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1999 Country Reports on Human Rights Practices

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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 area and in the Turkish Cypriot community democratic principles generally are respected. 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 area and in the Turkish Cypriot community are responsible for law enforcement. Police forces operating in the government-controlled area 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 21 percent of gross domestic product and employ 27 percent of the labor force. In 1998 per capita income was approximately \$13,600, inflation was 2.2 percent, and unemployment was 3.3 percent. Growth in 1998 rose to 5 percent, compared with 2.3 percent in 1997. 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 and trade base--accounting for 16 percent of gross domestic product and employing 10 percent of the work force--and a larger agricultural sector. In 1998 per capita income in the north was approximately \$4,000, and inflation was 66 percent. The economy in the north grew 5.3 percent in 1998 compared with 3.8 percent in 1997.

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

The Turkish Cypriot authorities generally respected human rights; however, police abuse of suspects' and detainees' rights continued to be a problem. The authorities also continued to restrict 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 1998 Turkish Cypriot officials also instituted a new, higher fee system for "visas" at the main Nicosia checkpoint, making it more expensive 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 and trafficking in women for forced prostitution remained problems 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 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 family of one of the deceased filed a case against Turkey in the European Court of Human Rights, which declared the case admissible in June.

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. One officer is on trial in connection with the October 1998 beating of illegal immigrant detainees by members of a special police unit (see Section 2.d.).

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 with the European Commission of Human Rights, and the Commission ruled it admissible in 1998.

The Commission also agreed in January 1998 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 returned to the south later in 1994. The Cypriot Government denies all of the charges; the Commission took oral evidence in the case in Nicosia in September 1998.

In all of its cases, the Commission's admissibility ruling makes 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 physical treatment of detainees (see Section 1.d.).

Prison conditions in general meet or exceed minimum international standards. Persons incarcerated in jails in the south on minor charges reportedly are mixed with more hardened, violent criminals.

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

d. Arbitrary Arrest, Detention, or Exile

Republic of Cyprus 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. The Government of Cyprus claims the right to deport foreign nationals for reasons of public interest whether or not they have been charged with or convicted of a crime.

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. According to credible reports, the police also routinely abuse their authority 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 then are 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 and is not used.

e. Denial of Fair Public Trial

The judiciary is legally independent of executive or military influence in both communities, and it is independent in practice.

On both sides, most criminal and civil cases begin in district courts, from which appeals are made to Supreme Courts. No special courts exist for security or political offenses.

Cyprus inherited many elements of its legal system from the United Kingdom, 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.

On the Turkish Cypriot side, civilians deemed to have violated military zones or military regulations 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 colleagues 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 on occasion have subjected members of the other community resident in their area to surveillance (see Section 5).

The Turkish Cypriot authorities restrict 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 of the press are provided for by law, and these rights are respected in practice 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. Since 1997 seven private radio stations have operated in the Turkish Cypriot community, in addition to two smaller, university-run stations, and four private television stations. International broadcasts are available without interference throughout the island, including telecasts from Turkey and Greece.

In 1998 Turkish Cypriot officials filed a number of court actions against newspapers and journalists, alleging that certain articles "damaged the prestige of the state." Five complaints against one newspaper were consolidated into one action, and a trial was held. In December the court ruled that the newspaper was liable and fined it approximately \$215,000 (120 billion Turkish lira). The same newspaper also faces charges for a 1998 story alleging that Turkish Cypriot soldiers assaulted a Turkish Cypriot family after a dispute over housing.

Intermittent restrictions were imposed on the ability of some journalists to cross the buffer zone to cover news events. The Cypriot Government denied entry to the south for visiting Turkish journalists who arrived in Cyprus through ports of entry in the north; in retaliation, Turkish Cypriot authorities sometimes required Greek Cypriot journalists to purchase a "visa" to enter the north, which the journalists refused to do. Current Turkish Cypriot policy, while applied inconsistently, is to permit Greek Cypriot journalists travelling as a group to cover events in the north without paying a crossing fee, but not to allow Greek journalists unless they pay the fee. Individual Greek Cypriot journalists usually also must pay the 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 Cypriot 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. The Constitution of the Republic of Cyprus recognizes five religions that are exempt from taxes and receive government subsidies. Other religions may register routinely as nonprofit organizations and receive tax exemptions, but not subsidies. In the Turkish Cypriot area, no religion is recognized in the basic law, but Islamic institutions receive tax exemptions and subsidies through the Wakf religious trust; no other church receives exemptions or subsidies. 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 were eased in 1998. They now may

visit the monastery without restriction. Maronites may not visit certain religious sites in the north located in military zones. Armenians may not visit any religious sites in the north. A Greek Cypriot request to replace a retiring Orthodox priest in the north has been pending for more than 2 years.

