

CYPRUS 2012 HUMAN RIGHTS REPORT

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

REPUBLIC OF CYPRUS 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Cyprus is a constitutional republic and multiparty presidential democracy. In May 2011 voters elected 56 representatives to the 80-seat House of Representatives (Vouli Antiprosopon) in free and fair elections, and in 2008 voters elected President Demetris Christofias in free and fair elections. Security forces reported to civilian authorities.

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

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

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

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

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

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

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

There were several allegations of police abuse during the year. For example, on June 19, *Alithia* newspaper reported that five police officers severely beat a 21-year-old man in Ayia Napa police station. Police had stopped a car to administer breathalyzer tests. The driver tested above the limit, and police asked the passenger to drive the car to the police station. The passenger claimed that, at the station, five officers handcuffed him, threw him to the ground, and kicked him collectively. Police released him the following night and charged him with attacking police officers and causing them serious bodily injury, intoxication, and disturbing the public peace. The man filed a complaint with the Independent Authority. The Independent Authority investigated the incident and, on November 27, sent the dossier to the attorney general for further action.

In April 2011 the police disciplinary committee fined 10 officers involved in the 2005 beating of two students, but the assistant chief of police deemed the punishment inadequate and appealed the decision. On August 3, the appeals board of the police disciplinary committee ordered the discharge of three police officers involved in the incident. The appeals board increased the fine the committee had imposed on four of the remaining officers and endorsed the fine on the other three. In February 2011 the Nicosia Criminal Court sentenced eight of the 10 officers to prison for periods of two months to one year, but it suspended those sentences for three years. Under the terms of the sentence, if the defendants commit any crimes within that three-year period, they will be required to serve the sentence. A court had previously acquitted the officers in 2009, but the attorney general appealed the decision, and the appellate court ordered a retrial.

During the year the ombudsman and nongovernmental organizations (NGOs) received complaints that prison officials and police subjected inmates to physical abuse and discriminatory treatment. The ombudsman reported that during the year her office received several complaints from prisoners concerning physical violence allegedly committed by prison officials, and one complaint of physical violence and degrading treatment allegedly committed by police officers in detention centers. The investigation into one complaint was completed and, although it could not establish that the claims were true, the ombudsman suggested activating prison security cameras for a longer period of time.

In May the ombudsman released her first annual report in her capacity as the National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture. The report noted deficiencies in police detention centers and in the Nicosia Central Prison as well as some policies that amounted to degrading and inhumane treatment of detainees and prisoners. In particular the report referred to the mandatory haircut and shaving of prisoners in the central prison and their subsequent confinement if they refused to comply. It also noted the lack of sufficient sanitary facilities and problems associated with the chronic problem of prison overcrowding. The report noted that the management of the central prison did not exhibit the necessary spirit of cooperation during visits to the central prison and in some cases tried to obstruct an effective investigation.

Prison and Detention Center Conditions

Prison and detention center conditions did not meet international standards in a number of areas, and prison overcrowding was a particularly serious problem. The government permitted visits by independent human rights observers.

Physical Conditions: During the year overcrowding remained the largest problem for Nicosia Central Prison, the only prison in the Republic of Cyprus. The prison's capacity was 520 inmates, but at times it housed up to 710. Authorities held juveniles separately from adults, but they shared the same grounds with adults in their daily activities; pretrial juveniles were not held separately from convicted juveniles.

Prison authorities acknowledged that many of the prison buildings were constructed prior to 1960 and needed renovation. In a September 2011 report, the ombudsman stated that overcrowding had become a permanent problem and had a negative impact on prisoners' living conditions. The ombudsman also reported in

2011 that overcrowding posed great challenges to maintaining the absolute separation of convicted criminals from pretrial detainees and that long- and short-term prisoners were held together. According to the ombudsman, overcrowding had serious repercussions on the health of both prisoners and staff due to the lack of sufficient hygiene facilities and a health center. In addition prisoners with mental health problems did not receive specialized treatment. Prison authorities confirmed overcrowding prevented separation of prisoners by health condition. Extension and renovation work completed in 2011 added 89 new cells to the prison.

Inmates in the central prison during the year included 132 women, none of whom were juveniles, and three male juveniles.

Approximately 58 percent of the prisoners were non-Cypriots imprisoned for illegal entry, stay, and employment, as well as theft, burglary, debts, and other offenses. An NGO reported that, although it continued to receive complaints of police mistreatment against foreign detainees held in detention centers in Larnaca, Nicosia, and Paphos and complaints of discrimination in the Nicosia Central Prison, the overall situation had improved. The ombudsman reported she received complaints from foreign prisoners claiming that they were tasked with heavier work than local prisoners, were not granted the full extent of their visitation rights and that prison officials did not show respect for their religious practices. The complaints were under investigation at year's end.

In December the chairman and members of the House of Representatives Committee on Human Rights visited the detention centers in Lakatamia and Pera Chorio Nisou and the police station in Lycavitos. Committee member Roula Mavronicola described the situation in Lakatamia as "hopeless" and stated that "basic human rights are violated." Ventilation and lighting were inadequate, and there was no outside yard or any other area for physical exercise. The committee noted better living conditions for detainees in Pera Chorio Nisou. Mavronicola stated that detainees in Lycavitos were deprived of fresh air and sunlight since there were no open-air facilities in the detention center, only a dark corridor beside the holding cells.

Prisoners in the central prison and detainees in detention centers had access to potable water. There were no reported deaths during the year in the central prison or the detention centers.

In December 2011 the *Politis* newspaper reported that a young inmate in the Nicosia Central Prison was raped by an older inmate convicted of rape. The newspaper charged that the prison management tried to cover up the incident. The ombudsman's investigation confirmed that prison wardens had locked the convicted rapist in the youth's cell against normal procedure. The youth testified to investigators that the older convict forced him to have sex. The ombudsman strongly criticized prison authorities for exhibiting unjustifiable negligence and acting in a manner that sought to cover up the events. The young victim received a presidential pardon and authorities released him on March 12. The attorney general ordered the criminal prosecution of the suspected perpetrator.

On March 18, a 46-year-old Romanian was found dead, having hanged himself in his Limassol police cell. He was being held on an eight-day remand order after his 20-year-old daughter reported to police that he had repeatedly raped her. Police and forensic examinations ruled out a criminal act; post mortem results were pending at year's end.

In December the Council of Europe's Committee for the Prevention of Torture (CPT) released the report on its 2008 visit. CPT representatives visited several sites, including the Nicosia Central Prison and several police stations, and privately interviewed detainees and prisoners. Little changed four years after the previous CPT visit in 2004, and the same conditions persisted. In the Nicosia Central Prison, the CPT reported overcrowding, isolated cases of physical abuse (punching and kicking) of prisoners, and discrimination against foreign prisoners. The representatives also found the detention centers to be overcrowded, lacking in natural light and ventilation, and providing insufficient and poor quality food; and deemed them unsuitable for prolonged periods of detention.

Administration: Recordkeeping on prisoners was adequate. Community service is an alternative to prison confinement for nonviolent offenders. Prisoners in the central prison had access to a church and a mosque, and prison management stated that it made every effort to facilitate religious observance. Detention centers did not have facilities for religious observance. Prisoners and detainees could submit complaints to the ombudsman without censorship. However, the ombudsman reported that prisoners expressed concerns over possible censorship but did not submit specific complaints.

Monitoring: The government permitted prison visits by independent human rights observers, and such visits, unrestricted and unannounced, occurred during the year. The ombudsman and the prison board visited Nicosia Central Prison on a regular

basis. The House of Representatives Committee on Equal Opportunities for Men and Women, the commissioner for children's rights, and the commissioner for the protection of personal data also visited the prison during the year.

Improvements: Construction continued during the year to increase capacity and improve sanitary conditions at the Nicosia Central Prison. Construction that started in 2010 for the restoration of a separate wing and for new infrastructure needed for juvenile and young prisoners continued. During the year prison management implemented the ombudsman's recommendation to operate a special rehabilitation program for drug addicts within the prison.

