

## **CYPRUS**

Since 1974 the southern part of Cyprus has been under the control of the government of the Republic of Cyprus, while the northern part, administered by Turkish Cypriots, proclaimed itself the “Turkish Republic of Northern Cyprus” (“TRNC”) in 1983. The United States does not recognize the “TRNC,” nor does any country other than Turkey. A substantial number of Turkish troops remained on the island. A buffer zone, or “green line,” patrolled by the UN Peacekeeping Force in Cyprus (UNFICYP), separates the two parts.

### **REPUBLIC OF CYPRUS**

#### **EXECUTIVE SUMMARY**

The Republic of Cyprus is a constitutional republic and multiparty presidential democracy. On May 22, 56 representatives were elected to the 80-seat Vouli Antiprosopon (House of Representatives) in free and fair elections, and in 2008 President Demetris Christofias was elected in free and fair elections. Security forces reported to civilian authorities.

The most significant problems during the year were reports of police abuse and degrading treatment of persons in custody and asylum seekers; violence against women, including spousal abuse; and instances of discrimination and violence against members of minority ethnic and national groups.

Other problems during the year included prison overcrowding; a few reports of societal abuses or discrimination based on religious affiliation, belief, or practice; and several incidents of violence against children. Trafficking in persons for sexual exploitation continued to be a problem, and trafficking for labor was also reported.

The government generally investigated and prosecuted corruption and abuse cases against officials but cases usually moved at a slow pace.

#### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

##### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

**b. Disappearance**

There were no reports of politically motivated disappearances during the year.

**c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices; there were reports, however, that police abused detainees. There continued to be reports that police engaged in heavy-handed tactics and degrading treatment of suspects. The Independent Authority, an independent committee appointed by the Council of Ministers, had the authority to investigate complaints of police bribery, corruption, unlawful financial gain, violation of human rights, abuse of power, preferential treatment, and conduct unbecoming of police officers.

There were several allegations of police abuse during the year. For example, on April 26, *Politis* newspaper reported that police, acting on a narcotics tip, intercepted and searched a car with three 19-year-old men inside. According to the press report, police did not find any narcotics but beat two of the passengers. The men received treatment at Famagusta Hospital, but the medical staff allegedly refused to give them a medical report without police instructions. The newspaper's sources were reportedly other police officers who participated in the operation but disagreed with the mistreatment of the men. The officers claimed the officer in charge threatened to transfer them to a less favorable position if they reported the abuse. The police reported that although no official complaint was submitted, the deputy attorney general appointed a criminal investigator to the case and the investigation was pending at year's end. The police were simultaneously investigating a case of traffic violations and violation of the Narcotic Drugs and Psychotropic Substances Law against the three passengers.

On February 19, the Nicosia Criminal Court sentenced eight police officers involved in the 2005 beating of two students to prison for two months to one year, but it suspended those sentences for three years, stating that if the defendants commit any crimes within that three-year period, they will be required to serve the sentence. The officers had been acquitted by a court in 2009, but the attorney general appealed the decision, and the Appellate Court ordered a retrial. In a separate process in April, the police disciplinary committee fined 10 officers involved in the incident, including the eight sentenced by the court, suspending their pay for periods of one to eight days, based on the severity of the charges. The

assistant chief of police appealed the disciplinary committee decision. The appeal was pending before the Appeals Board at year's end.

During the year the ombudsman and nongovernmental organizations (NGOs) received complaints that police subjected inmates to physical abuse and discriminatory treatment. The ombudsman reported that during the year her office received one complaint from a prisoner concerning physical violence allegedly committed by prison officials and one complaint of physical violence and degrading treatment allegedly committed by police officers in detention centers. The first complaint was investigated and the ombudsman found there was insufficient evidence to conclude that the prisoner was abused. The ombudsman halted the investigation of the second complaint when the complainant signed a statement denying police mistreatment. However, the ombudsman prepared a report noting that the prison management had asked the prisoner to sign the statement and urged the prison management not to repeat such a practice. The ombudsman prepared a report on systemic violence against prisoners by prison officials, to be included in her 2011 annual report on the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture (OPCAT). In 2010 the ombudsman's office investigated 13 complaints of physical violence against prisoners. Of those, one complaint resulted in a report to the Independent Authority, which brought the case before the attorney general; one complaint was transferred to the OPCAT unit and was still under investigation; one complaint was still under investigation by the ombudsman; eight were found to be unsubstantiated; and two investigations were terminated for reasons that were not specified.

### **Prison and Detention Center Conditions**

During the year overcrowding remained the Nicosia Central Prison's greatest problem. Prison authorities acknowledged that many of the prison buildings were constructed prior to 1960 and in need of renovation. In a September report the ombudsman stated that overcrowding had become a permanent problem and had a negative impact on prisoners' living conditions. The prison's capacity was 520, but at times it housed up to 710 inmates. Extension and renovation works completed in 2011 added 89 new cells to the prison. Approximately 62 percent of the prisoners were non-Cypriots imprisoned for illegal entry, stay, and employment, as well as theft, burglary, and other offenses. Community service is an option for nonviolent offenders.

On September 28, a 40-year-old detainee, held on suspicion of robbing a church, hanged himself in his cell in a detention center in Limassol. The Independent Authority was investigating the conditions of his death at year's end. On October 16, a Georgian national, held on a detention and deportation order for living in the country illegally, was found unconscious in his cell in Nicosia's Lakatamia Detention Center. He was transferred to the hospital where he was pronounced dead. A police spokesman stated there was no suspicion that a crime had been committed. A forensic post mortem examination did not reveal the cause of death. The results of a histological examination expected to determine the exact cause of death were pending at year's end. The deceased had spent two months in the center. The chairman of the House of Representatives Committee on Legal Affairs, Ionas Nicolaou, criticized police for holding foreign prisoners in detention centers for extended periods of time. Nicolaou stated that cells in detention centers were too small, lacked natural light, and were likely to cause serious health problems for detainees held there for more than a few days.

Inmates in the Central Prison during the year included 447 females, one of whom was a juvenile, and seven male juveniles. Juveniles were held separately from adults, women separately from men, and pretrial detainees separately from convicted prisoners. The ombudsman investigated two complaints by Turkish Cypriot prisoners made in 2009 that they were subjected to discriminatory treatment at the Central Prison, and found them unsubstantiated at the conclusion of the investigation in 2011. In 2010 the ombudsman examined a complaint that female inmates were treated unequally because they were not given the option to serve their prison sentences or portions of them in the Open Prison or the Out of Prison Employment Center as was the case with male inmates. Restoration work completed in 2011 allowed women inmates to serve part of their sentence in the Open Prison. Turkish Cypriots who lived in the area under Turkish Cypriot administration were admitted to the Open Prison but were granted exit permits only with an escort.

An NGO reported in August that it received multiple complaints of police brutality against foreign detainees held in detention centers in Larnaca, Nicosia, and Paphos and complaints of discrimination in the Central Prison. The NGO reported that police officers also verbally abused foreign detainees using derogatory language about their ethnicity and religion. Foreign detainees were reportedly tasked with heavier work than local prisoners, were not informed about the full extent of their visitation rights, and in some cases, unable to receive visits from their families.

The ombudsman reported that overcrowding posed great challenges to maintaining the absolute separation of convicted criminals from pretrial detainees and that long- and short-term prisoners were held together. According to the ombudsman, overcrowding had serious repercussions on the health of both prisoners and staff due to the lack of sufficient hygiene facilities and a health center. Also, prisoners with mental health problems did not receive specialized treatment. During the year prison management implemented the ombudsman's recommendation to operate a special rehabilitation program for drug addicts within the prison. Prison authorities confirmed that overcrowding prevented separation of prisoners by health condition. Community service is an alternative to prison confinement for nonviolent criminals.

Prisoners in the Central Prison had access to a church and a mosque, and prison management stated that it made every effort to facilitate religious observance. Detention centers did not have facilities for religious observance. Prisoners and detainees could submit complaints to the ombudsman without censorship. The ombudsman reported one case of a prisoner who was asked by prison management to revoke the complaint.

The ombudsman reported in October that an investigation deemed conditions in Famagusta detention center incompatible with international standards and conducive to inhumane and degrading treatment of detainees. The detention center lacked basic hygiene components, and toilet paper, soap, and shampoo were available only on demand. There was no exercise area, and detainees were confined 24 hours a day in their cells. Due to the lack of a proper visitors' room, detainees were handcuffed when they received visitors. The ombudsman recommended the immediate closing of the detention center.

Construction work was underway during the year to increase capacity and improve sanitary conditions at the Central Prison.

The government permitted prison visits by independent human rights observers, and such visits, unrestricted and unannounced, occurred during the year. The ombudsman and the prison board visited Central Prison on a regular basis. The Human Rights Committee of the House of Representatives also visited the prison and examined the living conditions of the detainees. After a visit on March 2, the Human Rights Committee underlined that the problems its members observed in previous years, such as overcrowding, lack of staff (especially medical staff), and inadequate training of existing staff remained unresolved.

In 2008 the Council of Europe's Committee for the Prevention of Torture (CPT) conducted one of its periodic spot checks. CPT representatives visited several sites, including the Central Prison, the psychiatric unit in Athalassa, and several police stations, and privately interviewed detainees and prisoners. The CPT's report on the visit had not been released by the end of 2011.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

The police enforced the law and combated criminal activity. The Greek Cypriot National Guard (GCNG), backed by a contingent of Greek military forces, the Hellenic Force in Cyprus, protected national security. The GCNG reports to the Ministry of Defense, which reports to the president. The police report to the Ministry of Justice and Public Order. The president appoints the chief of police. The police force is composed of a headquarters with six functional departments, six geographic district divisions, including one inactive district for the area administered by Turkish Cypriots, and seven police units that provide specialized services. One case alleging serious police corruption was before the court.

