



## Cyprus

### Country Reports on Human Rights Practices - [2004](#)

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#### 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 has been ruled by a Turkish Cypriot administration, which proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC") and has not been recognized by any country except for Turkey. A substantial number of Turkish troops remained on the island. A buffer zone or "green line" patrolled by the U.N. Peacekeeping Force in Cyprus (UNFICYP) separated the two parts.

On May 1, the Republic of Cyprus joined the European Union (EU). EU laws and regulations were not enforced in the territory under the control of the "TRNC."

#### REPUBLIC OF CYPRUS

The Republic of Cyprus is a constitutional republic and multiparty presidential democracy. Tassos Papadopoulos was elected president in February 2003. There is clear separation of the executive, legislative and judicial branches. The judiciary is generally independent and well-respected.

Police are responsible for law enforcement and are under the authority of the Ministry of Justice. The civilian authorities maintained effective control of the security forces. Some members of the police committed human rights abuses.

The economy operated on free market principles, although there were significant administrative controls. Approximately 718,000 persons lived in the government controlled area. The economy had a robust, service oriented sector (including tourism) with a declining manufacturing base and a small agricultural sector. For the year, inflation was estimated at 4.1 percent and economic growth at 2 percent. Wages and benefits kept pace with inflation.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police abuse of detainees continued to be a problem. Violence against women persisted. Trafficking in women for sexual exploitation remained a problem.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1

Respect for the Integrity of the Person, Including Freedom From:

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

There were no reports of politically motivated killings by the Government or its agents; however, there was one death of a person in police custody.

On May 12, 29-year-old Ionis Ambrosiades died in custody at the Limassol police station. Authorities reportedly determined that the death was a suicide. Police conducted a disciplinary investigation and found the officers on duty guilty of neglect of duty.

##### b. Disappearance

There were no reports of politically motivated disappearances.

The Government participated in the autonomous, tripartite (U.N., Greek Cypriot, Turkish Cypriot) U.N. Committee on Missing Persons in Cyprus (CMP) as it continued its efforts to account for persons who remained missing after the intercommunal violence beginning in 1963-64 and the events beginning in July 1974. After years of inactivity, the CMP began meeting again in August. During the year, no remains of Greek Cypriots were identified. According to the Government, 1,493 Greek Cypriots remained missing.

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

The Constitution prohibits such practices, and the Government generally respected these provisions in practice; however, there were reports that police abused detainees. Following the January 2003 report of the European Committee for the Prevention of Torture (CPT) regarding police ill-treatment and torture of detainees, police officers participated in vocational and educational training at home and abroad, including conferences dealing with human rights, xenophobia, and discrimination, some of which focused on arrest, interrogation, and detention.

There continued to be reports that police engaged in heavy handed tactics and degrading treatment of suspects. In the two cases of police abuse in 2003 brought before the courts, one officer was convicted of common assault and fined \$445 (200 pounds) and the other convicted of assault causing bodily harm and fined \$3,340 (1,500 pounds). Both officers kept their jobs.

The nongovernmental organization (NGO) Amnesty International reported that on several occasions in April and May, Greek Cypriot police stripped and searched Turkish Cypriots crossing the green line at the Ledra Palace checkpoint and on two occasions beat Turkish Cypriots. There were no charges filed and no reports that police investigated the incidents. At least two Turkish Cypriot newspapers reported that a Turkish Cypriot woman was strip-searched at a checkpoint.

The press reported additional instances of police abuse. On June 21, two police officers arrested and allegedly beat a member of the ethnic minority Greek Pontian community in Paphos. The following day, a demonstration against alleged police brutality turned violent, and police used tear gas to disperse the crowd. Four police officers and four Pontians were injured in the incident. On July 1, the press reported that a disciplinary probe had been ordered following allegations that a Nicosia police acting sergeant beat a teenage suspect while he was in custody. The officer was not on duty that day but was present during the interrogation of the suspect who had been brought in on suspicion of abducting and "defiling" a minor. The Chief of Police ordered an investigation and suspended the officer from duty; the acting sergeant was formally charged with common assault, and the case was before the Nicosia District Court for trial at year's end.

On July 28, the office of the Ombudsman released its annual report that included citizens' complaints of ill treatment by police. The report called for the establishment of a watch dog organization to monitor the police consisting of government officials and representatives from NGOs. The report noted that foreigners had filed complaints of police mistreatment and suggested that foreigners therefore undergo medical exams upon their arrest and release. The report also recommended that police be allowed to interrogate detainees only in the presence of the detainee's lawyer.

Charges dating from 2003 that police in Limassol beat a then 17-year-old and his father were withdrawn.

On February 28, an officer at Limassol police headquarters allegedly raped a Moldovan woman in her cell. The woman had been in detention following her arrest for working illegally on the island. The chief of police ordered the officer's immediate arrest and suspension and opened a disciplinary investigation against him. The committee appointed for the trial demanded the officer's resignation and he was charged with rape. Criminal proceedings against him were pending at court at year's end.

Prison conditions generally met international standards, although there were some problems.

In January, journalists toured the Nicosia Central Prison and reported that overcrowding was one of the prison's biggest problems. Although the prison's capacity was 274 inmates, it held 433 inmates at the time of the visit. Approximately half of the inmates were foreigners, approximately 80 percent of whom were imprisoned for entering or living in the country illegally. Overcrowding forced inmates to sleep in corridors and television rooms, and some juvenile detainees were forced to share cells with convicted criminals. The Government provided no assistance for the rehabilitation of drug abusers or support for inmates reintegrating into society following incarceration. The National Organization for the Protection of Human Rights (Ethnopad) called on the Government to instigate reforms to address these and other serious problems in the prison system and to stop imprisoning debtors and illegal immigrants.

On February 12, the Council of Europe published a report on the June 2003 visit by its Commissioner for Human Rights which noted that the new construction and renovation at Nicosia's main prison helped address the problem of overcrowding but that the imprisonment of debtors and illegal immigrants remained a concern.

In July, there were several press reports that police and prison officials subjected Turkish Cypriots and foreigners imprisoned in Nicosia's Central Prison to discriminatory treatment. Some inmates alleged that the police, prison wardens, and Greek Cypriots regularly beat and abused them. They claimed that the authorities did not answer their calls for protection and prevented some inmates from reporting mistreatment without prison officials present. The prisoners also alleged authorities denied them bail and speedy trials.

Women prisoners were held separately from men. Juveniles were generally held separately from adults, although there were press reports of exceptions due to overcrowding. Pretrial detainees were held separately from convicted criminals.

The Government permitted prison visits by independent human rights observers and the CPT visited prisons in December.

