp?a=11286). Accessed September 2010.

*after being subjected to violence by the police, admit to have committed crimes they did not.'*

In these areas, racist attitudes of the police towards detained third country nationals were also recorded by Turkish Cypriot Human Rights Foundation.

Although the missionaries of religions other than Sunni Islam have by law the right to proselytize, there have been complaints that these activities were under strict scrutiny and were closely monitored by the Turkish Cypriot authorities.

## **V.vi Racist violence and crime**

Hate crimes, including racist violence, are still not efficiently documented by the authorities in Cyprus. However, according to other data available, coming mainly from newspapers and NGO reports, racist violence and crime rapidly increased in the government controlled areas. The European Commission against Racism and Intolerance stated in its 2009 report that “the situation continues to be worrying” in Europe and observed a rise in racist violence and crime in Cyprus and Bulgaria<sup>81</sup>.

Since the police do not keep satisfactory data on racist violence, reference to such data necessarily relies on NGO reports, which are vital not only because the police do not keep satisfactory data, but also because they record cases not reported to the police. However, NGOs working in the field, such as KISA, have scarce resources and do not, therefore, afford keeping detailed and comprehensive relevant statistics.

Racism in sports, especially football, remains also very common in Cyprus. A large number of football fans exhibit racist behaviour explicitly and overtly, with graffiti of swastikas and racist slogans featuring widely in many places. Very often, fans of specific football teams carry banners with nationalist slogans. UEFA charged APOEL, a Cypriot football club, for racist behaviour exhibited by its fans during the APOEL – Chelsea game on 30 September 2009. That was not the only time that this club was charged by UEFA for racist behaviour of its fans; in 2008 it was imposed a fine of €30.000 because of racist behaviour of its fans in the game against Red Star Belgrade<sup>82</sup>. Moreover, on 19 February 2009, members of the Appollonas football club attacked a group of Turkish Cypriots whereas after the game, Turkish Cypriot cars were attacked in the streets by football hooligans<sup>83</sup>.

In December 2009, the extreme right nationalist and ELAM (National Popular Front) organised a protest against migrants under the slogan “A foreign worker = an unemployed [Cypriot],” which was countered by a huge protest of the Anti-fascist

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<sup>81</sup> Luciano Scagliotti. Racism and Racial Discrimination. ECRI, 2009. Page 7.

<http://www.socialwatch.eu/wcm/discrimination.html>.

<sup>82</sup> “Monkey Noises’ land APOEL in the dock’. *Cyprus Mail*. 10 October 2009.

<sup>83</sup> Nezmul Haider; Chowdhury & Christos Kassimeris. *Racist Violence in Cyprus: Country Report on Racist Violence in Cyprus. 2010*

Initiative, which was formed by various groups and activists in response to the anti-immigrant protest of ELAM.<sup>84</sup>

Far-right organizations, such as ELAM and the “Black Brigades”, organised several campaigns against migrants asking for the “immediate deportation of all illegal migrants” and for stopping welfare benefits to refugees. They also organised several gatherings, a lot of them outside public schools, regarding the Cyprus problem with slogans against Turks and Turkish Cypriots.

The most conspicuous incidents of racist violence were the arson attack against the Mosque in Larnaca on 23 March 2010, the arson attack against an old factory used by migrants as a meeting place on 27 April 2010, and the break-in and arson attack against the premises of the Palestinian community, where the cultural and social activities of the Palestinian community are housed, in Larnaca again, on 28 April 2010. The persons who broke in and put fire to the premises of the Palestinian community premises in Larnaca left the following message on the walls of the building: «You started, we finish it. Not the end».<sup>85</sup> Unfortunately, both the media and the police completely hushed up the first two attacks, whereas the last attack was reported in the media and investigated by the police, but not as a racist attack or a hate crime, but as a mere incident of bullying.

As pointed out in previous shadow reports, it is imperative that the government takes effective measures to assist integration of third country nationals and for the encouragement of a multiracial understanding in Cyprus. It is also urgently required that an effective and comprehensive monitoring system for combating racist violence be established in the country. Otherwise, in view of the alarming rates of the emergence of ultra nationalist, racist and fascist groups, views and attitudes, it is more than apparent that racist violence and crime will further increase in the future.

## **V.vii Access to goods and services in the public and private sector**

According to NGO experience, it remains typical that migrants are either not informed of their rights or are invariably given contradictory information by different public sector services. Most complaints in this respect concern the Civil Registry and Migration Department and the Social Welfare Services. In addition, both of them are often reported for discriminatory behaviour towards migrants and especially third country nationals.

In an article of ‘Cyprus Mail<sup>86</sup>’ on 6 May 2009, the Migration Department is described as “a bastion of arbitrariness and arrogance.”<sup>87</sup> The article reports that officials of the Migration Department “routinely abuse their powers, set traps for people and violate their

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<sup>84</sup> ‘We’ll come at night and find you, traitor’. Cyprus Mail. 29 December 2009. <http://www.cyprus-mail.com/cyprus/we-ll-come-night-and-find-you-traitor/20091229>. Accessed June 2010.

<sup>85</sup> KISA press release. 29 April 10

<sup>86</sup> English speaking newspaper in the government-controlled areas

<sup>87</sup> ‘Arrogance of Migration Department Knows No Bounds’. *Cyprus Mail*. 6 June 2009

basic rights”<sup>88</sup>. The writer attributes this to the fact that the Migration Department deals with third country nationals who are not aware of their rights and are treated as people without any rights.

In a press release on 13 May 2010<sup>89</sup>, KISA reported that in two different cases officers of the Social Welfare Services, whose role is supposed to support and protect vulnerable groups, reported migrants to immigration authorities that duly proceeded to the arrest and detention of the said migrants for the purpose of deportation. The first case concerned the case of a domestic worker, who was pressurized to authorize the Social Welfare Services to give her baby for adoption, but when she decided to take her baby back she was threatened with deportation. and arrested at the District Welfare Office in Limassol<sup>90</sup>. The second case concerned a female asylum seeker, who was HIV positive. The woman was arrested at the District Welfare Office of Nicosia, where she went to visit her welfare officer. KISA reports that the welfare officer, instead of carrying out the duties specified by law and professional code of ethics, called in the immigration police, who arrested the woman and only verbally informed her, in breach of relevant legislation, that "she is illegal because her asylum application was rejected." The applicant was arrested and had not been formally informed of the rejection of her asylum application, which was issued only a few days earlier and the deadline of 75 days to appeal to the Supreme Court against the decision had not yet expired.