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 discourage travel to the northern part of the island. They permit only day travel by tourists to the north, sometimes arbitrarily refuse permission to non-Cypriots to cross to the north, and pressure foreigners working in Cyprus not to cross to the north. 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 area 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 policy under which foreign nationals of Greek Cypriot origin would be permitted to visit the Turkish Cypriot-controlled area. However, implementation of the procedures remains inconsistent.

In 1998 the Turkish Cypriot leadership instituted a system of "visa" fees at the main Nicosia checkpoint. In addition to requiring substantially higher fees (approximately \$24 [15 pounds sterling] for Greeks and Greek Cypriots, and \$6.50 [4 pounds sterling] for Turkish Cypriots travelling to the south), the plan requires Greeks and Greek Cypriots to obtain a formal "TRNC visa" to visit the north. Maronites pay a lesser fee--\$6.50 (4 pounds sterling) per visit if over age 18, or \$48 (30 pounds sterling) for an annual family pass. Greek Cypriots, Maronites, and other non-Turkish Cypriots permanently residing in the north can obtain a monthly crossing permit for approximately \$16 (10 pounds sterling). The new system initially reduced overall crossings, especially for Maronites visiting from the south, for whom travel previously had been free. However, the number of Maronites crossing from the south increased in 1999. Requests to cross into the north must be submitted 48 hours in advance.

Following an agreement in 1997 on reciprocal visits to religious sites, a number of visits occurred during the year. The Cypriot Government permitted over 1,200 Turkish Cypriots to make a pilgrimage to a Moslem shrine in the south in March, and allowed another

1,300 to travel in June. In April a group of approximately 1,300 Greek Cypriots visited the Apostolos Andreas monastery in the north. In August almost 1,000 Greek Cypriots traveled to the monastery, and in November another group of 1,700 visited as well.

In 1996 the European Court of Human Rights (ECHR) 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 in 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 1998 the Court ordered Turkey to pay the woman approximately \$915,000 in damages and costs by October 28, 1998. 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." The Council of Europe (COE) during 1999 continued to call on the Turkish Government to comply with the Court's decision. In October the COE Committee of Ministers' Deputies voted to deplore Turkey's lack of compliance. A number of similar cases have been filed with the ECHR.

Turkish Cypriot authorities in the past had 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 mixed groups 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 the approximately 600 Greek Cypriots and Maronites living in the north were eased in recent years. 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 in 1998 from 15 days per month to a total of 6 months per year. 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. Greek Cypriots visiting from the south still may not travel in the north in their personal vehicles but must use taxis or buses and pay the 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 must pay the required crossing fees.

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 and therefore are considered to be possible Greek Cypriot soldiers by the Turkish Cypriot authorities. Students pay a lower fee to cross the buffer zone, approximately \$3.00 (2 pounds Sterling).

According to regulations announced in October 1998, the Turkish Cypriot authorities no longer require Greek Cypriots or Maronites residing in the north to obtain police permits for internal travel in the north. They may use private vehicles registered and insured in the north. Implementation of the new policy has been inconsistent but appears to be improving.

Although asylum legislation remains pending in the legislature, the Government of Cyprus regularly grants de facto first asylum. However, in 1998 and 1999 there were several instances in which 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 1998. 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. Most of those who did not receive asylum were deported against their will in late 1998 and early 1999. Prior to that, in October 1998, 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 Africans, by a forensic pathologist revealed that most were injured, some seriously. The Attorney General ordered investigations into both incidents, and charges were brought against the officer in charge. His trial on charges of dereliction of duty opened in September and continued at year's end.