The operation of the Famagusta police detention center was terminated in September 2011 based on a report by the ombudsman that found conditions to be incompatible with international standards and conducive to inhumane and degrading treatment of detainees.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

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

The Independent Authority appointed independent investigators from a list submitted by the attorney general to look into complaints. In January 2011 the chairman of the Independent Authority stated that police refusal to transfer complete case files hampered the authority's ability to conduct objective investigations.

The Independent Authority received 132 complaints in 2011. Of these complaints 43 concerned alleged violations of human rights, 72 concerned favoritism or behavior on the part of police that undermined police standing in society, and one complaint concerned alleged corruption. Officials deemed 16 complaints outside the scope of the authority and did not investigate them. The Independent Authority appointed criminal investigators in 51 cases. In 26 cases investigators found no evidence of criminal or disciplinary offenses. They found possible criminal liability in two cases, disciplinary offenses in six cases, and in one case the findings were sent to the attorney general, who ordered a post mortem investigation. Four cases were suspended or withdrawn. Investigations on the remaining 12 cases continued.

During the year the attorney general ordered the prosecution of one police officer involved in one of three cases previously investigated and recommended for prosecution by the Independent Authority, and one was already on trial. The attorney general suspended the prosecution of the third case. During the year police investigated 24 criminal cases against members of the force. At the end of the year 14 of those cases were still under investigation, eight were pending trial, one case was suspended by the attorney general, and one case was classified as “otherwise disposed” at the instruction of the attorney general. Of the 18 cases pending investigation at the end of 2011, 12 were still pending trial and three were completed. In the completed cases, one police officer was ordered to pay a fine while the other two were found not guilty. One case pending investigation in 2011 was suspended at the instructions of the attorney general, while the remaining two were classified as “otherwise disposed” at the instructions of the attorney general.

In February a court acquitted the deputy chief of the Police Aliens and Immigration Service of trafficking charges after witnesses in the case changed their testimony. Authorities arrested the deputy chief in March 2011 as a prime suspect in a case of trafficking for sexual and labor exploitation of Chinese women at an illegal Nicosia brothel. The suspect was released on bail but rearrested in October 2011 for attempting to influence witnesses in the case.

Arrest Procedures and Treatment While in Detention

The law requires judicially issued arrest warrants, and authorities respected this requirement in practice. Persons may not be detained for more than one day without referral of the case to a court for extension of detention. Most periods of investigative detention did not exceed 10 days before formal charges were filed. Detainees are promptly informed of the charges against them and the charges are

presented in a language they understand. The attorney general generally made efforts to minimize pretrial detention, especially in cases of serious crimes. Attorneys generally had access to detainees. In criminal cases the state provides indigent detainees with an attorney. Bail was permitted. The government claimed the right to deport foreign nationals for reasons of public interest, regardless of whether they had been charged with, or convicted of, a crime. While lengthy pretrial detention was not a problem, trial delays were common and partially caused by lengthy legal procedures, which resulted in an accumulated workload for the court system.

While authorities detained aliens without identity documents when they did not know where to deport them, the government's policy was not to hold such persons for long terms in detention centers. Instead, if deportations could not be executed within a maximum of 18 months, the government's policy was to release undocumented migrants and rejected asylum seekers and give them residence permits for a limited period, provided they had not been found guilty of a crime. Residence and employment permits were renewable provided the released detainees signed a contract of employment approved by the Department of Labor.

Detention of Rejected Asylum Seekers or Stateless Persons: In July the ombudsman publicly criticized authorities for continuing to hold foreigners arrested with a detention and deportation order for periods longer than six months, despite the government's policy. On July 9, a group of foreign detainees protesting their long-term detention in Nicosia Central Prison's Block 10 set fire to their cells. On July 17, the NGO Future Worlds Center announced that 15 Syrians held in Lakatamia police station were on a hunger strike for seven days, protesting the length of their detention. The NGO stated that detainees in Lakatamia and in Block 10 were so desperate that they were willing to be deported to countries where their safety was not assured in the hope of finding a legal way to go to safer destinations. The ombudsman expressed strong concern over both incidents and called on the government to review its deportation practices.

On December 5, the Ministry of Interior announced that a special residency status for citizens or residents of Syria entering the country "legally or illegally" would be provided. The same "humanitarian status" would be offered to asylum seekers from Syria already in Cyprus, even if their applications had been rejected in the past. All persons seeking such status would be required to provide a Syrian passport or other identification.

During the year an NGO reported that a number of undocumented foreigners arrested for illegal stays in the country remained in long-term detention. One foreigner was rearrested for staying in country after the rejection of his asylum application (after already serving an 18-month detention). The foreigner was released after he applied to the European Court of Human Rights (ECHR). He was then informed that his asylum application was being re-examined, necessitating the withdrawal of his ECHR application. The same NGO reported that undocumented aliens were only released if they signed a document consenting to the issuance of travel documents by their home country. The NGO also reported that released detainees did not have access to health care or social benefits and were not entitled to permanent residency permits unless they had a job.

e. Denial of Fair Public Trial

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

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

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are informed promptly and in detail of the charges against them. The constitution provides for public trials, and defendants have the right to be present and to consult with an attorney in a timely manner. There are no jury trials. Authorities provide an attorney for those who cannot afford one, and defendants have the right to question witnesses against them and present evidence or witnesses on their behalf. The law also provides that defendants and their attorneys have access to government-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The government generally respected these rights.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

Regional Human Rights Court Decisions

During the year the ECHR did not find the country in violation of any provision of the European Convention on Human Rights. There were no reports that the government failed to comply with ECHR decisions.

Property Restitution

According to the law, the minister of interior is the guardian of the properties of all Turkish Cypriots who do not have their permanent residence in the government-controlled part since 1974. Ownership remains with the original owner, but the sale or transfer of Turkish Cypriot property under the guardianship of the minister of interior requires the approval of the government. The minister of interior has the authority to return properties to Turkish Cypriot applicants after examining the circumstances of each case. Owners can appeal decisions of the minister of interior to the Supreme Court.

During the year Turkish Cypriots filed 21 court cases seeking to reclaim property located in the government-controlled area. Seven cases were filed with the Supreme Court and 14 cases with the Civil Court. The Supreme Court issued judgments in two cases concerning Turkish Cypriot properties that were under the guardianship of the Ministry of Interior, and a civil court issued one decision. The Supreme Court rejected both applications: in one case it found that it did not have jurisdiction and, in the other, the court ruling upheld the right of guardianship. The Civil Court delivered a decision in one case rejecting the owner's claim that the guardian's interference with his property constituted trespass.

In 2010 the ombudsman, in her capacity as the authority with oversight in matters involving racism and discrimination, reported that the examination of two complaints submitted by Turkish Cypriots revealed that the state was discriminating against Turkish Cypriot property owners and restricting their property rights. Both Turkish Cypriots had applied to the Land Registry Department to secure deeds for their properties in the government-controlled area and were told that they needed the prior approval of the Ministry of Interior.

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

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

Section 2. Respect for Civil Liberties, Including:**a. Freedom of Speech and Press**

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

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. According to International Telecommunication Union statistics, approximately 58 percent of the population used the Internet in 2011.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

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

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

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Authorities required members of each community to obtain insurance coverage in the community where they planned to drive their vehicles. Turkish Cypriots flew in and out of Larnaca and Paphos airports without obstruction. The government issued 7,093 passports to Turkish Cypriots during the year.

Internally Displaced Persons (IDPs)

The government considered Greek Cypriots displaced as a result of the 1974 division of the island to be refugees, although they fell under the UN definition of IDPs. At year's end these individuals and their descendants numbered 205,397. Depending on their income, they are eligible for financial assistance from the government. They have been resettled, have access to humanitarian organizations,

and were not subject to attack, targeting, or mandatory return under dangerous conditions.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. During the year authorities recognized 35 persons as refugees.

