

CASE STUDY: CYPRUS

Determinants of Anti-Trafficking Efforts



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This report is published as part of the 'Determinants of Anti-Trafficking Efforts' Project. The project assesses the links and sequencing of specific factors that have yielded improved political will and capacity in national governments to address trafficking in persons and which have led to sustained and comprehensive anti-trafficking efforts. Through a multi-pronged approach, this project will conduct a review/meta-analysis of the current research and contribute a new data-set through expert interviews, a first of its kind global survey and a series of 14 case studies.

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Gift of the United States Government



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Executive Summary

This report outlines the state of anti-trafficking efforts, and the determinants that shape these, on the island of Cyprus during the period of 2010-2021. It mostly focuses on the Republic of Cyprus ('RoC' or 'Republic'), but also pays attention to the areas not under its effective control.

With regards to the RoC, it argues that important positive developments have taken place in the last decade, with the passing of holistic anti-trafficking legislation in 2014 being the most important among them. A second positive development has been the overall improvement in anti-trafficking practices and know-how, although much must still be done to effectively prevent the phenomenon, protect victims and punish perpetrators in practice. The most important positive determinant in the RoC is the existence of international standards, which contribute to anti-trafficking efforts in two ways, adopting a "carrot and stick" approach. Through the "carrot", international organisations have shared good practices with, and delivered trainings to, officers of the RoC. The "stick" comes in the form of reputational damage when international case law or reports by international organisations identify shortcomings in the way the RoC has been dealing, or failing to deal, with trafficking. There are also determinants that undermine anti-trafficking efforts in the RoC, among them the lack of political willingness to commit to sustainable change and the inability of authorities to enact this change. This inability is primarily due to corruption and a lack of transparency, accountability and efficiency, all of which are fairly widespread in the RoC.

In the areas not under the effective control of the Republic, the most important development has been the criminalisation of human trafficking in 2020. While this is an important first step, no legislation has been enacted that attempts to tackle the phenomenon holistically, and the Turkish Republic of Northern Cyprus ('TRNC') still adopts practices that increase the vulnerability of potential and identified victims. The most impactful positive determinant has been active and consistent lobbying against trafficking by NGOs. While international standards have had some impact in anti-trafficking efforts, this has been indirect because of the lack of recognition of the TRNC by the international community. The lack of recognition has contributed to the development of other negative determinants as well, such as an unstable government and an economy that has come to rely on money from illicit activities (both of which reduce the political willingness to fight human trafficking effectively).

Introduction

The Cyprus country report is concerned with the determinants of anti-trafficking efforts on the island of Cyprus. The island mostly consists of the areas that are under the effective control of the RoC in the south and the areas that are not under the effective control of the RoC in the north. While the RoC is an internationally recognised state, and therefore subject to international standards, the TRNC is not recognised under international law.¹ The report mainly focuses on anti-trafficking efforts and their determinants in the RoC, while also offering insights into the situation in the TRNC. It suggests that Cyprus – with one part of it being subject to international law and the other not – offers a natural experiment on the impact of international standards on anti-trafficking efforts.

Over the last six years, the RoC has oscillated between a ‘Tier 1’ and ‘Tier 2’ ranking in the US State Department’s Trafficking in Persons Reports. It enacted anti-trafficking legislation criminalising all major trafficking offences in 2014, which was amended in 2019 to increase the maximum sentences for these crimes. The 2014 legislation also includes provisions on victim protection, and provides for the establishment of a National Coordinator for anti-trafficking efforts and a Multidisciplinary Co-ordination Group to provide more holistic insights into the State’s and civil society’s anti-trafficking initiatives and co-operation. In practice, implementation of this framework has been less consistent and sustained, with relatively few prosecutions and convictions, and regular allegations that state bodies are not fully complying with the letter and spirit of the law. Nevertheless, the trend is a positive one: over the last few years, national action plans have become more detailed, a national referral mechanism has been instituted and the Police Anti-Trafficking Unit has become operational and acquired expertise in how best to investigate and handle trafficking cases.

The areas that are not under the effective control of the Republic have consistently received a ‘Tier 3’ ranking in the US State Department’s Trafficking in Persons Reports. 2020 was a milestone year in terms of anti-trafficking efforts in the TRNC, as its Assembly criminalised human trafficking for the first time. The maximum sentence for this offence was set at 10 years, which is much lower than in the RoC, and it remains unclear whether, how and to what extent this provision will be utilised in practice. Further, the procedures followed in relation to women who work in nightclubs – such as preventing them from changing their employer and the confiscation of their passports upon arrival by the police – remain deeply problematic from an anti-trafficking perspective.

The main positive determinant of anti-trafficking efforts in the RoC is the exertion of international pressure to improve both the letter of the law and its application. Other likely

¹ UNSC Res 541 (18 November 1983).

positive determinants, such as pressure and/or lobbying from civil society, have had a limited effect, especially as NGOs in the Republic are generally disempowered and marginalised. Conversely, in the TRNC international pressure is either non-existent or felt very indirectly. The job typically done by the international community has been taken over by local civil society organisations, which are much more vibrant, active and impactful than in the RoC. Negative determinants in both the Republic and the TRNC include political unwillingness and the inability of authorities to effectively fight human trafficking.

The analysis and conclusions of this report are based on a combination of desk and empirical research. Desk research consisted of primary sources, such as RoC and TRNC statutes, case law and parliamentary debates. Further, the report relied on secondary sources, such as academic articles and reports from local NGOs, the United States Department of State, Group of Experts on Action against Trafficking in Human Beings ('GRETA'), and the European Commission. Primary sources and local secondary sources for the RoC are available in Greek and in Turkish for the TRNC; international reports are available in English. Empirical research took the form of interviews and one focus group. Eleven interviews have taken place: five interviews in the RoC (three with state actors and two with non-state actors) and five interviews in the TRNC (two with TRNC representatives and three with non-state actors). Since 3% of the island of Cyprus consists of the Sovereign Base Areas ('SBA'),² inhabited both by British soldiers and military personnel and also local civilians, an interview also took place with the resident judge of the SBA. Interviews with Greek Cypriots (in the RoC) took place in Greek, with Turkish Cypriots (in the TRNC) in Turkish and with the SBA judge in English. In the RoC, attempts were made to arrange two focus groups (one with state officials and other with NGOs), but neither materialised because of the lack of interest of the participants. Notably, many of the invited participants were willing to give anonymous interviews, thus suggesting that the problem was with talking about human trafficking in a group setting. In the areas not under the effective control of the RoC, a focus group with civil society organisations was arranged. No focus group with TRNC officials was organised.

While the focus of the report is primarily on the RoC, only half of the interviews that took place as part of the empirical research were with RoC state or non-state actors, with the other half being conducted with TRNC actors. This imbalance between the methodology and findings of the report is because RoC interviewees were a lot less willing to discuss human trafficking, even anonymously, compared to TRNC interviewees. This is a recurring theme in the report, with one of its main findings being that the civil society in the RoC is a lot more complacent and less likely to push for change compared to civil society in the

² *R (on the Application of Tag Eldin Ramadan Bashir and others) v Secretary of State for the Home Department* [2018] UKSC 45 [69].

TRNC.³ One can only speculate as to why this is the case, but one reason could be that projects run by TRNC civil society are often funded by the EU or other international organisations, while projects run by RoC civil society tend to be funded by, or involve, the state itself (which outsources some of its responsibilities to NGOs). As a result, NGOs in the RoC are less likely to criticise the state compared to their TRNC counterparts. Although unintentional, the increased willingness of TRNC actors to provide an interview or participate in focus groups addressed a gap in the literature because a lot less has been written on TRNC anti-trafficking efforts compared to RoC anti-trafficking efforts. Thus, the relative lack of evidence in the RoC from interviews and focus groups was counteracted by a wealth of secondary literature on the topic, in a way that would not have been possible for the TRNC.

³ This observation is framed as a determinant (with RoC civil society being a negative determinant and TRNC civil society being a very positive determinant) in the rest of the report.

Context

The island of Cyprus is separated into four different jurisdictions:

- a) The areas that are under the effective control of the RoC;
- b) The areas that are not under the effective control of the RoC (henceforth, called the TRNC);
- c) The buffer zone separating the RoC and the TRNC. This is under the effective control of the United Nations Force in Cyprus and neither the RoC nor the TRNC exercise jurisdiction in it;
- d) The SBA.

The SBA will not be examined in any detail in this report because of its rather small size. The buffer zone will also not attract specific attention, other than to say that the lack of jurisdiction from either law enforcement agency on the island has turned this thin strip of land into a trafficking hotspot. In 2017, there were eight casinos operating illegally in the small village of Pyla within the buffer zone, often acting as fronts for other illegal activities, such as smuggling and human trafficking.⁴ This has spill-over effects in both the RoC and the TRNC.