The Independent Authority appoints independent investigators from a list submitted by the attorney general to look into complaints. On January 25, the chairman of the Independent Authority stated that police refused to hand over complete case files, hampering the authority's ability to conduct objective investigations.

According to its June report, 137 complaints were submitted to the Independent Authority in 2010, a 22 percent increase over 2009. One complaint concerned alleged police corruption and complicity, 63 complaints alleged violation of human rights; and 63 complaints claimed favoritism or behavior on the part of police that undermined police standing in society. Ten complaints were deemed outside the scope of the authority and not investigated. The Independent Authority appointed criminal investigators in 60 cases: In four cases investigators recommended criminal prosecution of the police officers involved to the attorney general, and the attorney general concurred with three of the recommendations; in 30 cases there was no evidence of criminal or disciplinary offenses; in two cases investigators recommended that the chief of police initiate a disciplinary process; in three cases

the investigation was suspended because the complainants did not give a statement; one complaint was withdrawn; and 20 cases were under investigation at year's end. In the remaining cases received in 2010, the Independent Authority conducted 25 preliminary investigations, referred 17 cases to the chief of police for handling, and had requested and was awaiting additional information in 22 cases. Three of the cases were withdrawn by complainants. In the first 10 months of the year, the Independent Authority received 117 complaints.

During the year the Independent Authority recommended to the attorney general the prosecution of police officers allegedly involved in three criminal cases. The attorney general ordered the prosecution of the police officers involved in one of those cases. An examination as to whether the prosecution of the police officers involved in the other two cases was warranted was pending at year's end. During the year police investigated 26 criminal cases against members of the force. At the end of the year, 18 of those cases were still under investigation, six were pending trial, one case was completed and the defendant fined, and one case was withdrawn at the instruction of the attorney general. Of the 11 cases pending investigation at the end of 2010, two resulted in the resignation of the police officers involved, two were pending trial, four were still under investigation, and one was dropped by the court. In the two remaining cases, prosecution of one was suspended on the instruction of the attorney general while, in the second, it was concluded that no crime was committed.

On March 15, police arrested the deputy chief of the Police Aliens and Immigration Service as a prime suspect in a case of trafficking for sexual and labor exploitation of Chinese women at an illegal Nicosia brothel. The suspect was released on bail but rearrested in October for attempting to influence witnesses in the case. The trial was under way at year's end.

### **Arrest Procedures and Treatment While in Detention**

The law requires judicially issued arrest warrants, and authorities respected this requirement in practice. Persons may not be detained for more than one day without referral of the case to a court for extension of detention. Most periods of investigative detention did not exceed 10 days before formal charges were filed. The attorney general generally made efforts to minimize pretrial detention, especially in cases of serious crimes. Attorneys generally had access to detainees. Bail was permitted. The government claimed the right to deport foreign nationals for reasons of public interest, regardless of whether they had been charged with, or convicted of, a crime. While lengthy pretrial detention was not a problem, trial

delays were common and partially caused by lengthy legal procedures, which resulted in an accumulated workload for the court system.

While authorities detained aliens without identity documents when they did not know where to deport them, the government's policy was not to hold such persons long term in detention centers. Instead, if deportations could not be executed in a reasonable amount of time--generally six months--the government's policy was to release undocumented migrants and rejected asylum seekers and give them residence permits for a limited period, provided they had not been found guilty of a crime. Residence and employment permits were renewable provided the released detainees signed a contract of employment approved by the Department of Labor. On October 24, the press reported that a group of 52 foreign detainees in Central Prison's Block 10 staged a hunger strike protesting the length of their detention. An NGO reported that a number of undocumented foreigners arrested for illegal stays in the country remained in long-term detention. One foreigner who had been previously detained for over three years was released in 2010, only to be rearrested four months later. According to the NGO, the detainee attempted to commit suicide. At least one additional long-term detainee reportedly attempted suicide. The same NGO reported that undocumented aliens were only released if they signed a document consenting to the issuance of travel documents by their home country. The NGO also reported that released detainees did not have access to health care or social benefits and were not entitled to permanent residency permits unless they had a job.

#### **e. Denial of Fair Public Trial**

The law and constitution provide for an independent judiciary, and the government generally respected this provision in practice.

Most criminal and civil cases begin in district courts, from which appeals may be made to the Supreme Court. There are no special courts for security or political offenses. There are military tribunals that have jurisdiction over members of the GCNG.

#### **Trial Procedures**

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The constitution provides for public trials, and defendants have the right to be present and to consult with an attorney in a timely manner. Jury trials are not used. An attorney is provided for those who cannot afford one, and



defendants have the right to question witnesses against them and present evidence or witnesses on their behalf. The law also provides that defendants and their attorneys have access to government-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The government generally respected these rights in practice.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Regional Human Rights Court Decisions**

During the year the European Court of Human Rights (ECHR) issued one judgment that found the country in violation of a provision of the European Convention on Human Rights. There were no reports that the government failed to comply with ECHR decisions.

In January 2010 the ECHR ruled in *Rantsev v. Cyprus and Russia* that Cyprus failed to protect 20-year-old Russian cabaret artist Oxana Rantseva from human trafficking and failed to conduct an effective investigation into the circumstances of her death in 2001. The government made a unilateral declaration before the court acknowledging that it had violated the convention and offered to pay pecuniary and nonpecuniary damages to the applicant. The attorney general opened a new investigation into the case in 2009, which continued at year's end.

### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary in civil matters, permitting claimants to bring lawsuits seeking damages for or cessation of human rights violations, and citizens successfully availed themselves of it. Individuals could appeal cases involving alleged human rights violations by the state to the ECHR once all avenues of appeal in the domestic court system had been exhausted.

### **Property Restitution**

According to a law enacted in 1991 and amended in 2010, the minister of interior is the guardian of the properties of all Turkish Cypriots who do not have their permanent residence in the government-controlled part since 1974. Ownership remains with the original owner, but the sale or transfer of Turkish Cypriot property under the guardianship of the minister of interior requires the approval of

the government. The minister of interior has the authority to return properties to Turkish Cypriot applicants after examining the circumstances of each case. Owners can appeal decisions of the minister of interior at the Supreme Court.

Turkish Cypriots have filed a total of 104 court cases, 20 of them during the year, to reclaim property located in the Republic of Cyprus. The Supreme Court issued judgments in five cases concerning Turkish Cypriot properties that were under the guardianship of the Ministry of Interior, and one decision was issued by a civil court. The Supreme Court found it did not have jurisdiction in three of the cases; in the two remaining cases, the court ruling upheld the right of guardianship. The Civil Court rejected the owner's claim that the guardian's interference with his property constituted trespass.

In September 2010 the ombudsman, in her capacity as the authority with oversight in matters involving racism and discrimination, reported that the examination of two complaints submitted by Turkish Cypriots revealed that the state was discriminating against Turkish Cypriot property owners and restricting their property rights. Both Turkish Cypriots had applied to the Land Registry Department to secure title deeds for their properties in the government-controlled area and were told that they needed the prior approval of the Ministry of Interior. The ombudsman recommended abolition of the 1963 law that restricts the property rights of Turkish Cypriots for reasons of public safety. The attorney general studied the recommendation and decided against the abolition of the law.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The law prohibits such actions, and the government generally respected these prohibitions in practice.

### **Section 2. Respect for Civil Liberties, Including:**

#### **a. Freedom of Speech and Press**

##### **Status of Freedom of Speech and Press**

The law provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

## **Internet Freedom**

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail.

## **Academic Freedom and Cultural Events**

There were generally no government restrictions on academic freedom or cultural events, but certain oversight efforts threatened academic independence and activities. The government continued to exert political pressure on universities to refrain from any contact with universities in the Turkish Cypriot community because the government considered them illegal.

### **b. Freedom of Peaceful Assembly and Association**

The law and constitution provide for freedom of assembly and association, and the government generally respected these rights in practice.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within government-controlled areas, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The government did not restrict Greek Cypriots from traveling to the area administered by Turkish Cypriots, but it generally advised them against spending the night at Greek Cypriot properties, gambling in the area administered by Turkish Cypriots, or buying or developing property there.

The government allowed EU citizens and citizens of other countries not subject to a visa requirement, who entered from ports of entry in the area administered by Turkish Cypriots, to cross the green line into the government-controlled area; the government maintained, however, that all ports of entry in the area administered by Turkish Cypriots are illegal.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Members of each community were required to obtain insurance coverage in the community where they planned to drive their vehicles. Turkish Cypriots flew in and out of Larnaca and Paphos airports without obstruction. The government issued 7,650 passports to Turkish Cypriots during the year.

### **Internally Displaced Persons (IDPs)**

The government considered Greek Cypriots displaced as a result of the 1974 division of the island refugees, although they fell under the UN definition of IDPs. At year's end, these individuals and their descendants numbered 202,334. Depending on their income, they are eligible for financial assistance from the government. They have been resettled, have access to humanitarian organizations, and were not subject to attack, targeting, or mandatory return under dangerous conditions.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. During the year 53 persons were recognized as refugees.

In contrast to previous years, refugees and NGOs did not report that any asylum cases were closed without consideration or receipt of a government response. NGOs and asylum seekers alleged that the Nicosia District Welfare Office continued to be inconsistent in the delivery of benefits to eligible asylum seekers. The ombudsman continued to receive such complaints and reported that in many cases the allegations were well-founded. To remedy the situation, the ombudsman proposed modifying the Public Subsidies Law. An NGO and the ombudsman reported that the 2011 decision of the House of Representatives to review, monthly, benefits granted to non-Cypriot beneficiaries before releasing the funds, caused two- to three-month delays in the delivery of such benefits.