NGOs and asylum seekers alleged that the Nicosia District Welfare Office continued to be inconsistent in the delivery of benefits to eligible asylum seekers. The ombudsman continued to receive such complaints and reported that in many cases the allegations were well founded. An NGO and the ombudsman reported that the 2011 decision of the House of Representatives to conduct monthly reviews of benefits granted to non-Cypriot beneficiaries before releasing the funds, continued to cause two- to three-month delays in the delivery of such benefits.

During the year a lawyer representing asylum seekers claimed in reports to Amnesty International and the European Commission that the government arrested and deported asylum seekers before final adjudication of their cases. The lawyer asserted that the government was acting in violation of the relevant EU directives. The NGO Action for Equality, Support, Antiracism (KISA) voiced similar concerns in previous years. KISA and the ombudsman also reported complaints from asylum seekers concerning difficulties in accessing the asylum application procedure and delays in the examination of their applications.

NGOs reported that, on May 17, the government refused entry to two Sierra Leonean asylum seekers from the north. The two were part of a group of nine UNHCR-designated “persons of concern,” four or five of whom were reported to be minors. According to the NGOs, the asylum seekers were turned away due to lack of visas as they attempted to cross from the north. Seven of the nine asylum seekers were then deported, although one allegedly escaped and another, a minor, allegedly remained and was placed in care.

Employment: The government granted individuals determined to be refugees permission to stay and gave them temporary work permits, but it did not grant permanent resettlement rights. The law allows asylum seekers to be employed in fisheries, the production of animal feed, waste management, gas stations and car washes, freight handling in the wholesale trade, building and outdoor cleaning, distribution of advertising and informational materials, and food delivery.

However, two NGOs claimed that the Labor Office refused to approve and renew labor contracts for asylum seekers outside the farming and agriculture sector.

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

Access to Basic Services: Asylum seekers who refused an available job could be cut off from state benefits. To obtain welfare benefits, asylum seekers had to have a valid address, which was impossible for many who were homeless. NGOs reported delays in the delivery of checks to asylum seekers who were eligible for benefits. According to NGOs asylum seekers reported discrimination in the provision of state medical care.

Asylum seekers with a medical condition rendering them unable to work or able to perform only light work are referred to a medical board for assessment and are entitled to public assistance while awaiting a decision.

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

Temporary Protection: The government provided temporary protection to 18 individuals whose refugee status was under determination during the year.

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

The law and constitution provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. In national elections only those Turkish Cypriots who reside permanently in the government-controlled area are permitted

to vote and run for office. In elections for the European Parliament, all Cypriot citizens and resident EU citizens have a right to vote and run for office, including Turkish Cypriots who live in the area administered by the Turkish Cypriots. All resident EU citizens are eligible to vote and run for office in municipal elections.

Elections and Political Participation

Recent Elections: In May 2011 the country held free and fair elections for the 56 seats assigned to Greek Cypriots in the 80-seat House of Representatives.

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

There are no mandatory quotas for members of minorities in the House of Representatives. The small Armenian Orthodox, Maronite Christian, and Roman Catholic communities elected special nonvoting observer representatives from their respective communities to the House of Representatives; members of these religious communities also participate with full rights in national politics and were elected to parliament. Twenty-four seats assigned to Turkish Cypriots were unfilled.

Section 4. Corruption and Lack of Transparency in Government

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

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

In February a court sentenced the former director of the Nicosia Central Prison to two months' imprisonment over the 2008 escape of double murderer and rapist Antonis Procopiou Kitas from a private Nicosia hospital, where he had stayed while serving a life sentence. The court held that the defendant's deliberate and continuous omissions resulted in Kitas's escape. In April 2011 three police officers received suspended sentences ranging from four to six months in connection with the case. In addition the three officers received disciplinary

sanctions following the completion of an investigation. The minister of justice and public order resigned over the escape.

Public officials are not required to declare their assets.

The constitution provides citizens the right of access to government information, but no specific laws ensure public access. Civil servants were not allowed to provide access to government documents without first obtaining permission from the relevant minister. An Access Info Europe report issued in November 2011 stated that, according to a survey conducted by the organization in 2010, authorities did not answer 72 percent of the 220 requests for information which it sent to 20 public agencies and denied 8 percent in writing or orally.

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

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

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

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

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

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

Women

Rape and Domestic Abuse: The law criminalizes rape, including spousal rape, with a maximum sentence of life in prison. Most convicted offenders received considerably less than the maximum sentence. Police indicated that 25 cases of sexual assault were reported during the year.

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

By the end of October police received 430 cases of domestic violence. They initiated criminal investigations in 292 of these and filed 110 criminal cases in court. In 79 percent of the cases, the victims were women. Of the domestic violence cases filed in 2011, the courts returned 32 guilty verdicts and nine acquittals.

An NGO working with domestic abuse victims reported an increase in the number of telephone calls to its hotline from 2011. The NGO reported that 1,619 callers, of whom 75 percent were women, 15 percent children, and 10 percent men, claimed to be victims of domestic violence. The NGO also operated a shelter for women and children in Nicosia that served 82 victims of domestic violence through the end of October.

On July 17, the commissioner for the protection of children's rights criticized the police, the social welfare services, and the health services for mishandling a domestic violence case, thus violating the rights of the child involved. According to press reports, the father had abused his wife in front of their four-year-old child and, when the mother reported the case to authorities, police handed the child to the father despite the welfare services' recommendation that the child stay with the mother. The commissioner stated that the relevant services do not know and do

not adequately apply the procedures set out in the handbook for the handling of domestic violence and stressed the need for those services to improve.

Sexual Harassment: The law prohibits sexual harassment in the workplace, but it was reportedly a widespread problem, with most incidents unreported to authorities. In 2009 a Cyprus University of Technology report indicated that 6 percent of employees in the country had experienced sexual harassment in the workplace. During the year the Labor Office received 14 complaints regarding sexual harassment, 11 from non-Cypriots. One of the complaints was sent to the police, and two were still under investigation. The rest were either withdrawn, found invalid, or ceased due to the death of the employer or decision by the complainant not to pursue it.

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

Discrimination: Women generally have the same legal status as men under family and property law and in the judicial system. The National Mechanism for Women's Rights under the Ministry of Justice and Public Order promoted, protected, and coordinated women's rights. The government effectively enforced laws requiring equal pay for men and women performing the same white-collar work. Despite a strong legal framework, the Ministry of Labor and Social Insurance's enforcement was ineffective for the blue-collar work. Research by one NGO suggested that remuneration for female blue-collar workers was 25 to 30 percent less than for their male counterparts. The ombudsman reported serious cases of gender discrimination in the workplace, particularly against pregnant women who were either not promoted or dismissed from employment. The ombudsman's 2011 report, released during the year, expressed concern over the increasing phenomenon of gender discrimination at the work place, particularly the dismissal of working women as well as the hiring of fewer women. The ombudsman reported that women submitted 86 percent of the discrimination complaints, of which 21 percent concerned discrimination on the grounds of maternity, pregnancy, or childbirth.

Children

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

Education: Following a September 2011 report of the ombudsman, the Ministry of Education withdrew a 2004 circular requiring schools to report to immigration authorities the contact information of parents of foreign children enrolled at schools in order to help authorities determine if they resided in the country legally. The Ministry of Education subsequently issued instructions to school principals to enroll all students without exception.

Child Abuse: The Welfare Department reported that it received 204 cases of child abuse in 2011, compared with 514 in 2010, and that all cases of abuse were linked to domestic violence. In 2011 police conducted 152 criminal investigations of child abuse. An NGO working with domestic abuse victims reported 16 cases of child sexual abuse in 2011.

Child Marriage: The legal age of marriage is 18, but persons over 16 are allowed to marry provided there are serious reasons justifying the marriage and their legal guardians provide written consent. A district court can also allow the marriage of persons between the ages of 16 and 18. The rate of marriage for persons under the age of 19 in 2010 was 2.6 percent of the total number of marriages for girls and 0.4 percent for boys.