As a response to trafficking within its jurisdiction, in 2014 the RoC adopted the Prevention and Combatting of Trafficking and Exploitation of Persons and Protection of Victims Law (60(I)/2014).⁵ This created new criminal offences or revised existing ones, among them the crime of trafficking in human beings (art 6), and set out the rights of victims and identified the support to be provided to them (arts 29 – 60). Support includes the operation of shelters (art 48) and the implementation of a reflection period of one month for adult victims (art 45(5)) or two months for victims who are children (art 53(3)), to decide whether they want to cooperate with the prosecution. Law 60(I)/2014 was supplemented by the Prevention and Combatting Exploitation of Children and Child Pornography Law (91(I)/2014), which created similar offences in relation to underage victims of trafficking. In 2019, the Prevention and Combatting of Trafficking and Exploitation of Persons and Protection of Victims (Amendment) Law (117(I)/2019) was passed. This made several changes to the existing human trafficking framework, including:

- a) the criminalisation of the use of sexual services by sex trafficking victims (art 17A), which is now a strict liability offence (art 19(a) and 19(b));

⁴ UNSC, 'Report of the Secretary-General on the United Nations Operation in Cyprus' (10 July 2017) UN Doc S/2017/586, [15].

⁵ This replaced, and was adopted to deal with the shortcomings of, Law 87(I)/2007.

- b) significant increases to sentences in a wide array of crimes. For instance, the sentence for human trafficking was increased from 10 to 25 years (art 3), as was the sentence for sexual exploitation of adults (art 6). The maximum sentences for both trafficking of children (art 7) and sexual exploitation of children (art 8) were raised from 20 years to life imprisonment.

Laws 60(I)/2014 and 117(I)/2019 must be superimposed on other laws that set the background for human trafficking, criminalise related activities and provide additional protections for victims of crime. Among these are the Aliens and Immigration Law (CAP 105) (which regulates issues relating to entry, residence, status and general treatment of aliens in the RoC);⁶ the Criminal Code (which criminalises forced marriage (art 150), exploitation of prostitutes (art 164) and illegal forced labour (art 254)), and the Law on the Minimum Guarantee Income (109(I)/2014) (which makes human trafficking victims eligible for state support).⁷

Responsible for implementing these laws is an array of state bodies which includes the following:

- a) the police, including the Police Anti-Trafficking Unit which investigates trafficking offences;
- b) the Social Welfare Services under the Ministry of Labour and Social Insurance, responsible for providing support to trafficking victims. In addition to providing a minimum guaranteed income, the Social Welfare Services also run a shelter for female victims;
- c) the Law Office of the Republic that prosecutes human trafficking cases;
- d) the Ombudsman, as the national human rights point. The Ombudsman receives and investigates complaints from human trafficking victims (although it cannot initiate or participate in criminal proceedings) and also drafts reports on the general state of affairs in anti-trafficking efforts in the country;
- e) the Labour Inspectorate Service, which investigates allegations of labour exploitation;
- f) the National Coordinator of the anti-trafficking strategy, established under art 66 of Law 60(I)/2014. The National Coordinator is currently the Minister of Interior. An

⁶ This transposes European Directive 2009/52/EU, which provides evidence of how international standards have an impact on the anti-trafficking legislative framework in a country.

⁷ This was clarified in the House of Representatives by the Minister of Labour, Welfare and Social Insurance on 25 April 2014. All references to legislative proceedings can be traced through the minutes of the House of Representatives debates, available at: <<http://www.parliament.cy/el/πρωτοκολλια-συνεδριαστων-επιτροπευσεων-8529>> [in Greek].

executive decision was taken in 2019 to transfer the role to the Minister of Justice and Public Order,⁸ but this has still not been implemented;⁹

- g) the Multidisciplinary Co-ordinating Group, established under art 64 of Law 60(I)/2014. This group is responsible for drafting the national referral mechanism, which outlines how human trafficking cases are to be handled (art 64(3)). It also drafts national action plans and commissions relevant studies (e.g. studies for identifying gaps in prosecutions).

This is the applicable legal and institutional framework in a country that, in 2017-2018 (more recent data is not available), had the highest number of human trafficking victims per million inhabitants in the EU.¹⁰ Specifically, the RoC had 168 presumed and identified victims per million inhabitants, while the second highest country (the UK) had 90 presumed and identified victims per million inhabitants.¹¹ Comparative data is not available for the number of suspects that were identified, prosecuted and convicted. However, the number of prosecutions in the country is not particularly high: the US State Department's 2021 Trafficking in Persons Report lowered the RoC's rating from a 'Tier 1' to a 'Tier 2' country and commented that for the third consecutive year, courts did not convict any perpetrators under trafficking laws.¹² In a September 2021 TV interview with two members of the RoC Parliamentary Committee on Human Rights, it was noted that 32 out of the 38 cases that were prosecuted in 2021 were tried in the District Court, which is responsible for hearing relatively minor offences (instead of the Assize Court, which deals with more serious crimes).¹³ In absolute numbers, four perpetrators were convicted under anti-trafficking legislation in the RoC in 2017 and two in 2018.¹⁴

⁸ Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [17].

⁹ This was confirmed in a question to the House of Representatives, asked on 11 July 2019, to which the government has not replied. It was also confirmed during interviews with state actors in the RoC.

¹⁰ European Commission, Directorate-General for Migration and Home Affairs, 'Data Collection on Trafficking in Human Beings in the EU' (2020) Figure 4.2. Available at: <<https://data.europa.eu/doi/10.2837/897741>>

¹¹ Ibid.

¹² United States State Department, 'Trafficking in Persons 2021 Report' (June 2021) 202-205. This was also a problem identified in the interviews with RoC state actors.

¹³ According to Law 14/1960, the District Courts' jurisdiction is limited to 5 years of imprisonment or a fine of €85,000 or both. More serious cases are tried before the Assize Court, which has unlimited criminal jurisdiction. This suggests that amendments to the charges are taking place following agreements among lawyers whereby offenders end up being tried for lesser offences, and not under the basic anti-trafficking law. One of the interviewees even mentioned that some convicted perpetrators are only fined in the end. The interview is available at: <<https://www.alphanews.live/cyprus/emporia-prosopon-tis-ptaiei-gia-tin-epanathymatopoiisi-ton-thymaton-binteo>> [in Greek].

¹⁴ European Commission, Directorate-General for Migration and Home Affairs, 'Data Collection on Trafficking in Human Beings in the EU' (2020), Table A.5.1.1.c. Available at: <<https://data.europa.eu/doi/10.2837/897741>>

Of the prosecutions and convictions that are taking place, 58% and 50% respectively concern trafficking for sexual exploitation¹⁵ and, to date, not a single labour exploitation case has reached the Supreme Court.¹⁶ The higher number of sexual exploitation prosecutions and convictions is not because this is the most prevalent form of trafficking in the RoC. In fact, there are indications of significant labour exploitation among both male and female victims that has received a lot less attention in the RoC (many exploitation cases are treated as labour disputes, rather than human trafficking).¹⁷ In cases that result in a conviction, the Republic has been criticised for imposing rather lenient sentences on perpetrators.¹⁸ Despite this, when increases to maximum sentences in trafficking-related crimes were debated in the House of Representatives in 2019, the Ministry of Justice and Public Order opposed them because, on paper, the maximum sentences in the RoC are high when compared to those in other EU member States.¹⁹

In terms of rankings, since 2008, the RoC has overall improved its rating in the US State Department Trafficking in Persons Reports (see Table 1 below). Between 2008 and 2014, it oscillated between a 'Tier 2' and a 'Tier 2 Watch List' rating. From 2015 onwards, it has been oscillating between a 'Tier 1' and a 'Tier 2' rating, with most years being classified as 'Tier 1', but dropping to 'Tier 2' in 2021. The rating improvement in 2014/15 reflects the passing of Laws 60(I)/2014 and 91(I)/2014 referred to above. In later years, the focus of the reports has shifted to implementation of the law, which, the US State Department maintains, has not always been consistent and sustained, with some years resulting in significantly less prosecutions than others.²⁰

¹⁵ Ibid, 40-41.

¹⁶ This was noted in *Astinomikos Dieftthintis Lefkosia v NASIR and others* (Case No 19535/19, 26 June 2020) [in Greek].

¹⁷ United States State Department, 'Trafficking in Persons 2016 Report' (June 2016) 149; Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [147].

¹⁸ Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [77]. For an explanation of this, see footnote 13 above.

¹⁹ Parliamentary Proceedings, Cyprus House of Representatives (12 July 2019) 2646. This points to a discrepancy in the RoC between the law on paper and the implementation of the law in practice, which is a recurring theme to the report.

²⁰ United States State Department, 'Trafficking in Persons 2017 Report', (June 2017) 146. This is widely acknowledged as being an accurate assessment. See, for example, the Ombudsman Report on the Framework for the Preventing and Combatting of Human Trafficking in Cyprus (Π/Δ 4/2013) (17 October 2013) [127], which concludes that 'the adoption of a multifaceted legislative framework that now regulates human trafficking in Cyprus has not led to its effective and adequate enforcement' [in Greek, our translation].