The NGO Action for Equality, Support, Antiracism (KISA) claimed that authorities detained and deported asylum seekers whose applications had been rejected and who were appealing the decision, before the Supreme Court undertook a final adjudication of their applications. KISA and the ombudsman also reported complaints from asylum seekers concerning difficulties in accessing the asylum application procedure and delays in the examination of their applications.

Employment: The government granted individuals determined to be refugees permission to stay and gave them temporary work permits, but it did not grant permanent resettlement rights. The law allows asylum seekers to be employed in fisheries, the production of animal feed, waste management, gas stations and car washes, freight handling in the wholesale trade, building and outdoor cleaning, distribution of advertising and informational materials, and food delivery. However, KISA claimed the Labor Office refused to approve and renew labor contracts for asylum seekers outside the farming and agriculture sector.

Asylum seekers whose cases were awaiting adjudication were allowed to work after residing six months in the country, but they were limited to the areas permitted by law. During the six-month period, asylum seekers had access to a subsistence allowance and could live in one of three reception centers for refugees located in Kofinou, Larnaca, and Paphos. There were complaints regarding the remoteness and lack of facilities at Kofinou, but improvements were made in the areas of psychological support, activities for children, and transport. The government operated the center under a private-public partnership with a university. For the other two reception centers, Onissilos reception center in Larnaca and Agapinor reception hotel in Paphos, the government contracted services from a private company.

Access to Basic Services: Asylum seekers who refused an available job could be cut off from state benefits. To obtain welfare benefits, asylum seekers had to have a valid address, which was impossible for many who were homeless. KISA reported delays in the delivery of checks to asylum seekers who were eligible for benefits. According to NGOs, asylum seekers reported discrimination in the provision of state medical care. On February 10, a group of Palestinians with recognized refugee status stormed the district welfare office in Larnaca, complaining about delays in the delivery of their monthly allowances. The protesters beat an on-duty police officer. Eleven Palestinians were arrested and formally charged. The minister of interior announced that four would be deported and the rest subjected to local law.

Following a government inquiry into the 2010 death of a diabetic Congolese asylum seeker whose social welfare benefits were discontinued three months after he refused to take a job offer, the Ministry of Labor changed the procedure for handling similar cases. Asylum seekers with a medical condition rendering them unable to work or able to perform only light work are referred to a medical board for assessment and are entitled to public assistance while awaiting a decision. Two cases resulting from the death of an asylum seeker who allegedly did not receive timely medical treatment in 2009 were still pending.

Durable Solutions: The government provided funding to a local university and an NGO for educational services aimed at helping recognized refugees and asylum seekers integrate into society and also to a local NGO to help victims of torture.

Temporary Protection: The government provided temporary protection to 16 individuals whose refugee status was under determination during the year.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The law and constitution provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. In national elections only those Turkish Cypriots who reside permanently in the government-controlled area are permitted to vote and run for office. In elections for the European Parliament, all Cypriot citizens and resident EU citizens have a right to vote and run for office, including Turkish Cypriots who live in the area administered by the Turkish Cypriots. All resident EU citizens are eligible to vote and run for office in municipal elections.

#### **Elections and Political Participation**

Recent Elections: On May 22, free and fair elections were held for the 56 seats assigned to Greek Cypriots in the 80-seat House of Representatives.

Participation of Women and Minorities: Women held six of the 56 seats filled in the House of Representatives and three of 11 ministerial posts. They also held senior positions in the judicial branch.

There were no members of minorities in the House of Representatives. The small Armenian Orthodox, Maronite Christian, and Roman Catholic communities elected special nonvoting observer representatives from their respective communities to

the House of Representatives. Twenty-four seats assigned to Turkish Cypriots were unfilled.

#### **Section 4. Official Corruption and Government Transparency**

The law provides criminal penalties for official corruption, which vary depending on the charges, and the government generally implemented these laws effectively. There were isolated reports of government corruption.

While the government generally investigated and prosecuted cases of corruption, these usually moved at a slow pace, and the evidence law, which prohibits wiretapping and electronic surveillance, made obtaining convictions difficult.

On June 22, the head of the Cyprus EU Presidency office resigned following accusations that he had rigged the hiring process to employ a family friend. The auditor general confirmed that the hiring process was flawed but stated that she did not have the authority to pursue a criminal investigation. The government did not seek a police investigation into the case. Two similar cases in which government employees were charged with misusing their position for personal gain or exerting influence in hiring procedures were pending at year's end.

On April 5, three police officers received suspended sentences ranging from four to six months in connection with the high-profile 2008 escape of double murderer and rapist Antonis Procopiou Kitas from a Nicosia private hospital, where he had stayed while serving a life sentence. In addition, the three officers received disciplinary sanctions following the completion of a disciplinary investigation ordered by the chief of the police. The minister of justice and public order resigned over the escape, and the government appointed independent criminal investigators to determine possible police and government officials' involvement. In January 2010 the attorney general filed two criminal cases against six police officers and the director of the central prison. A hearing of the case against the former director of the Central Prison began in 2009 and was still in progress at year's end.

In May the Supreme Court upheld its 2009 ruling that a law, first passed and challenged in 2004, that requires state and public officials to declare their assets was unconstitutional. The court ruled that the said law violated the constitutionally protected right to respect for private and family life.

The constitution provides citizens the right of access to government information, but there were no specific laws to ensure public access. Civil servants were not

allowed to provide access to government documents without first obtaining permission from the relevant minister. An Access Info Europe report issued in November stated that, according to a survey conducted by the organization in 2010, 72 percent of the 220 requests for information which it sent to 20 public agencies were not answered, and 8 percent were denied in writing or orally.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. There is a government ombudsman, whose portfolio includes human rights, and a legislative committee on human rights.

Government Human Rights Bodies: During the year the ombudsman received complaints from citizens and foreigners living on the island who believed their rights had been violated by the government. During her fully independent investigations, the ombudsman generally enjoyed good cooperation with other government bodies. The ombudsman's annual reports focused on police misconduct, treatment of patients at state hospitals, treatment of asylum seekers and foreign workers, and gender equality in the workplace. The Office of the Ombudsman was well respected and considered effective.

The legislative Committee on Human Rights, which most local NGOs considered effective, consists of 10 members of the House of Representatives who serve five-year terms. The committee discussed wide-ranging human rights problems, including trafficking in persons, prison conditions, and the rights of foreign workers. The executive branch did not exercise control over the committee.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these prohibitions.

#### **Women**

Rape and Domestic Abuse: The law criminalizes rape, including spousal rape, with a maximum sentence of life in prison. Most convicted offenders received considerably less than the maximum sentence. Police indicated that 26 cases of sexual assault were reported during the year.



Violence against women, including spousal abuse, was reported, and there has been a sharp increase in recent years in the number of reported cases. The law establishes clear mechanisms for reporting and prosecuting family violence and provides that the testimony of minors and experts, such as psychologists, may be used as evidence to prosecute abusers. The law provides for the imprisonment of persons found guilty of abusing family members. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to police. Many victims refused to testify in court, however, and by law spouses cannot be compelled to testify against each other. Courts were obliged to drop cases of domestic violence if the spousal victim was the only witness and refused to testify.

During the year police received 600 cases of domestic violence. They initiated criminal investigations in 307 of these and filed 129 criminal cases in court. In 75 percent of the cases, the victims were female.

An NGO working with domestic abuse victims reported an increase in the number of telephone calls to its hotline from 2010. The NGO reported that 1,323 callers, of whom 75 percent were women, 17 percent children, and 8 percent men, claimed to be victims of domestic violence. The NGO also operated a shelter for women and children in Nicosia that served 78 victims of domestic violence during the year.

Sexual Harassment: The law prohibits sexual harassment in the workplace, but it was reportedly a widespread problem, with most incidents unreported to authorities. In 2009 a Cyprus University of Technology (TEPAK) report showed that 6 percent of employees in the country had experienced sexual harassment in their workplace. During the year the Labor Office received nine complaints regarding sexual harassment, eight by non-Cypriots. The office's investigation found one complaint to be valid, and the complainant received 2,000 euros (\$2,600) in compensation.

In one of the two sexual harassment complaints filed and deemed valid in 2010, the victim received free legal aid to present her case before the Labor Disputes Court for compensation in 2011. In the second case, the complainant, a foreign housekeeper, was granted permission to seek a new employer in 2011. Permission is required for such a change because one's presence and work permit are tied to a particular employer. In April the ombudsman criticized the decision of the Department of Labor not to examine a 2009 complaint of sexual harassment

because the case was under police investigation. The complaint was submitted by a foreign housekeeper, who claimed that she had been sexually harassed by her employer. The police investigation did not result in a criminal prosecution, and the complainant was eventually arrested because her residence permit had expired. The ombudsman recommended the examination of the complaint by the Department of Labor and the revocation of the detention and deportation order until the completion of the investigation. The government complied with the recommendation; as a result, the complainant's work permit was renewed.

Reproductive Rights: Couples and individuals were generally able to freely decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception, skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men.