KISA’s press release refers also to a third case, which concerns a female victim of trafficking for sexual exploitation, who is also a mother of two young children. The woman had been recognized as a victim of trafficking by police and was a witness in a court case of trafficking in persons that lasted almost three years, without being accorded a residence permit. However, after the trial she was not informed by the authorities about her right to claim compensation from her traffickers, who were convicted by court, nor was she aided to reintegrate into society, as provided for by the relevant legislation. Instead, the Social Welfare Services stopped the public assistance she was receiving and asked the immigration authorities to route her repatriation simply because they stated that "she must leave Cyprus." The victim remained without any assistance, despite the fact that she applied to the Family Court for ensuring legal aid for the recognition of the paternity of her child, whose father is a Cypriot citizen<sup>91</sup>.

In the non government controlled areas, no records are being kept on access to goods and services in the public and private sector.

Although Turkish is the only official language, many other languages are spoken as mother tongues by various communities such as Kurdish, Arabic, Greek and Laz, especially by older generations of migrant communities from Turkey, while Greek Cypriots in Rizokarpaso speak Greek and Maronites speak Maronite as their mother tongue. However, there is no interpretation in order to access public or private services.

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<sup>88</sup> Ibid.

<sup>89</sup> Ipiresies Kinonikis Evimerias se Rolo Katastolea’. KISA. 13 June 2010. [www.kisa.org.cy/EN/news/638.html](http://www.kisa.org.cy/EN/news/638.html)

<sup>90</sup> Katherine Toumbourou, *Welfare: You’ ll Get Your Baby Back If You Agree to Leave Cyprus*. *Cyprus Mail*. 14 June 10; Stefanos Evripidou, *Probe Ordered into Welfare Staff’s Behaviour*. *Cyprus Mail*. 15 June 2010

<sup>91</sup> Ibid.

Refugee Rights Association lawyers also raised their complaints that they have to find their own interpreters in cases involving refugees.

A Roma representative stressed that many Roma people try to hide their Roma identity when they go to public bodies because many civil servants ignore them.<sup>92</sup>

The demand of several thousands of people from the Alevi community to provide assistance for the establishment of Cem assembly houses as official places of worship continued to be ignored during the period under review. The "administration" continued to use the public funds for this purpose, made up mainly of the aid from Turkey, exclusively for the building of (Sunni) mosques.

### **V.viii Media, including the internet**

After the "sweep operation" in September 2009 of the police mentioned above, almost all TV stations reproduced images of the operation, where special police officers were running after migrants, migrants being handcuffed, arrested and forced into paddy wagons. These images were typically followed by statements congratulating the police for the operation and giving the impression that migrants were criminals dangerous to the public safety. The Ombudswoman, in her relevant report comments that "the reproduction of these images in the media constitutes degrading treatment, which is contrary to the fundamental obligation for respect of human dignity."<sup>93</sup> Various nationalistic and racist websites and blogs are operating on the internet, most of which are directly or indirectly linked with ELAM, Chrysi Avgi a neonazi organisation which is rooted in Greec, KEA and the Movement for the Slavation of Cyprus, directly or indirectly inciting to racist hatred as well as violence. During the period under review the blog discussed mostly was the so called «Christofias Warch». This blog claims to have been created as an "Observatory of Christofias Governance" and as a "Commission for the reintroduction of democracy in Cyprus", after the election of President Christofias in government. In May 2010 this blog included material threatening and directly inciting hate and violence against a renowned journalist for his pro solution to the Cyprus problem views, but well known also for his objectivity and well researched and documented books and articles on the Cyprus problem. It is regrettable that after investigation from the Police it was found that the owner of the blog was the then substitute member of Cyprus at the Fundamental Rights Agency, whereas the lawyer defending him on his case and who also gave interviews on this blog on his views on the Cyprus problem was the Board member of Cyprus at the Fundamental Rights Agency. The links however of this blog with all the other blogs and internet websites of all the other organizations as well as the links between them cannot be sufficiently established.

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<sup>92</sup> Interview conducted for the purposes of this report. Morfou.19 August 2010

<sup>93</sup> AKP 127/2007, AKP 128/2007, AKP 123/2009 Ekthesi tis Arhis kata tou Ratsismou ke ton Diakriseon anaforika me tis Epihirisis tis Astinomias yia Elegxo, Sillipsi, Kratysi ke Apelasi Metanaston me Sinoptikes Diadikasies

In the areas not controlled by the government there are private media services only in Turkish and English, although many other languages are spoken. There is a half hour news programme in Greek and English, in non private TV channel. A Kurdish Cypriot human rights activist stated that although the situation is more relaxed now there is pressure by the police to the persons who read Kurdish newspapers from Turkey. Minority Rights Expert and Academic Ali Dayiođlu, in his paper column emphasised the rise of racist facebook pages against Turkish nationals<sup>94</sup>.

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<sup>94</sup> Ali Dayiođlu, 'Raising racism in Turkey and its probable reflections in Cyprus'. *Havadis Newspaper*. 18 November 2009. <http://www.havadiskibris.com/Ali-Dayioglu/442/Turkiye'de-yukselen-irkcilik-ve-Kibris'a-olasi-yansimalari-.html> Accessed September 2010.

## VI. Political and legal context

The political context in the period under review may be described as one striving to keep balances between the political will of the left Government in power to fight racism and discrimination, particularly against Turkish Cypriots in an ever difficult political climate of rising nationalism and racism against Turkish Cypriots as well as migrant communities, whereas at the same time to keep loyal to the discriminatory and deeply exploitative migration model restricting the integration of migrants adopted by Cyprus since the 1990's. The Cyprus problem was again the main concern over which everything was evolving. Bi-communal talks between the leaders of the two communities so as to reach a comprehensive solution to the Cyprus problem, continued at a very slow pace during the period under review. What may be considered as a major setback to this effort was the election of the leader of the National Unity Party (UBP), Dervis Eroglou as the "President" in the non government controlled areas and as a result, the leader of the T/C community participating in the talks. At the same time, the Government in the Government controlled areas, had to face the negative attitudes and narrative developed around the possibility of a solution to the Cyprus problem by all other major political parties, including DHKO which is in the government. It is not so clear anymore within the Cypriot society what the expectations of both the G/C and T/C are, as regards a possible solution and how a solution acceptable to both communities should look or sound like.