Human Rights ('ECtHR')'s decision in *Rantsev v Cyprus and Russia*,²² the artiste visa was scrapped and many of the cabarets were shut down.²³ This has not necessarily reduced instances of human trafficking; rather, sexual exploitation now reportedly takes place in private apartments.²⁴

- b) Human trafficking for labour exploitation purposes takes place through three avenues: the first concerns low-skilled workers employed in private households and the agriculture, farming and construction sectors. These workers arrive in the RoC on special visas that tie them to their employers, a phenomenon worsened by the fact that there are virtually no checks on their working and living conditions. The second avenue is when individuals arrive in the RoC through student visas but end up working illegally.²⁵ Thirdly, asylum seekers in the Republic are only allowed to work in low-skilled, low-paying industries. The limited checks on the living conditions of workers, coupled with the fact that many of them are working illegally or are in the RoC irregularly, renders them especially vulnerable to human trafficking.
- c) The final factor that contributes to human trafficking on the island relates to its de facto division between the areas that are under the effective control of the Republic and those that are not. The two areas are separated by a porous 'Green Line', which allows criminals, including human traffickers, to operate on both of its sides. The RoC and TRNC law enforcement agencies have established a mechanism (the Joint Communications Room) through which they can share information on what is happening on their respective sides, but, despite its general success, this does not appear to have contributed to better policing of human trafficking.

For all years, the US State Department Trafficking in Persons Reports include the following statement with regards to the areas not under the effective control of the Republic: 'The "TRNC" does not fully comply with the minimum standards for the elimination of trafficking, and does not appear to be making significant efforts to do so. If the "TRNC" were assigned a formal ranking in this report, it would likely be Tier 3.' Until 2020, the TRNC did not have any anti-trafficking legislation and art 6 of its Aliens and Immigration Law (CAP 105) allowed the arbitrary deportation of all migrants by the authorities. In 2020, art 254B was inserted into the Criminal Code (CAP 154). This criminalises human trafficking and punishes it with a maximum sentence of ten years, but it does not even begin to establish a general framework through which trafficking can be addressed more holistically. The law does not

[CF%85%CE%BB%CE%B5%CF%85%CF%84%CE%B9%CE%BA%CF%8C%CF%82-%CE%AD%CE%BB%CE%B5%CE%B3%CF%87%CE%BF%CF%82>](#) [in Greek].

²² *Rantsev v Cyprus and Russia* [2010] ECHR 25965/04 (7 January 2010).

²³ Statement by Minister of Interior during the Parliamentary Control and Scrutiny Session (29 July 2013).

²⁴ *Ibid.*

²⁵ This was highlighted as a problem by Aristos Damianou, Parliamentary Proceedings, Cyprus House of Representatives (4 September 2020) 15.

provide for victims' rights (in fact, art 6 of the Criminal Code, which requires the deportation of migrants who work as prostitutes, is still in place) and no mechanisms have been established to identify and protect victims.²⁶

²⁶ This is something that was acknowledged by many TRNC representatives as a limitation in the legislative amendment. They did note that a comprehensive bill was in the process of being passed that would address challenges posed by human trafficking more holistically. Nevertheless, this has still not been introduced to Parliament: Parliamentary Debate on the Proposed Amendment to the Criminal Law, Assembly of the Turkish Republic of Northern Cyprus (9 March 2020), available at: <[http://evrak.cm.gov.nc.tr/siteleler/belgeler/tutanaklar/Shared Documents/Dönem 9 Yıl3\(d09y03\)/b46.docx](http://evrak.cm.gov.nc.tr/siteleler/belgeler/tutanaklar/Shared Documents/Dönem 9 Yıl3(d09y03)/b46.docx)> [in Turkish].

Determinants of anti-trafficking efforts

This report identifies six determinants of anti-trafficking efforts that are relevant to the RoC (other determinants are also explored in less detail throughout the report):

- a) A lack of political will to address human trafficking.
- b) The ongoing 'Cyprus Problem': By and large, this has had a negative effect on anti-trafficking efforts, as it has monopolised attention and has not allowed other social goals, including fighting human trafficking, to become important items on the public agenda.²⁷
- c) International standards: These are the main drivers of improvements in anti-trafficking efforts. International pressure, mostly in the form of international reporting (e.g. United States Department of State Trafficking in Persons Reports, publications by GRETA, participation in regional organisations (the EU) and case law of regional courts (the ECtHR) have resulted in important legislative changes. Increasingly, international standards are also being used to draw attention to, and demand, better implementation of the law.
- d) Governance: A series of chronic failures of the government (corruption, institutional racism, lack of accountability and lack of transparency) have undermined anti-trafficking efforts.
- e) Economic conditions: Both sexual and labour exploitation contribute to the economy or to specific industries, which partly explains why implementation of the anti-trafficking framework has not progressed more smoothly.
- f) Crisis: The arrest of a serial killer who had killed five female migrant workers and their two daughters led to changes to the law, but did not produce meaningful changes in their living and working conditions.

At the same time, four factors contribute to an underdeveloped anti-trafficking framework in the TRNC:

- a) The absence of international standards.²⁸ The TRNC Assembly adopted the Palermo Protocol in 2018, but even today, the police adopt practices that actively render potential human trafficking victims even more vulnerable to exploitation (e.g. they collect the passports of women who work in nightclubs and keep them until their six

²⁷ This is a factor that has been identified as having a negative effect on anti-trafficking efforts in the TRNC as well, albeit to a lesser extent than in the RoC.

²⁸ Mustafa Ercakıca, 'İnsan Ticaretiyle Mücadele ve Uluslararası Hukuk: Kuzey Kıbrıs Türk Cumhuriyeti Örneğini de İçeren Bir İnceleme' (Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi, 2020) 735.

month visa has expired). The effect of the lack of international recognition of the TRNC on anti-trafficking efforts has been highlighted in the literature. For instance, Serban and Goynuklu note that:

The lack of “political will” to fight against THB reveals itself in the way stakeholders approach situations involving THB and in current practices that have proved ineffective in preventing trafficking. This unwillingness is reported to have many underlying reasons, including the lack of international recognition resulting in the northern part of Cyprus lying outside the jurisdiction of international law and its mechanisms. Consequently, the local responsible bodies are not exposed to any international pressure with no responsibility towards the international arena.²⁹

- a) Economic conditions – Both sexual and labour exploitation contribute to an economy that, with the exception of Turkey, is financially isolated from the rest of the world and in which black and grey money is disproportionately influential.³⁰ Between 20 and 30 million Turkish Lira (i.e. 2-3 million euros) was received in tax payments from nightclub owners in 2015.³¹
- b) The TRNC authorities do not keep statistics on anti-trafficking efforts, including of any arrests or prosecutions.³² This results in a lack of understanding of the crime of human trafficking and an unwillingness to invest in resources to address it.
- c) There is general governmental instability in the TRNC. No government has finished its five-year election cycle in the last twenty years. This has two effects in terms of efforts to combat trafficking: the first is that even if NGOs start building positive relationships with ministers in charge of fighting labour and sexual exploitation, they are soon replaced. The second is that politicians, who are aware that their time in office is limited, are primarily concerned with getting re-elected, rather than with adopting meaningful changes to the law.

The four factors, at least the first two of which are by-products of the ongoing ‘Cyprus Problem’, result in a profound lack of political will to fight trafficking. Anti-trafficking efforts are also hindered by the fact that, according to observers, some members of the TRNC Assembly also visit nightclubs where sexual exploitation takes place as clients (coded for

²⁹ Mihai Serban and Ceren Goynuklu, ‘Report on Trafficking in Human Beings in the Northern Part of Cyprus’ (October 2016) 8.

³⁰ Mustafa Ercakica, ‘İnsan Ticaretiyle Mücadele ve Uluslararası Hukuk: Kuzey Kıbrıs Türk Cumhuriyeti Örneğini de İçeren Bir İnceleme’ (Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi, 2020) 736. This was also acknowledged during the TRNC parliamentary debate for the passing of art 254B, when Doğuş Derya noted that ‘our country can be a crime paradise because the ‘TRNC’ is not recognised.’ (Parliamentary Debate on the Proposed Amendment to the Criminal Law, Assembly of the Turkish Republic of Northern Cyprus (9 March 2020) 109) [in Turkish, our translation].

³¹ United States State Department, ‘Trafficking in Persons 2020 Report’ (June 2020) 182.

³² Ibid, 181.

'Corruption', under 'Governance').³³ On the other hand, the one factor that has resulted in improvements is the pressure exerted by a vibrant and active civil society.³⁴ This is supported by the fact that it is NGOs and the Cyprus Turkish Bar Association that played the most important role in pushing for the adoption of art 254B in the TRNC.³⁵

Particulars of determinants by type of response

Prosecution

Prosecution of human trafficking offences has become possible in the RoC following the passing of Law 60(I)/2014; before 2014, defendants were mostly prosecuted for related crimes under the Criminal Code, which carry lesser sentences.³⁶ Law 60(I)/2014 transposes European Council Directives 2011/36/EU and 2004/81/EC, thus offering direct evidence of how international standards can have a positive effect on anti-trafficking efforts in a country. The 2014 Law is also the result of international pressure, mostly in the form of the ECtHR's decision in *Rantsev v Cyprus and Russia* and the first GRETA report on Cyprus in 2011.³⁷ International pressure shapes political will in the RoC, where the fear of suffering reputational damage because of a failure to comply with human rights standards is one of the most effective mechanisms for pushing the authorities into action.³⁸

At the same time, prosecutions and convictions have been compromised because of massive delays in the handling of cases.³⁹ This was a concern raised by the Supreme Court in *Attorney-General v Ismail*,⁴⁰ a case in which the victim had been sexually exploited in 2009.

³³ *Ibid*, 181.

³⁴ This was identified as the most important positive determinant in several interviews in the TRNC.