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

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

Anti-Semitism

There were approximately 2,500 persons in the Jewish community, which consisted of a very small number of native Jewish Cypriots and a greater number of expatriate Israeli, British, and other European Jews.

Reports of verbal harassment of members of the Jewish community continued.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

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

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by the end of the year. Problems facing persons with disabilities included narrow or nonexistent sidewalks and lack of transport, parking spaces, accessible toilets, and elevators. During the year the ombudsman examined two complaints of discrimination against persons with disabilities concerning access of persons with disabilities to schools and beaches. The complaints were still under investigation at year's end.

The state provides facilities to enable children with disabilities to attend all levels of education. An escort is provided if necessary. Since there were no long-term care facilities specifically for persons with mental disabilities, many resided at the Athalassa Psychiatric Hospital. The House of Representatives Committee on Human Rights noted that there was no infrastructure to support mental health patients when they left the psychiatric hospital and no programs for their social integration or aftercare in general. On February 14, the ombudsman released a report with recommendations for improving patients' living conditions at Athalassa Psychiatric Hospital. The report expressed concern that two minor patients were held in the same ward with adult patients and stressed the need for a separate psychiatric clinic for children. The ombudsman reported the hospital adopted many of her recommendations, including the creation of a separate department for children and juveniles.

In a report on its 2008 visit to the country, released in December, the CPT noted that it had observed no improvements in living conditions in the Athalassa Psychiatric Hospital since its previous visit in 2004 and that the hospital needed immediate construction of new facilities or complete renovation of the existing ones.

The Paraplegics Association reported that the government did not take measures to ensure that all public buses were accessible to wheelchair users. The association reported that some of the older buses were not at all accessible while the newer ones had only one space for wheelchair users. After a meeting with the minister of communications and works in 2010, the Paraplegics Association stated that the government had agreed that all future orders for buses would provide for two wheelchair spaces. The government also agreed to modify buses then in use if demand showed a need for two wheelchair spaces. According to the Paraplegics Association, the government neither ordered new buses nor modified the existing ones.

The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled is responsible for protecting the rights of persons with disabilities. The minister of labor and social insurance chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, and employer and employee organizations.

National/Racial/Ethnic Minorities

In March 2011 police charged 14 persons for rioting and, in some cases, causing bodily harm in connection with the 2010 clashes in Larnaca between participants in an antiracism NGO event, the Rainbow Festival, and demonstrators marching against the presence of undocumented migrants. One Turkish Cypriot musician was stabbed and several police officers and demonstrators were injured. The mosque in Larnaca was vandalized following the riot. Nine of the persons charged participated in the Rainbow Festival, and the other five participated in a demonstration against undocumented migrants. Doros Polycarpou, the executive director of KISA and one of the organizers of the antiracism event, was among those charged with rioting. The court acquitted him on June 5. The other trials continued at year's end.

In 2011 the European Commission against Racism and Intolerance issued a report assessing the situation in the country. Among several areas that needed improvement, the report noted that legislation against racism was rarely implemented and no records were kept on discrimination cases that reached the courts. It noted a disproportionately high concentration of Turkish Cypriot and Romani children in certain schools and a lack of educational access for the Romani children living in the Polemidia area outside of Limassol. It described the situation as de facto segregation from the general population, because the children were denied their right to education due to lack of free transportation to and from school. The report also noted a marked increase in racism in schools and a rise in prominence of extremist and anti-immigration groups. This situation remained unchanged.

The ombudsman's investigation into a 2008 complaint that Romani children in public schools were not taught their local language, history, and culture concluded that the complaint was valid. The ombudsman found that the Romani children, as members of the Turkish Cypriot community, were taught Turkish language and culture. She recommended that the school curriculum include reference to their distinctive language and culture as members of the Romani community. These recommendations were not adopted by year's end.

In contrast with 2011, there were no reports of racist attacks against foreigners during the year.

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

The ombudsman received complaints that the government denied automatic citizenship to children of Turkish Cypriots married to Turkish citizens who resided in the area administered by Turkish Cypriots. Instead of granting citizenship automatically to such children, the Ministry of Interior routinely sought approval from the Council of Ministers before confirming their citizenship. During the year the Council of Ministers approved 230 cases. The ombudsman's office had no authority to examine the complaints because the Council of Ministers' decision to apply different criteria for granting citizenship to children born to one Turkish parent was a political one. Children of Turkish Cypriots married to Turkish citizens and living outside of the country were automatically granted citizenship.

However, the ombudsman's office issued a report in 2011 following the receipt of a large number of complaints from children of Turkish Cypriots married to non-Cypriots for long delays in receiving a response to their applications for citizenship. The majority of the cases were pending for three years and in some cases for four to five years. During the year the Ministry of Interior adopted new measures to speed the process and inform applicants in a timely manner.

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

Antidiscrimination laws exist and prohibit direct or indirect discrimination based on sexual orientation. Antidiscrimination laws cover employment and the following activities both in the public and private domain: social protection, social insurance, social benefits, healthcare, education, participation in unions and professional organizations, and access to goods and services, including housing. There is no hate crimes legislation in the country.

Despite legal protections, lesbian, gay, bisexual, and transgender (LGBT) individuals faced significant societal discrimination, and few LGBT persons were open about their sexual orientation or reported homophobic violence or discrimination. In a press conference on May 15, a spokesman for Accept LGBT Cyprus, the country's first LGBT association, stated there had been several incidents of homophobic behavior, many of them in schools and instigated by teachers. He also stated that none of the television stations agreed to broadcast Accept LGBT Cyprus' television spots against homophobia and claimed the participation of the organization in a television program was also cancelled at the last minute following the intervention of a senior station official.

In May the Ministry of Education permitted human rights trainers to conduct an interactive training campaign against homophobia for educators entitled Shield against Homophobia in Education, marking the first time that LGBT awareness training was permitted in the schools.

Other Societal Violence or Discrimination

An NGO reported complaints of discrimination toward persons with HIV/AIDS and asserted that HIV-positive individuals faced social exclusion and termination from employment. The director of a clinic treating HIV-positive persons stated in December 2011 that, due to prevailing prejudice, the majority of HIV-positive

patients did not reveal their condition to their colleagues and some, not even to their families.

Promotion of Acts of Discrimination

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

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

Workers exercised the right to form and join independent unions and to bargain collectively. More than 70 percent of the workforce belonged to independent unions. The government generally protected the right of unions to conduct their activities without interference. Authorities have the power to curtail strikes in

essential services, but this power was used rarely in practice. An agreement between the government and essential services personnel provides for dispute resolution and protects workers in the sector. Although collective bargaining agreements are not legally binding, employers and employees effectively observed their terms. Collective bargaining agreements covered approximately 60 percent of workers, both citizens and foreigners. Workers covered by such agreements were predominantly in the larger sectors of the economy, including construction, tourism, the health industry, and manufacturing.

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

b. Prohibition of Forced or Compulsory Labor

The government prohibits all forms of forced or compulsory labor; however, NGOs reported isolated cases of asylum seekers subjected to forced labor in agriculture.

The Ministry of Labor and Social Insurance continued to receive complaints of labor exploitation. Foreign workers, primarily from Eastern Europe and East and South Asia, were reportedly forced to work up to 15 hours a day, seven days a week, for very low wages. NGOs confirmed that employers often retained a portion of foreign workers' salaries as payment for accommodations. The ombudsman reported that her office received a number of complaints from foreign domestic workers and workers in the agriculture and farming sector during the year. The complaints concerned excessive working hours and duties as well as withholding of travel documents by the employers. On June 5, the ombudsman issued a report regarding the complaint by a domestic worker from the Philippines who was arrested on a detention and deportation order despite the fact that the adjudication of her dispute with her employer was still pending. The report criticized the government for mishandling the case and recommended the immediate release of the complainant and the issuance of permission to find a new employer. The report stated that the handling of the case indicated a serious setback in the effort to safeguard the fundamental human rights and legal labor rights of this vulnerable group of workers.

