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## U.S. Department of State

### Cyprus Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

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#### CYPRUS

Prior to 1974, Cyprus experienced a long period of intercommunal strife between its Greek and Turkish Cypriot communities. In response, the United Nations Force in Cyprus (UNFICYP) began peacekeeping operations in March 1964. The island has been divided since the Turkish military intervention of 1974, following a coup d'etat directed from Greece. Since 1974 the southern part of the island has been under the control of the Government of the Republic of Cyprus. The northern part is ruled by a Turkish Cypriot administration. In 1983 that administration proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC"), which is recognized only by Turkey. The two parts are separated by a buffer zone patrolled by the UNFICYP. A substantial number of Turkish troops remain on the island. In both the government-controlled areas and in the Turkish Cypriot community there is a generally strong regard for democratic principles. Glafcos Clerides was reelected President of the Republic of Cyprus in February 1998; in 1995, Turkish Cypriots reelected Rauf Denktash as their leader. The judiciary is independent in both communities.

Police in the government-controlled areas and in the Turkish Cypriot community are responsible for law enforcement. Police forces operating in the government-controlled areas are under civilian control, while military authorities direct Turkish Cypriot police forces. In general the police forces of both sides respect the rule of law, but instances of police abuse of power continued.

Both Cypriot economies operate on the basis of free market principles, although in each community there are significant administrative controls. The government-controlled part of the island has a robust, service-oriented economy, with a declining manufacturing base and a small agricultural sector. Tourism

and trade generate 22 percent of gross domestic product and employ 27 percent of the labor force. In 1997 per capita income was approximately \$13,000, inflation was 3.6 percent, and unemployment was 3.5 percent. Growth in 1997 remained sluggish at 2.3 percent, compared to 2.0 percent in 1996. The Turkish Cypriot economy, which is handicapped significantly by an economic embargo by the Greek Cypriots, relies heavily on subsidies from Turkey and is burdened by an overly large public sector. It, too, is basically service-oriented but has a relatively smaller tourism base and a larger agricultural sector. In 1997 per capita income in the north was approximately \$3,700, and inflation was 82 percent. The economy in the north recorded a growth rate of 1.5 percent in 1997 after a negative growth rate of 1.1 percent in 1996.

The Government of the Republic of Cyprus generally respected human rights norms and practices; however, instances of police brutality continued to be a problem.

The Turkish Cypriot authorities generally respect human rights norms and practices; however, police abuse of suspects' and detainees' rights continued. The authorities also restricted freedom of movement. Since December 1997 the Turkish Cypriot authorities have banned most bicomunal contacts between Turkish Cypriots and Greek Cypriots, including previously frequent meetings in Nicosia's buffer zone. They sometimes attempted to prevent Turkish Cypriots from travelling to bicomunal meetings off the island as well. In February Turkish Cypriot officials also instituted a new, higher fee system for crossings at the main Nicosia checkpoint, making it more difficult for both sides to cross the buffer zone. The Turkish Cypriot authorities have taken some steps to improve the conditions of Greek Cypriots and Maronites living in the territory under their control, but the treatment of these groups still falls short of Turkish Cypriot obligations under the Vienna III agreement of 1975.

Violence against women remained a problem in both areas.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

There were no reports of political or other extrajudicial killings.

Turkish Cypriot authorities still have not conducted a credible investigation of the 1996 murder of a prominent leftist Turkish Cypriot journalist, Kutlu Adali, who wrote articles critical of Turkey's role in the north and particularly on the role of the Turkish military and of policies that allowed large numbers of Turkish workers into the north.

In 1996 Turkish Cypriot civilian police killed a Greek Cypriot demonstrator who had entered the U.N. buffer zone, and the police participated in the beating death of another. Again, there has not been any significant investigation by Turkish Cypriot authorities of the killings. The Government of Cyprus stated that it would press for legal action against the killers, and the victims' families have filed a case against Turkey at the European Commission of Human Rights.

#### **b. Disappearance**

There were no reports of politically motivated disappearances.