Nationalism emerged strongly in both communities creating a climate of suspicion and lack of trust between them and over their ultimate goals and willingness to find an acceptable to both sides solution of the problem. Extreme nationalistic and far right parties and groups such as ELAM, KEA (Kinisi Ellinikis Antistasis), Movement for the Salvation of Cyprus and PAK (Pagkyprio Antikatohiko Kinima) emerged and became more visible in the Government controlled areas. The links of those groups with EVROKO a party also represented in the House of Parliament are not directly evident but what has been clearly established is their common negative stance towards a solution of the Cyprus problem as well as their anti – immigrant speech.

In the light of the above difficult political climate and despite the promising political will to combat racism and discrimination initially displayed by the current Government, little has been done in the government controlled areas to that effect. The Government failed to take brave decisions on migration and asylum and has chosen the "safe way" of preserving the current temporary migration model which in itself is discriminatory and does not allow for the integration of migrants, but with a "human rights touch" so as to keep loyal to the tradition of a left Government. This approach essentially entailed better Ministers in terms of their political speech on migration and their interventions on racism and discrimination, a willingness to take compassionate decisions as regards individual cases of migrants in distress but with no noticeable change of their overall policies and the philosophy underlying them which remained largely discriminatory against third country nationals. In practice little has changed for third country nationals and the fair

society promised by the new Government did not reach to cover also migrants from third countries. At the same time however, this Government was the first one ever to recognize the need for the integration of migrants in the country and embarked on a discussion with all relevant stakeholders for the adoption of an integration policy for third country nationals. Concrete measures however to that effect, apart from some Greek language courses offered to migrants, have not been taken. On the contrary, the measures taken to combat «illegal immigration» were disproportionate to those taken on integration. The same applies to measures taken to tackle the economic crisis as they affected third country nationals in general and despite their legal status who became even more vulnerable to racism and discrimination.

What has essentially changed was the rhetoric about Turkish Cypriots as the Government is genuinely striving for reconciliation and for equality of treatment of that community which may be said to impact also the more general narrative around discrimination and racism on all grounds. However, the gap between the political speech and the actual practice applied as regards the situation of migrants and particularly third country nationals was too big to effectively bring any substantial changes in the situation of this category of persons.

During the period under review, there were no developments concerning either the legal framework on discrimination and racism or its implementation despite the relevant repeated appeals of the NGO movement. Cyprus still lacks a body for the provision of independent support to victims of discrimination and racism, as well as a comprehensive national action plan for combating discrimination and racism.

In the non government controlled areas, in early April 2009, during 'Ergenekon' investigations in Turkey which concerned an alleged clandestine, extreme nationalist organization in Turkey with ties to members of the country's military and security forces that was allegedly planning a coup in Turkey back in 2003, revealed connections of that organisation with the non government controlled areas of Cyprus and Turkish military officials that have served in those areas at high ranks as well as Turkish Cypriot politicians including Rauf Denktaş, the former Turkish Cypriot leader and Derviş Eroğlu, the leader of Ulusal Birlik Partisi -UBP (National Union Party) and also current «President». The election of Dervis Eroglu as the President and leader of the T/C community brought a series of changes with it.

The history books that were changed in 2004 and were promising to built a peace culture were part of the election propaganda and one of the first actions of the new "government" was the drastic changes of the books into more ethno-centric ones that contain heavy nationalistic attributes. Religion classes were also made compulsory by the UBP government. During the summer of 2009, the new 'government' started to deport refugees despite pressure from the Refugee Rights Association the only NGO active in the field of asylum in those areas. The more conservative attitudes and policies of the new "government" as regards discrimination and the "importance" it attaches on this issue were also evident from the fact that it dissolved the previously established gender equality mechanism in the "Ministry of Labour and Social Insurance".

## VI.i Anti discrimination

As previously reported, Cyprus adopted its antidiscrimination legislation upon accession to the European Union in 2004. Before accession, discrimination was prohibited on the basis of Article 28 of the Constitution as well as on the basis of international treaties ratified by Cyprus. Anti-discrimination laws followed the piecemeal approach of the EU law and therefore covered various grounds, in various fields with different laws. For example, equality between men and women is addressed in three different laws covering employment and occupation, equal pay and pensions. Discrimination in employment for all other grounds, apart from gender and disability, are addressed in a different law, whereas race discrimination in all fields covered by the Race Directive except for employment is covered in a different law. Finally, discrimination on grounds of disability in all fields is covered by a special framework law on disability. As a result, multiple discrimination is not addressed at all in the legal system, making it very difficult for victims of multiple discrimination to pursue their rights. What may be considered, however, as a framework law that addresses more grounds of discrimination, such as national origin, is the law providing for the powers of the Ombudsman acting in its capacity as the Antidiscrimination or Equality Body<sup>95</sup>. However, this law is fairly complex to understand and its relation to the other antidiscrimination legislation enacted to transpose the Directive is not clear as it covers the same areas covered by the other antidiscrimination laws, albeit in a more difficult and complex legal language and with no cross reference to the other legislation. The power to finally decide whether discrimination on any ground has occurred with a binding decision rests with the Equality Body, which is an extrajudicial body, and/or with the Courts. The Equality Body is under the Ombudsman's Office and consists of two different bodies, the first being the Cyprus Anti-Discrimination Authority, dealing with all matters related to discrimination in employment, including race discrimination, and the Cyprus Authority Against Racism and Discrimination, which deals with all matters coming within the scope of the Race Directive 2000/43/EC, apart from discrimination in employment. The Equality Body has the mandate to investigate complaints regarding discrimination or to initiate an investigation itself, on all grounds provided in the antidiscrimination Directives as well as prohibited grounds under international law, such as national origin. The Equality Body also has the mandate of monitoring discrimination and preparing reports to inform the government on the situation of discrimination in the country as well as raise awareness about discrimination. The decisions of the Equality Body are binding. It also has the power to impose very low fines in cases of discrimination. However, no enforcement mechanism is provided in the relevant law and the Equality Body has no power to award compensation to victims of discrimination. Only Court decisions are enforceable and only Courts can award damages to victims of discrimination. The Equality Body has no *locus standi* in Court proceedings; it cannot therefore either represent the victims before the Courts or refer perpetrators to the Court, and its decisions do not hold any evidence value in the Court proceedings in order for the burden of proof to be reversed. Competent courts vary depending on the field and whether discrimination involves the private or public sector. Cases against the administration fall under the jurisdiction of the Supreme Court, which has exclusive competence to adjudicate all administrative cases.