³⁵ This was acknowledged during the debate for the passing of art 254B by several MPs. (Parliamentary Debate on the Proposed Amendment to the Criminal Law, Assembly of the Turkish Republic of Northern Cyprus (9 March 2020) 105-120).

³⁶ United States State Department, 'Trafficking in Persons 2014 Report' (June 2014) 151.

³⁷ The influence of Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: First Monitoring Round' (12 September 2011) is illustrated by a question from George Perdakis during the Parliamentary Proceedings of 12 December 2012, which specifically asked about the steps that the Ministry of Interior had adopted to respond to it. On 4 July 2013, the Minister of Interior replied that the government had drafted the anti-trafficking legislation and a new national action plan.

³⁸ Evidence of this is the fact that almost immediately after the RoC was downgraded from a 'Tier 1' to a 'Tier 2' state in the United States State Department Trafficking in Persons 2021 Report, the RoC Parliamentary Committee on Human Rights called a meeting with state officials to discuss this issue. See a summary of what was decided in the Committee: Nomoplatform, 'Human Rights Committee: Serious Weaknesses and Gaps in Prosecution of Human Trafficking Cases' (6 September 2021), available at: <https://www.nomoplatform.cy/epitropi-anthropinon-dikaiomaton-sovares-adynameis-kai-elleipseis-stis-ypotheseis-ekdikasis-emporias-prosopon/> [in Greek].

³⁹ United States State Department, 'Trafficking in Persons 2020 Report' (June 2020) 178; United States State Department, 'Trafficking in Persons 2021 Report' (June 2021) 202-205.

⁴⁰ *Attorney-General v Ismail and others* (Criminal Appeals 228/2015-245/2015 and 248/2015-255/2015, 17 October 2016) [in Greek].

The indictment was filed in 2010, court proceedings lasted from 2013-2015 and a judgment was delivered towards the end of 2016. These delays are problematic because by the time a defendant has been charged and the case has reached court, trafficking victims (whom the vast majority of are non-Cypriots) have returned to their countries of origin without adequate means to ensure the continued inclusion of their testimonies. The absence of key testimonies, in turn, results in the collapse of criminal cases.⁴¹ Article 15(4) of the Violence in the Family (Prevention and Victim Protection) Law (119(I)/2000) allows for sexual exploitation cases to be prioritised by the courts. However, even though this option was highlighted by the Ombudsman in a 2013 report, it does not appear to have been utilised at all in human trafficking cases.⁴²

These delays can be attributed to the chronic failures of the authorities (coded as 'Governance'). In particular, two sub-factors are relevant here:

- a) Although the ECHR did not explicitly state this in *Rantsev*, it implied that inadequate police investigations into the victim's death could be explained by corruption within the force.⁴³ Similarly, in 2019, Skevi Koukouma, a member of the House of Representatives who had been pushing for the implementation of anti-trafficking legislation for years, asked during a debate: 'What is happening with human trafficking networks of women in Cyprus when three of the five people arrested are policemen?' [in Greek, our translation].⁴⁴
- b) The police, Law Office and courts in the RoC are regularly facing chronic delays, even when handling urgent issues. The RoC has been found to be in violation of art 6 of the European Convention on Human Rights ('ECHR') due to delays in proceedings in the past, with the average time taken for a case to be heard by a first instance court being 5-6 years, and an additional 2-3 years if the decision is appealed.⁴⁵ This is an issue that permeates all civil and criminal cases, and is not restricted to human trafficking cases. Chronic delays in prosecutions were identified

⁴¹ United States State Department, 'Trafficking in Persons 2017 Report' (June 2017) 146.

⁴² Ombudsman Report on the Framework for the Preventing and Combatting of Human Trafficking in Cyprus (Π/Δ 4/2013) (17th October 2013) 49. This has also been confirmed in interviews with RoC state actors.

⁴³ *Rantsev v Cyprus and Russia* [2010] ECHR 25965/04 (7 January 2010) [238].

⁴⁴ Skevi Koukouma, Parliamentary Proceedings, Cyprus House of Representatives (10 December 2019) 873. The same case was referred to in a September 2021 interview with two members of the RoC Parliamentary Committee on Human Rights, available at: <<https://www.alphanews.live/cyprus/emporio-prosopon-tis-ptaiei-gia-tin-epanathymatopoiisi-ton-thymaton-binteo>> [in Greek]. The criminal case against the policemen began in 2018 and is still ongoing.

⁴⁵ Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [77], criticising the "considerable time-lag between the date of prosecution and the final judgment".

as the most important factor undermining anti-trafficking efforts in interviews with RoC state actors.⁴⁶

With regards to the TRNC, since art 254B was added to the Criminal Code in 2020, there have been no prosecutions under the newly enacted crime of human trafficking. Article 254B does not distinguish between different types of trafficking for the purposes of sexual exploitation, labour exploitation, etc.⁴⁷ Despite its limitations, art 254B is an important development in the areas not under the effective control of the Republic, and is the result of two determinants:

- a) Although there is very limited international pressure on the TRNC because of its non-recognised status, it has had at least some impact. This is illustrated by the fact that during the debate for the passing of art 254B, many Assembly deputies made reference to international law and the need to comply with it.⁴⁸ Another example concerns the fact that in 2018, the TRNC Ministry of Interior organised and held a workshop to discuss working conditions in nightclubs.⁴⁹ The Ministry explicitly mentioned the United States State Department Trafficking in Persons Reports refer to this issue every year, something which the government at the time was determined to change.⁵⁰ Yet not every government is as responsive to international standards. After the governing coalition collapsed in November 2020, the minister responsible for this workshop was replaced. The current government has not included anti-trafficking efforts in its agenda and due to its fragile position (it is a minority government), it is unlikely that it will make any radical changes to the status quo.
- b) The active involvement of civil society organisations. In the workshop mentioned above, there were 75 representatives from different NGOs, the Ministry of Health, the Social Welfare Services, political parties, the Ministry of Interior, the Ministry of Finance, universities, the police, different municipalities, the EU, the Tax Department and the Ministry of Labour and Social Insurance.⁵¹ This shows not only that civil

⁴⁶ Chronic delays and a backlog of cases was also one of the most serious problems identified by the Institute of Public Administration in its Functional Review of the Court System of Cyprus (March 2018), especially in relation to civil cases. The full review is available at: https://www.cyprusbarassociation.org/files/publications/Functional_Review_of_Courts_System_of_Cyprus_I_PA_Ireland_-_Final_Report.pdf

⁴⁷ It does, however, distinguish between adult and child victims. Under art 254B(3), if the crime is committed against a minor, the maximum sentence is 14 years imprisonment.

⁴⁸ Parliamentary Debate on the Proposed Amendment to the Criminal Law, Assembly of the Turkish Republic of Northern Cyprus (9 March 2020) 105-120.

⁴⁹ This was the first time the TRNC admitted publicly that human trafficking was taking place in nightclubs. (Information provided in an interview in the TRNC.)

⁵⁰ TRNC Ministry of Interior, 'TRNC Workshop on Night Clubs: Final Report' (June 2018) available at: https://icisleri.gov.ct.tr/Portals/7/gece_kulupleri_calistay_raporu.pdf [in Turkish].

⁵¹ Ibid.

society plays an active part in anti-trafficking efforts, but also that there is a good interaction between NGOs and the authorities.

Protection

Protection involves the rescue, rehabilitation and reintegration of the victim. Law 60(I)/2014 provides for a series of measures that are intended to achieve this: a reflection period for identified (but not presumed) victims of trafficking, shelters, the establishment of a victims trust fund (which has not been established to date),⁵² a minimum guaranteed income and, for underage victims, child-friendly services.⁵³ Yet, the implementation of these provisions leaves much to be desired. Illustrative of this is a 2020 case in which the applicant, an Indian national, left the RoC because of family reasons.⁵⁴ She was put on the stop list because her temporary residence permit had expired, and she had been living in the Republic illegally. When she tried to return to the RoC to join her husband, who was a trafficking victim and a witness in an ongoing criminal case against their common employer, she was denied permission to return to the country.⁵⁵ Additional examples of inadequate victim protection and problematic implementation of the Law involve the Social Welfare Services, which allegedly do not always inform victims of their rights⁵⁶ and other public bodies that do not always comply with the national referral mechanism.⁵⁷ Finally, a number of persons identified by UNHCR and NGOs as presumed victims have reportedly not been assessed by the Police Anti-Trafficking Unit, apparently because they were not referred to it by the Social Welfare Services, which appears to be performing a 'filtering' function.⁵⁸ Thus,

⁵² Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [62].

⁵³ Despite these positive developments, improvements are necessary in terms of the support provided to victims. For example, they currently do not have access to the general healthcare system in the RoC and have to pay for a private doctor. (Question asked by Skevi Koukouma on 27 January 2020 and answered on 5 March 2020 by the Minister of Health, Parliamentary Proceedings, Cyprus House of Representatives).

⁵⁴ *Kaur v Republic of Cyprus, through the Civil Registry and Migration Department* (Case No. 1460/2014, 22 June 2020) [in Greek].

⁵⁵ She was never actually identified as a victim of trafficking; however, had she been allowed to come back to the RoC, this was quite possible as she had been employed at the same company as her husband who was a victim of trafficking.

⁵⁶ Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [34].