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

Both the Constitution of the Republic of Cyprus and the basic law governing the Turkish Cypriot community specifically prohibit torture, the law in both communities prohibits such practices, and the authorities generally respect these provisions in practice; however, there continue to be instances of Cypriot police brutality against suspects in detention, mostly involving non-Cypriots (see Section 2.d.). Turkish Cypriots continue to allege that two Turkish Cypriots, arrested near the buffer zone by Greek Cypriot police in October 1997 on smuggling charges, were tortured. However, U.N. officials who examined the two men found no evidence that supported their claims. The men, who were represented by a Turkish Cypriot attorney, were tried and convicted in accordance with Cypriot law. Following their May conviction and sentencing to 12 months' imprisonment, they were released in July and returned to the north.

Official action still is pending against the Cypriot police involved in a 1995 case of torture of a suspected Turkish Cypriot drug smuggler, Erkan Egmez. Egmez was released and returned to the north. He filed a complaint against the Cypriot Government at the European Commission of Human Rights, and the Commission has ruled it admissible.

The Commission also agreed in January to investigate complaints by nine Turkish Cypriots that Greek Cypriot police mistreated them in 1994 and expelled them to the north. The complainants allege that they were threatened with death if they returned to the south and that Greek Cypriot police were responsible for the death of one complainant's son, who did return to the south later in 1994. The Cypriot Government denies all the charges; the Commission took oral evidence in the case in Nicosia in September.

In both of the above cases, the Commission's admissibility ruling made no judgment on the merits of the individual case.

While there were no public allegations of police brutality in the Turkish Cypriot community, there were credible reports of pervasive police abuse of power and routine harsh treatment of detainees (see Section 1.d.).

Prison conditions in general meet minimum international standards.

The Cypriot Government and the Turkish Cypriot authorities permit prison visits by human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

Throughout Cyprus the police respect laws providing for freedom from arbitrary arrest and detention. Judicially issued arrest warrants are required. No one may be detained for more than a day without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 to 10 days before formal charges are filed. Attorneys generally have access to detainees; bail is permitted.

Some abuses of power occur at the hands of the Turkish Cypriot police, generally at the time of arrest. Suspects often are not permitted to have their lawyers present when testimony is being taken, a right provided under the Turkish Cypriot basic law. Suspects who demand the presence of a lawyer are threatened routinely with stiffer charges or even physically intimidated. A high percentage of convictions in the Turkish Cypriot community are obtained with confessions made during initial police interrogation under these conditions. There are also credible reports that police routinely abuse their right to hold persons up to 24 hours before having to go before a judge. Police officers use this tactic

against persons believed to have behaved in a manner deemed insulting to the officer. The suspects are then released within 24 hours without charges having been filed.

Exile is prohibited specifically by the Constitution and by the basic law governing the Turkish Cypriot community.

#### e. Denial of Fair Public Trial

The judiciary is legally independent of executive or military influence in both communities.

On both sides, most criminal and civil cases begin in district courts, from which appeals are made to supreme courts.

Cyprus inherited many elements of its legal system from the United Kingdom legal tradition, including the presumption of innocence, the right to due process, and the right of appeal. Throughout Cyprus, a fair public trial is provided for in law and accorded in practice. Defendants have the right to be present at their trials, to be represented by counsel (at government expense for those who cannot afford one), to confront witnesses, and to present evidence in their own defense. There are no special courts to try security or political offenses.

On the Turkish Cypriot side, civilians deemed to have violated military zones are subject to trial in a military court. These courts consist of one military and two civilian judges and a civilian prosecutor. Members of the Turkish Cypriot bar have complained that civilian judges tend to defer to their military colleague in such hearings.

There were no reports of political prisoners.

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

Both the Cyprus Constitution and the basic law governing the Turkish Cypriot community include provisions protecting the individual against arbitrary interference by the authorities, and a judicial warrant is required for a police official to enter a private residence. Although authorities on both sides generally respected these provisions in practice, police on both sides subjected members of the other community resident in their area to harassment and surveillance (see Section 5).