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<sup>95</sup> The Combating of Racial and some other forms of discrimination (Commissioner) Law of 2004 (Law 42(I)/2004)

If the complaint relates to discrimination in the employment field in the private sector, the competent courts are the Labour Courts, whereas in all other fields between private individuals or bodies competent bodies are the District Courts (Civil Courts). Courts have the power to award compensation to victims of discrimination both for any actual damages incurred and pecuniary damage. The fact that no legal aid is granted in discrimination cases contributes to the absence of any cases to this area. A relatively newly established institution, that of the Commissioner for the Protection of the Rights of the Child, has also started addressing racial discrimination against children in the context of the United Nations Convention on the Rights of the Child. The Commissioner has the competence to take and examine complaints for the violation of children's rights and in that context it is examining many cases of migrant children and the violation of their rights. It is notable that after the Commissioner's intervention, the Ministry of Health committed itself not to deny health care to undocumented migrant children.

The above institutional framework faces many challenges, the most notable of which are the lack of horizontal structures both in the executive (Government) and the legislative (Parliament) power to deal with discrimination, and the lack of effective advice, support and protection for victims of discrimination. Apart from the Equality Body, which acts mainly as an extrajudicial mechanism, there is no body dealing with non-discrimination on a horizontal level with the task of mainstreaming non-discrimination in all policies. Unless discrimination is faced at such a level, no substantial changes may be expected from isolated and sporadic measures, such as awareness raising campaigns done every now and then when funding is available from the European Commission. Moreover, within the above system, an important element which has been neglected by all subsequent governments is that of the major function of the Equality Body to provide effective assistance and support to victims of discrimination. The examination of complaints by the Equality Body cannot be equated to the independent support victims need in order to pursue their claims in accordance with the Directives. Despite the above drawbacks, it has to be admitted that the Equality Body is the main and most efficient mechanism currently available for redress and awareness-raising within the Cypriot system. It is an institution additional to the Courts that may be used by victims in order to pursue their claims. It is easier and less expensive to apply to the Equality Body than the Courts, but it is not accompanied with a powerful enforcement system of its decisions. Moreover, when the decisions relate to public authorities, a mechanism for rendering the decisions of the Equality Body inapplicable has been devised by the public authorities, which interpret the provisions of the law so as to submit the decisions of the Equality Body to the scrutiny of the Attorney General, acting in his capacity as the legal advisor of the Government. As a result, unless the Attorney General also agrees with the Equality Body that there has been discrimination, the public authorities do not conform to the decisions of the Equality Body, despite the fact that it was specifically established to examine complaints on discrimination and therefore established as an independent and specialised body to that effect. Moreover, this understanding of the law which creates a conflict between the two institutions does not resolve the issue of discriminatory laws, policies and practices of public authorities implemented after legal advice from the Attorney General is given or discriminatory practices of the Attorney General's Office itself.

Legal aid continues not to be provided for victims of discrimination and no independent support is granted by an independent body or NGOs specialised for this purpose, so that victims of discrimination and particularly victims of multiple forms of discrimination can effectively pursue before the Courts their claims and seek redress and compensation for what they have suffered. That the above issues constitute major obstacles to an effective redress system are also evident by the fact that up to date there has not been a single Court decision on race or ethnic origin discrimination, or any such case pending before the Courts. As mentioned in previous reports, since 2004 the Police established the Office for Combating Discrimination at the Police Headquarters. The Office has, among others, a monitoring and coordinating role within the Police force. However, according to a recent report by the Cyprus Equality Body, since its establishment, the Office continues to remain, inefficient and unable to exercise its role<sup>96</sup>.

The lack of available data and statistics measuring discrimination and racism continues to create problems in the identification of systemic and institutional discrimination in the various fields and as a result it is an issue remaining unattended. In the areas not controlled by the government, no anti discrimination laws have been effectively adopted as yet. Although an independent “Ombudsman office” exists, it only deals with services or acts of the administration except the “Police”). Furthermore, in the absence of any anti-discrimination legislation its role becomes very limited.

## **VI.ii Migration and integration**

Migration and asylum policies of Cyprus remained to a large extent the same as reported in previous Shadow Reports. Third country nationals continue to be perceived as ‘guest workers’, which is the main tenet of the philosophy upon which the Cypriot migration model is based. Migrants also continue to be considered as “temporary workers”, as their residence permits are “temporary” and for a maximum period of stay of four years, so that they do not have access to any permanent status, as in order to apply for the long term resident status<sup>97</sup> they must legally and continuously reside for five years in Cyprus and in order to apply for naturalisation they must reside legally in Cyprus for seven years.

This is to be regretted as the change in Government and the election in power of a left party came with expectations as regards the adoption of immigration and asylum policies based on a more human rights approach that would allow for the integration of migrants under conditions of permanent and safer status with rights attached to provide for the equality of third country nationals with Cypriots and EU nationals.

In 2009, the Government amended the Aliens and Immigration Law<sup>98</sup> so as to make the acquisition of long term residence status of third country nationals even more difficult by

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<sup>96</sup> The Cyprus Equality Body, 2009

<sup>97</sup> Council Directive 2003/109/EC of 25/11/2003 concerning the status of third-country nationals who are long-term residents.

<sup>98</sup> The Aliens and Immigration (Amendment) Law of 2009 (Law 143(I)/2009)

imposing integration conditions such as the knowledge of language, history and culture of Cyprus to be proven through exams which the Ministry of Education will organize. In a country where no substantial integration measures were taken for more than two decades and which only recently started offering language courses to third country nationals, this measure can only be perceived as an attempt to further restrict the rights to long term residence. It is therefore not strange that only 80 applications of long term residence have been approved up to date<sup>99</sup>, the majority of which are from employees of the international companies sector.