⁵⁷ Ombudsman Report with regards to Securing Access of Identified Victims of Trafficking to the Rights Provided by the Law, Irrespective of their Residence Permit, (Π/Π 1034/2019 Π.Π) (19 December 2019) [24].

⁵⁸ United States State Department, 'Trafficking in Persons 2020 Report' (June 2020) 178; Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [34], [160]. In her September 2021 interview, the ex-head of the Anti-Trafficking Unit, who has since been elected to the House of Representatives, noted that challenges existed because the Social Welfare Services adopted a different interpretation of the legislative framework compared to other governmental bodies. (See interview, available at: <<https://www.alphanews.live/cyprus/emporia-prosopon-tis-ptaiei-gia-tin-epanathymatopoiisi-ton-thymaton-binteo>> [in Greek]).

in 2015, the Minister of Interior admitted before the House of Representatives that the provisions of the anti-trafficking law are satisfactory and that the problem lies with the way these are implemented by different state bodies.⁵⁹

These limitations in the implementation of the law can be explained by four determinants:

- a) The 'Cyprus Problem': Human trafficking has not attracted much public attention in the RoC. One explanation for this is that attention, resources and expertise in the country are often funneled into issues that are more directly connected to the 'Cyprus Problem'.⁶⁰
- b) Lack of political will: Any political will to protect victims is derived from international pressure. However, international pressure in the form of case law from regional courts tends to result in outbursts of improvement, rather than sustained change. Thus, initiatives for better implementation are not always followed through, resources and political commitment for the implementation of the law are often lacking and a holistic approach to human trafficking has not been adopted.
- c) Chronic underperformance of state bodies (coded as 'Governance'): The public sector is often characterised by a lack of accountability. For instance, there appear to have been no consequences of the fact that the decision to move responsibility for foreign domestic workers from the Migration Department to the Ministry of Labour remains unenforced for the last 11 years⁶¹ or that the decision to shift the role of national coordinator for anti-trafficking efforts from the Minister of Interior to the Minister of Justice also remains unenforced since 2019.⁶² An additional characteristic of the public sector is its lack of transparency. Evidence of this, which also undermines the development of a general human rights culture and the ability of NGOs to lobby for change, includes the fact that questions asked by Members of the House of Representatives during the Parliamentary Control and Scrutiny Session which relate to human trafficking sometimes remain unanswered⁶³ or are only

⁵⁹ Answer of the Minister of Interior on 7 July 2015 to a question asked by Skevi Koukouma on 17 February 2015, Parliamentary Proceedings, Cyprus House of Representatives.

⁶⁰ Nasia Hadjigeorgiou, 'The Invisible Impact of Frozen Conflicts: A Case Study of Foreign Domestic Workers in Cyprus' (Research Seminar, LSE Hellenic Observatory, 16 February 2021) available at: <<https://www.lse.ac.uk/Hellenic-Observatory/Events/Research-Seminar-Series/2020-21/Research-Seminar-Hadjigeorgiou/The-Invisible-Impact-of-Frozen-Conflicts-a-case-study-of-foreign-domestic-workers-in-Cyprus>>

⁶¹ RoC Ombudsman and Nasia Hadjigeorgiou, 'Report on the Status of Foreign Domestic Workers in Cyprus' (18 December 2020) 32, available at: <[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/\\$file/Domestic%20workers%20.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/$file/Domestic%20workers%20.pdf?OpenElement)>

⁶² Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [17].

⁶³ For example, when a question was asked by Stella Kyriakidou during the Parliamentary Control and Scrutiny Session on 30 August 2013 about the type of medical and psychological support that the state provides to victims of human trafficking, no answer was provided.

answered confidentially.⁶⁴ Additionally, when the government announced that it would not be ratifying the ILO Domestic Workers Convention of 2011, it stated that there were good reasons for this, but refused to share them with the public.⁶⁵

- d) Institutional racism (coded under 'Governance'): The impact of this determinant is discussed below under 'Victim Profile – Citizenship'.

In the TRNC, protection of victims is virtually non-existent. Women who have been trafficked for sexual exploitation purposes have limited access to the Women Shelter House⁶⁶ and receive no state support at all, even when they are diagnosed with a disease or they are pregnant.⁶⁷ A hotline has been established by the TRNC but it is not widely known, even by NGO representatives.⁶⁸ There was previously an NGO-run shelter to which victims from nightclubs were referred, which was closed in 2016. However, its capacity was very limited (in 2015, the shelter provided assistance to 14 victims), the staff did not know how to deal with trafficking victims and the TRNC provided no financial support to it.⁶⁹ The same determinants that undermined prosecution efforts in the TRNC are relevant here as well.

Prevention

One determining factor that has made a somewhat positive contribution to the prevention of trafficking in the RoC has been a crisis in the form of the arrest and conviction of a man in 2019 who had murdered five foreign women (most of them domestic workers) and two of their daughters. This crisis led to changes in the government-drafted employment contract of foreign domestic workers⁷⁰ and to the resignation of the Chief of Police after it became

⁶⁴ For example, when a question was asked by Georgos Perdakis during the Parliamentary Control and Scrutiny Session on 28 February 2017 as to why the RoC was delaying the ratification of the Council of Europe Convention against Trafficking in Human Organs, the answer provided by the Minister of Justice on 7 April 2017 was confidential.

⁶⁵ Katia Savva, 'Ambiguous Intentions and Promises for Domestic Workers' (*Politis*, 1 August 2019), available at: <<https://politis.com.cy/politis-news/kypros/oik-ergazomenoi-deichnei-etairoys-to-ypoyrgeio-ergasias/>> [in Greek].

⁶⁶ Since the shelter is for female victims of domestic violence, human trafficking victims are not referred to it by the police or any other public bodies. When civil society intervenes, the shelter accepts human trafficking victims, which is nevertheless, again, less than ideal. In the past, conflicts arose between victims of domestic violence and sexual trafficking victims, with the former having negative prejudices against the latter, sometimes leading to their re-traumatisation.

⁶⁷ TRNC Ministry of Interior, 'TRNC Workshop on Night Clubs: Final Report' (June 2018) available at: <https://icisleri.gov.ct.tr/Portals/7/gece_kulupleri_calistay_rapor.pdf> [in Turkish].

⁶⁸ Mihai Serban and Ceren Goynuklu, 'Report on Trafficking in Human Beings in the Northern Part of Cyprus' (October 2016).

⁶⁹ Ibid.

⁷⁰ The new Contract of Employment for Domestic Workers is available at: <[http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/F16DFEEA3AF1715FC2257D6D0042D6B6/\\$file/DW_CO_NTRACT_07.05.2019.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/F16DFEEA3AF1715FC2257D6D0042D6B6/$file/DW_CO_NTRACT_07.05.2019.pdf)>. So little attention has the revised employment contract attracted, that the old version of this is still (accidentally, one assumes) on the RoC Civil Registry and Migration Department website, available at:

clear that the police had entirely failed to investigate the disappearance of the victims for years.⁷¹ The explanation that was given for the failure to investigate was that many foreign domestic workers left their employers in the RoC and moved for work to areas that were not under the effective control of the Republic (which points to the impact of the 'Cyprus Problem' as a negative determinant of anti-trafficking efforts). This example points to three conclusions: first, crises can indeed spur improvements in the law. Second, these are likely to be improvements on paper, rather than with regards to better enforcement – this is illustrated by the fact that the new employment contract for foreign domestic workers has not provided improved protection from labour exploitation in practice.⁷² Third, the 'Cyprus Problem' is a factor that undermines the rights of victims on the island because it often provides an excuse for not adopting better measures for prevention and investigation.

Partnership

Two types of partnerships/collaborations will be discussed here:

- a) Collaborations between the government and NGOs: on paper, this partnership has been institutionalised in the RoC through the Multidisciplinary Co-ordinating Group, which involves collaboration between state and civil society actors. To date, this has not been a successful initiative, with three out of the four NGOs that were appointed to represent civil society within the group walking out of the collaboration in 2016. (Note also that not all NGOs working in the field took advantage of the opportunity to participate in the group.) The NGOs' disengagement with the group is partly because of chronic failures of the government to act quickly, proactively and meet deadlines (the stated reason for the NGOs' withdrawal is that the minimum number of meetings that should take place every year (three) was not met).⁷³ An additional reason was the group's perceived insignificant role in shaping policy, and a failure of the government to support and show meaningful appreciation of the work done by NGOs.⁷⁴ (Determinants coded under 'Governance'.)

[http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/5314ED0D3F68CA9EC2257D2C003A4DC2/\\$file/DOMESTIC%20WORKER%20ContractOfEmploymentEN.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/5314ED0D3F68CA9EC2257D2C003A4DC2/$file/DOMESTIC%20WORKER%20ContractOfEmploymentEN.pdf)

⁷¹ 'Cyprus to prosecute 15 police in serial killing blunder' (*France24*, 5 May 2020), available at: <https://www.france24.com/en/20200505-cyprus-to-prosecute-15-police-in-serial-killing-blunder>

⁷² RoC Ombudsman and Nasia Hadjigeorgiou, 'Report on the Status of Foreign Domestic Workers in Cyprus' (18 December 2020) available at: [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/\\$file/Domestic%20workers%20.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/$file/Domestic%20workers%20.pdf?OpenElement)

⁷³ United States State Department, 'Trafficking in Persons 2017 Report' (June 2017) 146.