Discrimination: Women generally have the same legal status as men under family and property law and in the judicial system. The National Mechanism for Women's Rights under the Ministry of Justice and Public Order was tasked with the promotion, protection, and coordination of women's rights. Laws requiring equal pay for men and women performing the same work were enforced effectively at the white-collar level. Despite a strong legal framework, the Ministry of Labor and Social Insurance's enforcement was ineffective at the blue-collar level. Research by one NGO suggested that remuneration for female blue-collar workers was 25 to 30 percent less than for their male counterparts. The ombudsman reported serious cases of gender discrimination in the workplace particularly against pregnant women who were either not promoted or dismissed from employment. The ombudsman's 2010 report, released in 2011, expressed concern over the increasing phenomenon of dismissal of working women on the grounds of pregnancy. The ombudsman reported that 30 percent of the complaints submitted with regard to discrimination against women concerned discrimination on the grounds of maternity, pregnancy, or childbirth.

## **Children**

Birth Registration: Citizenship is derived from one's parents, and there is universal birth registration at the time of birth.

Education: The ombudsman's investigation into a 2008 complaint that Romani children in public schools were not taught their local language, history and culture,

concluded that the complaints were valid. The ombudsman found that the Romani children, as members of the Turkish Cypriot community, were taught Turkish language and culture but that their curriculum did not take into consideration their distinctive language and culture as members of the Romani community. The ombudsman recommended that the Ministry of Education engage members of the Romani community in a dialogue aimed at developing teaching methods and educational programs more appropriate for Romani children. The ombudsman also urged the immediate implementation of the European Commission against Racism and Intolerance (ECRI) recommendation to offer free transportation to Romani children living in the Polemidia housing settlement. The ECRI report released in June stated that the Polemidia housing settlement for Roma constituted de facto segregation from the majority population, while the children there were denied their right to education due to lack of free transportation to and from school.

In September the ombudsman reported that the Ministry of Education had yet to officially withdraw a 2004 circular requiring schools to report to immigration authorities the contact information of parents of foreign children enrolled at schools in order to help authorities determine if they reside in the country legally. The Ministry of Education subsequently issued instructions to school principals to enroll all students without exception. However, according to the ombudsman and the ECRI's June report, the new policy was not always implemented, and in practice the contact information of foreign students was regularly sent to police.

Child Abuse: The Welfare Department reported that it received 251 cases of child abuse in 2010 compared with 281 in 2009 and that 92 percent of cases of abuse were linked to domestic violence. During the year police conducted 152 criminal investigations of child abuse compared with 155 the previous year. An NGO working with domestic abuse victims reported that cases of child sexual abuse doubled in 2011 reaching a total of 16 from eight in 2010.

Sexual Exploitation of Children: The minimum age for consensual sex is 17, and sexual intercourse with a person under the age of 17 is a criminal offense. The penalty for sexual intercourse with a person between the ages of 13 and 17 is a maximum of three years' imprisonment. The criminal penalty for sexual intercourse with a person under 13 is up to life in prison. Possession of child pornography is a criminal offense punishable by a maximum of 10 years' imprisonment.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For

information see the Department of State's report on compliance at [travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

### **Anti-Semitism**

There were approximately 2,150 persons in the Jewish community, which consisted of a very small number of native Jewish Cypriots and a greater number of expatriate Israeli, British, and other European Jews.

There were continued reports of verbal harassment of members of the Jewish community.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the government generally enforced these provisions. While the law mandates that public buildings and tourist facilities built after 1999 be accessible to all, government enforcement was ineffective. Older buildings frequently lacked access for persons with disabilities. There were no appropriate institutions for adults with mental disabilities who were in need of long-term care.

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by year's end. Problems facing persons with disabilities included narrow or nonexistent sidewalks and lack of transport, parking spaces, accessible toilets, and elevators. During the year the ombudsman examined two complaints of discrimination against persons with disabilities. The ombudsman investigated a complaint by the Association of Parents of Persons with Mental Disabilities that persons with mental disabilities were discriminated against in relation to persons with other disabilities in the area of subsidized transport. The investigation did not establish discriminatory treatment but recommended to the Ministry of Labor and Social Insurance the immediate amendment of government programs to allow subsidies for the general

transport of persons with disabilities, including mental disabilities, and a special subsidy for their transport to schools, care centers, and related places.

There are no long-term care facilities specifically for persons with mental disabilities, but many such persons were housed at the Athalassa Psychiatric Hospital. In February parents of children with special needs complained to the House of Representatives Committee on Human Rights about a lack of services and opportunities for children with severe forms of mental disability after they graduated from special school at the age of 21. According to a study presented at a meeting of the committee in May 2010, one in three patients discharged from the Athalassa facility lived in a retirement home and experienced difficulty integrating into society. Ten percent of these former patients were under the age of 30. Members of the committee noted there was no infrastructure to support mental health patients with the result that, when they left the psychiatric hospital, their medication was stopped. There were no programs for their social integration or aftercare in general, a situation that could lead to serious problems.

In November the House Committee on Human Rights discussed the lack of reintegration plans for psychiatric patients discharged from the Athalassa Psychiatric Hospital. According to the information presented to the committee by the Social Welfare Services, 300 former patients of the hospital were at the time living in homes for the elderly due to lack of half-way houses. Members of the committee pointed out that there has been no progress in developing any reintegration plans and improving benefits to persons with psychiatric conditions. One committee member stressed that existing legislation discriminates against psychiatric patients, entitling them to lower benefits than persons with other disabilities.

On December 13, the ombudsman, in her capacity as the head of the National Mechanism for the Prevention of Torture, visited Athalassa Psychiatric Hospital and collected material for a report with recommendations for the improvement of patients' living conditions and the protection of their rights.

In August 2010 the Paraplegics Association complained that new public buses, introduced in June of that year as part of the overhaul of the public transport system, did not meet the needs of wheelchair users in that they only had space for one wheelchair instead of two. After a meeting with the minister of communications and works in September 2010, the Paraplegics Association stated that the government had agreed that all future orders for buses would provide for

two wheelchair spaces. The government also agreed to modify buses then in use if demand showed a need for two wheelchair spaces.

The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled was responsible for protecting the rights of persons with disabilities. The minister of labor and social insurance chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, and employer and employee organizations. The council monitored actions that affected the protection of the rights of persons with disabilities and served as a forum for such persons to contribute to public policy.

### **National/Racial/Ethnic Minorities**

Several incidents of government and societal discrimination against members of minority national and ethnic groups occurred during the year.

On February 16, approximately 150 Greek Cypriot and 25 Palestinian students clashed at a high school in Larnaca. Three students, a Greek Cypriot and two Palestinians, suffered light injuries and received first aid. The incident was attributed to increased tensions between Greek Cypriot residents of Larnaca and Palestinian refugees who had settled in the city. The government, the school parents association, and the student council condemned the incident.

On March 23, police charged 14 persons for rioting and, in some cases, causing bodily harm in connection with the November 2010 clashes in Larnaca between participants in an antiracism NGO event, the Rainbow Festival, and demonstrators marching against the presence of undocumented migrants. One Turkish Cypriot, a member of a music group participating in the NGO event, was stabbed and several police officers and demonstrators injured. The mosque in Larnaca was vandalized following the riot. Nine of the persons charged participated in the Rainbow Festival, and the other five participated in a demonstration against undocumented migrants. Doros Polycarpou, the executive director of KISA, one of the organizers of the antiracism event, was among those charged with rioting. The hearing of Polycarpou's case was scheduled for February 2012 after two postponements in July and December. International human rights groups following the case protested the delays in the hearing. In a joint statement on December 13, a delegation of eight international organizations protested the cancellation of its meetings with government officials to discuss the case. Two of the other persons charged were accused of publicly insulting Doros Polycarpou.

In March the European Commission against Racism and Intolerance (ECRI) issued a report assessing the situation in Cyprus. Among several areas that needed improvement, the report noted that legislation against racism was rarely implemented and no records were kept on discrimination cases that reached the courts. It noted a disproportionately high concentration of Turkish Cypriot and Romani children in certain schools and a lack of educational access for the Romani children living in the Polemidia area outside of Limassol, a situation described as de facto segregation from the general population. The report also noted a marked increase in racism in schools and a rise in prominence of extremist and anti-immigration groups.

In November the ombudsman issued a report expressing serious concern over the increase of racist attacks in Cyprus and calling on the authorities to take immediate measures to locate and punish the perpetrators of such incidents. After examining a series of attacks against foreigners in Nicosia in August for which no suspects had been arrested and convicted, the ombudsman made a series of recommendations to improve the situation.

During the year there was one report of violence against a Turkish Cypriot in the government-controlled area. In January a Turkish Cypriot man was reportedly attacked after an Apoel-Omonia soccer game, in the presence of his wife and child. The victim stated he did not file a complaint with the Greek Cypriot police because of a lack of action in other similar cases.

Some Turkish Cypriots living in the government-controlled area reportedly faced difficulties obtaining identification cards and other government documents, particularly if they were born after 1974. Turkish Cypriots made few formal complaints to the UNFICYP about their living conditions in the south.

The ombudsman received complaints that the government denied automatic citizenship to children of Turkish Cypriots married to Turkish citizens who resided in the area administered by Turkish Cypriots. Instead of granting citizenship automatically to such children, the Ministry of Interior routinely sought approval from the Council of Ministers before confirming their citizenship. In 2011 the Council of Ministers approved 119 cases. The ombudsman's office had no authority to examine the complaints because the Council of Ministers decision to apply different criteria for granting citizenship to children born to one Turkish parent was a political one. Children of Turkish Cypriots married to Turkish citizens and living outside of Cyprus were automatically granted citizenship.

