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Trafficking in Persons Report 2017 - Country Narratives - Cyprus

CYPRUS: Tier 2

The Government of the Republic of Cyprus does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government made significant efforts to meet the minimum standards during the reporting period by developing protocols of cooperation to formalize NGOs into the national referral mechanism in areas of housing and general support and increasing funds to an NGO-run shelter. The government improved efforts to assist victims including by streamlining the process to disperse financial support to victims, providing foreign victims residence permits and the right to work, and paying travel and accommodation expenses for a victim to testify in the first civil case against a trafficker. However, these efforts were not serious and sustained compared to the efforts during the previous reporting period. The government convicted fewer traffickers, initiated fewer prosecutions, and identified fewer victims. A police officer employed interview tactics that may have re-traumatized victims. Three NGOs withdrew from the Multidisciplinary Coordinating Group (MCG) due to the non-substantive role of NGOs and infrequent meetings. Therefore, Cyprus was downgraded to Tier 2.

RECOMMENDATIONS FOR CYPRUS

Vigorously investigate, prosecute, and convict traffickers under law 60(I) and train judges and prosecutors on its application; provide specialized training for law enforcement, including best practices for interviewing trafficking victims; proactively investigate potential labor trafficking of domestic workers and individuals in agriculture; train staff at the government-run shelter to increase the quality of support services available to victims, particularly psychological support; proactively identify victims among vulnerable populations, including among domestic and agricultural workers; reduce delays in court proceedings; and ensure cooperation of all relevant actors, including NGOs, in the MCG.

PROSECUTION

The government decreased law enforcement efforts. Law 60(I) of 2014 prohibits all forms of trafficking and prescribes penalties of up to 20 years imprisonment, which are sufficiently stringent and commensurate with those prescribed for other serious crimes. The government investigated 26 suspected traffickers, compared to 31 suspected traffickers in 2015; authorities investigated 13

suspects for sex trafficking and 13 for forced labor (seven for sex trafficking and 24 for forced labor in 2015). The government also investigated 113 suspects for forced marriage in 2016, which authorities considered to be trafficking under their law. The government initiated prosecutions against 10 defendants (30 defendants in 2015). Thirty-seven prosecutions remained pending at the end of the reporting period. Courts convicted one trafficker, compared to 31 in 2015, nine in 2014, and two in 2013. The trafficker received a sentence of one year imprisonment, which was suspended for three years. Observers reported key witnesses left the country before trial due to long delays, hindering prosecution efforts. In previous years, authorities did not investigate potential trafficking cases among domestic workers or individuals in agriculture because officials perceived all such cases to be labor disputes. The government trained first responders on a wide range of trafficking issues, including 40 first responders on labor trafficking within agriculture. The police academy trained police officers on trafficking issues, including financial investigations to combat trafficking and a refresher training for police officers working in detention centers. The government, together with an international organization, conducted training for immigration officials on identifying potential victims at airports. The government extradited four traffickers from Romania to stand trial for trafficking. It did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offenses.

PROTECTION

The government increased victim protection efforts, but identified fewer victims. The government identified 21 trafficking victims, compared to 40 in 2015. Of these, 10 women were subjected to sex trafficking, three men to forced labor, and seven women and one man to forced criminality (16 men and six women to forced labor, 13 women to sex trafficking, two children and a woman to forced criminality, and two children to forced begging in 2015). The government allocated €254,560 (\$268,240), compared to €133,750 (\$140,940) in financial assistance to victims through a public benefit scheme known as guaranteed minimum income created to gradually replace most forms of public assistance. The government provided an additional €14,325 (\$15,090), compared to €116,988 (\$123,280) in the form of public assistance to victims. The government spent €294,941 (\$310,790), compared to €269,900 (\$284,400) to operate the trafficking shelter.