It is ironic, in view of its being a left government, that the only positive measures taken by the Government as regards the integration of migrants relate to a large extent to one category of migrants, those working in the international companies sector (previously called offshore), the employees of which are in their majority rich and white third country nationals, most of them of Russian origin. With the same amendment of the Aliens and Immigration Law mentioned above, the granting of the long term residence status is facilitated to that special category of third country nationals by excluding them of the obligation to pass the exams in language and Cypriot history upon the submission of the application for long term residence, imposing such an obligation only at the first renewal of their long term residence. Moreover, it facilitates the family reunification of this category of third country nationals as this is now the only category whose family members may apply for family reunification with the sponsor, even if they already reside in Cyprus. All other third country nationals cannot apply for family reunification if the members are already in the country, whereas the majority of the other third country nationals working in other sectors of the economy, such as domestic work, continued to be deprived of their rights to long term residence, irrespective of their years of residence in the country. The stated objective of these changes, according to the impact assessment<sup>100</sup> submitted by the Ministry of Interior to the House of Parliament, was to facilitate foreign investors with the aim to support the Cypriot economy and to integrate the long term residents in the Cypriot society. The need to amend relevant legislation was triggered, according to the impact assessment, by the lack of integration of third country nationals in the Cypriot society and the financial crisis. It is to say the least, unfortunately, for a left Government to legislate in such a discriminatory manner and to continue to deny permanent and long term residency rights to the vast majority of third country nationals in fear of demographic changes in the island, a narrative mainly used by the right wing and fascist parties and organizations in Cyprus.

To address these policies, KISA decided to act through strategic litigation and there are currently some cases pending determination by the Courts.

In addition, the above law criminalizes the renting of houses and flats to undocumented migrants by imposing penalties of imprisonment and fines to the owners for renting property to undocumented migrants, thereby rendering undocumented migrants even more vulnerable to discrimination and exploitation.

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<sup>99</sup> Eurostat ----

<sup>100</sup> Submitted to the House of Parliament together with the relevant Bill

The political decision taken in 2008 to speed up the process of examining asylum applications continued to be implemented during the period under review. This development has resulted in a drop in outstanding applications from 9,823 in 2007 to 4,479 in 2008 and to 1,312 in 2009<sup>101</sup>. The rejection though of the vast majority of asylum applications raises serious concerns over the effectiveness and fairness of the procedures followed by the asylum authorities and whether these are in accordance with the minimum standards provided under EU law<sup>102</sup>. As noted also in the shadow report of 2008, the inefficient refugee status determination procedures, in conjunction with the constraints as regards access to material reception conditions, resulted in a situation where asylum seekers are forced to work illegally and thus endangering their arrest and detention until the examination of their asylum applications<sup>103</sup>.

Although, as mentioned in the previous report, in September 2008, the Government announced that a fully integrated migration strategy would be put into effect, no measures for the integration of migrants have yet been taken, apart from some language courses.

The multi annual Programme of the Government for the integration of third country nationals for the period 2007-2013, the preparation of which has been made within the framework of the EU Integration Fund, constitutes the only official document relevant to the integration of migrants. In May 2007, the Council of Ministers approved a decision concerning the setting up of a committee to develop a policy framework for the social integration of migrants. It was determined by this decision that the Ministries of Interior, Labour and Social Insurance, Education and Culture and Health would participate in the committee, allowing no space for the participation of other actors, such as NGOs, migrant associations, local authorities, trade unions and employers' associations.

Unfortunately, integration is perceived by Cyprus more as "assimilation of migrant populations"<sup>104</sup>, rather than the essence of integration as a two-way process between the receiving society and migrants. As noted in a recent report on integration in Cyprus, published by KISA, "[t]o the public imagination in the government-controlled areas of Cyprus, the concept of equality for all refers predominantly to the Greek Cypriot members of the society and at best the Turkish Cypriots living there because they are citizens"<sup>105</sup>. Needless to say that the integration of the vast majority of migrants is a very difficult, if not impossible task to be accomplished in Cyprus, as the current migration

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<sup>101</sup> Asylum Service, *Yearly Totals 2002 – 2010 until 31 June 2010*.

[http://www.moi.gov.cy/moi/asylum/Asylum.nsf/All/D453BFF80B84E153C225775E0031AB45/\\$file/Yearly%20Totals\\_30%20June%202010.pdf](http://www.moi.gov.cy/moi/asylum/Asylum.nsf/All/D453BFF80B84E153C225775E0031AB45/$file/Yearly%20Totals_30%20June%202010.pdf); Asylum Service, *Yearly Totals 2002 – 2010 until 31 October 2010*.

[http://www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLstatistics\\_gr/DMLstatistics\\_gr?OpenDocument](http://www.moi.gov.cy/moi/asylum/Asylum.nsf/DMLstatistics_gr/DMLstatistics_gr?OpenDocument)

<sup>102</sup> Council Directives 2005/85/EC and 2004/83/EC were transposed in 2009 into national law with an amendment of the Refugee Law of 2000.

<sup>103</sup> Out of the 5830 decisions of the Asylum Service in 2009, 3034 were rejected and 1925 files were closed without examination, while only 21 cases were recognized as refugees, only 19 cases were granted humanitarian status and 564 cases were granted subsidiary protection. Out of the 1227 decisions the Asylum Service took in the first half of 2010, 852 were rejected and 77 files were closed without examination, while only 5 cases were recognized as refugees, only 2 cases were granted humanitarian status and 213 cases were granted subsidiary protection (Source *Ibid* 96.)

<sup>104</sup> Report on integration in Cyprus. KISA. 13 October 2009.

<sup>105</sup> *Ibid*.

model as well as the policies regarding migrants are highly discriminating. A migration model that dictates that third country nationals have no equal social rights as Cypriots and EU nationals (access to employment, healthcare, social insurance benefits, social welfare benefits, housing, etc) does not leave much space for the real and effective integration of migrants.

Finally, it is also important to note that NGOs offering integration projects for third country migrants are not sufficiently supported, if at all, by the state as an alternative of state inaction in this field. For example, KISA, which is the only NGO in Cyprus offering free social services to all migrants receives almost no direct funding from the state, whereas it has been financially strangled through its exclusion from the majority of EU funding administered by national authorities and continues to be largely reliant on funding from a few direct European programmes and individual contributions.

In February 2009, the abolition of the so-called 'artiste visas,' mentioned in previous ENAR Shadow reports<sup>106</sup> which was announced in October 2008, was supposed to have been implemented. It has not been quite clear, however, due also to lack of transparency as regards the immigration policies of the Government, what kind of residence permits replaced these visas. What the Government did in an effort to combat sex trafficking, was to impose stricter requirements for the recruitment of migrant women to work in cabarets, requiring dancing qualifications and two years of working experience and an additional requirement that these women should be recruited as a group and not on an individual basis, requirements that were opposed by cabaret owners<sup>107</sup>. As a direct result of the above measures, the number of women arriving in Cyprus as 'artistes' has been reduced drastically during the period under report<sup>108</sup>. However, sex trafficking continues to be a serious problem as traffickers are now using new channels, such as bars and rural coffee shops known as 'sex cafes'<sup>109</sup>. Moreover, during the period under review, it was widely rumored that cabarets offering sexual services were frequented by police and government officials<sup>110</sup>, while police and judicial corruption has also been alleged in this area.