However, the ombudsman's office issued a report in August following the receipt of a large number of complaints from children of Turkish Cypriots married to non-Cypriots for long delays in receiving a response to their applications for citizenship. The majority of the cases were pending for three years and in some cases for four to five years. The ombudsman recommended that the Ministry of Interior expedite the examination of the applications, inform the applicants before the end of the year, and inform those deemed ineligible in writing about the reasons for rejection. The ombudsman also urged the ministry to examine such applications in the future within a reasonable period of time.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Despite legal protections, gay men and lesbians faced significant societal discrimination, and few lesbian, gay, bisexual, or transgender (LGBT) persons were open about their sexual orientation. In May 2010 the first LGBT organization, Accept LGBT Cyprus, announced its operation and organized a series of events. The events were covered by the media and there was no negative public reaction. On October 19, Interior Minister Sylikiotis stated that the application of Accept-Cyprus to register as an association was accepted and the relevant certificate of registration was issued.

In November the press reported that a Foreign Ministry attache complained to the ombudsman that the ministry excluded him from a specific overseas assignment because of his sexual orientation. The permanent secretary of the Foreign Ministry rejected the allegation on the grounds that the attache lacked the necessary experience for the specific appointment he had requested.

A report published in May by ILGA Europe (Equality for Lesbian, Gay, Bisexual, Trans- and Intersex People in Europe) listed Cyprus among the countries that were not advancing towards greater recognition of rights for LGBT persons. The report noted that Cyprus lacked specific LGBT antidiscrimination legislation.

### **Other Societal Violence or Discrimination**

An NGO reported complaints of discrimination toward persons with HIV/AIDS and asserted that HIV-positive individuals faced social exclusion and termination from employment. The director of a clinic treating HIV-positive persons stated in December that due to prevailing prejudice, the majority of patients did not reveal their condition to their colleagues and some, not even to their families.



An NGO working on human rights issues reported receiving two death threats during the year. NGO personnel reported both to the police, who took note of the information and made some recommendations regarding personal safety.

### **Promotion of Acts of Discrimination**

Government-approved textbooks used at the primary and secondary school levels included language that was biased against Turkish Cypriots and Turks or refrained from mentioning the Turkish Cypriot community altogether. In addition, there were anecdotal reports of teachers using handouts or leading classroom discussions that included inflammatory language.

In March 2010 the minister of education announced that a special government committee established in 2008 to examine the question of education reform had completed work on a set of curricula on all subjects, including history. Implementation of the history curriculum was scheduled to begin in September 2011, but controversy over new language led to a postponement that had not been resolved at year's end. Although teachers were instructed to use a variety of sources to promote critical thinking and avoid indoctrination by encouraging class discussion and asking students to consult alternative sources, an NGO involved with the training commented that, without evaluation, it could not be determined whether teachers acted as instructed in the classroom. The Ministry of Education ran seminars for teachers on promoting diversity in religion. However, a new textbook with a more diverse viewpoint was withdrawn prior to its introduction. According to one Ministry of Education official, the lack of education on LGBT issues in the education system contributed to the stigmatization of LGBT persons in schools.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

All workers, except members of the police and military forces, have the legal right to form and join independent unions of their own choosing without prior authorization. Police officers could form associations that had the right to bargain collectively. The law allows unions to conduct their activities without interference. With the exception of members of the armed forces, police, and gendarmerie, all workers, including migrant and foreign workers, have the right to strike. The law provides for collective bargaining. Antiunion discrimination is illegal.

Workers exercised the right to form and join independent unions and to bargain collectively in practice. More than 70 percent of the workforce belonged to independent unions. The government generally protected the right of unions to conduct their activities without interference. Authorities have the power to curtail strikes in “essential services,” but this power was used rarely in practice. An agreement between the government and essential services personnel provides for dispute resolution and protects workers in the sector. Although collective bargaining agreements are not legally binding, their terms were effectively observed by employers and employees. Collective bargaining agreements covered approximately 60 percent of workers, both citizens and foreigners. Workers covered by such agreements were predominantly in the larger sectors of the economy, including construction, tourism, the health industry, and manufacturing.

Union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations prohibiting antiunion discrimination was sporadic and penalties for antiunion practices were minimal.

#### **b. Prohibition of Forced or Compulsory Labor**

The government prohibits forced or compulsory labor, including by children. However, NGOs reported isolated cases of asylum seekers subjected to forced labor in agriculture.

The Ministry of Labor and Social Insurance continued to receive complaints of labor exploitation. Foreign workers, primarily from Eastern Europe and East and South Asia, were reportedly forced to work up to 13 hours a day, seven days a week, for very low wages. NGOs confirmed that employers often retained a portion of foreign workers’ salaries as payment for accommodations. The ombudsman reported that her office received a number of complaints during the year, and their investigation was pending.

Many domestic workers were reluctant to report contract violations by their employers out of fear of losing their jobs and consequently their work and residency permits. An NGO reported that there were cases of domestic workers whose travel documents were withheld by their employers. Two cases involving mistreatment of foreign domestic workers by their employers were pending trial at year’s end. In one of the cases pending before the court, the employer, who was a member of the fire service, was ordered by the service, following a disciplinary investigation, to pay a 170- euro (\$220) fine for misconduct. He appealed the

decision, and a final decision on the appeal was pending at year's end. The domestic worker was identified as a victim of trafficking for labor exploitation.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the employment of children, defined as persons under 15, except in specified circumstances, such as combined work-training programs for children who have attained the age of 14 or employment in cultural, artistic, sports, or advertising activities, subject to certain rules limiting work hours. Nighttime work and engagement of children in street trading is prohibited. The law also permits the employment of adolescents, defined as persons between the ages of 15 and 18, provided it is not harmful, damaging, or dangerous, and also subject to rules limiting hours of employment. Employment of adolescents between midnight and 4:00 a.m. is not permitted. The minimum age for employment in an "industrial undertaking" is 16.

The government effectively enforced laws and policies to protect children from exploitation in the workplace. Ministry of Labor and Social Insurance inspectors are responsible for enforcing the child labor laws and did so effectively. There were isolated examples of children under 16 working for family businesses.

### **d. Acceptable Conditions of Work**

Although there is no national minimum wage, there is a minimum wage for certain groups that are deemed vulnerable to exploitation. The official poverty line is set at 2,062 euros (\$2,680) a month for a family of four; the rate was established in 2009. The minimum wage for shop assistants, nurses' assistants, clerks, hairdressers, and nursery assistants was 855 euros (\$1,110) per month for the first six months and 909 euros (\$1,180) per month thereafter. For asylum seekers working in the agricultural sector, the minimum monthly wage was either 425 euros (\$553) with accommodation and food provided or 767 euros (\$997) without accommodation and food.

The minimum starting salary for foreign nationals working as live-in housekeepers was 456 euros (\$593) per month. Medical insurance, visa fees, travel, and repatriation expenses were covered by the employers. Cabaret performers' contracts typically stipulated that they receive at least 205 euros (\$267) per week

for 36 hours of work. Workers in almost all other occupations, including unskilled labor, were covered under collective bargaining agreements. The wages set in these agreements were significantly higher than the minimum wage.

Foreign workers were allowed to claim pensions, and in some cases bilateral agreements existed that allowed workers to claim credit in their home countries. Unions and labor confederations were generally effective in enforcing negotiated wage rates (collectively bargained rates), which were generally much higher than the minimum wage. The Migration Service was responsible for enforcing the minimum wage for foreign workers but did not actively do so.

The legal maximum workweek was 48 hours, including overtime. Unions and employers within the same economic sector collectively determined the actual working hours. In the private sector, white-collar employees typically worked 39 hours a week, and blue-collar employees worked 38 hours a week. In the public sector, the workweek was 38 hours in the winter and 35 hours in the summer. The law does not require premium pay for overtime or mandatory rest periods; however, these benefits were sometimes stipulated in contracts and collective agreements. The law provides that foreign and local workers receive equal treatment. Labor ministry inspectors are responsible for enforcing these laws. Labor unions, however, reported enforcement problems in sectors not covered by collective agreements. They also reported that certain employers, mainly in the building industry, exploited illegal foreign workers by paying them very low wages.

There were reports that foreign domestic workers, primarily from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Some domestic workers, particularly live-in maids, reported working excess hours for employer families at all times, night and day, without additional compensation or time off. Although the law protects domestic workers who file a complaint with the Ministry of Labor and Social Insurance from being deported until their cases have been adjudicated, NGOs reported that many domestic workers did not complain to authorities about mistreatment due to fear of deportation.

Ministry of Labor inspectors were responsible for enforcing health and safety laws. The Ministry of Labor and labor unions reported that health and safety laws were satisfactorily enforced but that more needed to be done. The minister of labor stated in October that the majority of accidents involved non-Cypriots who were employed illegally. All four workers killed in work-related accidents in 2011 were

non-Cypriots. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Their inspections were supported by close government cooperation with employer and employee organizations. However, inspections did not occur in private households where persons were employed as domestic servants.

From January to the end of September, four persons were killed in work-related accidents. In 2010 there were 20 workplace fatalities, 11 of which were migrant workers.

## THE AREA ADMINISTERED BY TURKISH CYPRIOTS

### EXECUTIVE SUMMARY

Since 1974 the northern part of Cyprus has been run by a Turkish Cypriot administration that proclaimed itself the “Turkish Republic of Northern Cyprus” (“TRNC”) in 1983. The United States does not recognize the “TRNC,” nor does any country other than Turkey. Dervish Eroglu was elected “president” in 2010 in free and fair elections. Elections to the “Assembly of the Republic” in 2009 were also free and fair and resulted in the formation of a single-party “government” of the UBP (National Unity Party). The “TRNC constitution” is the basis for the “laws” that govern the area administered by Turkish Cypriot “police” and security forces were ultimately under the operational command of the Turkish military, per transitional article 10 of the “TRNC constitution,” which cedes responsibility for public security and defense “temporarily” to Turkey.