A multi-disciplinary national referral mechanism, established in the previous reporting period, provided standard operating procedures for identifying and referring victims to services. First responders carried out the preliminary identification of potential victims and contacted Social Welfare Services (SWS). SWS officers provided potential victims with information and notified the police anti-trafficking unit, who officially identified victims. SWS referred 169 potential victims to the police; of these, NGOs identified 52 potential victims and the government identified 117 potential victims. Specialized personnel in the police anti-trafficking unit, including a forensic psychologist, conducted interviews with potential and identified victims before taking an official statement. Observers reported some of the police officers within the anti-trafficking unit conducted insensitive interviews that may have re-traumatized victims. In previous years, observers reported interpreters used in the interview process did not have sufficient knowledge of local dialects, particularly for Francophone African countries, and made translation mistakes, which made victims' testimony appear inconsistent. In 2016, however, police reported replacing the translators, as well as requiring victims' consent for use of the translator and giving victims the right to choose the translator's gender. The government provided police officers with identification manuals and operation guides to assist with the identification and referral procedures. Police and immigration officials interviewed arriving domestic and agricultural workers and ensured they possessed a

contract and informed workers of their rights. Observers reported many potential forced labor victims remained undetected due to an inadequate number of labor inspectors.

SWS evaluated the needs of victims and potential victims and referred them to the appropriate government agencies and NGOs for assistance. SWS operated a specialized shelter for sex trafficking victims and victims of forced marriage; the SWS-run shelter accommodated 53 official and potential victims during the reporting period. Victims may stay for one month or longer, as appropriate, in the shelter for a reflection period. The government provided a rent subsidy and a monthly allowance for female sex trafficking victims who chose not to stay in the SWS-run shelter as well as to female labor trafficking victims and all male victims, as there were no specialized facilities for these victims. The government developed protocols of cooperation to formalize NGOs into the national referral mechanism in areas of housing and general support. The government allocated €15,000 (\$15,810) to an NGO-run shelter to accommodate these victims and informally partnered with other NGOs to place them in apartments. Shelters allowed adult victims to voluntarily leave the shelter. As a matter of law, victims are entitled to psycho-social services, health care, translation and interpretation services, education, vocational training, and financial assistance. Experts reported SWS and the labor office exhibited greatly improved service quality for victims; however, observers reported staff at the government-run shelter were not adequately trained to provide the necessary psychological support to victims. Employment counselors trained to handle sensitive cases sought suitable employment for each victim; however, finding employment for victims remained a challenge. Benefits to victims were not, as in previous years, automatically discontinued if a victim refused a job offer; rather, an employment counselor and a SWS officer examined each case. The government provided education and specialized medical and psycho-social care for child victims. The government streamlined the process for providing financial support to victims and prioritized public benefit applications from trafficking victims. NGOs confirmed all identified victims received a monthly allowance and delays in receiving allowances were rare. SWS reported victims received emergency financial assistance in cases of delayed distribution of monthly allowances.

The government voluntarily repatriated or granted residence permits and work authorization to foreign victims including those who decided after their reflection period not to cooperate with the police. The government extended the residence and work permit for four victims and subsequently granted asylum to three of the victims. Fourteen victims assisted in investigations and six victims chose not to cooperate. The government permitted victims to leave Cyprus and return for trial, and police remained in contact with victims while they were abroad. Victims can receive restitution through civil suits; the government covered travel and accommodation expenses for a victim to testify in the first civil case against a trafficker. There were no reports of victims penalized for unlawful acts committed as a direct result of being subjected to human trafficking.