What needs to be urgently addressed is the labour trafficking situation in Cyprus as the competent authorities continue to be reluctant to recognise victims of labour trafficking, often attributing their situations to merely "labour disputes". As a result of the denial to recognize the problem, the situation of victims of labour trafficking becomes even more difficult because no specific measures are undertaken for their protection and support. The only shelter for victims of trafficking run by the Government accepts only women and only victims of sex trafficking and not for labour exploitation.

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<sup>106</sup> 'Artiste visas' that used to be issued to migrant women employed in cabarets had been the object of international criticism against Cyprus, as they were broadly identified as a charter officially endorsed by the state, for sex trafficking.

<sup>107</sup> 'Cabaret Owners will Block Crossing Points if Demands Not Met'. *Cyprus Mail*. 15 February 2009

<sup>108</sup> As it was announced at the Parliamentary Committee on Crime Prevention, at its sitting on 2/6/10, at the time there were 365 women registered in the category of 'artistes,' while in previous years there were about 1 200 women registered annually.

<sup>109</sup> Jacqueline, Agathocleous, Sex Cafes the New Scourge. *Cyprus Mail*. 3 June 2010

<sup>110</sup> Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, *Country Report on Human Rights Practices in Cyprus – 2009*. <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136026.htm>

Migration from Turkey, which remained the main source country, and the integration of the migrants continued to be a problematic issue in this reporting period as well. The authorities continued to remain silent on declaring the statistical data on demographic composition of the areas despite the overwhelming public demand and has not yet adopted or declared to have plans of adopting any form of integration policy. Migrants, especially those with lower education and temporary workers, continued to face social exclusion.

Furthermore TCN with disabilities face further discrimination concerning integration. According to practice third country nationals with disabilities are not considered eligible for 'TRNC' citizenship. Although this is not expressly provided in law the provision that limits being able to provide for himself and his/her dependants<sup>111</sup>. The 'government' and a Turkish Cypriot NGO concerned with the rights of people with disabilities interviewed<sup>112</sup> tried to justify this on the fact that people with disabilities are given financial aid<sup>113</sup> and this could be abused by third country nationals.

### **VI.iii Criminal justice**

#### **VI.iii.i Racism as a crime**

The European Network of Legal Experts which studies the most up-to-date changes regarding EU anti-discrimination laws and policies in the member states does not mention any development regarding issues associated to race or migration concerning anti-discrimination laws and practices in Cyprus<sup>114</sup>.

Despite the fact that national NGOs and international organisations report an unprecedented rise in racist crime during the reporting period, no comprehensive monitoring system was put in place in combating racist violence and crime. Cyprus has not as yet transposed the Framework Decision on combating certain forms of racism and xenophobia by means of criminal law but even the existing provisions of the Penal Code and the Law ratifying the United Nations Convention on Racial Discrimination are not being enforced.

Records on crimes are kept by the Police, but when it comes to racist crime these records are not accurate, partly because victims do not trust or do not feel confidence towards the Police to report racist violence against them and partly because the Police typically investigate racist crimes as merely common penal law offences without investigating the racist motivation. Moreover, NGOs report that it is a usual practice of the Police to arrest and detain for deportation purposes victims of racist violence if they

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<sup>111</sup> Law No:25/1993 as amended by 58/1995 and 5/2006.

<sup>112</sup> Interview conducted with Association of people with physical disabilities for the purposes of this report. Morfou. 27 September 2009

<sup>113</sup> 3,472 of the approximately 3,900 known persons with disabilities were provided with financial aid during 2009.

<sup>114</sup> European Anti-discrimination Law Review No.10-2010, *The Migration Policy Group*. July 2010. Pages: 48-51, [http://www.migpolgroup.com/public/docs/178.European\\_Anti-discrimination\\_Law\\_Review\\_10\\_30.07.2010\\_EN.pdf](http://www.migpolgroup.com/public/docs/178.European_Anti-discrimination_Law_Review_10_30.07.2010_EN.pdf)

are in an irregular situation, therefore making it impossible for undocumented migrants to report racist violence and crime.

As mentioned earlier in this report, the information given by the police on hate crimes, including racist crime, remains inadequate and by no means represents reality on the ground as reported by NGOs. According to police statistics for the years 2005 to 2009, 37 racist or racially motivated crimes were committed, eight of them in 2009. Those crimes concerned crimes, such as malicious damage to property and assaults. However, the statistics remain unclear on whether these have been prosecuted as racially motivated crimes or as common penal law crimes and as to whether racial motivation was considered as an aggravating factor by the Courts. Moreover, the statistics were void of cases of racist conduct exhibited by police officers, which, as noted in previous reports, is a very usual phenomenon in Cyprus recorded by NGOs. According to the Country Report on Human Rights Practices in Cyprus – 2009, “there were reports of police abuse and degrading treatment of persons in custody and asylum seekers”<sup>115</sup>.

In 2009 the Ombudswoman in her capacity as the Authority against Racism and Discrimination deemed the police accountable for “stubbornly refusing to acknowledge racist incidents and to confront them with the necessary decisiveness.”<sup>116</sup> The report concerned an incident of racist violence, which happened on 8 June 2008, at Ipsonas village and during which around 30 young Greek Cypriots abused migrants living in the village both verbally and physically. Twelve young Greek Cypriots were arrested, who, upon their arrest, stated to the Police that their aim was to “hit any foreigner they came across and teach them not to make trouble”<sup>117</sup>. Yet, the Police did not charge them on racist violence, but on other lesser charges, such as malicious damage to property, causing actual bodily harm, public aggression, etc.<sup>118</sup>

In the areas not controlled by the government no laws have been adopted regarding hate or racist crimes, while the issue was not raised either in the public discourse or “government” agenda. Under the criminal code, a number of discriminatory acts are punishable offences such as seditious conspiracy and publications with seditious intentions<sup>119</sup>, insulting religion of any class<sup>120</sup>, disturbing religious assemblies<sup>121</sup>, trespassing on burial places<sup>122</sup>, and uttering words with the intent to offend religious feelings<sup>123</sup>. However, the criminal code is the same as the one in force during the British Colonial Rule of Cyprus whereas the “government” has not developed any policies or practices for the data collection or analysis in the area of racist crime.