#### d. Arbitrary Arrest or Detention

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

The police are the responsibility of the Ministry of Justice and Public Order. The President appoints the chief of the police. The police force is divided into headquarters (with six departments), six district divisions (including one inactive district located in the area under the Turkish Cypriot administration), and seven police units that provided specialized services. Although there were individual cases of misconduct reported during the year within the police force, there were no serious cases of police corruption or bribery. The assistant chief of police for administration typically handled investigations into such cases and recommended appropriate disciplinary measures to the chief of police.

Judicially issued arrest warrants were required. Persons may not be detained for more than 1 day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention did not exceed 8 to 10 days before formal charges were filed. Attorneys generally had access to detainees; bail was permitted. The Government claimed the right to deport foreign nationals for reasons of public interest whether or not they had been charged with or convicted of a crime.

There were no reports of political detainees.

#### e. Denial of Fair Public Trial

The Constitution provides 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 Supreme Courts. There are no special courts for security or political offenses.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

During the year, Greek Cypriots continued to pursue property suits against the Government of Turkey in the European Court of Human Rights (ECHR) for the loss of property located in the area under Turkish Cypriot administration since 1974. On September 3, the ECHR held a hearing on the admissibility of a property case brought by Greek Cypriot Xenides Arestis against Turkey. The purpose of the hearing was to determine whether domestic remedies had been exhausted, given that the "TRNC Assembly" had enacted legislation and set up a committee to deal with Greek Cypriot compensation claims in June 2003. A decision on admissibility was pending at the end of the year. There were no developments on any of the other 500 cases that the Government estimated Cypriots had filed against Turkey at the ECHR or on any of the approximately 45 property cases in which the Government had exercised its right to intervene.

On September 24, the Supreme Court ruled in favor of Turkish Cypriot Arif Mustafa who sought the return of property in the south, which he abandoned in 1974 and which was seized but not expropriated by the Government under the authority of the so called Caretaker law. The Attorney General appealed the case, but a hearing date was not set by the end of the year.

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

The Constitution 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

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom.

Opposition newspapers frequently criticized the authorities. Independent newspapers and periodicals proliferated. There were seven major daily newspapers, one weekly, and six major magazines. Several private television and radio stations competed effectively with government controlled stations. International broadcasts were available without interference throughout the island, including telecasts from Turkey and Greece.

In the weeks leading up to the April 24 referendum on the Annan settlement plan, there were reports that the Government had pressured the media to support its position on the plan. In the week immediately before the referendum, two major Greek Cypriot media outlets refused to give the U.N. Special Envoy and the EU Commissioner for Enlargement programming time on their broadcasts. The head of the single major party that supported the Annan plan filed a protest with the Council of Europe alleging manipulation of the media in the pre referendum period.

The Government imposed significant restrictions on Turkish (as opposed to Turkish Cypriot) journalists crossing the green line to cover news events in the government controlled area.

In July, the vice chairman of the Turkish Cypriot Advertisers Association alleged that Greek Cypriot newspapers had refused to carry advertisements for businesses located in north Cyprus. During the year, a few newspapers briefly carried Turkish Cypriot advertisements, but dropped them after readers and editorial board members complained.

The Government did not restrict access to the Internet.

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

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Constitution specifies that the Greek Orthodox Church of Cyprus, which was not under the authority of the mainland Greek Orthodox Church, has the exclusive right to regulate and administer its internal affairs and property in accordance with its holy canons and charter. The Constitution also states that the Turkish Cypriot religious trust, the Vakf (the Muslim institution that regulates religious activity for Turkish Cypriots), has the exclusive right to regulate and administer its internal affairs and property in accordance with Vakf laws and principles. No legislative, executive, or other act may contravene or interfere with the Orthodox Church or the Vakf. The Armenian Orthodox Church, Maronite Christians, and "Latin" (Roman Catholics) are also recognized by the Constitution.

The Government did not require other religious groups to register unless they desired to engage in financial transactions, such as maintaining a bank account, in which case they had to register as a nonprofit company.

Missionaries have the legal right to proselytize, but the Government closely monitored missionary activities. It is illegal for a missionary to use physical or moral compulsion to make religious conversions. The police may investigate missionary activity based on a citizen's complaint. Police could also open an investigation if missionaries might be involved in illegal activities threatening the security of the Government, constitutional or public order, or public health and morals. In the past, there were occasional apprehensions but no arrests under these laws; however, no detentions were reported during the year.

The Government required children in public primary and secondary schools to take instruction in the Greek Orthodox religion. Parents of other religions may request that their children be excused from such instruction. While these children were exempted from attending religious services, some Jehovah's Witnesses parents reported that their children were not excused from all religious instruction.

In September, the Turkish Cypriot authorities permitted a group of worshippers to attend a religious ceremony at Agias Mamas Church near Morphou, north Cyprus. Days before the ceremony, a bomb went off in the empty church, set allegedly by Turkish Cypriot nationalists seeking to disrupt the event. The Government strongly discouraged pilgrims from attending the event, ostensibly on safety grounds.

Although Turkish Cypriots reported that unused mosques in the south were vandalized, the Government routinely carried out maintenance and repair of mosques in the area under its administration.

While members of Jehovah's Witnesses reported some difficulties in claiming conscientious objector status and exemption from compulsory reserve military service in the National Guard in the past, there were no reports of such problems during the year. While the law provides for exemption from active military service for conscientious objectors, it does not provide for an exemption from reserve duty. Legal proceedings against several members of Jehovah's Witnesses for failure to appear for reserve duty were suspended in 2002 pending a revision of the law. There were no new legal cases during the year.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Government did not restrict Greek Cypriots from traveling to north Cyprus, but generally discouraged them from staying at former Greek Cypriot owned properties, gambling in the north, or buying or developing property there. The Government prohibited Turkish nationals from crossing from the north to the south.

For part of the year, the Government did not permit foreigners who had entered the country via ports in north Cyprus to cross into the government controlled area. On June 3, the Government revised its policy regarding green line crossings to allow EU citizens and citizens of other countries not subject to a visa requirement entering Cyprus from ports in north Cyprus to cross the green line into the government controlled areas. However, the Government continued to block any effort by Turkish Cypriot authorities or international parties to open Ercan Airport or any port in north Cyprus for travel to destinations other than Turkey.

An investigation ordered by the Council of Ministers into the July 2003 denial of entry at Larnaca Airport to a foreign citizen of Turkish Cypriot origin resulted in two immigration officers from the Aliens and Immigration Unit being found guilty of neglect of duty and punished with a "strict reprimand."

In April 2003, the Government announced measures to facilitate Turkish Cypriot movement to and within government-controlled areas and access to Government services. However, it did not implement key aspects of the measures. On July 30, the Government announced a new "Green Line Regulation" that included measures to facilitate movement of vehicles such as trucks, taxis, and coaches across the buffer zone. Since April 2003, Greek Cypriot checkpoint police have not required Turkish Cypriots to give advance notice of their intent to travel to the south or their planned itinerary and return date. The Government did not limit the length of their stay, although most did not stay overnight. Turkish Cypriots could drive their personal vehicles, provided they had arranged insurance with a provider in the Greek Cypriot community.