Many domestic workers were reluctant to report contract violations by their employers due to fear of losing their jobs and consequently their work and residency permits. An NGO reported cases of domestic workers whose travel

documents were withheld by their employers. Two cases involving mistreatment of foreign domestic workers by their employers were pending trial at year's end. In one case the employer handed a female domestic worker over to two men who took her to another location, where they tied her up and raped her. Authorities charged four persons in connection with the case, including the employer and his wife. The employer was sentenced to 13 years in prison, and a second person to 12 years in prison. The employer's wife was sentenced to 60 days' imprisonment and the fourth defendant was placed under the protection of the social welfare services because he was a minor. The domestic worker was identified as a victim of sexual and labor exploitation.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

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

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

d. Acceptable Conditions of Work

Although there is no national minimum wage, there is a minimum wage for certain groups that are deemed vulnerable to exploitation. The official poverty line for 2011 was 10,324 euros (approximately \$13,628) per year for a single person. The minimum wage for shop assistants, nurses' assistants, clerks, hairdressers, and nursery assistants was 870 euros (\$1,148) per month for the first six months and 924 euros (\$1,220) per month thereafter. For asylum seekers working as unskilled

workers in the agricultural/farming sector, the minimum monthly wage was 425 euros (\$561) with accommodation and food provided. For skilled workers in the agricultural and farming sector, the minimum salary was 767 euros (\$1,012) without accommodation and food.

The government set minimum salaries and working conditions for foreign workers in all occupations in which they are allowed to be employed. The minimum starting salary for foreign nationals working as live-in housekeepers was 478 euros (\$631) per month. The employers covered accommodation, food, medical insurance, visa fees, travel, and repatriation expenses. Cabaret performers' contracts typically stipulated that they receive at least 205 euros (\$271) per week for 36 hours of work. Workers in almost all other occupations, including unskilled labor, were covered under collective bargaining agreements. The wages set in these agreements were significantly higher than the minimum wage.

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

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

There were reports that foreign domestic workers, primarily from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Some domestic workers, particularly live-in maids, reported working excess hours for employer families at all times, night and day, without

additional compensation or time off. Although the law protects domestic workers who file a complaint with the Ministry of Labor and Social Insurance from being deported until their cases have been adjudicated, NGOs reported that many domestic workers did not complain to authorities about mistreatment due to fear of deportation.

Ministry of Labor inspectors were responsible for enforcing health and safety laws. The Ministry of Labor and labor unions reported that health and safety laws were satisfactorily enforced but that more needed to be done. The minister of labor stated in October that the majority of accidents involved illegally employed non-Cypriots. All four workers killed in work-related accidents in 2011 were non-Cypriots. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Close government cooperation with employer and employee organizations supported their inspections. However, inspections did not occur in private households where persons were employed as domestic servants.

From January to the end of September, 10 persons were killed in work-related accidents. In 2011 there were seven workplace fatalities, two of which were migrant workers.

THE AREA ADMINISTERED BY TURKISH CYPRIOTS 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

The most significant problems reported during the year included police abuse of detainees and restrictions on the rights of asylum seekers. There was no regulatory infrastructure to handle applications for asylum seekers or to protect their rights.

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

In contrast with 2011, authorities took steps to investigate police officials who the press alleged had committed abuses. However, there was evidence that officials sometimes engaged in corrupt practices with impunity.

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

a. Arbitrary or Unlawful Deprivation of Life

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

b. Disappearance

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

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

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

In December 2011 a “parliamentary committee” established to investigate allegations of police torture reported that torture has been carried out at police stations. Police and the “attorney general’s office” investigated the complaints and torture allegations and filed a case in “court” based on their findings. The “committee” studied another 12 petitions from persons who claimed to have been beaten and consulted with police and the “attorney general’s office” on the cases. The “attorney general’s office” investigated the claims and filed cases against three police officers at the “Heavy Penal Court.” According to the “attorney general’s office,” police have instructed their staff regarding behavioral methods and approaches towards suspect investigation, as well as suspect rights.

In December 2011 the *Kibrisli* newspaper began publishing a series of torture allegations dating from 2006, based on first-hand accounts. One victim alleged that he was covered with a sack, tortured, beaten and that electricity was applied to his genitals for seven days after he refused to sign statements prepared by police. The newspaper published a full statement and photos showing the alleged signs of torture. Another victim alleged that he was beaten so severely he required medical care; the doctor at the hospital reportedly described his wounds as “scratches” and did not give him a health report. The victim claimed police released him when they understood that he was not guilty. He claimed he filed a complaint with the “attorney general’s office” but had never received a response. The “attorney general’s office” stated that it investigated all complaints and claims made to the “Civil Department.”

Two police abuse cases filed with the “attorney general” in 2011 were being prepared for a “court” hearing at the end of the year. In September a “court” found three police officers guilty in police abuse cases that were filed with the “attorney general” and sentenced them to two months in prison for inflicting “serious damage” and “serious harm” in the beating a 17-year-old who was driving a car

without a license. The officers appealed; the “Court of Appeal” found them guilty of the lesser sentence of “harm,” and their sentence was reduced to 20 days in jail.

In April, Erol Diker confessed to abusing and killing his seven-year-old son and then dumping the body into a field among trash. He was awaiting his conviction in an isolated cell in prison. In May and June, newspapers reported that a senior guard entered Diker’s cell, despite being prohibited from doing so, and beat him. A representative from a human rights organization denounced the violence as illegal. According to the “attorney general’s office,” other inmates also attacked Diker in the common, outdoor space. Officials subsequently took disciplinary action against the alleged attackers. As of year’s end, Diker was being held in a separate cell while awaiting the outcome of his trial.

Prison and Detention Center Conditions

Prison and detention center conditions did not meet international standards in a number of areas, and prison overcrowding was particularly a problem.

Physical Conditions: Of the 286 prisoners and detainees held at year’s end, 42 percent were foreigners, most of whom were Turkish citizens. Of those sentenced, 60 percent were sentenced to heavy penalty and 40 percent were sentenced to light penalty. Five female prisoners and two juveniles were incarcerated. (Prison sentences are classified as either light or heavy prison punishments.) Approximately 38 percent of the prisoners were awaiting trial.

The prison, which is located in Nicosia, did not separate incarcerated adults and juveniles. There were no detention or correction centers for children in the north.

Authorities stated that the capacity of the prison was 291, but a bunk-bed system increased the official number of beds to 452. In previous years inmates complained of overcrowding at the prison, but authorities routinely claimed they had addressed the problem. Nongovernment organization (NGO) representatives stated that health and other services were sorely lacking, and inmates lacked regular access to washing water and hot water. Authorities stated that health services were provided to inmates twice a week and were available for emergencies, and that health checks were given to prisoners and detainees upon entry into the prison.

The Turkish Cypriot Human Rights Foundation’s May report, *Detainee Rights in the Northern Part of Cyprus*, emphasized the inadequate level of healthcare, noting

a lack of medical supplies; lack of medical and support staff; no full time doctor, psychiatrist, or psychologist; and an insufficient number of social workers. The report also highlighted the lack of effective treatment for drug users or addicts. It also noted security problems, including insufficient methods to reduce violence between inmates and detainees, overcrowded cells, and bars on doors and windows that prisoners easily removed during violent encounters. The report cited incidences of gang violence, violence or torture inflicted by guards on inmates, and easy access to weapons and drugs.

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

In August the *Havadis* newspaper reported a change in profile of inmates in the central prison, noting that most inmates were at that time Turkish Cypriots, not foreigners. According to the newspaper article, the majority of the prisoners allegedly were convicted for nonpayment of financial debts.

Administration: Recordkeeping on inmates was inadequate. Community service is not an alternative to prison confinement for nonviolent offenders. According to the “law,” alternatives to prison sentences, which were used most often for nonviolent offenses, include warnings, conditional and unconditional release, and bail. In addition in some cases of domestic violence or drug use, the “court” may also suggest psychological and social counseling. According to authorities prisoners and detainees were permitted to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities reported they did not receive any complaints.