⁷⁴ When the withdrawal of the NGOs was discussed in the Parliamentary Control and Scrutiny Session in response to a question asked by Christiana Erotokritou on 27 October 2016, the Minister of Interior did not have any plans to reconcile with the NGOs or attempt to invite them back to the Multidisciplinary Co-ordinating Group (Answer given by Minister of Interior, Parliamentary Proceedings, Cyprus House of Representatives (12 July 2017).)

- b) Collaboration between the areas that are, and the areas that are not, under the effective control of the Republic: human trafficking is taking place between the two sides of the Green Line,⁷⁵ but it is not clear how much and in what forms. The reason that there is this lack of clarity is that the RoC police do not have a clear picture of what is happening in the areas not under their effective control, and the TRNC police do not have a clear picture of what is happening in the areas under the effective control of the RoC. Further, neither seems to understand exactly how criminal networks collaborate on both sides, and there is little appetite for meaningful and sustained collaboration. (Determinant coded as 'Cyprus Problem'.)

Particulars of determinant by form of exploitation

Trafficking for the purpose of sexual exploitation

This type of trafficking has attracted the most prosecutions in the RoC. Before Rantsev, the Republic had a visa system that allowed women to come to the country and work as dancers in cabarets, but it was widely acknowledged that many of these women were forced into prostitution. The ECtHR's finding was instrumental in abolishing the artiste visa. When the law changed, cabarets stopped being financially viable and most of them closed, which provides an example of how one anti-trafficking determinant ('international standards') contributed to another ('economic conditions') in a way that had a positive impact on anti-trafficking efforts. Yet, these determinants only appear to have had a superficial or transient effect: the decrease in sexual exploitation in clubs and cabarets has been followed by an increase in prostitution and sexual exploitation in private houses and flats.⁷⁶

Like in the RoC, in the TRNC most attention has been focused on trafficking for the purpose of sexual exploitation. This has been happening through reliance on the konsomatrices visa, which is issued to women who are working in nightclubs and works in a similar way to the artiste visa in the Republic. Numbers are generally unavailable, but according to the United States State Department, between April 2019 and January 2020, 942 konsomatrices visas were issued to women working in nightclubs.⁷⁷ The lack of publicly available information on the numbers and profiles of both victims and perpetrators (which results in a lack of understanding of human trafficking) has been picked up by the press in the TRNC as

⁷⁵ UNSC, Report of the Secretary-General on the United Nations Operation in Cyprus (23 May 2006) UN Doc S/2006/315, [24].

⁷⁶ Angelo Constantinou, 'Is Crime Displacement Inevitable: Lessons from the Enforcement of Laws Against Prostitution-Related Human Trafficking in Cyprus' (2016) 13(2) *European Journal of Criminology* 214-230; Fondation Scelles, 'Cyprus' (2019) 3, available at: http://fondationscelles.org/pdf/RM5/CYPRUS_Excerpt_5th_Global_Report_Fondation_SCELLES_2019.pdf

⁷⁷ United States State Department, 'Trafficking in Persons 2020 Report' (June 2020) 181.

something which requires improvement.⁷⁸ An interviewee explained that there is much more emphasis on sexual than labour exploitation in the TRNC because it is a significantly more visible type of exploitation:⁷⁹

‘With labour exploitation, there is a perception that these people are not exploited or trafficked at all. When we ask random people in the public if they are aware of the exploitation, they do not accept it. It is very normal to pay a domestic worker a salary that is less than the minimum wage and also it is normal to force her to work for very long hours. There is serious exploitation in different labour sectors but the practices of exploitation are normalized in the society and the cases are hidden.’

An additional reason why sexual exploitation has received more attention compared to other types of exploitation is because it has been discussed by mostly female policy makers. For instance, the process for adding art 254B to the TRNC Criminal Code was led by three female Assembly deputies.⁸⁰

Trafficking for the purpose of forced labour

In the RoC, this takes place in two ways. For women, it generally happens among domestic workers, while for men, it manifests among those who are working in the agricultural, farming and construction sectors. For both, the victims are mostly third-country nationals who arrive in the Republic to work in these specific sectors through a special work visa. Additionally, there is a smaller category of persons who arrive in the RoC as students or asylum seekers, but also (or, in order to) seek work. This is illegal, which makes them particularly vulnerable to labour exploitation.

There are determinants that both contribute to and undermine efforts to tackle trafficking for the purpose of labour exploitation in the RoC. Perhaps the most visible determinant for domestic workers was the arrest of a serial killer in 2019 who preyed on female third-country nationals (coded as ‘crisis’). The serial killer case did not relate to labour exploitation as such, but it did remind people of this category of workers, who remain

⁷⁸ Kıbrıs Gazetesi, ‘İnsan ticareti ile mücadelede en başarısız ülkelerdeniz’ (30 July 2020), available at: <<https://www.kibrisgazetesi.com/kibris/insan-ticareti-ile-mucadelede-en-basarisiz-ulkelerdeniz-h93673.html>> [in Turkish].

⁷⁹ This overemphasis on sexual exploitation was also discussed during the parliamentary debate for the passing of art 254B. For instance, Jale Refik Rogers stated that ‘[a]lthough prostitution is the first thing that comes to mind when it comes to human trafficking, human trafficking is not only prostitution, it also involves victims working in construction, agriculture and domestic work. We should not ignore this either.’ (Parliamentary Debate on the Proposed Amendment to the Criminal Law, Assembly of the Turkish Republic of Northern Cyprus (9 March 2020) 112).

⁸⁰ Stated during the parliamentary proceedings for the passing of art 254B by Armağan Candan (Parliamentary Debate on the Proposed Amendment to the Criminal Law, Assembly of the Turkish Republic of Northern Cyprus (9 March 2020) 115).

largely invisible in the eyes of the state and the general population.⁸¹ Shortly after the serial killer's arrest, the government-drafted employment contract that all foreign domestic workers must sign before being legally employed in the RoC was amended. The new contract is an improvement on the old one (e.g. provisions that the domestic worker 'shall obey and comply with all orders and instructions of the employer' have been deleted), but gaps in the contract still remain (e.g. there is very little information in the contract about the process to be followed and possible outcomes in case of a labour dispute). This points to the lack of adequate political willingness (among the drafters of the contract and their political superiors) to fully protect this category of workers. Moreover, additional legislative amendments that had been promised in the aftermath of the serial killer case (e.g. distinguishing between the type of work done by each worker, so that those performing the more arduous work of caring for elderly or disabled persons could be remunerated accordingly) have not been forthcoming.⁸² Pressure by a few civil society organisations to protect the rights of this category of workers has been sustained, but because of NGOs' limited reach in the RoC, it has not resulted in any practical improvements.

In terms of labour exploitation of those working in the farming, agricultural and construction sectors, a few high-profile cases of abuse, reported in the media and heard in court, momentarily captured the public's attention (coded as 'crisis'). This has resulted in institutional changes, such as the establishment of the Labour Inspectorate Service in 2017.⁸³ Improvements in the institutional framework are also due to international pressure through reporting, to which the RoC responds relatively well.⁸⁴ However, more in-depth enforcement of the Labour Inspectorate Service's mandate is compromised because labour inspectors are lacking both the resources and the necessary training to identify instances of trafficking (coded as 'Governance').⁸⁵ Additionally, labour inspectors are not allowed to enter private households without a warrant, which renders them totally unable to assess the working conditions of domestic workers.

⁸¹ A stark illustration of this invisibility was when the President of the Republic announced the establishment of 'a special department within the Ombudsman Office, which would investigate every complaint relating to foreign domestic workers' living conditions in Cyprus'. He was seemingly unaware of the fact that the Ombudsman already has this exact mandate and that after each investigation, a report is sent to the Council of Ministers, which he presides over, for further reflection and discussion. (Katerina Eliade, 'The Invisible Domestic Workers in Cyprus' (*Politis*, 5 May 2019) available at: <<https://politis.com.cy/politis-news/kypros/oi-aorates-oikiakes-voithoi-stin-kypro/>>)

⁸² RoC Press and Information Office, 'Statements of the Minister of Interior on Foreign Workers' (25 September 2019) available at: <<https://www.pio.gov.cy/000000000000-000000.html?id=9723#flat>> [in Greek].

⁸³ Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [142].

⁸⁴ This was confirmed in the interviews with RoC state actors.

⁸⁵ US State Department, 'Trafficking in Persons 2018 Report' (June 2018) 159; Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [34].

So, for both types of labour exploitation, there have been improvements in the legal and institutional frameworks, mostly because of international pressure (through case law and reporting) and a crisis (the serial killer case). However, these improvements have been rather superficial and have not been followed by their committed enforcement, partly due to chronic weaknesses of state bodies and a lack of political willingness to see the changes through. Another significant factor that contributes to the unwillingness to better protect these individuals is the fact that their exploitation contributes to the economy: it is only because of the presence of vulnerable domestic workers in the country that Cypriot women are able to work full time (especially because there are very few state schools for children under five years old and no public caring homes for the elderly at all; this has a disproportionate impact on women who are the primary caregivers in the family). The construction sector, to which many political elites have ties, would also not have been booming had it not been for vulnerable migrant workers, who provide cheap labour.