Turkish Cypriots have increasingly obtained Republic of Cyprus passports; during the year, the Government issued 14,908 passports to Turkish Cypriots.

The Constitution prohibits forced exile, and the Government did not employ it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 protocol. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. During the year, the Government recognized 14 applicants as refugees and granted them asylum status.

During the year, the Government's asylum unit received asylum applications for 9,284 individuals and processed approximately 5,000 cases. As of June, there were approximately 8,628 pending cases, including some from the previous year, and 370 persons with official refugee status. At year's end, nine cases were under consideration for humanitarian reasons. Qualifying refugees were permitted to stay and were given temporary work permits; however, they were generally not granted permanent resettlement rights. The Government generally cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR). During the year, the UNHCR received fewer than 10 cases from north Cyprus and none from the south. The law provides for temporary protection for those persons who do not meet the definition of a refugee or asylee.

During the year, a local NGO reported several complaints from asylum seekers who alleged they were physically and psychologically abused by police; the complaints were directed to the Ombudsman and the Ministry of Justice. At year's end, neither the Ombudsman nor the Ministry had taken any publicly announced action on the complaints.

### Section 3

#### Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. On May 1, the country joined the EU.

In February 2003, President Tassos Papadopoulos was elected in generally free and fair elections to a 5 year term with the support of the AKEL (Restoration Party for the Working People), EDEK-Socialist Movement (United Central Democratic Union), and DIKO (Democratic Party) parties. Elections for the House of Representatives are held every 5 years or less and were last contested in 2001.

On April 24, Turkish Cypriots and Greek Cypriots voted in separate, simultaneous referenda on the plan proposed by U.N. Secretary General Kofi Annan (the "Annan Plan") to reunify the island after 30 years of division. The plan was not adopted because, although 65 percent of Turkish Cypriots voted to accept it, 76 percent of Greek Cypriot voters rejected the proposal.

In the weeks leading up to the referendum, the Government sent letters to public servants, Central Bank employees, and police telling them that their rights and pensions would not be safeguarded under the Annan plan, an interpretation of the plan's provisions that was not shared by U.N. mediators.

There were also numerous press reports that some Greek Cypriot supporters of the Annan plan were verbally and physically harassed for their political views by opponents of the plan. Some supporters were reportedly intimidated to the point that they would not publicly identify themselves as plan proponents. "Yes" stickers in favor of the plan were removed from public and private properties and replaced with "no" stickers, and some "yes" billboards and information kiosks were vandalized. In one incident, a threat was made against a teenager at his school in the form of graffiti that reportedly identified the student by name and stated that "the 'no' [to the Annan plan] would be written in your blood." After reporting the incident, one newspaper received a phone threat that the teenager would be "the first victim after the referendum."

Under the Constitution, voting takes place on a communal basis; separate electoral rolls are required for Greek and Turkish Cypriots. The Government has concluded that Turkish Cypriots living in the government controlled area were constitutionally barred from voting in Republic of Cyprus elections, although they may travel to the north to vote in elections. Greek Cypriots and Maronites living in the north were eligible to vote in elections but must travel to the south to exercise that right.

On June 22, the ECHR ruled that the Government had violated the right of a Turkish Cypriot living in the government controlled area to free elections and to freedom from discrimination when it refused his request to be added to the electoral registry ahead of the 2001 parliamentary elections. The ECHR awarded him approximately \$4,725 (3,500 euros) for incurred expenses. The Court also required the Government to enact legislation to prevent future violations of the same articles of the European Human Rights Convention; the Government had not enacted such legislation by year's end.

On June 17, the media reported that one of the country's newly elected representatives to the European Parliament had allegedly exported historical artifacts and solicited a bribe of approximately \$22,250 (10,000 pounds) from a police officer to ensure that the officer would be acquitted of attempted manslaughter charges. There were reports that the Government attempted to cover up the incident until a newspaper published a confidential police report detailing the alleged exchanges between the pathologist and the police officer. On September 16, the Attorney General requested the European Parliament to lift the official's parliamentary immunity to enable the police to investigate the charges against him.

There are no laws providing public access to government information. Civil servants were not allowed to give access to government documents without first obtaining permission from the relevant minister. During the year, there were no reported cases of persons being denied access to government information.

Women held 9 seats in the 56 seat House of Representatives, and some held cabinet level, judicial, and other senior positions.

There were no members of minorities among parliamentarians in the 56-seat the House of Representatives. In addition to their political voting rights, the small Maronite, Armenian, and "Latin" communities also elected special nonvoting representatives from their respective communities who sat in the House of Representatives.

#### Section 4

##### Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international independent human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

A number of NGOs considered themselves human rights groups; however, they generally were concerned with alleged violations of the rights of Greek Cypriots by Turkish Cypriots or Turks. NGOs with a broader human rights related mission included groups promoting awareness of domestic violence, migrant support, and those concerned with allegations of police brutality.

The U.N., through the autonomous tripartite CMP, continued its efforts to account for persons missing after the intercommunal violence beginning in 1963-64 and the events beginning July 1974 (see Section 1.b.).

During the year, the government Ombudswoman received complaints from citizens and foreigners living on the island and conducted independent investigations. Her office enjoyed generally good cooperation with other government bodies. Following a Council of Ministers decision in July 2003, the Office of the Ombudswoman took on responsibility for two new EU mandated authorities, the Racism and Discrimination Authority and the Equal Rights in Labor Authority. The Ombudswoman released a wide ranging annual report and a limited number of single issue reports.

The House of Representatives' Committee on Human Rights is made up of 10 House members who serve 5 year terms. The committee discusses wide ranging human rights issues, including trafficking in persons, prison conditions, and the rights of foreign workers. The executive branch does not exercise control over the committee, which can help formulate policy by introducing some types of legislation; it can also recommend amendments and approve or reject Government proposed legislation.

## Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for protection against discrimination based on sex or national, racial, or ethnic origin, and the Government generally enforced such laws; however, there were problems in the treatment of Turkish Cypriots living in the government controlled area.

### Women

Spousal abuse was a problem and continued to receive attention. An NGO working with domestic abuse victims reported that, during the year, the number of telephone calls to its hotline had increased 15.8 percent. The NGO reported that 614 individuals, of whom 85 percent were women, 7 percent children, and 8 percent men, called claiming to be victims of domestic violence. The NGO also operated a shelter for victims of domestic violence in Nicosia that served 25 women and 18 children during the year.