With the increasing number of illegal immigrants finding their way to Cyprus in small boats, the Government of Cyprus is receiving a growing number of asylum applications: 300 to 400 per year. These cases are referred to the local UNHCR office for evaluation. If applicants 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 another country can be arranged. In both the north and the south, authorities cooperated with U.N. refugee authorities. The UNHCR is developing improved procedures for dealing with asylum seekers in the north, and is aware of two such cases in the north during the year.

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 1998 President Clerides won reelection to a 5-year term. Elections for members of the House of Representatives are held every 5 years or less.

The Turkish Cypriots living in northern Cyprus elect a leader and a representative body every 5 years or less; in December 1998 they chose a new "National Assembly." In 1995 Turkish Cypriot voters elected Rauf Denktash 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 participating 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 4 of 56 seats; in the "National Assembly" in the north, women hold 4 of 50 seats.

In addition to their normal voting rights, the small Maronite, Armenian, and Latin (Roman Catholic) communities also elect special nonvoting representatives from their respective communities.

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 events of July 1974 and afterwards. The CMP has made little progress. However, in November the CMP met formally for the first time since early 1996 and agreed in principle to resume investigations in 2000. 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. In June and July the Government of Cyprus conducted exhumations of gravesites in the south that may contain the remains of persons missing since 1974. One previously unidentified Greek Cypriot has been identified through DNA testing; DNA testing continues on additional remains.

A report by the European Commission of Human Rights, released in September, held Turkey responsible for violations of human rights in Cyprus stemming from the 1974 Turkish military intervention. The result of a complaint by the Government of Cyprus, the report rejected the Turkish argument that the "TRNC" is an independent state and instead ruled that it is "a subordinate local administration of Turkey operating in northern Cyprus." Turkey was held responsible for continuing human rights violations against Greek Cypriots missing since 1974, and their surviving relatives, and for violations concerning the homes and properties of displaced Greek Cypriots from 1974, as well as for violations of the rights of Greek Cypriots still living in north Cyprus. The report was to be referred to the European Court of Human Rights for a binding decision, a process that may take several years.

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 initially had little effect because key provisions were unfunded and unimplemented. Progress was made in implementation during the year, with all cases reported to the police being referred to the courts and measures taken to ensure that such cases are treated as serious criminal charges, not simply as family disputes. Many suspected cases of domestic violence still 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 747 cases during the year, compared with 718 cases in 1998, with 83.6 percent of the reported victims women, 12.9 percent children, and 3.5 percent men. A shelter for battered women opened in late 1998. Very few cases tried in the courts result in convictions. Little public discussion of domestic violence occurs 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 trafficked and forced into prostitution in both communities (see Sections 6.c. and 6.f.).

The Greek Cypriot press frequently reported on the mistreatment of some maids and other foreign workers (see Sections 6.c. and 6.e.).

Throughout Cyprus women generally have the same legal status as men. In a significant step, Greek Cypriot women married to foreign husbands for the first time were given the right to transmit citizenship to their children automatically in new legislation passed in December 1998. 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 1998, a Turkish Cypriot law on marriage and divorce went into effect, which provided for more equal treatment of husbands and wives. Under the 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 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. 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 awareness of the issue is increasing, 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. Turkish Cypriots complain that unused mosques in the south have been treated similarly. A previously unknown Greek Cypriot nationalist organization claimed responsibility for an arson attack on a mosque in the south in August. Damage was light, and the authorities pledged to repair the damage and increase protection of Muslim sites. No one has been arrested for the attack.

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 the 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 of the approximately 300 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 surveillance by the Greek Cypriot police. However, they make few formal complaints to the UNFICYP. A number of Turkish Cypriots who worked in the government-controlled area but did not live there lost their jobs following the 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, no Greek-language educational facilities for Greek Cypriot or Maronite children in the north exist beyond the elementary level. Parents thus are forced in many instances to choose between keeping their children with them or sending them to the south for further education (in which case Turkish Cypriot authorities no longer allow them to return permanently to the north). All textbooks sent from the south to the Greek Cypriot schools must be screened by Turkish Cypriot authorities, causing lengthy delays and shortages of up-to-date texts. Both Greek Cypriots and Maronites living in the north are unable to change their housing at will. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, only care by a doctor registered with Turkish Cypriot authorities is permitted. Additional telephones have been installed for Greek Cypriots living in the north, although they, like Turkish Cypriots, must pay higher, "international" fees to call the south.