Authorities stated that all prisoners were allowed religious observance and that an imam visited the prison once a week to conduct prayers. Prisoners with “stern” penalties were allowed to receive visitors every 10 days while prisoners with “light punishment” were allowed to receive visitors every 15 days. Detainees were allowed to receive visitors every 30 days. Visits were limited to 30 minutes except during holidays. Convicted inmates were allowed a maximum of 40 minutes of telephone calls four days a week; detainees were given access to telephones three days a week for 40 minutes each.

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

Monitoring: Authorities stated that prison monitoring is permitted, but no local or international NGO had applied to do so. Authorities added that, throughout the year, press and media representatives visited the prison. One NGO representative stated that, during prison visits to help detainees, he repeatedly expressed to authorities his concerns regarding poor prison conditions, particularly the detention of women and children who had no legal cause to be detained. According to one journalist, prison visits were permitted only when organized by Turkish Cypriot authorities and thus were overly monitored and controlled.

Improvements: Some steps were taken to improve conditions and morale in the prisons. In August authorities permitted a prison visit by a group of local journalists and hosted an iftar dinner for the group at the prison, where they were able to meet with inmates and prison employees.

In April inmates and detainees formed a theater group named Gundogdu (Sunrise) Theater with the approval of the prison administration and the support of psychologists. The group staged a play that prison administration, “members of parliament,” the media, and the general public attended. Authorities announced that they improved nutritional requirements for inmates and were also working on improving morale. Prisoners were permitted to make as many calls as they desired to seven persons they had designated. Inmates and detainees noted that they were receiving English and computer courses in addition to participating in ceramic, bookbinding, and woodworking workshops.

Other improvements noted by authorities were improvements to inmates’ bathrooms and toilets, continued maintenance and repairs of windows and walls, installation of visitor toilets, installation of new televisions in certain sections, and the opening of a new butcher section.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Police are responsible for “law” enforcement. The “chief of police” reports to a “general,” who is nominally under the supervision of the “Prime Ministry,” holding the “security portfolio.” Police and “Turkish Cypriot security forces” are ultimately under the operational command of the Turkish military, per transitional

article 10 of the “TRNC constitution,” which “temporarily” cedes responsibility for public security and defense to Turkey. Security forces generally cooperated with civilian authorities and effective in matters of “law” enforcement. Police are divided into eight functional divisions and five geographic divisions.

The “office of the attorney general” continued to work with the inspection division (or occasionally the criminal investigative division) to investigate allegations of police misconduct. Two complaints were filed with and investigated by the “attorney general’s office”; disciplinary actions were taken against police staff.

Arrest Procedures and Treatment While in Detention

Judicially issued warrants are required for arrests. No person may be detained longer than 24 hours without referral of the case to the “courts” for a longer period of detention. Authorities generally respected this right in practice. Authorities usually informed detainees promptly of charges against them, although individuals believed to have committed a violent offense were often held for longer periods without being charged. According to the “law,” any detained person must be brought before a “judge” within 24 hours. The person can then be detained in police custody for a period of up to three months, but a “judge” must review the detention after the third day and every eight days thereafter. Bail was permitted and routinely used. Detainees were usually allowed prompt access to family members and a lawyer of their choice. Authorities only provided lawyers to the indigent for cases involving violent offenses.

Police sometimes did not observe legal protections, particularly at the time of arrest. Some suspects were not permitted to have their lawyers present when giving testimony, in contravention of the “law.” Suspects who demanded the presence of a lawyer were sometimes threatened with stiffer charges or physically intimidated. According to one NGO representative, authorities asked asylum seekers detained in prison or detention centers to sign documents they were not able to read. At times “court” hearings took place with no interpreters or translators as witnessed by volunteer human rights lawyers. One NGO representative remarked that translators, when present, did not translate everything said during “court” hearings.

e. Denial of Fair Public Trial

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

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

Trial Procedures

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

One NGO representative and human rights lawyer noted that defendants do not fully enjoy the right to be informed promptly and in detail of the charges brought against them. The representative added that there is lack of sufficient interpretation for some languages as well as lack of professional translation; for example, translators are randomly recruited and do not translate everything said during “court” hearings.

In July the “Constitutional Court” found the “cabinet’s” decision to send the Nicosia mayor and board members on mandatory leave to be illegal and contrary to the “constitution,” which states that “cabinet” decisions should be approved by “parliament.” Authorities respected the “court” order and reinstated the mayor and board members.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

Property Restitution

During the year Greek Cypriots continued to pursue property suits in the European Court of Human Rights (ECHR) against the Turkish government for the loss since 1974 of property located in the area administered by Turkish Cypriots. Turkish Cypriots pursued claims against the Republic of Cyprus as well. Under ECHR rules, as long as adequate local remedies exist, an appellant does not have standing to bring a case before the ECHR until that appellant exhausts all local remedies. In response to the ECHR’s 2005 ruling in the *Xenides-Arestis* case that Turkey’s “subordinate local authorities” in Cyprus had not provided an adequate local remedy, a property commission was established to handle claims by Greek Cypriots. In 2006 the ECHR ruled that the commission had satisfied “in principle” the ECHR’s requirement for an effective local remedy. In a 2010 ruling, the ECHR recognized the property commission as a domestic remedy. As of December 6, some 4,191 applications had been filed with the commission, 293 of which were concluded through friendly settlements and nine through formal hearings. The commission has paid 93,929,229 pounds sterling (approximately \$151,989,000) to the applicants in compensation.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Press: While authorities generally respected freedom of the press in practice, journalists were at times obstructed in their reporting and threatened with charges. The independent media were active and expressed a wide variety of views. International media were generally allowed to operate freely. Bayrak Radyo Televizyon Kurumu (BRT) is the only “government”-owned television and radio station. In June the BRT trade union chair stated that the BRT director was imposing psychological abuse and pressure on staff. Journalists alleged that press freedom was limited, noting that political interests often used the media according to the bias of the media owners; journalists whose reporting was contrary to these views could face dismissal or loss of other rights. One journalist noted that some journalists were forced to create coverage that was positive towards the “government.”

Violence and Harassment: Two journalists were attacked during 2011, although the relationship between the attacks and the journalists’ reporting was unclear. In July 2011 an assailant shot at journalist Ali Osman Tabak inside the *Afrika* newspaper’s office. In April a “court” sentenced Mustafa Yalcin, who was arrested for opening fire on the offices of *Afrika*, to 10 years in prison. Yalcin was found guilty of the attempted murder of *Afrika* journalist Tabak and other counts. In his confession Yalcin stated that he attacked the newspaper because it was publishing anti-Turkish statements.

In April and May 2011, a second journalist, Mutlu Esendemir, was a victim of bomb attacks on his vehicle, which slightly injured him. After an investigation authorities filed various charges against a suspect, who was arrested in June 2011. The suspect was found guilty by the “High Penal Court” and sentenced to three years in prison.

The Turkish Cypriot Journalists Association reported that journalists were threatened and prevented from working and that they experienced problems trying to access public or other information and political pressure. Journalists were alleged to have been threatened by defendants in “court” cases as well as to face pressure for their reporting from companies that advertise in their publications. According to a study by the association, the most serious hardships that journalists faced were restrictions on freedom of expression, threats, and poor working conditions.

Internet Freedom

Authorities did not restrict access to the Internet, and there were no reports that they monitored e-mail or Internet chat rooms without appropriate legal authority. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. There are no accurate statistics regarding the percentage of the Turkish Cypriot population that used the Internet.