The law establishes clear mechanisms to report and prosecute family violence and provides that the testimony of minors and experts such as psychologists may be used as evidence to prosecute abusers. The law also provides for prison terms for the abuse of family members; however, very few court cases resulted in convictions. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to the police. Many victims refused to testify in court, and, under the law, spouses cannot be compelled to testify against each other. In cases where a spouse was the victim and only witness, and she refused to testify, the courts were forced to drop the case.

The law criminalizes rape and spousal rape with a maximum sentence of life in prison. Most convicted offenders received considerably less than the maximum sentence.

The law does not prohibit "voluntary" prostitution; however, it is illegal to live off the profits of prostitution, and police routinely arrest pimps and prostitutes under this section of the criminal code. Procuring a woman for prostitution is a misdemeanor. Sexual exploitation and trafficking of adults and children is a felony. There were credible reports that women continued to be trafficked for sexual exploitation (see Section 5, Trafficking).

The law prohibits sexual harassment in the workplace; however, such incidents largely were unreported.

In June 2003, a senior editor at the semi governmental news agency Cyprus Broadcasting Corporation (CyBC) was found guilty of sexual harassment and actual bodily harm charges stemming from a 2002 incident involving a female television reporter and presenter. The courts fined the defendant approximately \$2,225 (1,000 pounds). In June, the Supreme Court ordered CyBC to lift its employment suspension of the defendant. The defendant's appeal of the fine was pending at year's end.

Women generally have the same legal status as men. Women married to foreigners have the right to transmit citizenship automatically to their children. Laws requiring equal pay for men and women performing the same work were enforced effectively at the white collar level.

### Children

The Government was strongly committed to children's rights and welfare. It funded public education and health care for those who could not afford it. There was no difference in the health care and educational opportunities available to boys and girls. Free education was available at all levels through the age of 18. Education was compulsory up to the age of 15 or 9 years of education. Approximately 85 percent of the population was eligible to receive free public health care.

Child abuse was a problem. During the year, there were 46 cases of child abuse reported to the Welfare Department. The Government policy is to prosecute all cases of reported child abuse that are backed with substantial evidence; however, prosecution statistics were not available at year's end. During the year, the court for the first time handed down a decision in a child abuse case in which taped victim testimony was admitted as evidence. In that case, the court convicted and sentenced the defendant to 7 months in prison.

### Trafficking in Persons

The law criminalizes trafficking in women and children for the purpose of sexual exploitation, and women trafficked into the country for the purpose of prostitution was a problem. The law is gender-specific and does not address internal or labor trafficking. There were allegations of police corruption.

It is a felony to engage in the sexual exploitation and trafficking of adults, with or without their consent, and children. The court may order persons convicted of trafficking to pay part or all of the expenses incurred for the provision of protection, temporary shelter, medical care, and psychiatric care for victims. The court may also order persons convicted to pay compensation to the victim, including repatriation expenses. Responsibility for combating trafficking was shared by the Ministries of Justice, Labor, and the Interior and the Attorney General's office.

It is a misdemeanor to procure a woman for prostitution.

During the year, police opened investigations in 91 cases involving 194 persons for crimes related to prostitution and sexual exploitation. Of these, the courts found persons in 9 cases guilty of living off the earnings of prostitution and had 24 cases pending trial at the end of the year. The courts acquitted the defendants or dismissed charges in eight cases; in another four cases, charges were dropped for lack of evidence. At the end of the year, there were 4 cases pending with the Attorney General's office and 22 cases still under investigation. The police charged 20 persons with trafficking in persons and sexual exploitation; all of their cases were pending at the end of the year.

In a November 2003 report on trafficking, the Ombudsman stated that the country was both a destination and transit point for women being channeled into the sex industry and that immigration authorities were fully aware and, to a great extent, tolerant of the situation. However, the Ombudsman's annual report, released in July, did not assert that the country was a transit point for trafficking victims.

The November 2003 report concluded that "essentially nothing had been done" by the Government to combat trafficking. The report found the legal framework for combating trafficking to be generally satisfactory but made recommendations for improving implementation of existing regulations. The report also recommended that trafficking and sexual exploitation of minors be addressed by separate legislation. Since release of the report, the police have formed an antitrafficking unit and the Government has established an interagency working group and a ministerial group to address the problem.

The country was a destination for women trafficked from Eastern Europe, primarily Ukraine, Romania, Moldova, Russia, Belarus, and Bulgaria. There were no reliable statistics on the number of trafficking victims; however, 62 victims reported pressed charges during the year. Some East European women entered government controlled areas of the country on temporary 3 month "artiste" visas (renewable for an additional 3 months, but then requiring at least a 6-month absence from the island) to work at a specific cabaret or nightclub. The Government issued 2,933 such visas during the year. Additionally, some East European women entered the country on work visas as barmaids with set contracts and terms of employment, while others entered on tourist visas and worked illegally.

Foreign women working as "artistes" or barmaids were vulnerable to trafficking and exploitation. In some cases, women reportedly were forced to surrender their passports, perform sexual services for clients, or were not paid their full salaries. In one case, a 28-year-old Russian woman reported that an acquaintance arranged for her to work as a barmaid. Employment conditions were agreed by phone before she left Russia. When the victim arrived in the country, she found the living conditions her employer provided unsanitary and completely inadequate, and a bar employee constantly watched her. Her boss forced her to give him her passport and did not pay her. Besides serving drinks, the victim was forced to clean the bar and drink with clients. One night, her boss forced her to go with a client, who raped her. A Russian man helped her escape and locate a shelter for trafficking victims. The victim chose to return home after spending some time at the shelter.

There was also evidence of a new category of female victims coming from China on student visas who then engaged in prostitution or in some cases found themselves victims of sexual exploitation.

There have been allegations of corruption in the Police Immigration Unit. While not admitting corruption was a problem, the Ministry of Justice changed the unit's entire staff in 2003 and advocated regularly reassigning the unit's personnel to prevent corruption.

The law obligates the Government to provide protection and support for trafficking victims by allowing them to remain in the country to press charges or by facilitating their return home. Of the 62 victims who pressed charges against their traffickers, 47 asked for police protection. The law also requires the Government to provide shelter, medical, and psychiatric care to trafficking victims until they have recovered from the trauma of their experience. The Government may appoint a guardian for victims to advise and give counsel and to represent the victim with the appropriate government agency. Victims may sue traffickers for damages.

The Government maintained that most women who qualified as trafficking victims chose to return to their home countries voluntarily without testifying in court. There were reports that cabaret owners and "artiste" agents pressured women to withdraw complaints made about their situations or not to follow through with their intention to testify in court.

NGOs that protect the rights of women and immigrant workers were available to assist trafficking victims and reported that they received one to two requests for assistance per month.