The Turkish Cypriot authorities restricted the ability of Greek Cypriots and Maronites living in the north to change their housing at will (see Section 5).

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

#### a. Freedom of Speech and Press

Freedom of speech and the press are provided for by law and are freely practiced throughout the island. The proliferation of party and independent newspapers and periodicals in both communities enables ideas and arguments to circulate freely. Opposition papers frequently criticize the authorities. Several private television and radio stations in the Greek Cypriot community compete effectively with the government-controlled stations. Following passage of new legislation in 1997, Turkish Cypriot authorities no longer have a monopoly on local radio and television. Six new, private radio stations are operating, in addition to two smaller, university-run stations, and three private television stations are broadcasting, with a fourth planned. International broadcasts are available without interference

throughout the island, including telecasts from Turkey and Greece.

During the year Turkish Cypriot officials filed a number of court actions against newspapers and journalists, alleging that certain articles "damaged the prestige of the state." A number of cases were dropped before coming to trial, in response to retractions. No cases had come to trial by year's end.

There have been intermittent restrictions on the ability of some journalists to cross the buffer zone to cover news events. The Cypriot Government has denied entry to the south for Turkish journalists who arrived on Cyprus through ports of entry in the north; in retaliation, Turkish Cypriot authorities sometimes have required Greek Cypriot journalists to purchase a visa to enter the north, which the journalists have refused to do. The current Turkish Cypriot policy is to permit Greek Cypriot journalists travelling as a group to cover events in the north without paying for visas, but not to allow Greek journalists unless they purchase visas. Individual Greek Cypriot journalists usually also must pay the visa fees.

Academic freedom generally is respected throughout the island.

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

The freedom to hold meetings, associate, and organize is protected by law, and the Government respects these rights in practice.

Although Turkish authorities also generally respected these rights, they imposed restrictions on bicomunal meetings (see Section 2.d.).

#### c. Freedom of Religion

Freedom of religion generally is respected. Although missionaries have the legal right to proselytize in both communities, missionary activities are monitored closely by the Greek Cypriot Orthodox Church and by both Greek Cypriot and Turkish Cypriot authorities.

Turkish Cypriots residing in the southern part of the island and non-Muslims in the north are allowed to practice their religions. Restrictions on the right of Greek Cypriots resident in the north to visit Apostolos Andreas monastery have been eased. Greek Cypriots living in the north, in groups of 20 or more, now may visit the monastery every Sunday and on religious holidays. An application to replace a retiring priest has been pending for more than 18 months.

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

Greek Cypriots and Turkish Cypriots enjoy freedom of movement within their respective areas. Both authorities respect the right to travel abroad and to emigrate. Turkish Cypriots have difficulty traveling to most countries because travel documents issued by the "Turkish Republic of Northern Cyprus" are recognized only by Turkey. Most Turkish Cypriots use Turkish travel documents instead.

The Republic of Cyprus authorities permit only day travel by tourists to the northern part of the island. They have declared that it is illegal to enter Cyprus except at authorized entry points in the south, effectively barring entry into the government-controlled area by foreigners who have entered Cyprus from the north. Following the 1994 murder of the director of a Greek Cypriot association supporting Kurds in Turkey, the Greek Cypriot authorities placed significantly tighter controls on the movement of Turkish Cypriots to the south. Institutions and individuals sponsoring visits of Turkish Cypriots to the

government-controlled areas must notify the police in advance and provide them with an exact itinerary.

Turkish Cypriot authorities generally allow visits to the north by persons who initially enter Cyprus in the south, but they have denied entry to persons of Turkish-Cypriot origin who enter Cyprus in the south. Previously, visitors of Greek Cypriot or Armenian origin, or even persons having Greek or Armenian names, faced considerable difficulties entering the north. In 1995 the Turkish Cypriot authorities instituted a new policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-controlled areas. However, implementation of the procedures remains inconsistent.