Academic Freedom and Cultural Events

Authorities did not restrict academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The “law” provides for freedom of assembly and association, and authorities generally respected these rights in practice, although some organizations faced lengthy registration periods.

c. Freedom of Religion

See the Department of State’s *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

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

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

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

In an effort to improve regulation of undocumented workers, authorities passed an “immigration amnesty law” in December 2011 allowing illegally present workers

to request amnesty within 60 days. Applications continued until February 2012. The “State Planning Organization” estimated there were approximately 10,000 illegal workers in the north before the “immigration amnesty.” In total, 9,543 previously illegal workers benefitted from the “immigration amnesty,” including 6,670 who benefitted from the amnesty and reentered the island. Of those who reentered, 3,998 received work permits, 34 received work-place permits, 2,278 received residence permits, and 63 received student permits. In addition, effective as of April, the new “regulation” stipulated that any employer of illegal workers would be fined 6,500 Turkish lira (\$3,400) or face business closure for two months. The “Labor Authority” stated it identified 454 workers without work permits. The “Labor Authority” fined businesses that employed illegal workers a total of 1,942,200 Turkish lira (approximately \$1.087 million).

According to the immigration “law,” all employers who wish to import foreign workers need official permission from the “Department of Labor” to register them. Authorities deported illegal immigrants without work permits. All illegal immigrants without work permits were prohibited from entering the “TRNC” at ports of entry. With few exceptions “authorities” generally treated asylum seekers as illegal immigrants and either deported or denied them entry. There is no “law” or mechanism for the right of asylum seekers, thus no identification or protection is available. Human rights associations continued to work with authorities, including the UNHCR, to ensure that asylum seekers were protected from refoulement, at times without success. With the involvement of these associations, several asylum seekers entered the government-controlled area, through the UN-patrolled area, and started the asylum process there or traveled to Turkey, where they then applied for asylum.

Only Turkey recognizes travel documents issued by the “TRNC.” Journalists noted that they could not travel to other countries because of this restriction. Some Turkish Cypriots used Turkish travel documents, but many obtained travel documents issued by the Republic of Cyprus. Turkish Cypriots born after 1974 to parents who prior to 1974 were both Republic of Cyprus citizens obtained passports relatively easily, compared to Turkish Cypriots born after 1974 to only one Cypriot parent.

On April 9, the “cabinet” decided that “civil servants” whom the “cabinet” financially supported to go abroad for seminars, meetings, sports activities, or scholarships could do so only by using “TRNC” or Turkish passports. If they failed to abide by this rule, the “cabinet” would ask them to return money provided for their official travel. The political and business communities criticized this

decision, and it created concerns for Turkish Cypriots who held Republic of Cyprus passports and used ports in the south for travel.

Internally Displaced Persons (IDPs)

Turkish Cypriots considered persons displaced as a result of the division of the island to be refugees, although they fell under the UN's definition of IDPs. At the time of the division, this number was approximately 60,000 in the north. They were resettled, had access to humanitarian organizations, and were not subject to attack, targeting, or return under dangerous conditions.

Protection of Refugees

Access to Asylum: The 1951 Convention relating to the Status of Refugees is incorporated into Turkish Cypriot domestic "law," as were all other "laws" that originated from the British colonial period and the pre-1963 Republic of Cyprus period and were later "ratified" by the Turkish Cypriot administration. Authorities admitted that they had no "law" or system in place for dealing with asylum seekers or the protection of refugees and stated that they systematically rejected asylum applications. Potential asylum seekers who attempted to enter the area administered by Turkish Cypriots illegally were almost always arrested, taken to "court," and deported after serving their sentence. During the year, however, authorities facilitated the access of 17 asylum seekers to the UNHCR representatives in the UN buffer zone.

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

Of 86 asylum seekers, 69 were deported during the year before a determination had been made regarding their status. Seventeen deportation orders were successfully

cancelled, with the RRA's assistance. These 17 asylum seekers received facilitated access to continue their claims with the UNHCR.

In September police arrested 35 Syrians near the Karpassia area for attempting to enter the island illegally by boat from Turkey. According to the press, the Syrians paid \$2,000 per person to Turkish smugglers. The Syrians, including six children and five women, were detained for three days and then appeared in the "court." The "court" ordered the Syrians to be jailed for five days while the two Turkish smugglers were jailed for two months. On October 2, authorities forcibly deported the 35 Syrian asylum seekers. The press reported that police officers dragged them onto the ground and allegedly sprayed them with pepper spray. The asylum seekers' lawyer from the RRA was forcibly refused access to her clients and was dragged by a "customs officer" while trying to speak with the Syrians. The Syrians were allegedly resisting because they did not want to return to camps in Turkey where they said they felt unsafe. Many political parties, human rights organizations, and civil society representatives criticized Turkish Cypriot authorities for the manner in which the situation was handled.

Refoulement: In practice authorities did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The RRA stated during the year that, despite its efforts, authorities at ports often denied entry to asylum seekers, and those trying to enter the "TRNC" illegally were usually detained and subsequently deported. The RRA complained that authorities usually denied asylum seekers access to the RRA's lawyers and vice versa. During the year only one of 69 asylum seekers was deported to his place of origin, Pakistan.

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

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

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

Elections and Political Participation

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

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

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

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

Section 4. Corruption and Lack of Transparency in Government

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

Opposition parties continued to claim that the “government” primarily hired supporters of the ruling party for public sector jobs during the year. Throughout the year newspapers alleged that the ruling party hired workers to staff various public offices and planned to hire additional persons.

The “constitution” provides for free access to “government” information, and the “law” provides for public access. In practice, however, “civil servants” were not allowed to provide access to “government” documents without first obtaining

permission from their superiors or “minister.” There were some complaints by NGO representatives that they were denied access to “government” information during the year. Other NGO representatives claimed that authorities denied access to “land registry records,” specifically for cases that involved pre-1974 Greek Cypriot owners who wanted to apply to the Immovable Property Commission.

According to an NGO human rights representative, associations often can only access “government” information on a discretionary basis. The representative alleged that, at times, authorities and police either withheld information or deliberately misled organizations to conceal violations. For example, authorities refused requests for information concerning policy decisions or procedures regarding the deportation of 35 Syrians in October.

In February, April, and May, Nicosia Turkish Municipality workers went on indefinite strike and organized demonstrations because they had not received their monthly salaries on time and were not receiving their social benefits. The “Audit Office” carried out investigations at the municipality in May. According to the “office’s” report, there was growing debt dating to 2011 due to corruption and unauthorized work, including unauthorized jobs. Newspapers reported that the report was taken to the “attorney general’s office.”

In August newspapers published the “Audit Office’s” report on corruption allegations at the “Social Security Department” involving fake health reports for temporary disability benefits for individuals who had already received financial benefits. Authorities removed five personnel, including the director, from their positions after the corruption investigation began. According to the “attorney general’s office,” the investigation continued.

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

A number of domestic human rights groups operated in the area administered by Turkish Cypriots. The international NGO Minority Rights Group International was also active in the area administered by Turkish Cypriots. Authorities’ cooperation with NGOs was inconsistent.

Many local human rights groups were concerned with improving human rights conditions in the area administered by Turkish Cypriots. NGOs included groups promoting awareness of domestic violence; women’s rights; rights of asylum seekers, refugees, and immigrants; trafficking in persons; torture; and lesbian, gay,

bisexual, and transgender (LGBT) persons' rights. These groups were numerous but had little impact on specific "legislation." A few international NGOs were active in the area administered by Turkish Cypriots, but many were hesitant to operate there due to political sensitivities related to working in an unrecognized area.

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

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

Women

Rape and Domestic Violence: The "law" does not provide a minimum sentence for individuals convicted of rape, including spousal rape; the maximum sentence is life imprisonment. Authorities and police effectively handled and prosecuted rape cases, including cases of spousal rape. There were no NGOs whose specific mission was to support rape victims.

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

There were no accurate statistics regarding domestic violence against women available during the year, but press reports indicated that violence against women continued. According to 2011 statistics, 78 women were subjected to violence in the north. Of the victims, 34 were beaten by their spouses, 12 were victims of violence from a parent or other family member, while four were subjected to violence from boyfriends. Twenty-three women were given "court-appointed" lawyers.