In January, the Russian Orthodox Church in Limassol opened a shelter for trafficking victims funded in part by the Orthodox Church of Cyprus. A Russian psychiatrist was available to assist victims. During the year, a total of 27 trafficking victims stayed in the shelter. Of these, 5 returned to their home country without filing charges; 6 were already witnesses in police cases when they came to the shelter and later found employment in different clubs; 12 had cases pending; 3 were in the shelter but refused to file charges; and 1 returned to the nightclub from which she had originally fled. There was no formal referral process between the police and the shelter, and the police typically housed victims in government-subsidized homes for the elderly.

Persons with Disabilities

There was generally no discrimination against persons with disabilities in employment, access to healthcare, or in the provision of other state services. Persons with disabilities who apply for public sector positions are entitled to preference if they are deemed able to perform the required duties and if their qualifications are equal to those of other applicants. The law mandates that new public buildings and tourist facilities be accessible to all; however, enforcement of the law was weak.

On May 1, an amended People with Disabilities Law based on EU directives came into force; however, it had not been fully implemented by year's end. The new law extends the Ombudsman's authority to cover discrimination based on disabilities in both the private and public sector.

#### National/Racial/Ethnic Minorities

Constitutional or other legal mechanisms prohibit discrimination. The 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Turkish Cypriots living in the south. The Government effectively enforced the agreement, which provides for the voluntary transfer of populations, free and unhindered access by the UNFICYP to Turkish Cypriots living in the south, and facilities for education, medical care, and freedom of religion.

The Government no longer keeps statistics on the number of Turkish Cypriots living in the government-controlled areas due to the free movement of persons fostered by the April 2003 opening of the checkpoints and the fact that Turkish Cypriots are not required to report to the Government when they settle in the south. Some of the Turkish Cypriots living in the government controlled area reportedly faced difficulties in obtaining identification cards and other government documents, particularly if they were born after 1974. There were no reports of Turkish Cypriots subjected to surveillance by the Greek Cypriot police during the year. Turkish Cypriots made few formal complaints to UNFICYP about their living conditions in the south. Complaints most often concerned the lack of affordable accommodation.

#### Incitement to Acts of Discrimination

The Government continued to use textbooks, particularly on history, at the primary and secondary school level that included inflammatory language derogatory of Turkish Cypriots and Turks. The Government has complained about language used in Turkish Cypriot textbooks that is derogatory of Greek Cypriots.

#### Section 6 Worker Rights

##### a. The Right of Association

All workers, except for members of the police and military forces, have the legal right to form and join unions of their own choosing without prior authorization, and workers did so in practice. Police officers were permitted only to join associations that have the right to bargain collectively but not to go on strike. More than 70 percent of the workforce belonged to independent unions.

Unions maintained their independence from the Government; however, the major trade unions were affiliated closely with the AKEL, EDEK and DISY political parties.

Antiunion discrimination is illegal; however, union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties for anti-union practices were minimal. Parties to a dispute could request mediation by the authorities.

##### b. The Right to Organize and Bargain Collectively

By law, unions and confederations are free to organize and bargain collectively. This right was generally observed in practice, and most wages and benefits were set by freely negotiated collective agreements; however, Greek Cypriot collective bargaining agreements were not enforceable. In the rare instances in which persons claimed that such agreements were infringed upon, the Ministry of Labor was requested to investigate. If the Ministry was unable to resolve the dispute, the union could call a strike to support its demands.

All workers have the right to strike. Authorities have the power to curtail strikes in "essential services," although this power was used rarely in practice. There were several major strikes during the year.

There are no special laws or exemptions from regular labor laws in the export processing zone (EPZ) in the port of Larnaca.

##### c. Prohibition of Forced or Compulsory Labor

The Government prohibits forced or compulsory labor, including by children; however, there were reports that it occurred (see Section 5). There were also reports that foreign maids and illegal foreign workers were subject to the nonpayment of wages and the threat of deportation (see Section 6.e.).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment in an "industrial undertaking" is 16. Labor inspectors enforced the law effectively.

#### e. Acceptable Conditions of Work

The legal minimum wage, reviewed each year, was approximately \$725 (345 pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants. The wage rose to approximately \$770 (367 pounds) after 6 months' employment. Neither amount provided a decent standard of living for a worker and family. All other occupations, including unskilled workers, were covered under collective bargaining agreements between unions and employers within the same economic sector. The wages set in these agreements were significantly higher than the minimum wage.

The legal maximum workweek was 48 hours, including overtime. Actual working hours were determined by collective agreements between the unions and employers. In the private sector, the workweek was typically 39 hours for white collar workers and 38 hours for blue collar workers. In the public sector, the workweek was 38 hours during the winter and 35 hours in the summer. Labor inspectors effectively enforced these laws.

There were press reports of the mistreatment of maids and other foreign workers. Such reports usually involved allegations that maids, often from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. The law protects domestic workers who file a complaint with the Labor Ministry from being deported until their cases have been adjudicated; however, many women did not complain to authorities out of fear of deportation.

In July, the media reported that following the country's EU accession, the Ministry of Labor experienced a substantial increase in the number of complaints of labor exploitation. Foreign workers, primarily from Eastern Europe, reportedly were forced to work up to 13 hours a day, 7 days a week, for very low wages.

The law requires employers to provide insurance liability coverage for work related injuries. Workers may remove themselves from dangerous work conditions without risking loss of employment. According to labor union officials, these laws were enforced effectively. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed.

### NORTH CYPRUS

Since 1974, the northern part of Cyprus has been governed by a Turkish Cypriot administration that proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC") in 1983. The "TRNC" is not recognized by any country except Turkey. Rauf Denktaş was declared "president" of the TRNC in 2000. "Parliamentary" elections in December 2003 were generally free and fair and resulted in the formation of a multiparty coalition government that elevated Mehmet Ali Talat to the position of "prime minister." The judiciary is generally independent. The "TRNC" "constitution" is the basis for the basic laws that govern north Cyprus.

Police are responsible for law enforcement. They are under the jurisdiction of the "prime ministry" but operate under the authority of the armed forces. There were instances in which civilian authorities did not maintain effective control of the police, but rather police took their orders from military officers. Members of the police committed one reported case of human rights abuse.

The economy operated on free market principles, although there were significant administrative controls. Approximately 220,000 persons lived in north Cyprus. The economy was handicapped by restrictions imposed by the Republic of Cyprus and by international institutions and relied heavily on subsidies from Turkey. It was basically service oriented, with a smaller tourism and trade base but a larger agricultural sector than the Republic of Cyprus. For the year, inflation was estimated at 24.6 percent and economic growth at 5.4 percent. Wages and benefits were generally adjusted in line with the rate of inflation.