In February the Turkish Cypriot leadership instituted a new system of crossing fees at the main Nicosia checkpoint. In addition to requiring substantially higher crossing fees (approximately \$25 [£15] for Greeks and Greek Cypriots, \$6.50 [£4] for other nationalities, and \$6.50 [£4] for Turkish Cypriots travelling to the south), the new plan requires Greeks and Greek Cypriots to obtain a formal "TRNC" visa to visit the north. Greek Cypriots, Maronites, and other non-Turkish Cypriots permanently residing in the north can obtain a monthly crossing permit for approximately \$16 (£10). The effect of the new system has been to reduce overall crossings, especially for Maronites visiting from the south, for whom travel previously was free.

Following an agreement in 1997 on reciprocal visits to religious sites, a number of visits occurred, although there were no visits to the north in 1998 until September because the Turkish Cypriot authorities were requiring Greek Cypriot visitors to pay the new crossing fee. The Cypriot Government permitted almost 1,300 Turkish Cypriots to make a pilgrimage to a Moslem shrine in the south in February, plus another 1,300 in April, the largest number since 1974. However, a scheduled Easter visit by Greek Cypriots to an Orthodox monastery in the north was cancelled because of the fee requirement. In September a group of approximately 1,300 Greek Cypriots finally was allowed to visit the monastery without paying the crossing fee. In November another group of 1,400 Greek Cypriots visited the monastery as well, without paying the fee.

In 1996 the European Court of Human Rights ruled 11 to 6 that Turkey committed a continuing violation of the rights of a Greek Cypriot woman by preventing her from going to her property located north Cyprus. The ruling reaffirmed the validity of property deeds issued prior to 1974. The Court also found in this case that "it was obvious from the large number of troops engaged in active duties in northern Cyprus that the Turkish army exercised effective overall control there. In the circumstances of the case, this entailed Turkey's responsibility for the policies and actions of the 'TRNC.'" In July the Court ordered Turkey to pay the woman approximately \$915,000 in damages and costs by October 28. The Turkish Government stated that it cannot implement the Court's decision, which it contends is a political decision, and argued that the land in question is not Turkish but is part of the "Turkish Republic of Northern Cyprus."

Until late December 1997, Turkish Cypriot authorities approved most applications for Turkish Cypriots to participate in bicomunal meetings in the U.N.-controlled buffer zone, but on December 27, 1997, they suspended Turkish Cypriot participation in these meetings pending a reevaluation of bicomunal activities. The "suspension" soon became an effective Turkish Cypriot ban on bicomunal contacts on Cyprus. Whereas in 1997 thousands of Greek Cypriots and Turkish Cypriots participated in bicomunal events, in which groups of Turkish Cypriots and Greek Cypriots met to discuss such topics as the environment, family violence, management techniques, business operations, and legal questions, the Turkish Cypriot ban halted almost all of those contacts. In addition to the ending of bicomunal events in the buffer zone, Turkish Cypriots may not visit the south for bicomunal contacts and Greek Cypriots may not visit the north for such contacts (unless they purchase a Turkish Cypriot "visa"). Turkish Cypriot authorities also attempted to interfere with some bicomunal events taking place

outside Cyprus by prohibiting civil servants from participating. Enforcement of the policy has been inconsistent, with some public officials permitted to attend off-island bicomunal events. Private citizens have been allowed to travel to off-island bicomunal events.

Restrictions on Greek Cypriots and Maronites living in the north were eased in 1998. Turkish Cypriot authorities usually grant the applications of Greek Cypriot residents in the north to visit the government-controlled area. The limit on visits to the south was extended this year from 15 days per month to a total of 6 months. The applicants must return within the designated period or risk losing their right to return and to keep their property, although this rule rarely is enforced in practice. Turkish Cypriot authorities also eliminated the previous monthly limit on visits by close family relatives of Greek Cypriots resident in the north (it was once per month until 1996 and twice per month thereafter). A limit on overnight stays also was dropped. Persons travelling both ways must pay the new crossing fee.

Similar restrictions exist for visits by Maronite residents of the north to the government-controlled area, but they are applied much more loosely than restrictions on Greek Cypriots, and Maronite travel is relatively free. However, Maronite residents also now must pay the crossing fees described above.