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

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

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

Children

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

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

Child Marriage: The minimum age of marriage for girls and boys is 18. The “court” has the ability to allow marriages for girls who are between the ages of 16 and 18, if they receive parental consent. The rate of marriage during the year for girls under the age of 18 was 1.2 percent.

Sexual Exploitation of Children: The “criminal code” penalizes sexual relations with underage girls. The maximum penalty for sex with a girl under the age of 13 is life imprisonment. The maximum penalty for sex with girls older than 13 but younger than 16 is three years’ imprisonment. There are no “laws” regarding child pornography. The age of consent is 16 for girls. The “criminal code” does not specify an age of consent for boys.

Anti-Semitism

The very small Jewish community consisted primarily of nonresident businesspersons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The “law” prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or in the provision of other “state” services, and in practice authorities effectively enforced these provisions. The “government” employed 563 persons with disabilities and provided financial aid to the remaining 3,804 persons with disabilities in the area administered by Turkish Cypriots. The “law” does not mandate access to public buildings and other facilities for persons with disabilities.

National/Racial/Ethnic Minorities

The “law” prohibits discrimination, and the 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of the 330 Greek Cypriot and 110 Maronite residents in the area under the administration of “TRNC” authorities.

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

Greek Cypriots and Maronites were able to take possession of some of their properties but were unable to leave their properties to heirs residing in the government-controlled area. A Maronite representative asserted that Maronites were not allowed to bequeath property to heirs who do not reside in the area administered by Turkish Cypriots and possess “TRNC” identification cards. Authorities allowed the enclaved residents to make improvements to their homes and to apply for permission to build new structures on their properties. Maronites living in the government-controlled area could use their properties only if those properties were not under the control of the Turkish military or allocated to Turkish Cypriots.

A small Kurdish minority lived in the area administered by Turkish Cypriots, a group that emigrated from Turkey in the 1980s. There have been reports of social and work discrimination against the Kurds, including the refusal of applications for birth certificates for children with Kurdish names in 2011. In addition close monitoring of Kurdish activities by police, including of the annual Nowruz Festival, has been alleged.

A majority of foreign workers in the area administered by Turkish Cypriots were Turkish. Authorities noted that the majority of foreign workers worked in the service and construction sectors.

According to the Turkish Cypriot Human Rights Foundation's report, *The Human Rights of Migrant Workers in North Cyprus*, foreign workers were generally from Pakistan, Turkmenistan, Philippines, China, Vietnam, Azerbaijan, Kyrgyzstan, Bangladesh, Kazakhstan, and several African countries. The report noted that many foreign workers were paid below the minimum wage and worked excessive hours.

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

Same-sex sexual activity between men is criminalized in the area administered by Turkish Cypriots under a general sodomy "statute." The maximum penalty is 14 years' imprisonment. In February two inmates at the central prison were arrested for sodomy and pleaded guilty to the charge; however, their prison sentences were not extended. These arrests followed nine reported arrests under the sodomy "statute" in 2011, a number that represented a significant increase according to NGOs. These cases received considerable attention from the EU and the international LGBT community. No specific "law" prohibits discrimination against LGBT persons.

Homosexuality remained highly proscribed socially and was rarely discussed. Few LGBT persons were publicly open about their sexual orientation, although during the year the second-largest Turkish Cypriot daily, *Havadis*, ran two separate two-page interviews with Turkish LGBT activists and individuals who shared their experiences.

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

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

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The “law” and related “regulations” and “statutory instruments” allow workers, except members of police and “Turkish Cypriot security forces,” to form and join independent unions of their own choosing without prior authorization. The “law” allows unions to conduct their activities without interference and provides for the right to strike. The “law” does not permit essential service workers, including “judges” and members of the police force and “Turkish Cypriot security forces,” to strike. Authorities have the power to curtail strikes in essential services. The “law” provides for collective bargaining but does not prohibit antiunion discrimination.

Workers formed and joined independent unions in practice. Authorities generally protected the right of unions to conduct their activities in practice. While workers may legally strike, employers are allowed to hire replacement workers in the event of a strike, which limited the effectiveness of this right in practice.

On January 19, the union for the “Electricity Authority” and the union of the “Telecommunications Department” went on strike. The “government” banned both strikes for 60 days claiming both “departments” provided essential services. Following the strike ban, union representatives stopped working, claiming to be exercising their right not to work, but not actually on strike. Both unions had gone on strike to protest the “government’s” decision to privatize the “departments.”

Similarly, on May 15, the “government” determined that municipal workers were not conducting a substantial slowdown of work as they claimed, due to lack of payment of salaries and benefits, but were actually on strike. As a result the “government” banned municipal workers, all sectors of which were on strike, from striking for 60 days by declaring the need to maintain essential services.

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

Workers exercised the right to bargain collectively in practice. Public and semipublic employees who made up approximately 30 percent of the work force benefited from collective bargaining agreements. Semipublic employees work for companies run jointly by public and private enterprises where, for example, the “government” handled administration while the company’s budget was provided privately.

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

b. Prohibition of Forced or Compulsory Labor

Authorities prohibited all forms of forced or compulsory labor. The “government” generally enforced the law effectively, although there were reports of forced labor during the year. Migrant workers in the construction and agricultural sectors were subjected to reduced wages and nonpayment of wages, beatings, and threats of deportation. The Turkish Cypriot Human Rights Foundation asserted that there were cases of forced labor in the agricultural and domestic service sectors.

Also see the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 15, the last year for which education is compulsory, and children may be employed in apprentice positions between the ages of 15 and 18 under a special status. Children over the age of 15 can work, although they are restricted to not more than six hours a day and 30 hours a week. Children between the ages of 15 and 18 are prohibited from working during mealtimes, at night, and under dangerous conditions; and are prohibited from engaging in heavy physical labor. The “law” also states that every six months the employer must prove, with medical certification, that the physical work the child is doing is suitable for children. In addition written parental consent is required, and

children retain the right to the wage of a full-time employee, even though the children can work a maximum of six hours.

The “law” generally provides protection for children from exploitation in the workplace. NGOs alleged that authorities did not always effectively enforce these “laws,” and children, mainly from Turkey, were used for labor, primarily in the agricultural and manufacturing sectors and at industrial areas working in the automotive and construction sectors with their families. The Turkish Cypriot Human Rights Foundation reported that children worked in dangerous conditions, such as on construction sites, and subjected to heavy physical work despite “laws” to the contrary.

According to accounts by the Turkish Cypriot Human Rights Foundation, child labor in the urban informal economy was also a problem, albeit to a lesser extent than in the agriculture and in manufacturing sectors. The sight of children selling paper towels or other small items on the street became more commonplace, particularly in neighborhoods in Nicosia with large immigrant populations.

Labor inspectors generally enforced the “law” effectively. However, it was common in family-run shops for children to work after school and for young children to work on their family farms.

The “Ministry of Labor and Social Security” is responsible for enforcing child labor “laws” and policies and generally enforced them in practice. During the year the “minister of labor and social security” established a hotline for reporting child labor and launched projects aimed at preventing child neglect and abuse, and protecting children’s rights. A private company also financed and published a booklet to raise public awareness of the problem of child abuse.

d. Acceptable Conditions of Work

The minimum wage was 1,300 Turkish lira (\$728) per month. The official poverty line was 9,632 Turkish lira (\$5,393) per year for each household member in a family of four. Migrant workers were often provided substandard accommodations as part of their compensation or made to pay for accommodations. The “law” prohibits compulsory overtime and provides for paid annual holidays. The “Ministry of Labor and Social Security” is responsible for enforcing the minimum wage. However, observers widely reported that undocumented migrant workers were paid below the minimum wage.

Authorities sporadically enforced occupational safety and health regulations. During the year there were 178 workplace accidents, in which three persons were killed.

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

Enforcement and labor inspections, including of working conditions, were reportedly almost nonexistent, and standards were not sufficiently and effectively enforced in all sectors. While labor authorities conducted regular inspections, little was done to improve working conditions, particularly for hazardous sectors and vulnerable groups. The “government” has not established social protections for workers in the informal economy.