PREVENTION

The government maintained prevention efforts. The government adopted the 2016-2018 national action plan (NAP). The MCG to combat trafficking, comprises relevant government agencies and NGOs, met twice during the reporting period and coordinated and monitored the implementation of the NAP; however, three of the four NGOs in the MCG withdrew because NGOs were not given a substantive role and meetings were infrequent. Police signed protocols of cooperation with 12 NGOs on a wide range of issues including trafficking. The government continued to print and distribute brochures in 11 languages aimed at potential victims on their rights and assistance.

available to them. Cypriot diplomatic and consular missions distributed the booklets to visa applicants. The government-funded the publication of an anti-trafficking poster in newspapers and magazines and co-funded an anti-trafficking campaign in Nicosia and a social media campaign. The Ministry of Labor (MOL) inspected 117 employment agencies and revoked the licenses of nine employment agencies' for labor violations. The government did not report efforts to reduce the demand for commercial sex acts. The government provided anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Cyprus is a source and destination country for men, women, and children subjected to forced labor and sex trafficking. Victims identified in Cyprus were primarily from India, Latvia, Bangladesh, Dominican Republic, China, Bulgaria, Turkey, Romania, Philippines, Cameroon, Cote d'Ivoire, Slovakia, Togo, Paraguay, and Czechia. Women, primarily from Eastern Europe, Vietnam, India, and sub-Saharan Africa, are subjected to sex trafficking. Sex trafficking occurs in private apartments and hotels, on the street, and within commercial sex outlets in Cyprus including bars, pubs, coffee shops, and cabarets. Some female sex trafficking victims are recruited with false promises of marriage or work as barmaids or hostesses. Foreign migrant workers—primarily from South and Southeast Asia—are subjected to forced labor in agriculture. Migrant workers subjected to labor trafficking are recruited by employment agencies and enter the country on short-term work permits; after the permits expire, they are often subjected to debt bondage, threats, and withholding of pay and documents. Asylum-seekers from South East Asia, Africa, and Eastern Europe are subjected to forced labor in agriculture and domestic work. Unaccompanied children, children of migrants, Romani, and asylum-seekers are especially vulnerable to sex trafficking and forced labor. Romani children are vulnerable to forced begging.

AREA ADMINISTERED BY TURKISH CYPRIOTS

The northern area of Cyprus is administered by Turkish Cypriots. In 1983, the Turkish Cypriots proclaimed the area the independent "Turkish Republic of Northern Cyprus" ("TRNC"). The United States does not recognize the "TRNC," nor does any other country except Turkey. The area administered by Turkish Cypriots continues to be a zone of impunity for human trafficking. The area is increasingly a destination for women from Central Asia, Eastern Europe, and Africa who are subjected to forced prostitution in nightclubs licensed and regulated by the Turkish Cypriot administration. Nightclubs provide a significant source of tax revenue for the Turkish Cypriot administration; media reports estimated nightclub owners pay between 20 and 30 million Turkish lira (\$5.7-8.5 million) in taxes annually. This presents a conflict of interest and a deterrent to increased political will to combat trafficking. Men and women are subjected to forced labor in industrial, construction, agriculture, domestic work, restaurant, and retail sectors. Victims of labor trafficking are controlled through debt bondage, threats of deportation, restriction of movement, and inhumane living and working conditions. Labor trafficking victims originate from China, Pakistan, Philippines, Turkey, Turkmenistan, and Vietnam. Migrants, especially those who cross into the Turkish Cypriot community after their work permits in the Republic of Cyprus have expired, are vulnerable to labor trafficking. Romani children and Turkish seasonal workers and their families are also vulnerable to labor exploitation. Women issued permits for domestic work are vulnerable to forced labor. As in previous years, NGOs reported a number of women entered the "TRNC" on three-month tourist or student visas and engaged in prostitution in apartments in north Nicosia,

Kyrenia, and Famagusta; some may be trafficking victims. Migrants, asylum-seekers, refugees, and their children are also at risk for sexual exploitation.

If the “TRNC” were assigned a formal ranking in this report, it would be Tier 3. Turkish Cypriot authorities do not fully meet the minimum standards for the elimination of trafficking and are not making significant efforts to do so. The area administered by the Turkish Cypriots lacked an anti-trafficking “law.” Turkish Cypriots did not keep statistics on law enforcement efforts against trafficking offenders. The area administered by Turkish Cypriots lacked shelters for victims and social, economic, and psychological services for victims. Local observers reported authorities were complicit in facilitating trafficking, and police continued to retain passports upon arrival of women working in night clubs.