While in the past Turkish Cypriot authorities permitted school holiday and weekend visits to the north only by children under the ages of 16 (male) and 18 (female), the age limits for Maronite students and female Greek Cypriot students were lifted entirely in 1998. Male Greek Cypriot students still may visit the north only until age 16, since they are eligible for Greek Cypriot military service at age 17. Students pay a lower fee to cross the buffer zone, approximately \$3.00. During the 1997-98 Christmas and New Year holiday, 700 adult children and grandchildren of Greek Cypriots living in the north visited the north and stayed overnight. During the 1998-99 holiday, approximately 315 Greek Cypriots visited the north, but others cancelled visits due to the imposition of crossing fees by the Turkish Cypriots.

According to new regulations announced in October, the Turkish Cypriot authorities no longer require Greek Cypriots or Maronites resident in the north to obtain police permits for internal travel in the north. They may use private vehicles registered and insured in the north. However, it was unclear at year's end whether the new policy was being implemented consistently.

Although asylum legislation remains pending in the legislature, the Government of Cyprus regularly grants de facto first asylum. However, during the year there were several instances in which large groups of illegal immigrants attempting to reach Western Europe instead landed on Cyprus after their overcrowded vessels encountered problems at sea. The largest such group numbered over 100 persons, all of whom applied for political asylum after arriving in June. After several months of detention in a hotel, during which representatives of the U.N. High Commissioner for Refugees (UNHCR) interviewed the immigrants, only 23 were granted asylum, and a large group was transferred to a jail. Those who did not receive asylum were deported against their will or awaited deportation at year's end. In August some of the immigrants charged that the police beat them--which the police denied. However, in October a special police unit was filmed by local television cameras kicking and beating the detainees with batons, while stopping a protest during which the detainees burned their bedding. An examination of the immigrants, mostly black Africans, by a forensic pathologist revealed that most were injured, some seriously. The Attorney General ordered investigations into both incidents, but no reports were released by year's end.

The Government of Cyprus normally receives 60 to 70 asylum applications each year. These cases are referred to the local UNHCR office for evaluation. If applicants are found to meet the criteria for refugee status, they are permitted to remain and are given temporary work permits. However, applicants generally are not granted permanent resettlement rights: the Government claims that it already has enough responsibilities in caring for those displaced after the 1974 Turkish intervention. Applicants are

permitted to remain until resettlement in a third country can be arranged. In both the north and the south, cooperation with U.N. refugee authorities is excellent. The UNHCR is not aware of any cases of asylum seekers in the north in recent years.

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

Multiparty political systems exist throughout Cyprus. Under the Republic's Constitution, political parties compete for popular support actively and without restriction. Suffrage is universal, and elections are held by secret ballot. Elections for the office of president are held every 5 years; in February President Clerides won reelection to a new 5-year term. Elections for members of the House of Representatives are held every 5 years or less. In addition to their normal voting rights, the small Maronite, Armenian, and Latin communities also elect special nonvoting representatives from their respective communities.

The Turkish Cypriots living in northern Cyprus elect a leader and a representative body every 5 years or less; in December they chose a new "National Assembly." In April 1995 Turkish Cypriot voters elected Rauf Denktaş as their leader in elections deemed by observers to be free and fair.

Under the 1960 Constitution, voting took place on a communal basis. Therefore, since the breakdown in 1963 of bicomunal governing arrangements, and since the 1974 de facto partition of the island, Turkish Cypriots living in the government-controlled area are barred from voting there, although they may travel to the north to vote in elections. Similarly, Greek Cypriots and Maronites living in the north are barred by law from participating in Turkish Cypriot elections. They are eligible to vote in Greek Cypriot elections but must travel to the south to exercise that right. They also may choose their own village officials, but those elected are not recognized by the Government of Cyprus.

In both communities, women face no legal obstacles to their participation in the political process. While clearly underrepresented in government, they hold some cabinet-level, judicial, and other senior positions. In the House of Representatives, women hold 3 of 56 seats; in the newly elected "National Assembly" in the north, women hold 4 of 50 seats.