Although the literature on the TRNC has mostly focused on victims who are trafficked for sexual exploitation purposes, there is also considerable trafficking for labour purposes as well. Both men and women are trafficked in the construction, agriculture, domestic work, restaurant and retail sectors.⁸⁶ Because labour trafficking is not as visible as the sexual exploitation taking place in nightclubs, the data on how widespread the problem is is extremely limited, and no efforts are being made to fight this (coded as 'understanding trafficking').⁸⁷

Trafficking for other exploitative purposes

The other type of trafficking that has received attention in the RoC is trafficking for the purpose of sham marriages (and to a much lesser extent, child adoption). At least one case of illegal child adoptions has been prosecuted,⁸⁸ but there does not appear to be a consistent state effort to address this issue (presumably because it is not a widespread crime). Sham marriages, on the other hand, have received significant political attention and the authorities have dedicated much time and effort to identifying and prosecuting them. For instance, in August 2020 amendments were made to Law 104(I)/2003 (Law on Marriages) and Law 184(I)/2015 (Law on Civil Union) to increase the sentences for undertaking or participating in the undertaking of a sham marriage or civil cohabitation and for using forged documents. This is an issue that has been classified by the RoC Minister of

⁸⁶ Mustafa Ercakica, 'İnsan Ticaretiyle Mücadele ve Uluslararası Hukuk: Kuzey Kıbrıs Türk Cumhuriyeti Örneğini de İçeren Bir İnceleme' (Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi, 2020) 737.

⁸⁷ Mihai Serban and Ceren Goynuklu, 'Report on Trafficking in Human Beings in the Northern Part of Cyprus' (October 2016); KISA & Turkish Cypriot Human Rights Foundation, 'Mapping out the Situation of Labour Trafficking in Cyprus' (July 2014), available at <https://kisa.org.cy/wp-content/uploads/2014/12/map_report.pdf>

⁸⁸ *Evia v Attorney-General of the Republic* (Criminal Appeal No. 174/2019, 21 April 2021) [in Greek].

Interior as high priority.⁸⁹ The reason sham marriages are a relative outlier compared to other types of trafficking in terms of the attention they have received is precisely because they have not been conceptualised as instances of human trafficking at all. Instead, they have been understood as an avenue through which illegal migration takes place.⁹⁰ As a result, when participants in sham marriages are identified, they are not treated as potential trafficking victims, but as illegal migrants, and are therefore immediately deported.

Particulars of determinants according to trafficked persons' profile

Sex, Gender Identity and Sexual Orientation

Because most attention in the RoC has been placed on combatting and protecting victims of sexual exploitation, there are state-run shelters for women, but no shelters for men⁹¹ or married couples.⁹² The emphasis on the protection of women is also illustrated through the different provisions of Law 117(I)/2019. For instance, although under Law 117(I)/2019 the maximum sentence for labour exploitation was increased from 6 to 15 years, this is significantly lower than the sentences for sexual exploitation (a maximum of 25 years). Further, art 17A of the same law criminalises the use of sexual services of victims of sexual trafficking and removes the 'absence of reasonable suspicion' defence, thus turning this into a strict liability offence.⁹³ When this provision was debated in the House of Representatives, the Civil Registry and Migration Department proposed that the offence should not be limited to victims of sexual trafficking, but should also include victims of labour exploitation, since the number of these victims is not at all negligible, but this proposal was ultimately rejected.⁹⁴ (It should be noted, however, that according to a September 2021 interview with two members of the Parliamentary Committee on Human Rights, there have been no prosecutions of this strict liability offence to date because of political unwillingness to implement the law.⁹⁵)

⁸⁹ Minister of Interior, 'Complete Migration Policy and Asylum Police – Humanely and Decisively' (18 June 2020), available at: <<https://www.pio.gov.cy/????????????????????-???????.html?id=14320#flat>> [in Greek].

⁹⁰ Statement by Minister of Interior, Parliamentary Proceedings, Cyprus House of Representatives (3 July 2020) 2383.

⁹¹ One shelter for men is run by an NGO.

⁹² Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [172].

⁹³ Despite this positive development, difficulties for the police to prove that sexual services have been bought have not been tackled by the law. (Comment by Skevi Koukouma, Parliamentary Proceedings, Cyprus House of Representatives (12 July 2019) 2651.)

⁹⁴ Parliamentary Proceedings, Cyprus House of Representatives (17 July 2019) 2645.

⁹⁵ The interview is available at: <<https://www.alphanews.live/cyprus/emporion-tis-ptaiei-gia-tin-epanathmatopoiisi-ton-thymaton-binteo>> [in Greek].

Two factors can explain this disproportionate attention to female victims:

- a) Rantsev (coded as ‘international standards’) was specifically concerned with trafficking for sexual exploitation purposes. This has not only sensitised the RoC authorities to this type of trafficking and its victims (almost always women),⁹⁶ but also international organisations and local NGOs, which are more likely to place emphasis on this because of the RoC’s history with it.
- b) Trafficking has been an issue that has mostly been addressed by women in the Republic. Until 2021, the Parliamentary Committee on Human Rights and Equal Opportunities for Men and Women had nine members, eight of whom were women; since 2021, there are six women and three men.⁹⁷ Law 117(I)/2019 was proposed by a woman (Christiana Erotokritou). Over the years, most questions on the implementation of the legislative framework were asked by a single female member of the House of Representatives (Skevi Koukouma). She did not seek re-election in 2021, but another female member was voted into office, who is likely to continue the anti-trafficking efforts. This is Ms Rita Theodorou-Superman, the ex-head of the Police Anti-Trafficking Unit, who in 2016 also received the ‘Trafficking in Persons – Heroes Award’ from the United States State Department.⁹⁸ Notably, the three women who have been mentioned here are members of the three largest parties in the RoC. (Determinant coded under ‘Governance’.)

Age

Under Law 117(I)/2019, the maximum sentences for trafficking of children and for sexual exploitation of children have been increased from 20 years to life imprisonment. Further, the state has established the Children’s House, a centre dedicated to children who have suffered from sexual abuse.⁹⁹ It provides several child-centric services to victims, such as a child psychologist and a location where they can be cross-examined through camera without facing their alleged abuser. The Children’s House is generally considered to be offering a high standard of care, but notably it serves all underage victims of sexual abuse and not

⁹⁶ This was among the conclusions of the Ombudsman Report on the Framework for the Preventing and Combatting of Human Trafficking in Cyprus (Π/Δ 4/2013) (17 October 2013) [125]. The Ombudsman stated that ‘The Rantsev case provided the starting point for the development of a substantially improved legislative and institutional framework on human trafficking in the last decade’ [in Greek, our translation].

⁹⁷ Composition of Parliamentary Committees, available at: <http://www.parliament.cy/el/composition/parliamentary-committees/>

⁹⁸ United States Department of State, ‘Trafficking in Persons Report Heroes – Rita Theodorou Superman, Cyprus, Class of 2016’ (2016) available at: <http://www.tipheroes.org/rita-theodorou-superman/>.

⁹⁹ Group of Experts on Action against Trafficking in Human Beings (GRETA), ‘Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings’ (11 June 2020) [129]-[131].

only (or even primarily) victims of trafficking. Thus, its establishment and operation are likely affected by determinants that are not necessarily connected to the need to address child trafficking as such. This observation is supported by the fact that other forms of support to underage victims of human trafficking have lagged behind. For example, legal aid for children remains an ongoing unresolved issue.¹⁰⁰ During the parliamentary debate for the adoption of Law 60(III)/2014, the RoC Commissioner for the Rights of the Child suggested that child victims should receive free legal advice from the state. This was successfully opposed by the Ministry of Justice and Public Order.¹⁰¹

Citizenship and migration status

Those who are the most vulnerable to being trafficked in the RoC are non-citizens, primarily third country nationals. Foreign domestic workers and workers in the agriculture, farming and construction sectors come from countries such as the Philippines, Sri Lanka, Nepal, India, Vietnam and Pakistan.¹⁰² Victims of sexual exploitation are usually from Eastern Europe. When the artiste visa was in operation, women were often trafficked from Russia, but their numbers have declined since the change in the law. It is now possible to find EU nationals and even some Cypriots among the victims of sexual exploitation, but numbers are not publicly available.¹⁰³ Notably, some victims of labour exploitation (e.g. Vietnamese women) often flee their employers and resort to survival sex, thus ending up being victims of sexual exploitation as well.

The failure of the authorities to effectively tackle trafficking in the RoC is not unconnected to the nationality and migrant status of the victims. Over the years the Ombudsman has recorded a series of practices, characterised and explained by institutional racism.¹⁰⁴ One example of this is the fact that when a complaint of labour exploitation is made to the authorities, the victim loses their job until this is investigated, without the state offering an

¹⁰⁰ Ibid. In 2019, the RoC received a warning letter from the European Commission due to its failure to harmonise its domestic legislation with Directive 2011/93/EU, which provides for legal aid to victims who are children. (Parliamentary Proceedings, Cyprus House of Representatives (3 July 2019) 3100).

¹⁰¹ Parliamentary Proceedings, Cyprus House of Representatives (20 March 2014) 1884-1890. It was rejected because the proposal concerned legal advice for out of court proceedings, while the law on legal aid only covers court proceedings.