Authorities generally respected the human rights of citizens living under their control; however, there were problems in some areas. Police reportedly abused some suspects and detainees. After September, military courts no longer tried civilians unless they committed a military offense. The authorities reportedly subjected members of the Greek Cypriot community living in the north to surveillance. The authorities filed criminal charges against journalists for their reporting. Authorities' cooperation with the UNHCR was uneven. Turkish Cypriot authorities took some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but these groups remained subject to discriminatory treatment.

## RESPECT FOR HUMAN RIGHTS

## Section 1 Respect for the Integrity of the Person, Including Freedom From:

## a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life by the government or its agents.

During the year, there were no developments in the ECHR investigation into the 1996 killing of Kutlu Adali.

## b. Disappearance

There were no reports of politically motivated disappearances.

Authorities continued to participate in the autonomous, tripartite (U.N., Greek Cypriot, Turkish Cypriot) U.N. Committee on Missing Persons in Cyprus (CMP) as it continued its attempts to account for persons who remained missing after the intercommunal violence beginning in 1963-64 and the events beginning in July 1974.

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

The basic law prohibits such practices, and authorities generally respected this in practice; however, there were reports that police abused detainees.

During the year, there was one credible report of police abuse. In September, police beat a Turkish Cypriot during an arrest; police did not investigate the case because the victim did not file a complaint.

Unlike the previous year, police did not prevent any demonstrations.

Prison conditions generally met international standards, although there were some problems. Inmates complained of poor prison conditions, particularly overcrowding.

Women were held separately from men; however, there were no separate cells for juveniles in prison. Pretrial detainees were held separately from convicted criminals.

Authorities permitted prison visits by independent human rights observers, although no such visits occurred during the year.

## d. Arbitrary Arrest or Detention

The basic law prohibits arbitrary arrest and detention; however, at times police did not observe these prohibitions.

The Chief of Police reports to the Turkish Cypriot general holding the "security portfolio," and the general is under the supervision of the "prime ministry." The police are divided into eight functional divisions and five geographic divisions. While there were no serious corruption or bribery cases within the police, there were individual cases of misappropriation, and officers were punished and discharged from the force. The office of the "Attorney General" worked in conjunction with an officer from the Inspection Division (or occasionally the Criminal Investigative Division) to conduct investigations into allegations of police misconduct. During the year, no investigations resulted in the prosecution of officers for the abuse of detainees.

Judicially issued arrest warrants were required. No person could be detained for more than 1 day without referral of the case to the courts for extension of the period of detention. However, for a serious crime, one could be held without being charged. Most periods of investigative detention did not exceed 8 to 10 days before formal charges were filed. Attorneys generally had access to detainees; bail was permitted.

Police at times did not observe legal protections, particularly at the time of arrest. In some instances, suspects were not permitted to have their lawyers present when testimony was taken, in contravention of the basic law. Suspects who demanded the presence of a lawyer were sometimes threatened with stiffer charges or physically intimidated. A high percentage of cases were closed based on confessions or written testimonies taken during initial police interrogation under these conditions. Such cases generally did not reach the courts.

There were no developments in the 2001 ECHR case brought by Greek Cypriot Panicos Tziakourmas. The case was still pending at year's end.

## e. Denial of Fair Public Trial

The basic law provides for an independent judiciary, and authorities generally respected this provision in practice.

Most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. There were no special courts for security or political offenses, although civilians could be tried in military courts until September.

There were no reports of political prisoners.

In December 2003, the Government of Turkey paid Titina Loizidou approximately \$1.5 million (1.12 million euros) following an ECHR decision to provide restitution and compensation to Loizidou for the loss of the use of her property. The issue of returning Loizidou's house was pending with the COE at year's end.

In July 2003, the ECHR ruled against Turkey in two separate but similar cases involving the loss of Greek Cypriot property in north Cyprus. The Republic of Cyprus estimated that Greek Cypriots had filed approximately 500 cases against Turkey at the ECHR. By year's end, the ECHR had not reached a decision on any of the approximately 45 similar cases in which the Republic of Cyprus had exercised its right to intervene.

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

The basic law prohibits such actions; however, there were reports that police subjected Greek Cypriots and Maronites living in the north to surveillance (see Section 5).

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

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

The basic law governing north Cyprus provides for freedom of speech and of the press, and Turkish Cypriot authorities generally respected these rights in practice and did not restrict academic freedom; however, authorities continued to pursue criminal charges against a number of journalists.

There were 12 newspapers that operated independent of government control; however, most had a political party affiliation or bias. There were two television channels operated by Turkish Cypriot authorities and four private channels. In addition to three small, university run radio stations, eight private radio stations operated. Authorities operated three radio stations and security forces ran one radio station. International broadcasts were available without interference throughout the island, including telecasts from Turkey and Greece.

In November 2003, authorities filed criminal charges against five journalists with the daily newspapers Kibris and Ortam for insulting the army in their reports about police actions against demonstrators in the village of Doganci in March 2003. The journalists faced possible prison sentences of 21 to 81 years and were informed that they would be summoned to appear before a Turkish military court. However, in September, the "National Assembly" enacted a law that prevents civilians from being tried in military courts. Authorities have not scheduled a trial for the five journalists, and the charges remained pending at year's end.

At year's end, charges of libel and defamation filed in 2002 against several journalists from the opposition newspaper Afrika remained pending in Turkish Cypriot district and military courts.

On February 17, authorities withdrew criminal charges pending against a Turkish Cypriot history teacher and individual members of a union who had protested on her behalf. In 2001, the teacher published an article critical of Turkey and its military. In response, the authorities charged her with defamation and suspended her from her teaching position. Supported by the union, the teacher reported to her job despite the suspension, and authorities charged her and several others with trespassing on school property.

Authorities at times restricted the ability of journalists to cross the buffer zone to cover news events. The "Press Information Office's" policy was to provide escorts for Greek Cypriot journalists covering events in the north during business hours and to provide escorts for groups of Greek Cypriot journalists and for journalists covering important meetings regardless of the time of day. This policy was not strictly enforced, and Greek Cypriot journalists reported that they were permitted to cover some events in the north without an escort. Authorities required Greek Cypriot journalists to wear yellow jackets with a "TRNC" flag on them to cover official visits, such as those of Turkish officials.

On June 23, police refused to allow a Turkish journalist to enter the north from the government controlled area. Police at a buffer zone checkpoint reportedly told the journalist that he had entered the island illegally when he used the Larnaca airport, and therefore he would not be permitted to cross the green line.

Authorities did not restrict access to the Internet.

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

The basic law provides for freedom of assembly and association, and the authorities generally respected these rights in practice. Unlike in the previous year, there were no reports that the police blocked or dispersed demonstrations.

Charges against organizers of the March 2003 demonstration in the village of Doganci remained pending at year's end.