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

Organizations in both parts of the island consider themselves human rights groups; however, they generally are concerned with alleged violations of the rights of their community's members by the other community. Groups with a broad human rights mission include organizations promoting awareness of domestic violence and others concerned with alleged police brutality.

No restrictions prevent the formation of human rights groups. Representatives of international human rights organizations have access throughout the island.

The United Nations, through the autonomous Tripartite (United Nations, Greek Cypriot, Turkish Cypriot) Committee on Missing Persons in Cyprus (CMP), is attempting to resolve the missing persons dilemma that remained from the intercommunal violence beginning in 1963-64 and the 1974 Turkish military intervention. However, the CMP has made little progress. In July 1997, the leaders of the Greek and Turkish Cypriot communities agreed to collect and share information on missing persons by the end of September 1997, outside of the CMP process. The information finally was exchanged in January 1998. Further progress has been delayed due to Turkish Cypriot reluctance to proceed without a full accounting first of who may have been killed in internal Greek Cypriot fighting in July 1974 prior to the landing of Turkish forces on Cyprus. The Government of Cyprus is exploring the possibility of

beginning exhumations of gravesites in the south that may contain the remains of persons missing since 1974. In March the remains of one of the five U.S. citizens missing since 1974, Andrew Kassapis, was identified through DNA testing.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

Legislation in both communities provides for protection against discrimination based on sex, religion, or national, racial or ethnic origin. While each community generally respects such laws, significant problems remain with the treatment of the Greek Cypriots and Maronites living in the north and, to a lesser extent, with the treatment of Turkish Cypriots living in the government-controlled area.

#### **Women**

Spousal abuse in the Greek Cypriot community is receiving increasing attention, and the problem is believed to be significant. A 1994 law aimed at making spousal abuse easier to report and prosecute has had little effect because key provisions remain unfunded and unimplemented. Many suspected cases of domestic violence do not reach the courts, largely because of family pressure and the wife's economic dependence on her husband. An organization formed to address the domestic abuse problem reported 689 cases through November 1998, compared with 922 cases in 1997, with 86 percent of the reported victims women, 11 percent children, and 3 percent men. A shelter for battered women opened in late 1998. Very few cases tried in the courts result in convictions. There is little public discussion of domestic violence in the Turkish Cypriot community, although a report issued by the Women's Research Center described such violence as common. A women's shelter opened in 1994. Domestic violence cases are rare in the Turkish Cypriot legal system, since they often are considered a "family matter."

Republic of Cyprus law forbids forced prostitution. However, credible reports continue that women, generally East Asian or Eastern European night club performers, are forced into prostitution in the Greek Cypriot community. To date there have been few arrests since the women, fearing retaliation by their employers, generally do not press charges. In the Turkish Cypriot community, there are an estimated 300 to 350 women, mostly from Eastern Europe, working as prostitutes. These women often must surrender their passports to the club owners and sometimes are prohibited even from making private phone calls.

Reports on the mistreatment of maids are frequent in the Greek Cypriot press. These reports usually involve allegations that maids, often from East or South Asia, have been treated inhumanely by their employers or fired without cause in violation of their contracts. Many women do not complain to authorities, fearing retribution from their employers. Those who do file charges run the risk of being fired and then deported.

Throughout Cyprus, women generally have the same legal status as men. In a significant step, Greek Cypriot women married to foreign husbands were for the first time given the right to transmit citizenship to their children automatically in new legislation passed in December. Previously they were required to apply for Cypriot citizenship for their children, while Greek Cypriot men could transmit citizenship to their children automatically.

In July a new Turkish Cypriot law on marriage and divorce went into effect, which provided for more equal treatment of husbands and wives. Under the new law, the man no longer is considered legally the head of the family and does not have the exclusive right to decide the family's place of residence. The wife may retain her surname but also must add the husband's surname. Turkish Cypriot women may now marry non-Moslem men. 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 of the assets. In dividing assets, the judge must take into account which partner is receiving custody of the children and provide sufficient means to support them. Legal provisions in both communities requiring equal pay for men and women performing the same job are enforced effectively at the white collar level, but Turkish Cypriot women employed in the agricultural and textile sectors routinely are paid less than their male counterparts.