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<sup>115</sup> Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, *Country Report on Human Rights Practices in Cyprus – 2009*. <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136026.html>.

<sup>116</sup> ‘Police stubbornly ignore racist attacks says Ombudswoman’. *Cyprus Mail*. 11 February 2009. <http://www.cyprus-mail.com/cyprus/police-stubbornly-ignore-racist-attacks-says-ombudswoman>. Accessed June 2010.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Article 47, Penal Code, Chapter 154 of the Laws

<sup>120</sup> Article 138, Penal Code, Chapter 154 of the Laws

<sup>121</sup> Article 139, Penal Code, Chapter 154 of the Laws

<sup>122</sup> Article 140, Penal Code, Chapter 154 of the Laws

<sup>123</sup> Article 141, Penal Code, Chapter 154 of the Laws

### **VI.iii.ii Counter terrorism**

Although Cyprus ratified all major international conventions relating to terrorism, it did not adopt any national anti terrorism legislation. Proposed anti-terrorist legislation, originally submitted some years ago to the House of Representatives, was not passed during the reporting period. There were no reports of Cypriot citizens or migrants being detained or investigated for terrorism in the reporting period.

In the non government controlled areas, TCHRF has received some complaints from Kurds, who crossed to the government-controlled areas and later returned to the areas not controlled by the government, who complained that they were ill treated by the “police” on they grounds that they were suspected for spying for terrorist organizations just because they had crossed to the government-controlled areas.

### **VI.iii.iii Ethnic profiling**

There were no legal developments relating to racial profiling in the period under review. However, as previously documented in the chapter on manifestations of racism, it is evident that ethnic profiling is widespread in Cyprus against anyone who is not a Cypriot and particularly black and Asian migrants as well as Muslims. However, no formal monitoring system has as yet been put in place.

### **VI.iv Social inclusion**

The last available document on social inclusion and social protection of the Government is the National Strategy Report for Social Inclusion and Social Protection 2008-2010<sup>124</sup>, prepared by the Ministry of Labour and Social Insurance. Despite the fact that migrants and refugees are amongst the categories recognised as vulnerable to social exclusion, no specifically targeted measures are foreseen in the strategy.

According to the Report, *“the provision of social services to foreigners, the vocational training of refugees, the protection of unaccompanied (foreign) minors, programmes for learning the Greek language for minor applicants for asylum or children of applicants for asylum, as well as the formulation of a new strategy for the effective management of employment of foreigners are some of the measures and actions that promote the social inclusion of foreigners who live and work in Cyprus.”*

However, of the above measures only the Greek language courses may be said to have been implemented in the period under review and those to some extent. The Government does not provide social services to all migrants, but only to specific categories of migrants such as asylum seekers, persons under international protection and victims of trafficking and those to a very limited extent, in the form mainly of welfare benefits where applicable, whereas social services and integration projects offered by

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<sup>124</sup> National Strategy Reports on Social Inclusion and Social Protection 2008-2010, *Ministry of Labour and Social Insurance*. 2008. [http://www.monitoringris.org/documents/strat\\_nat/NSR\\_2008\\_2010.pdf](http://www.monitoringris.org/documents/strat_nat/NSR_2008_2010.pdf). Accessed September 2009.

NGOs such as KISA to all migrants irrespective of legal status have been seriously curtailed through the cutting down of the majority of the funding from national and EU but nationally administered sources. At the same time, the 'management of the employment of foreigners' cannot be considered to promote the social inclusion of migrants as de facto it excludes migrants from any possibility of integration and social inclusion as it is based on the migration policies and model in place in Cyprus. As it was therefore mentioned in previous reports, despite the specific measures included in the National Action Plan, *"the underlying philosophy remains the same. It basically envisages better management of migration flows of third country nationals so as to protect local vulnerable groups from their inflow, without migrants specifically included in the vulnerable groups themselves, but with a touch of basic integration measures also for migrants. This approach is to be regretted as firstly, it does not recognize and specifically include migrants and particularly migrant women, in the vulnerable groups socially excluded and secondly they are again perceived as a threat to the social cohesion of the rest of the population. The premise on which such an approach is based is to a large extent discrimination and racism."*<sup>125</sup>

Moreover, the official policies and measures taken to combat and tackle the economic crisis, particularly in unemployment, directly affected migrants who are mostly vulnerable to the crisis. As previously mentioned in this Report, the Ministry of Labour and Social Insurance and the Human Resources Development Authority announced programmes that subsidized the salary of employed persons, Cypriots or EU nationals, if employers were willing to exchange them with third country national employees, whereas migrants, apart from refugees and victims of trafficking, were not included in the groups supported by specific measures.

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<sup>125</sup> MacKay; Polili, Enar Shadow Report on Cyprus 2008. KISA, TCHRF.  
<http://cms.horus.be/files/99935/MediaArchive/national/Cyprus%20-%20SR%202008.pdf>

## VII. National recommendations

### VII.i General

- In order to combat discrimination against migrants, it is of vital importance for the government to adopt a new legal framework on migration, which will address contemporary issues of migration and which will delineate legal status of migrants and the rights deriving from it.
- Cyprus requires a horizontal action plan, which will effectively manage the entire spectrum of racism and discrimination, including specific provisions regarding every single area, where discrimination and racism are evident.
- Within the framework of an action plan to combat racism and discrimination, outside experts should evaluate and tackle institutional racism in public sector, such as education services, the Police, ministries and their departments and municipal authorities.
- Again within the framework of an action plan to combat racism and discrimination, local and EU NGOs should be invited to offer their expertise for planning and preparing efficient strategies and methods to tackle institutional racism.
- Trade unions as well as employers' organisations should be required by legal means to perform analogous inspections and implement similar action plans:
- All government policymakers should be required by law to particularly consider migrant needs at the planning stage of policy.
- The Government must enhance radically its funding towards the Ombudsman's Office and NGOs that work against. It is also very important that such funding must be long-term secured.

### VII.ii Anti discrimination

- Access to social rights should be granted and ensured without any restrictions on the basis of nationality, ethnic origin or legal status.
- Public servants, who deal with migrants and refugees, such as those at the Migration Department, Asylum Service, Social Welfare Services, Department of Labour, Health Services, Education and the Police force, should compulsorily receive specialised training in order to be conscious of the special needs of migrants and refugees and sensitive to their problems. Independent experts should be invited to participate in planning and executing such training.
- In order for victims of discrimination to be able to efficiently pursue their rights, the immediate establishment of a body, which will provide independent legal assistance to them is essential.
- The principles and values of antiracism, anti-discrimination and the importance of cultural diversity as well as respect of difference should be taught and cultivated in education, both in south and north of Cyprus.