#### c. Freedom of Religion

The "TRNC constitution" provides for freedom of religion, and authorities generally respected this right in practice. There are also "constitutional" and legal prohibitions against religious discrimination. Non Muslims were allowed to practice their religions.

The "TRNC constitution" permits the Turkish Cypriot religious trust, the Evakf (the Muslim institution that regulates religious activity for Turkish Cypriots), to regulate and administer its internal affairs and property in accordance with Evakf laws and principles.

Following the April 2003 decision by authorities to relax crossing restrictions, Greek Cypriots and Maronites reported relatively easy access to most religious sites in north Cyprus but were still prohibited from visiting religious sites located in military zones.

On August 27, a bomb exploded in the doorway of Agias Mamas Church near the town of Guzelyurt/Morphou. No one was hurt in the incident. Although no one claimed responsibility, it was widely believed that Turkish Cypriot nationalists planned the attack to disrupt a Greek Cypriot religious ceremony, which was to be held several days later. In the end, the church was repaired, and the ceremony took place on September 1 and 2. This was the first time in 30 years that Greek Cypriots had been able to hold services in the church; however, Turkish Cypriot authorities did not allow the Greek Cypriot organizers to ring the church bell as part of the ceremony.

Greek Cypriots reported that vacant Orthodox churches had been vandalized and religious icons removed. Missionaries have the legal right to proselytize, but authorities closely monitored missionary activities.

For a more detailed discussion, see the 2004 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The basic law provides for these rights, and they were generally respected in practice.

In April 2003, authorities relaxed many green line crossing restrictions and abolished both the \$2.15 (1 pound) crossing fee and the requirement of advance permission. Authorities opened two additional checkpoints to facilitate the flow of personal vehicles across the buffer zone. Since April 2003, Turkish Cypriots traveling to the south have not needed prior permission from authorities nor have they had to provide an itinerary and the purpose of their travel.

Authorities required Greek Cypriots to obtain a "visa" to visit the north, although this was relatively easy after April 2003.

For part of the year, Greek Cypriots were required to present their passports at the checkpoints along the buffer zone, something many were reluctant to do. On May 26, authorities stopped requiring Greek Cypriots to show their passports, although identification cards were still required, and travelers had to fill out a "visa form." Authorities did not accept identification written only in Greek. Greek Cypriots were permitted to drive their personal vehicles in the north, provided they arranged insurance with a provider in the Turkish Cypriot community. They were allowed to spend up to 3 nights in the north as long as they stayed in a hotel and provided receipts; however, this was not strictly enforced. Turkish Cypriots flew in and out of Larnaca Airport in the south without obstruction.

Authorities maintained restrictions on the 403 Greek Cypriots and 140 Maronites living in enclaves in north Cyprus. During the year, the authorities limited overnight stays by child relatives of enclaved Greek Cypriots and Maronites to a "reasonable period," with extensions possible. Immediate relatives of enclaved Greek Cypriots were exempt from the requirement that they stay at a hotel and instead could stay with their relatives.

At year's end, Turkish and Turkish Cypriot forces continued to operate a checkpoint adjacent to the Greek Cypriot village of Strovilia and the British eastern Sovereign Base Area that restricted UNFICYP movement.

Turkish Cypriots had difficulty traveling to most countries because only Turkey recognizes travel documents issued by the "TRNC," and most Turkish Cypriots used Turkish travel documents instead. Since April 2003, Turkish Cypriots increasingly obtained Republic of Cyprus passports from the Government.

The basic law prohibits forced exile, and the authorities did not employ it.

The basic law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention

Relating to the Status of Refugees or its 1967 protocol. Authorities have not established a system for providing protection to refugees. In practice, authorities did not provide protection against refoulement, the return of persons to a country where they feared persecution. Individuals who requested asylum were directed to the UNHCR; however, there were reports that not all individuals who wished to seek asylum were permitted to do so.

Authorities' cooperation with the UNHCR was uneven. During the year, working with the assistance of a local NGO, the UNHCR continued examination of the asylum claims of 4 persons who entered north Cyprus in accordance with official procedures. Their cases remained pending at year's end. Authorities arrested 172 illegal immigrants who arrived in north Cyprus without proper documentation and subsequently deported them to their countries of origin without the opportunity to apply for asylum through the UNHCR.

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

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

On April 24, Turkish Cypriots and Greek Cypriots voted in separate, simultaneous referenda on the settlement plan proposed by U.N. Secretary General Kofi Annan (the "Annan plan") that would have reunified the island after 30 years of division. While 65 percent of Turkish Cypriots voted to accept the Annan plan, 76 percent of Greek Cypriot voters rejected the proposal.

Turkish Cypriots choose a leader and a representative body every 5 years or less. In December 2003, "parliamentary" elections resulted in an even 25-25 split of seats in the "National Assembly" between parties favoring a solution to the division of the island based on the Annan plan and parties favoring the status quo. A coalition "government" formed shortly thereafter elevated Mehmet Ali Talat, one of the leading figures supporting a settlement, to the position of "Prime Minister." There were numerous reports that the parties in power before the December 2003 election misused public resources in support of their campaigns. They reportedly distributed public-sector jobs to supporters, exerted control over the publicly owned media, used monetary incentives to pressure Turkish-origin voters to vote for the status quo, and engaged in other similar activities. By year's end, the new "government" was investigating three cases of the previous "government's" alleged practice of distributing land and bogus "citizenships" in an attempt to sway election results. The previous "government's" role in a banking sector bankruptcy case was also under investigation.

Greek Cypriots and Maronite residents were prohibited from participating in Turkish Cypriot elections; they were eligible to vote in Greek Cypriot elections, but must travel to the south to exercise that right. Officials in the north representing Greek Cypriots and Maronites were appointed by the Republic of Cyprus and were not recognized by Turkish Cypriot authorities.

Corruption, cronyism, and lack of transparency were perceived to be serious problems in the legislative and executive branches, although no high profile cases came to light. During the year, the Republic Turkish Party (CTP)-Democratic Party (DP) coalition made significant improvements over past administrations in dealing with these problems.

Women held three seats in the 50 seat "National Assembly" and some cabinet level, judicial, and other senior positions. There were no minorities represented in the "National Assembly."

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international independent human rights groups generally operated without restriction from the authorities, investigating and publishing their findings on human rights cases. Officials generally were cooperative and responsive to their views.

Human rights groups were generally only concerned with alleged violations of Turkish Cypriot rights by Greek Cypriots.

The U.N., through the autonomous tripartite CMP, continued its efforts to account for persons who remained missing after the intercommunal violence beginning in 1963-64 and the events beginning July 1974 (see Section 1.b.).

### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The basic law provides for protection against discrimination based on sex or national, racial, or ethnic origin. While the authorities generally respected such laws, serious problems remained concerning the treatment of Greek Cypriots and Maronites.