Turkish Cypriots do not have a “law” that specifically prohibits trafficking in persons. Were there any trafficking-related cases, they would be tried under the “TRNC criminal code,” which prohibits living off the earnings of prostitution or encouraging prostitution and forced labor. The “Nightclubs and Similar Places of Entertainment Law of 2000” provides the most relevant legal framework vis-à-vis trafficking and stipulates that nightclubs may only provide entertainment such as dance performances. Turkish Cypriots did not enforce this law, nor did the “TRNC” prosecute nightclub owners, bodyguards, or clients during the reporting period. The authorities made no efforts to punish labor recruiters or brokers involved in the recruitment of workers through knowingly fraudulent employment offers or excessive fees for migration or job placement. There was no “law” that punished traffickers who confiscate workers’ passports or documents, change contracts, or withhold wages to subject workers to servitude. Turkish Cypriots did not provide any specialized training on how to investigate or prosecute human trafficking cases.

Turkish Cypriot authorities did not allocate funding to anti-trafficking efforts, police were not trained to identify victims, and authorities provided no protection to victims. Police confiscated passports of foreign women working in nightclubs and issued them identity cards, reportedly to protect them from abuse by nightclub owners who confiscated passports. NGOs reported women preferred to keep their passports but police convinced them to render passports to police to avoid deportation. Foreign victims who voiced discontent about the treatment they received were routinely deported. Trafficking victims serving as material witnesses against a former employer were not entitled to find new employment and resided in temporary accommodation arranged by the police; experts reported women were accommodated at nightclubs. The Turkish Cypriot authorities did not encourage victims to assist in prosecutions against traffickers, and all foreign victims were deported. If the police requested a victim to stay to serve as a witness, the police were required to provide temporary accommodation. The only shelter accepting trafficking victims closed in July 2016.

During the reporting period, “TRNC” authorities issued 1,314 six-month “hostess” and “barmaid” work permits for individuals working in nightclubs and two pubs operating in the north. During the reporting period, 351 women worked under such permits. Nightclub owners hired female college students during the reporting period to bypass the cap on the number of employees legally permitted in each club and avoid taxes and monitoring. An NGO reported authorities did not consistently document the arrival of women intending to work in nightclubs. Most permit holders came from Moldova, Morocco, and Ukraine, while others came from Belarus, Kazakhstan, Kenya, Kyrgyzstan, Paraguay, Russia, Tajikistan, Tanzania, and Uzbekistan. Reportedly some “parliament” members were clientele of the nightclubs. Women were not permitted to change location once under contract

with a nightclub, and Turkish Cypriot authorities deported 445 women who curtailed their contracts without screening for trafficking. While prostitution is illegal, female nightclub employees were required to submit to weekly health checks for sexually transmitted infection screening, suggesting recognition and tacit approval of the prostitution industry. Victims reported bodyguards at the nightclubs accompanied them to health and police checks, ensuring they did not share details of their exploitation with law enforcement or doctors. Turkish Cypriots made no efforts to reduce demand for commercial sex acts or forced labor. The “law” that governed nightclubs prohibited foreign women from living at their place of employment; however, most women lived in group dormitories adjacent to the nightclubs or in other accommodations arranged by the establishment owner. The “Nightclub Commission,” comprises “police” and “government officials” who regulate nightclubs, prepared brochures on employee rights and distributed them to foreign women upon entry. The “Nightclub Commission” met monthly and made recommendations to the “Ministry of Interior” regarding operating licenses, changes to employee quotas, and the need for intervention at a particular establishment. The “Social Services Department” in the “Ministry of Labor” continued to run a hotline for trafficking victims; however, it is inadequately staffed by one operator who had not received any training on trafficking. A total of 30 women were repatriated during the reporting period. An expert reported trafficking victims were afraid to call the hotline because they believed it was linked to authorities. During the reporting period, the TRNC issued 2383 work permits to domestic workers.