The most significant problems reported during the year included police abuse of detainees and infringement on the right of demonstrators to peacefully assemble. In addition, there were restrictions on the rights of asylum seekers and no regulatory infrastructure to handle asylum applications or to protect their rights.

Other problems reported during the year included mistreatment of persons in custody, overcrowding in prisons, lack of separation of incarcerated adults and juveniles, corruption and cronyism in the executive and legislative branches, domestic violence against women, trafficking in persons, and criminalization of same-sex sexual activity between men.

While there were investigations of police abuse cases, no officials were prosecuted or punished. Officials sometimes engaged in corrupt practices with impunity.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were no reports that authorities or their agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of politically motivated disappearances during the year.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The “law” prohibits such practices; however, there were reports that police abused detainees. The “law” does not refer to “torture,” which falls under the section of the criminal code that deals with assault, violence, and battery.

On May 17, police arrested and detained three men, including an American resident in the north, on burglary charges. The family reported that the American had been beaten by police, and a consul who visited him in prison photographed him with deep contusions and multiple bruises. The accusations were brought to “parliament” by Nicosia “member of parliament” and TDP chairman Mehmet Cakici, who complained that the attending physician who performed a health check on the suspect was complicit because he found that the suspect’s injuries could have been caused by a fall rather than a beating.

On May 31, a newspaper reported that an acquitted child molestation suspect alleged police beat him for two hours and sodomized him with a stick, after which he reportedly required surgery. He filed a complaint with the “attorney general’s” office.

In December a “parliamentary committee” established to investigate allegations of police torture reported that torture has been carried out at police stations. The committee also learned that police and the “attorney general’s office” investigated the complaints and torture allegations and filed a case in “court” based on their findings. The committee studied another 12 petitions from citizens who claimed they were beaten and consulted with the police and the “attorney general’s office” on the cases.

In December *Kibrisli* newspaper began publishing a series of torture allegations dating from 2006 to the present, based on first-hand accounts. One victim alleged that he was covered with a sack, tortured, beaten, and that electricity was applied to his genitals for seven days after he refused to sign statements prepared by the police. The newspaper published a full statement and photos showing the alleged signs of torture. Another victim alleged that he was beaten so severely he required medical care; the doctor at the hospital reportedly described his wounds as “scratches” and did not give him a health report. The victim claimed that police

released him when they understood that he was not guilty. He claimed he filed a complaint with the “attorney general’s” office but had never received a response.

Two police abuse cases filed with the “attorney general” in 2011 were being prepared for a court hearing at the end of the year.

### **Prison and Detention Center Conditions**

In previous years inmates complained of overcrowding at the prison, but the authorities routinely claimed they had addressed the problem. NGO representatives stated that, while a 2009 bunk-bed system that increased the official bed capacity from 291 to 448 addressed some of the overcrowding problems, health and other services were sorely lacking. Health services were provided to inmates once a week; no health checks were given to prisoners and detainees upon entry into the prison; and inmates lacked regular access to washing water and hot water. Authorities stated that inmates requested a sports facility for the prison but there was no room for such a facility. Of the 293 prisoners held at year’s end, 51 percent were foreigners, mostly Turkish citizens. Ten women prisoners and two juveniles were incarcerated. Approximately 39 percent of the prisoners were awaiting trial.

During the year there were no deaths within the prison or detention centers. Prisoners had access to potable water.

According to the authorities, prisoners and detainees were permitted both to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities reported they did not receive any complaints.

Authorities stated that all prisoners were allowed religious observance. Prisoners with “stern” penalties were allowed to receive visitors every 10 days while prisoners with “light punishment” were allowed to receive visitors every 15 days. Detainees were allowed to receive visitors every 30 days. Visits were limited to 30 minutes except during holidays. Convicted inmates were allowed a maximum of 40 minutes of telephone calls four days a week; detainees were given access to phones three days a week.

The scope of the ombudsman’s duties does not include advocating for reduced or alternative sentences or addressing the status of juvenile prisoners or improving detention/bail conditions.



During the year authorities permitted a prison visit by a group of local journalists and hosted an iftar dinner for the group at the prison, where they were able to meet with inmates and prison employees.

#### **d. Arbitrary Arrest or Detention**

The “law” prohibits arbitrary arrest and detention, and authorities generally observed these prohibitions.

#### **Role of the Police and Security Apparatus**

Police are responsible for law enforcement. The chief of police reports to a Turkish Cypriot “general,” who is nominally under the supervision of the “Prime Ministry,” holding the “security portfolio.” The police and security forces are ultimately under the operational command of the Turkish military, however, per transitional article 10 of the “TRNC constitution,” which “temporarily” cedes responsibility for public security and defense to Turkey. Security forces were generally cooperative with civilian authorities and effective in matters of law enforcement. The police are divided into eight functional divisions and five geographic divisions.

The “office of the attorney general” continued to work with the inspection division (or occasionally the criminal investigative division) to investigate allegations of police misconduct. Two complaints were filed with and investigated by the “attorney general's office.” The cases were being prepared for a court hearing at the end of the year.

In 2011 a Turkish Cypriot nearing completion of his two-year mandatory military service wrote an article alleging widespread abuse of soldiers within the military, including physical and psychological abuses.

#### **Arrest Procedures and Treatment While in Detention**

Judicially issued warrants are required for arrests. No person may be detained longer than 24 hours without referral of the case to the courts for a longer period of detention. Authorities generally respected this right in practice. Detainees were usually informed promptly of charges against them, although individuals believed to have committed a violent offense were often held for longer periods without being charged. According to the “law,” any detained person must be brought

before a judge within 24 hours. The person can then be detained in police custody for a period of up to three months, but a judge must review the detention after the third day and every eight days thereafter. Bail was permitted and routinely used. Detainees were usually allowed prompt access to family members and a lawyer of their choice. Authorities only provided lawyers to the indigent for cases involving violent offenses. Particularly at the time of arrest, police sometimes did not observe legal protections. Some suspects were not permitted to have their lawyers present when giving testimony, in contravention of the “law.” Suspects who demanded the presence of a lawyer were sometimes threatened with stiffer charges or physically intimidated.

During the year one suspect who claimed he did not know Turkish complained he was forced to sign a confession drafted in Turkish by police. There were numerous allegations of rough treatment or torture by police of prisoners.

#### **e. Denial of Fair Public Trial**

The “law” provides for an independent judiciary, and authorities generally respected judicial independence in practice.

Most criminal and civil cases begin in district courts, from which appeals are made to the “Supreme Court.” There were no special courts for political offenses. Civilian courts have jurisdiction in cases where civilians are accused of violating military restrictions, such as filming or photographing military zones.

#### **Trial Procedures**

The “law” provides for the right to a fair trial, and an independent judiciary generally enforced this right. The “TRNC constitution” provides for public trials, the defendant’s right to be present at those trials, and the defendant’s right to consult with an attorney in a timely manner. Authorities provide lawyers to indigent defendants only in cases involving violent offenses. Defendants are allowed to question witnesses against them and present evidence and witnesses on their behalf. The “law” also requires that defendants and their attorneys have access to evidence held by the “government” related to their cases. Defendants enjoy a presumption of innocence and have a right to appeal. Authorities generally respected these rights in practice.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

There was generally an independent and impartial judiciary for civil matters, permitting claimants to bring lawsuits seeking damages for human rights violations. There were generally no problems enforcing domestic court orders.

### **Property Restitution**

During the year Greek Cypriots continued to pursue property suits against the Turkish government for the loss since 1974 of property located in the area administered by Turkish Cypriots. Turkish Cypriots pursued claims against the Republic of Cyprus as well. Under ECHR rules, as long as adequate local remedies exist, an appellant does not have standing to bring a case before the ECHR until that appellant exhausts all local remedies.

In response to the ECHR's 2005 ruling in the *Xenides-Arestis* case that Turkey's "subordinate local authorities" in Cyprus had not provided an adequate local remedy, a property commission was established to handle claims by Greek Cypriots; in 2006 the ECHR ruled that the commission had satisfied "in principle" the ECHR's requirement for an effective local remedy. In a March 2010 ruling, the ECHR recognized the property commission as a domestic remedy. The Immoveable Property Commission (IPC) reportedly received 1,926 applications through the end of the year and completed 205 of them through friendly settlements and seven through formal hearings. Five applicants received restitution of their properties outright (plus compensation), one received restitution pending a future settlement of the Cyprus problem, one accepted partial restitution, and one received full restitution. Two property exchange (plus compensation) decisions were also issued. Two applications were rejected and 92 were revoked. As of year's end, the commission had paid the equivalent of more than \$106 million in compensation.

### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The "law" prohibits such actions. However, there were reports that police subjected Greek Cypriots and Maronites living in the area administered by Turkish Cypriots to surveillance. Although authorities reported otherwise, a Maronite representative asserted that during the year the Turkish military occupied 18 houses in the village of Karpasia.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

#### **Status of Freedom of Speech and Press**

The “law” provides for freedom of speech and press, and the authorities generally respected this right in practice. Individuals were generally able to publicly criticize the authorities without reprisal, with some exceptions.

Freedom of Speech: Police on occasion interfered with the public display of materials that raised politically sensitive subjects. On July 19, police confiscated a banner from the Turkish Cypriot Public Servants Trade Union building because it was deemed “disrespectful” to visiting Turkish Prime Minister Erdogan. On August 9, media reported that police removed a large sign advertizing a newspaper that included a photograph depicting police violence in July. Police reinstated the sign the following day.