## Women

Domestic violence was a problem, but there was little discussion of it in public. The law prohibits domestic violence; however, cases were rare in the legal system, since they were typically considered a family matter.

The basic law provides for 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 to support rape victims.

There were some reports that women were trafficked to north Cyprus for the purposes of sexual exploitation (see Section 5, Trafficking).

The basic law contains no provision specific to sexual harassment; however, victims could pursue such cases under other sections of the criminal code. Sexual harassment was not discussed widely, and any such incidents largely were unreported.

Women generally have the same legal status as men. Women married to foreigners have the right to transmit citizenship automatically to their children. The law on marriage and divorce provides for relatively equal treatment of husbands and wives. In cases of divorce, the court decides on a fair distribution of the family's assets, with each partner assured a minimum of 30 percent.

Laws requiring equal pay for men and women performing the same work were enforced effectively at the white-collar level; however, women working in the agricultural and textile sectors were routinely paid less than their male counterparts.

## Children

Authorities were strongly committed to children's rights and welfare; they funded public education and health care for those who could not afford it. There was no difference in the health care and educational opportunities available to boys and girls. Education through the age of 15 was free and compulsory. Publicly funded health care was available to the entire population; however, patients faced long waits for services in public medical facilities.

On August 4, the U.N. brokered an agreement between the Government of Cyprus and the Turkish Cypriot authorities to reopen the Rizokarpasso Gymnasium, a high school for enclaved Greek Cypriot students located in the largest Greek Cypriot village in the Karpas peninsula. Until the Rizokarpasso Gymnasium reopened in September, parents had been forced to choose between keeping their children with them and sending them to the south for further education. Authorities did not permit children or families who moved south to return to live permanently in north Cyprus.

Authorities screened all textbooks sent to Greek Cypriot elementary schools from the south, which caused lengthy delays in their distribution and shortages of up to date textbooks.

There were no reported cases of child abuse; however, as with domestic violence, there were social and cultural disincentives to seeking legal remedies for such problems.

## Trafficking in Persons

The law does not specifically prohibit trafficking, and there were some reports that women were trafficked to north Cyprus for the purpose of prostitution.

Procurement for prostitution is a misdemeanor, and a law designed to regulate the hiring of women in nightclubs provides penalties for women and employers who engage in prostitution.

Turkish Cypriot authorities issued "artiste visas" to women, primarily from Eastern Europe, permitting their entry into north Cyprus to work in nightclubs. There were credible reports that these women engaged in prostitution and that some women were coerced. Authorities denied the existence of trafficking during most of the year but later admitted the problem was a concern and began to allocate resources to combat it. In December, Turkish Cypriot authorities took action in response to specific information about a named victim of trafficking. After interviewing the woman and determining that she did not wish to remain on the island, authorities repatriated her to her country of origin.

There were no NGOs available to provide assistance to trafficking victims.

## Persons with Disabilities

The "TRNC constitution" prohibits all forms of discrimination, including against persons with disabilities, and there were no reported restrictions on access to employment, education, health care, or government services. The law does not mandate

access to public buildings and other facilities for persons with disabilities.

#### National/Racial/Ethnic Minorities

The "TRNC constitution" prohibits discrimination. The 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Greek Cypriots and Maronites; however, the authorities' noncompliance with some of the agreement's provisions made daily life difficult for the 403 Greek Cypriots and 140 Maronites residents.

Greek Cypriots and Maronites in the north alleged that they were routinely subject to surveillance. Representatives of both communities complained that their phones were tapped and that Turkish Cypriot authorities occasionally broke into their homes.

UNFICYP access to Greek Cypriots and Maronites remained limited. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care provided by Turkish Cypriot doctors registered with authorities was permitted. Greek Cypriots and Maronites were still unable to leave property to heirs residing in the south.

#### Incitement to Acts of Discrimination

School authorities continued to use textbooks at the primary and secondary levels that included inflammatory language derogatory of Greek Cypriots. Beginning in March, the "Ministry of Education" began revising the history syllabus and textbooks used in schools after concluding that the existing text encouraged students to view Greek Cypriots as enemies and the EU as a "rotten apple."

#### Section 6 Worker Rights

##### a. The Right of Association

All workers, except members of the police and military forces, have the legal right to form and join unions of their own choosing without prior authorization, and workers did so in practice. Approximately 50 to 60 percent of private sector workers and all public sector workers belonged to labor unions.

Some companies established company-led unions then pressed workers to join them. Officials of independent labor unions stated that authorities created rival public sector unions to weaken the independent unions.

In 2003, there were press reports that public sector authorities discriminated against members of pro solution labor unions who participated in political activities, including demonstrations. In some cases, individuals were passed over for promotion or were reassigned to undesirable jobs or locations.

The law does not prohibit antiunion discrimination. Union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties, such as reassignment to and undesirable location or denial of promotion, for antiunion practices were minimal.

##### b. The Right to Organize and Bargain Collectively

By law, unions and confederations are free to organize and bargain collectively, and they did so in practice. Authorities did not compile the number of persons covered by collective bargaining agreements; however, union officials informally estimated that 98 percent of workers in the public sector and 1 percent of workers in the private sector were unionized.

A special commission composed of five representatives each from organized labor, employers, and the authorities reviewed wage levels several times a year for both private and public sector workers and established corresponding cost of living wage increases.

The law provides for the right to strike; however, employers have an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right. In addition, authorities have the power to curtail strikes in "essential services," although this power was used rarely in practice.

There are no special laws or exemptions from regular labor laws in the export processing zone in the port of Famagusta.

##### c. Prohibition of Forced or Compulsory Labor

The authorities prohibited forced or compulsory labor, including by children; however, there were reports that illegal migrant workers were subject to the nonpayment of wages and the threat of deportation (see Section 6.e.).

## d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment in an "industrial undertaking" is 16 years, and children may be employed in apprentice positions at the age of 15. There were labor inspectors who enforced the law effectively; however, it was common in family run shops for children to work after school, and the press reported that children as young as age 11 worked in orchards during school holidays.

## e. Acceptable Conditions of Work

The minimum wage of \$447 (627 million Turkish lira) per month was subject to frequent review because of high inflation and did not provide a decent standard of living for a worker and family.

The legal maximum workweek was 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforced these laws.

The authorities enforced occupational safety and health regulations sporadically. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed; however, workers who filed complaints did not receive satisfactory legal protection and could face dismissal.

A significant percentage of the labor force consisted of illegal migrants, mainly from Turkey. There were frequent allegations that such workers were subject to mistreatment, including the nonpayment of wages and threats of deportation. In September, the "National Assembly" approved a measure, aimed at persons of Turkish origin, requiring foreigners who entered the north to have passports and to register their documents if they planned to work.