### Children

Both the Government and the Turkish Cypriot authorities demonstrate a strong commitment to children's welfare. There is no difference in the health care and educational opportunities available to boys and girls. Free education through age 15 is compulsory in both communities. There is no societal pattern of abuse of children.

### People with Disabilities

In Cyprus generally, disabled persons do not appear to be discriminated against in education or the provision of state services. In the Greek Cypriot community, disabled persons who apply for a public sector position are entitled to preference if they are deemed able to perform the required duties and their qualifications equal those of other applicants. Legislation also mandates that new public building and tourist facilities provide access for the disabled, although little has been done to enforce this law. In the Turkish Cypriot community, regulations require businesses to employ 1 disabled person for every 25 positions they fill, although enforcement is inconsistent. While there is increasing awareness of the issue, the Turkish Cypriot community has not yet enacted legislation to mandate access for the disabled to public buildings and other facilities.

### Religious Minorities

Greek Cypriots living in the north report that unused Orthodox churches continue to be vandalized.

### National/Racial/Ethnic Minorities

Both the Government of Cyprus and the Turkish Cypriot administration have constitutional or legal bars against discrimination. The basic agreement covering treatment of Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south remains the 1975 Vienna III Agreement. This agreement provides for voluntary transfer of populations, free and unhindered access by UNFICYP to Greek Cypriots and Maronites living in the north and Turkish Cypriots living in the south, and facilities for education, medical care, and religious worship.

Some Turkish Cypriots living in the government-controlled area face difficulties in obtaining identification cards and other government documents, especially if they were born after 1974. Turkish Cypriots also appear to be subjected to harassment and surveillance by the Greek Cypriot police. A number of Turkish Cypriots who worked in the government-controlled area but did not live there lost their jobs following the August 1996 killing of two Greek Cypriots in the buffer zone. The Cyprus Government, which stated that it could not ensure the safety of the Turkish Cypriot workers, provided 6 months of unemployment benefits to those living in the mixed Greek Cypriot-Turkish Cypriot village of Pyla, but no one has been rehired.

UNFICYP access to Greek Cypriots and Maronites living in the north remains limited. Despite recent improvements in living conditions for Greek Cypriots and Maronites, there still are no Greek-language educational facilities for Greek Cypriot or Maronite children in the north beyond the elementary level,

forcing parents in many instances to choose between keeping their children with them or sending them to the south for further education (in which case they may no longer return permanently to the north). Additional telephones have been installed for Greek Cypriots living in the north. Greek Cypriots still complain of vandalism of unused Orthodox churches, and both Greek Cypriots and Maronites living in the north are unable to change their housing at will. Maronites also still lack some public services available in most other Turkish Cypriot areas.

## **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 trade unions of their own choosing without prior authorization. In the government-controlled area, police officers also have the right to join associations, which have the right to bargain collectively, although not to strike. More than 70 percent of the Greek Cypriot work force belongs to independent trade unions. Approximately 50 to 60 percent of Turkish Cypriot private sector workers and all public sector workers belong to labor unions.

In the Turkish Cypriot community, union officials allege that various firms were successful in establishing "company" organizations and then applying pressure on workers to join these unions. Officials of independent labor unions also have accused the Turkish Cypriot authorities of creating rival public sector unions to weaken the independent unions. The International Labor Organization (ILO) has not yet acted on these complaints.

In both communities, trade unions freely and regularly take stands on public policy issues that affected workers and maintain their independence from the authorities. Two of the major trade unions, one in each community, are affiliated closely with political parties. Both of the other major unions are independent.

All workers have the right to strike, and several strikes have occurred. However, in the northern part of the island a 1978 court ruling gives employers an unrestricted right to hire replacement workers in the event of a strike, thereby limiting the effectiveness of the right to strike. Authorities of both the Greek Cypriot and Turkish Cypriot communities have the power to curtail strikes in what they deem to be "essential services," although this right is used rarely.