Freedom of Press: While authorities generally respected freedom of the press in practice, journalists were at times obstructed in their reporting, fined, and threatened with charges. The independent media were active and expressed a wide variety of views. International media were generally allowed to operate freely. Bayrak Radyo Televizyon Kurumu (BRT) is the only “government”-owned television and radio station.

Violence and Harassment: Two journalists were attacked during the year, although the relationship between the attacks and the journalists’ reporting was unclear. On July 3, an assailant shot at journalist Ali Osman Tabak inside *Afrika* newspaper’s office. The office had been attacked in February. Police arrested a suspect in connection with both incidents. After investigation, charges were filed against the suspect and the trial continued. On April 6 and May 12, a second journalist, Mutlu Esendemir, was a victim of bomb attacks on his vehicle, which slightly injured him. After investigation, various charges were filed against the suspect, who was arrested on June 1, and the trial continued. The Turkish Cypriot Journalists Association reported that journalists have been threatened and prevented from working and that they experienced problems trying to access public or other information and political pressure.

#### **Internet Freedom**

The authorities did not restrict access to the Internet, and there were no reports that they monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

### **Academic Freedom and Cultural Events**

The authorities did not restrict academic freedom or cultural events.

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

The “law” provides for freedom of assembly. However, authorities interfered with peaceful public protests on several occasions in July.

On July 19, groups of regular, undercover, and riot police intervened against peaceful protesters at three separate locations in and around Nicosia. Police entered the Turkish Cypriot Public Servants Union headquarters, confiscated a banner, and arrested two unionists. The same evening, several dozen regular and undercover police officers confronted protesters from the Social Existence Platform organization in front of the Cyprus Turkish Airlines headquarters in Nicosia, resulting in six injuries and another six arrests. Media photographs and video footage showed police shoving, punching, and kicking protesters. The eight demonstrators were released on July 20. They were later charged with causing damage to police vehicles and fined. The main opposition parties, civil society organizations, and trade unions organized protests outside the police headquarters on July 25 to criticize the police and the “government” for their use of excessive force against peaceful demonstrators.

#### **Freedom of Association**

The “law” provides for freedom of association, and the authorities generally respected this right in practice. Some organizations faced lengthy registration periods.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

#### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The “law” provides for freedom of movement within the area administered by Turkish Cypriots, foreign travel, emigration, and repatriation, and authorities generally respected these rights in practice.

Cooperation between the Office of the UN High Commissioner for Refugees (UNHCR) and the Turkish Cypriot authorities was handled through an intermediary NGO. Since no law exists regarding the handling of asylum applications, the UNHCR representative in Cyprus adjudicated asylum claims.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Greek Cypriots and foreigners crossing into the area administered by Turkish Cypriots were also required to fill out a “visa” form.

In an effort to improve regulation of undocumented workers, authorities passed an “immigration amnesty law” in December allowing illegally present workers to request amnesty for 60 days. Applications continued at year’s end. In addition, the new regulation stipulated that any employer of illegal workers would be fined 6,500 Turkish lira (\$3,440) or face business closure for two months. According to the immigration “law,” all employers who wish to import foreign workers need official permission from the “Department of Labor” to register them. Authorities deported illegal immigrants found without work permits. All illegal immigrants without work permits were prohibited from entering the “TRNC” at ports of entry. With few exceptions, asylum seekers were generally treated as illegal immigrants and were either deported or denied entry.

Turkish Cypriots had difficulty traveling to most countries because only Turkey recognizes travel documents issued by the “TRNC.” Some Turkish Cypriots used Turkish travel documents, but many obtained travel documents issued by the Republic of Cyprus. Turkish Cypriots born after 1974 to parents who were both Republic of Cyprus citizens before 1974 obtained passports relatively easily, compared with Turkish Cypriots born after 1974 to only one Cypriot parent.

#### **Internally Displaced Persons (IDPs)**

Turkish Cypriots considered persons displaced as a result of the division of the island to be refugees, although they fell under the UN definition of IDPs. These

persons and their descendants numbered approximately 90,000 to 100,000 in the north. They were resettled, had access to humanitarian organizations, and were not subject to attack, targeting, or return under dangerous conditions.

### **Protection of Refugees**

Access to Asylum: The 1951 Refugee Convention relating to the Status of Refugees is incorporated into Turkish Cypriot domestic “law,” as were all other laws adopted during pre-1963 British colonial rule and later “ratified” by the Turkish Cypriot administration. Authorities admitted that they had no “law” or system in place for dealing with asylum seekers or the protection of refugees and stated that asylum applications were systematically rejected. Potential asylum seekers who attempted to enter the area administered by Turkish Cypriots illegally were almost always arrested, taken to court, and deported after serving their sentence. During the year, however, authorities facilitated the access of 20 asylum seekers to the UNHCR representatives in the UN buffer zone.

Individuals who requested asylum were supposed to be directed to the UNHCR or its local implementing partner, the Refugee Rights Association (RRA). However, authorities often refused to grant asylum seekers access to the RRA, refused their entry, treated them as undocumented immigrants, and denied them the opportunity to apply for asylum through the UNHCR. The RRA was affiliated with the Turkish Cypriot Human Rights Foundation in the area administered by Turkish Cypriots. Only the UNHCR representative could consider applicability of the 1951 Refugee Convention; the RRA’s mission was to monitor and identify individuals who wanted to apply for asylum, to refer them to the UNHCR, to advocate to the Turkish Cypriot administration not to deport such individuals but instead to provide protection for the prospective applicants, and to facilitate their accommodation and employment.

Of 39 asylum seekers, 14 were deported during the year before a determination had been made regarding their status. Twelve deportation orders were successfully cancelled, with the RRA’s assistance. These 12 asylum seekers were able to depart the north of the island to continue their claims with UNHCR elsewhere. The remaining 13 asylum seekers were in the north at year’s end under status review with UNHCR and receiving assistance from the RRA.

Nonrefoulement: In practice authorities did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The RRA stated in 2011 that, despite its efforts, authorities at ports

often denied entry to asylum seekers, and those trying to enter the “TRNC” illegally were usually detained and subsequently deported. The RRA complained that authorities usually denied asylum seekers access to the RRA's lawyers and vice versa. During the year 14 of 39 asylum seekers were deported to their place of origin, Syria.

Access to Basic Services: According to the RRA, at year's end, 13 asylum seekers and refugees were residing and working (for below-minimum wages and sometimes in exchange for food) or attending school in the area administered by Turkish Cypriots. They could not travel abroad because they would be unable to return due to their lack of status, which rendered them illegal according to Turkish Cypriot immigration rules. The UNHCR did not provide financial assistance to asylum seekers except in exceptional cases. There were no reliable estimates of the number of asylum seekers crossing into the government-controlled areas, since irregular crossings went unrecorded.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The “law” provides Turkish Cypriots the right to change their “government” peacefully, and they exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### **Elections and Political Participation**

Recent Elections: Turkish Cypriots choose a leader and a representative body every five years or less. In 2010 Dervish Eroglu was elected “president” in free and fair elections.

Political Parties: Greek Cypriots and Maronite residents were prohibited from participating in Turkish Cypriot “national elections;” they were eligible to vote in Greek Cypriot elections but had to travel to the government-controlled area to exercise that right. Greek Cypriot and Maronite enclave communities in the area administered by Turkish Cypriots directly elected municipal officials. Turkish Cypriot authorities did not recognize these officials.

While membership or nonmembership in the dominant party did not confer formal advantages or disadvantages, there were widespread allegations of societal cronyism and nepotism.



Participation of Women and Minorities: There were four women in the 50-seat “parliament.” There were no minorities represented in the “parliament.”

#### **Section 4. Official Corruption and Government Transparency**

The “law” provides criminal penalties for official corruption; however, authorities did not implement the “law” effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption, cronyism, and lack of transparency were generally perceived to be serious problems in the legislative and executive branches.

Opposition parties continued to claim that the “government” primarily hired supporters of the ruling party for public sector jobs during the year. On September 7, newspapers alleged that the ruling party hired more than 100 workers to staff various public offices and planned to hire an additional 200 persons.

The “constitution” provides for free access to “government” information, and the “law” provides for public access. In practice, however, civil servants were not allowed to provide access to “government” documents without first obtaining permission from their directors or “minister.” There were some complaints by NGO representatives that they were denied access to “government” information during the year. Other NGO representatives claimed that access to “land registry records” was denied, specifically for cases that involved pre-1974 Greek Cypriot owners who wanted to apply to the Immovable Property Commission. A November 2011 Access Info report stated that 78 percent of requests for information submitted to public bodies were not answered; 8 percent were orally refused; 1 percent refused in writing, and 9 percent responded to with the requested information.

#### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A number of domestic human rights groups operated in the area administered by Turkish Cypriots. The international NGO Minority Rights Group International was also active in the area administered by Turkish Cypriots, conducting research, capacity building, and implementing advocacy campaigns under an EU grant. Authorities’ cooperation with NGOs was inconsistent.

Many local human rights groups were concerned with improving human rights conditions in the area administered by Turkish Cypriots. NGOs included groups

promoting awareness of domestic violence; women's rights; rights of asylum seekers, refugees, and immigrants; trafficking in persons; torture; and lesbian, gay, bisexual, and transgender persons' rights. These groups were numerous but had little impact on specific "legislation." A few international NGOs were active in the area administered by Turkish Cypriots, but many were hesitant to operate there due to political sensitivities related to working in an unrecognized area.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The "law" prohibits discrimination based on race, gender, disability, language, or social status. Authorities generally enforced these prohibitions.

### **Women**

Rape and Domestic Violence: The "law" provides no minimum sentence for individuals convicted of rape, including spousal rape; the maximum sentence is life imprisonment. The authorities and police effectively handled and prosecuted rape cases, including cases of spousal rape. There were no NGOs whose specific mission was to support rape victims.