In May a Maronite house in the village of Asomatos was demolished by the Turkish military. Military officials indicated that the action was an error and promised to rebuild the house. However, it had not yet been rebuilt by year's end. Maronites still lack some public services available in most other Turkish Cypriot areas.

In 1998 Turkish Cypriot authorities announced that they were reviewing legislation banning Greek Cypriots and Maronites in the north from bequeathing real property to heirs residing in the south. Such property would no longer be seized by the Turkish

Cypriot authorities but would be taken into temporary custody pending probate of the will. Implementation of this policy has been slow, and it is not yet possible to determine its future effectiveness.

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 that have the right to bargain collectively, although not to strike. More than 70 percent of the Greek Cypriot work force belong 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 have been 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) had not yet acted on these complaints by year's end.

In both communities, trade unions freely and regularly take stands on public policy issues affecting 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 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 power rarely is used.

Unions in both parts of Cyprus are able to affiliate with international trade union organizations, although Greek Cypriot unions sometimes object to the 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 area, and most wages and benefits are set by freely negotiated collective agreements. However, Greek Cypriot collective bargaining agreements are not enforceable. In instances when such agreements are believed to have been infringed, the Ministry of Labor is requested to investigate the claim. If the Ministry is unable to resolve the dispute, the union may call a strike to support its demands.

In the Turkish Cypriot community, where inflation exceeded 60 percent during 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 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 generally is observed. However, there were credible reports that foreign women were forced into prostitution (see Sections 5 and 6.f.). Foreign maids and illegal foreign workers allegedly are subject to the nonpayment of wages and the threat of deportation (see Section 6.e.).

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 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 \$470 (257 Cyprus pounds) per month for shop assistants, practical nurses, clerks, hairdressers, and nursery assistants (rising to \$509 [278 Cyprus pounds] after 6 months' employment). 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 \$256 (138 Cyprus pounds) per month as of September. This amount is insufficient to provide a decent standard of living for a worker and family. Unskilled workers typically earn about \$380 (205 Cyprus pounds) per month, which is barely adequate to support a family.

In the Greek Cypriot community, the standard workweek in the private sector averages 39 hours for white-collar workers and 38 hours for blue-collar workers. In the public sector, it is 38 hours during the winter and 35 hours in the summer. In the Turkish Cypriot community, the standard workweek is 40 hours in the winter and 35 hours in the summer. Labor inspectors effectively enforce these laws.

Reports on the mistreatment of maids and other foreign workers are frequent in the Greek Cypriot press. These reports usually involve allegations that maids, often from East or South Asia, were 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.

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

In recent years, 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 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 1997 law requires 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.

f. Trafficking in Persons

New legislation that would make trafficking a felony was under consideration in the Cypriot legislature at year's end; it would also provide for support for victims. A new law also was under consideration at year's end in the Turkish Cypriot "National Assembly" that would regulate the hiring of women in nightclubs but would not prohibit trafficking. A holdover from British preindependence law currently makes it illegal in both communities to procure a woman for prostitution, although the crime is only a misdemeanor. Corruption among law enforcement and immigration personnel has been the primary obstacle to effective policing in both communities.

During the year, credible reports continued that women were trafficked into both communities for the purpose of prostitution. Agents in Eastern Europe recruited young women for prostitution in the Greek Cypriot community. The women entered either illegally after authorities were bribed or on temporary 3-month work permits. They then sometimes were forced to surrender their passports or forced to stay beyond the period of their work permits and in some cases were not paid their full salaries. The authorities arrested nightclub operators for profiting from prostitution, and the Government made some effort to protect women who bring complaints against employers by allowing them to remain to press charges or facilitate their return home. However, many of the women are reluctant to press charges, fearing retaliation by employers or deportation. A similar pattern exists of recruiting and hiring of East European women to work in nightclubs in the Turkish Cypriot community, and reports persist of restrictions on nightclub workers, such as confiscation of their passports by employers.

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