Unions in both parts of Cyprus are able to affiliate with international trade union organizations, although Greek Cypriot unions sometimes object to recognition of Turkish Cypriot unions formed after 1963.

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

Trade unions and confederations by law are free to organize and bargain collectively throughout Cyprus. This right is observed in practice in the government-controlled areas, and most wages and benefits are set by freely negotiated collective agreements. However, Greek Cypriot collective bargaining agreements are not enforceable. In the rare instances when such agreements are believed to have been infringed, the Ministry of Labor is called in to investigate the claim. If the Ministry is unable to resolve the dispute, the union may call a strike to support its demands. However, in practice such alleged violations are extremely rare.

In the Turkish Cypriot community, where inflation exceeded 60 percent over the year, wage levels are reviewed several times a year for both the private sector and public sector workers, and a corresponding

cost-of-living raise is established. A special commission composed of five representatives each from organized labor, employers, and the authorities conducts the review. Union leaders contend that private sector employers are able to discourage union activity because the enforcement of labor and occupational safety regulations is sporadic, and penalties for antiunion practices are minimal. As in the Greek Cypriot community, parties to a dispute may request mediation by the authorities.

Small export processing zones exist in the port of Larnaca and in Famagusta, but the laws governing working conditions and actual practice there are the same as those outside the zones.

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

Forced or compulsory labor, including that performed by children, is prohibited by law, and this prohibition is generally observed. However, there were credible reports that foreign women were forced into prostitution (see Section 5).

#### d. Status of Child Labor Practices and Minimum Age for Employment

In both the Greek Cypriot and Turkish Cypriot communities, the minimum age for the employment of children in an "industrial undertaking" is 16 years of age. Turkish Cypriots may be employed in apprentice positions at the age of 15. There are labor inspectors in both communities. However, in family-run shops it is common to see younger children working after school, and according to press reports, children as young as 11 or 12 years of age work in factories or orchards during their school holidays in the Turkish Cypriot community. Laws prohibit forced and bonded child labor, and these laws are enforced effectively in both communities (see Section 6.c.).

#### e. Acceptable Conditions of Work

The legislated minimum wage in the Greek Cypriot community, which is reviewed every year, is approximately \$496 (£C 248) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants. This amount is insufficient to provide a decent standard of living for a worker and family. All other occupations are covered under collective bargaining agreements between trade unions and employers within the same economic sector, and the wages set in these agreements are significantly higher than the legislated minimum wage. The legislated minimum wage in the Turkish Cypriot area, while subject to frequent review because of high inflation, was approximately \$265 (£C 132.5) per month as of January 1999. This amount is insufficient to provide a decent standard of living for a worker and family. Unskilled workers typically earn about \$330 (£C 165) per month, which is barely adequate to support a family.

In the Greek Cypriot community, the standard workweek in the private sector is an average of 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, it is 37 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the standard workweek is 38 hours in the winter and 36 hours in the summer. Labor inspectors effectively enforce these laws.

A significant percentage of the labor force in the north consists of illegal workers, mostly from Turkey. According to some estimates, illegal workers constitute as much as 25 percent of the total work force there. There are frequent allegations that such workers are subject to mistreatment, including nonpayment of wages and threats of deportation.

Recent steps were taken to improve health and safety standards in the workplace in the government-controlled area. In 1997 a law took effect that harmonized health and safety standards with those in the

European Union (EU). The new law incorporates EU principles and standards for health and safety in the workplace and complies fully with the 1981 ILO Convention on occupational health and safety. A second law entered into effect in November 1997, requiring employers to provide insurance liability coverage for work-related injuries.

Occupational safety and health regulations are administered sporadically at best in the Turkish Cypriot area. In both areas, factory inspectors process complaints and inspect business in order to ensure that occupational safety laws are observed. Workers in the government-controlled area can remove themselves from dangerous work conditions without risking loss of employment. Turkish Cypriot workers who file complaints do not receive satisfactory legal protection and may face dismissal.

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