Violence against women, including spousal abuse, was a problem. The "law" prohibits domestic violence under a general assault/violence/ battery clause in the criminal code. While allegations of domestic violence were usually considered a family matter and settled out of court, two cases of domestic violence were prosecuted. Both cases resulted in various fines and bail but no prison sentences. Authorities considered a case more credible if there was at least one witness in addition to the victim.

According to 2011 statistics, 78 women were subjected to violence in the north. Of the victims, 34 were beaten by their spouses, 12 were victims of violence from a parent or other family member, while four were subjected to violence from boyfriends. Twenty-three women were given "court-appointed" lawyers.

Sexual Harassment: The "law" does not specifically prohibit sexual harassment, but victims could pursue such cases under other sections of the "law." Sexual harassment was not discussed widely, and such incidents largely went unreported.

Reproductive Rights: Couples and individuals were able to freely decide the number, spacing, and timing of their children and had access to contraception, skilled attendance during childbirth, and obstetric and postpartum care.

Discrimination: Women generally have the same legal status as men under property “law,” family “law,” and in the “judicial system.” “Laws” requiring equal pay for men and women performing the same work were generally enforced at the white-collar level. However, women working in the agricultural and textile sectors were routinely paid less than their male counterparts. Several NGOs worked to protect women’s rights, but no specific “government” agency had this responsibility.

## **Children**

Birth Registration: “Citizenship” is derived from one’s parents, and there was universal registration at the time of birth.

Child Abuse: There were some media reports of child abuse, most commonly in the form of sexual battery or rape. As with domestic violence, there were social and cultural disincentives to seek legal remedies for such problems, which observers believed were underreported.

Sexual Exploitation of Children: The “criminal code” penalizes sexual relations with underage girls. The maximum penalty for sex with a girl under the age of 13 is life imprisonment. The maximum penalty for sex with girls older than 13 but younger than 16 is three years' imprisonment. There are no “laws” regarding child pornography. The age of consent is 16 for girls. No age of consent for boys is specified under the “criminal code.”

On August 14, a social services expert asserted to the press that underage girls were prostituted to soldiers and workers at a mall in Nicosia, as were underage boys, possibly as young as 12, in Kyrenia. The expert reportedly gave this information several times to police, who stated that there were not sufficient grounds to pursue the tips. Police stated they record and investigate such complaints when they are received but do not always find sufficient evidence of criminal or illegal activity to pursue a case.

On April 11 and 12, two underage girls, one of them age 14 who was registered with the “Social Services Department,” were reportedly forced to work as dancers and hostesses in a bar in Nicosia. Authorities arrested the owner of the bar for detention of a girl under age 16; a police investigation found the claims to be unfounded, and the suspect was released.

## **Anti-Semitism**

The very small Jewish community was composed primarily of nonresident businesspersons. A synagogue in Kyrenia held services regularly. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## **Persons with Disabilities**

The "law" prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other "state" services, and in practice the authorities effectively enforced these provisions. The "government" employed 562 persons with disabilities and provided financial aid to the other 3,673 of the 4,049 known persons with disabilities in the area administered by Turkish Cypriots. The "law" does not mandate access to public buildings and other facilities for persons with disabilities.

## **National/Racial/Ethnic Minorities**

The "law" prohibits discrimination, and the 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of the 335 Greek Cypriot and 111 Maronite residents in the area under the administration of "TRNC" authorities.

Under the Vienna III Agreement, the UNFICYP visited Greek Cypriot residents of the enclave weekly and Maronites twice a month; additional visits require preapproval by authorities. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, authorities only permitted such care by registered Turkish Cypriot doctors; individuals in enclaves also traveled to the government-controlled area for medical care.

Greek Cypriots and Maronites were able to take possession of some of their properties but were unable to leave their properties to heirs residing in the government-controlled area. A Maronite representative asserted that Maronites were not allowed to bequeath property to heirs who do not reside in the area administered by Turkish Cypriots and possess "TRNC" identification cards. The

authorities allowed the enclaved residents to make improvements to their homes and to apply for permission to build new structures on their properties. Maronites living in the government-controlled area could use their properties only if those properties were not under the control of the Turkish military or allocated to Turkish Cypriots.

A majority of foreign workers in the area administered by Turkish Cypriots were Turkish. Those working in the agricultural and construction sectors were reportedly sometimes forced to sleep on the ground, and restaurant workers were seen sleeping after hours on chairs in the establishments where they worked.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Same-sex sexual activity between men is criminalized in the area administered by Turkish Cypriots under a general sodomy statute. The maximum penalty is 14 years' imprisonment. Homosexuality remained highly proscribed socially and was rarely discussed. Very few lesbian, gay, bisexual, or transgender (LGBT) persons were publicly open about their sexual orientation.

During the year there were no reports of either police or "government" representatives engaging in or condoning violence against the LGBT community.

While there were no recorded cases of official or societal discrimination based on sexual orientation in employment, housing, or access to education or health care, members of the LGBT community noted that an overwhelming majority of LGBT persons hid their sexual orientation to avoid such problems. They also complained that there is no specific antidiscrimination law for LGBT persons.

### **Other Societal Violence or Discrimination**

There were no reports of discrimination against persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

All workers except members of the police and military forces have the legal right to form and join independent unions of their own choosing without prior authorization. The "law" allows unions to conduct their activities without

interference and provides for the right to strike. The “law” does not permit essential service workers, namely judges and members of the police and armed forces, to strike. Authorities have the power to curtail strikes in “essential services.” The “law” provides for collective bargaining but does not prohibit antiunion discrimination.

Workers formed and joined independent unions in practice. Fewer than 2 percent of private sector workers and more than 60 percent of semipublic and public sector workers belonged to labor unions. Authorities generally protected the right of unions to conduct their activities in practice. While workers may legally strike, employers have an unrestricted right to hire replacement workers in the event of a strike, which limited the effectiveness of this right in practice.

On March 9, the “government” prohibited strikes at the “Title Deed Office” and the “courts,” invoking its right to protect the provision of essential services due to a backlog of cases and files at both institutions. The employees of both institutions began their strikes on January 11 to protest the “government’s” proposed austerity package. On July 19, the “government” prohibited a strike by the Turkish Cypriot Public Servants Union (KTAMS) at the Ercan Airport flight control tower and postponed it for 60 days.

Some unions complained that certain companies pressured workers to join unions led or approved by the company. Officials of independent unions claimed that the authorities created rival public sector unions to weaken the independent unions.

Workers exercised the right to bargain collectively in practice. The 27,244 public and semipublic employees who made up approximately 30 percent of the work force benefited from collective bargaining agreements.

Union leaders claimed that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties for antiunion practices were nominal.

#### **b. Prohibition of Forced or Compulsory Labor**

The authorities prohibited forced or compulsory labor, including by children, but there were reports that such practices occurred. Migrant workers in the construction and agricultural sectors were subjected to reduced wages and nonpayment of wages, beatings, and threats of deportation. One NGO asserted that there were cases of forced labor in the agricultural and domestic service sectors.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The “laws” generally provide protection for children from exploitation in the workplace. In contrast to previous years, NGOs alleged that authorities did not always effectively enforce these “laws,” and children, mainly from Turkey, were being used for labor, primarily in the agricultural and manufacturing sectors and at industrial areas working in the automotive and construction sectors with their families.

According to accounts by the Turkish Cypriot Human Rights Foundation, child labor in the urban informal economy was also a problem, albeit to a lesser extent than in the agriculture and in manufacturing sectors.

The minimum age for employment in an industrial undertaking is 15, the last year for which education is compulsory, and children may be employed in apprentice positions between the ages of 15 and 18 under a special status. Labor inspectors generally enforced the “law” effectively. It was common in family-run shops for children to work after school, and children as young as 11 worked in orchards during school holidays.

The “Ministry of Labor and Social Security” is responsible for enforcing child labor “laws” and policies and generally enforced them in practice. The “ministry” held monthly inspections and kept statistics of its findings. During the year inspectors identified 461 workers without work permits. Authorities fined 232 employers and companies for failures to comply with the “law,” but their enforcement of the rules and requirements was generally perceived to be inadequate. Total fines amounted to 622,700 lira (\$329,500), of which 410,210 lira (\$217,000) were actually collected.

### **d. Acceptable Conditions of Work**

The minimum wage was 1,300 lira (\$689) per month. The official poverty line, dating from 2008, was set at 9,632 lira (\$5,100) per year, or 803 lira (\$426) per month, for each household member in a family of four. Migrant workers were often provided substandard accommodations as part of their compensation or made to pay for accommodations. The “Ministry of Labor and Social Security” is

responsible for enforcing the minimum wage. However, it was widely reported that illegal foreign workers were generally paid below the minimum wage.

Authorities sporadically enforced occupational safety and health regulations. In 2011, 236 workplace accidents were reported in which 231 persons were injured and five persons killed.

Limited information was available on conditions of work. According to information received from a civil servants union, working hours for the public sector were 38 hours a week from December through February and 39 hours for the rest of the year. There was premium pay for overtime in the public sector. Standard working hours for the private sector were 40 hours a week. Premium pay for overtime was also required, but frequently not paid, in the private sector. In the public sector, excessive compulsory overtime is prohibited in certain sectors, depending on the working hours.

According to a union representative, enforcement and labor inspection was almost nonexistent, and standards were not sufficiently and effectively enforced in all sectors. The representative also stated that officials did not take any action to prevent violations of wages and working conditions. For example the minimum wage has not been increased in more than two years.