- Religious subjects in education should become comparative, offering students basic knowledge of the context of all faiths, including Islam, Buddhism, Hinduism and Judaism.

### **VII.iii Migration and integration**

- The migration model of Cyprus should be revised and include possibilities for migrants for permanent stay. The rule of maximum stay of four years must be revoked, so as migrants can apply for long-term resident status.
- A comprehensive migration policy in accordance with European and international standards regarding respect of human rights, which will also include an integration policy for migrants, should be immediately developed and implemented.
- All relevant social actors, NGOs and migrant communities must participate in planning such policy.
- The government must revise the employment contracts of migrant domestic workers so as to abandon all discriminatory clauses and to set their wages with at least the national minimum wage.
- Full access to the labour market must be granted to asylum seekers and persons under subsidiary protection.
- All migrants should have real access to Greek language classes. In order for this to happen, the programme of Greek language classes for migrants must be further extended and the hours of lessons must be set according to the needs of migrants (i.e. late evening/early morning classes).

### **VII.iv Criminal justice**

#### **VII.iv.i Racism as a crime**

- An action plan to combat racism and especially racist violence must be adopted.
- In both government controlled areas and areas not controlled by government an objective and effective way of data collection on hate crimes must be established by the Police in cooperation with other EU forces.
- Specialised training in identifying, recording and combating racist crime must be given compulsorily to all frontline police officers, so as to ensure that victims of racist violence will be able to report hate crime
- Communication between NGOs and the police for the purpose of reporting and tackling racist crime and violence should improve.
- The Penal Code should anticipate higher and stricter penalties for racist crime and violence.
- The Independent Authority for the Investigation of Allegations and Complaints against the Police must efficiently employ its role as an investigator on complaints against members of the police force, particularly when complaints relate to racist violence.

#### **VII.iv.ii Ethnic profiling**

- The police must keep records and statistics of the ethnicity of victims of racist crime. Also, records and statistics must be kept on people, who are stopped on suspicion and people arrested and released without charges, especially regarding their ethnicity. Such statistics must be openly accessible and evaluated in order to tackle ethnic profiling exercised by the police.

#### **VII.v Social inclusion**

- Regular and effective communication and cooperation between the Government and NGOs must be established so as to improve and smooth the progress of social inclusion of migrants, refugees and other ethnic minorities.
- The National Action Plan on Social Exclusion of the Government should take into account migrants, refugees and other ethnic minorities as vulnerable groups and provide for actions and measures the same way as for the other target groups. These actions and measures should of course take into account the specific needs of migrants and refugees.
- All teachers must compulsorily receive training in multicultural education with a focus on dealing with multilingual and multiethnic groups of children.

## VIII. Conclusion

Racism and racial discrimination as well as the growing religious discrimination in Cyprus need to be addressed urgently with concrete, comprehensive and holistic policies and measures. The rise of nationalism and racist discourse and the accompanying rise of racist violence and crime are not irrelevant to the continuing division of the island as the conflict is also based on ethnic and religious differences between the two dominant communities. For the first time since the early 1970s, when extreme right-wing nationalism led to the 1974 coup and invasion, nationalistic circles are again regrouping because they fear that, despite all odds, there might be a very tentative glimpse of a solution to the Cyprus problem. Hence, the plethora of groupings with an openly racist, anti-migrant and anti-Muslim agenda, which attempts to mobilise popular discontent and insecurity brought about by the economic crisis as well as the consequences of the long-standing national question.

This climate is also very pertinent to the discriminatory and exclusive migration and asylum policies Cyprus has been following since the 1990s and which are neither in accordance with human rights in general nor in accordance with the philosophy underlying the European Union's anti discrimination, migration and asylum policies, especially as regards the integration of third-country nationals.

A positive narrative on migration in the political discourse of the Government alone may not be considered sufficient to significantly alter the negative image and perception of the wider society in Cyprus against migrants and refugees, which has been built over the years and has led to the development of a society that is utterly racist and xenophobic, accentuated even more by the economic crisis. The positive discourse, therefore, needs to be urgently matched with a strong political commitment, to be translated into practical and concrete measures, of changing the migration and asylum policies in Cyprus into policies based on a human rights approach, whereby there will be full respect of the rights and equality of treatment of migrants and refugees.

The role of NGOs and wider civil society in fighting racism, xenophobia and discrimination becomes crucial today more than ever in Cyprus and needs to be strengthened, both structurally and financially, so as to fulfil it more effectively and decisively. In the face of this alarmingly deepening racist and chauvinistic political climate, NGOs and other civil society organisations are called upon to mobilise society at large, to further develop the public dialogue with the Government, political parties and the mass media and point to the responsibilities they all have in tolerating, accepting or promoting these phenomena, and to campaign and raise awareness, especially among the young who are an easy prey to racism and chauvinism, which need to be confronted head on, even in the streets if need be.

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## X. Annex 1: List of abbreviations and terminology

**APOEL** – Athletic Football Club of Greeks of Nicosia (Athlitikos Podosferikos Omilos Ellinon Lefkosias)

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

**ELAM** – Ethniko Laiko Metopo (National Popular Front)

**EU** – European Union

**EVROKO** – Evropaiko komma (European Party)

**INEK – PEO** – Cyprus Labour Institute – Pancyprian Federation of Labour)

**KEA** – Kinisi Ellinikis Antistasis (Movement of Greek Resistance)

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

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

**NGO** – Non-Governmental Organisation

**Ombudsman** – The Office of the Commissioner For Administration

**PAK** – Pagkyprio Antikatohiko Kinima (Cyprus Antioccupation Movement)

**PEO** - Pagkypria Ergatiki Omospondia (Pancyprian Federation of Labour)

**POED** – Pancyprian Greek Teachers Organisation (Pagkypria Organosi Ellinon Daskalon)

**TCHRF** – Turkish Cypriot Human Rights Foundation

**TCN** – Third Country National

**UBP** - National Unity Party (Ulusal Birlik Partisi)

**UEFA** – Union of European Football Associations

**UNHCR** – United Nations High Commissioner for Refugees



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