¹⁰² RoC Ombudsman and Nasia Hadjigeorgiou, 'Report on the Status of Foreign Domestic Workers in Cyprus' (18 December 2020) 9, available at: <[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/\\$file/Domestic%20workers%20.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/$file/Domestic%20workers%20.pdf?OpenElement)>

¹⁰³ The European Commission commented on the lack of data on human trafficking in Cyprus when noting that the national referral mechanism does not include within its scope the 'gathering and promotion of knowledge about trafficking in human beings'. (European Commission, 'Study on Reviewing the Functioning of the Member States' National and Transnational Referral Mechanisms' (2020) 20, available at: <https://ec.europa.eu/anti-trafficking/sites/default/files/study_on_reviewing_the_functioning_of_member_states_national_and_transnational_referral_mechanisms.pdf>).

¹⁰⁴ A RoC state actor stated in their interview that there is institutional racism in Cyprus, but concluded that it is not having a particularly sizable impact on anti-trafficking efforts.

alternative source of income.¹⁰⁵ Another is the fact that when such complaints are made, they are often not investigated and, instead, the victim is deported back to his or her home country.¹⁰⁶ Part of this institutional racism is connected to the 'Cyprus Problem', which permeates and affects even unrelated policy decisions in the RoC. This was evidenced by statements of the RoC Minister of Interior in 2019 when referring to migrants and asylum seekers: "There is a danger that in [the Republic of] Cyprus, a Muslim minority will be created. [...] There are settlers in the free areas."¹⁰⁷ (The reference to settlers refers to Turks from mainland Turkey, who have settled in large numbers in the areas not under the effective control of the Republic.)

The nationality/migrant status of trafficking victims affects anti-trafficking efforts in another way as well. When 150 foreign domestic workers were asked in 2019-2020 whether they would report their physical or sexual abuse to the police, 75% said they would not.¹⁰⁸ In focus groups that followed, several explanations were offered by the foreign domestic workers for this reluctance. Some expressly stated that they were afraid that they would lose their job or be deported from the country (which, according to past Ombudsman reports, was not an unfounded concern).¹⁰⁹ Others stated that they could not trust the police in their countries, so they did not know if the same applied to the police in the RoC. This reluctance is exacerbated by the fact that the police and relevant Ministries in the Republic have not done anything to engage with or earn the trust of this group of workers (e.g. launching information campaigns or hiring as frontline workers persons who speak their languages) (coded as 'Governance').

The victims of human trafficking in the TRNC are, like in the RoC, non-citizens. Of the 300 calls received by the anti-trafficking hotline in the 18 months of its operation, only two were from TRNC citizens.¹¹⁰ Victims are usually from Turkey, Bulgaria, Pakistan, Bangladesh and Eastern Europe.¹¹¹ Although not much is known about them, another group of persons who

¹⁰⁵ Nasia Hadjigeorgiou, 'Helping those that Help Us: Challenges Faced by Foreign Domestic Workers in the Republic of Cyprus' (LSE Hellenic Observatory & Peace Research Institute Oslo (Cyprus Centre), 2020) 20, available at: <<https://cyprus.prio.org/Publications/Publication/?x=4320>>.

¹⁰⁶ CEDAW, 'Concluding Observations on the 8th Periodic Report of Cyprus: Committee on the Elimination of Discrimination against Women' (25 July 2018) UN Doc CEDAW/C/CYP/CO/8, [28].

¹⁰⁷ Michalis Polydorou, 'C. Petrides: Fears that Among the Migrants that Arrive there are Jihadists' (Reporter, 18 January 2019) available at: <<https://www.reporter.com.cy/politics/article/445419/k-petridis-foboi-oti-metaxy-ton-metanaston-poy-ftihanoy-n-einai-kai-tzichantistes>> [in Greek].

¹⁰⁸ RoC Ombudsman and Nasia Hadjigeorgiou, 'Report on the Status of Foreign Domestic Workers in Cyprus' (18 December 2020) 24, available at: <[http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/\\$file/Domestic%20workers%20.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/$file/Domestic%20workers%20.pdf?OpenElement)>. Underreporting by trafficked victims was also one of the major difficulties identified in interviews with RoC state actors.

¹⁰⁹ Ibid.

¹¹⁰ Information provided by an interviewee in the TRNC.

¹¹¹ Hanife Aliefendioglu, 'Migrant Women Workers in Cyprus: A Literature Review' (2012) 8 *International Journal of Business and Globalisation* 491.

are especially vulnerable to trafficking are those who legally entered the RoC with a work or study visa and illegally crossed to the TRNC through the Green Line when their visa expired.¹¹² This is another example of how the 'Cyprus Problem' fuels trafficking on the island, as it creates the conditions for undocumented migrants to be exploited without the authorities having a good idea of their numbers or profiles (i.e. the 'Cyprus Problem' is in itself a negative determinant and also contributes to a lack of understanding of trafficking as an additional negative determinant).

As explained above, many victims of human trafficking arrive in the TRNC either with a student visa and are then exploited¹¹³ or they arrive and are employed under a konsomatrices status.¹¹⁴ Under the Law of Nightclubs 2000, konsomatrices are defined as women who eat and drink with clients at a nightclub and make an income out of this. Although it is illegal for them to engage in prostitution, this is widely the practice.¹¹⁵ Three pieces of information suggest that konsomatrices are sexually exploited, that this is linked to their migrant status and that this exploitation has been institutionalised in the TRNC:

- A) Upon arrival to the TRNC, these women are specifically tested for sexually transmitted diseases and if they are positive, they are immediately deported.¹¹⁶
- B) They must give their passports to the police upon their arrival and their return ticket is also withheld by the authorities (allegedly for their own safety).¹¹⁷
- C) They are not allowed to change their employers and their visa is entirely conditional on them being tied to a specific employer.¹¹⁸

All three practices render them especially vulnerable in a way that citizens of the TRNC are not. The lack of international standards, corruption and economic factors are all determinants that undermine anti-trafficking efforts.

Race and ethnic origin and other criteria

As has already been explained, persons who are potential trafficking victims are employed in the RoC in specific low-income sectors that do not require any formal education. There is

¹¹² United States State Department, 'Trafficking in Persons 2020 Report' (June 2020) 182.

¹¹³ TRNC Ministry of Interior, 'TRNC Workshop on Night Clubs: Final Report' (June 2018) available at: <https://icisleri.gov.ct.tr/Portals/7/gece_kulupleri_calistay_rapor.pdf> [in Turkish].

¹¹⁴ This is a very similar visa to the artiste visa that was criticised by the ECtHR in *Rantsev* and abolished by the RoC in 2009.

¹¹⁵ Fatma Güven-Lisaniler, Leopoldo Rodríguez and Sevin Uğural, 'Migrant Sex Workers and State Regulation in North Cyprus' (2005) 28 *Women's Studies International Forum* 79.

¹¹⁶ Universal Patients' Rights Association, 'In-depth Research to Determine the Condition of Marginalised Groups Regarding Patients' Right in the Northern Part of Cyprus' (2021) 55-70, available at: <<https://www.ehhd.eu/en/in-depth-research-report>>.

¹¹⁷ Ibid; United States State Department, 'Trafficking in Persons 2020 Report' (June 2020) 181.

¹¹⁸ Fatma Güven-Lisaniler, Leopoldo Rodríguez and Sevin Uğural, 'Migrant Sex Workers and State Regulation in North Cyprus' (2005) 28 *Women's Studies International Forum* 79.

almost no information on the educational levels of these individuals in the RoC, except for foreign domestic workers. In a 2020 report based on empirical research with 150 foreign domestic workers, 27% of participants had finished primary school in their home countries and an additional 64% had graduated from secondary school.¹¹⁹ The level of income and education of this group of workers could explain why there is generally very low rights awareness among them and an even lower willingness to report abuses to the authorities. The unwillingness of potential victims to engage with the authorities is also explained through the prism of institutional racism: up until 2019 when the government-drafted employment contract was amended, foreign domestic workers were legally prevented from forming or joining a trade union (something which, as the Ombudsman pointed out, was unconstitutional).¹²⁰ This was, at least partly, because of pressures from workers' unions, who did not want to admit (and still have not admitted) foreigners to their ranks.¹²¹ This is one of the rare examples in which the involvement of civil society has been a factor with detrimental effects on anti-trafficking efforts (it should also be noted that unions are uncharacteristically powerful compared to other civil society organisations in the RoC).

Particulars of determinants according to perpetrator profile

Almost nothing has been written on the profiles of perpetrators of human trafficking in the RoC. The few cases that have been prosecuted were concerned with individual traffickers, but it is unclear whether this is because the perpetrators were acting alone or because it proved difficult to tie them to more organised criminal groups. For labour exploitation, it is plausible that perpetrators are individual employers – this is supported by the nature of the work performed (domestic labour in individual households) and the types of cases that have been examined by the Ombudsman. Sexual exploitation, on the other hand, is more likely to be the outcome of more organised criminal activity. This was the case back when the artiste visa was in operation, and these criminal groups have probably not been dismantled; instead, it is more likely that they have changed their methods and locations of operation.

One factor that contributes to the lack of evidence about the profile of perpetrators (and therefore is a negative determinant) is the 'Cyprus Problem'. There are criminal networks engaging in human trafficking and operating on both sides of the Green Line. These

¹¹⁹ RoC Ombudsman and Nasia Hadjigeorgiou, 'Report on the Status of Foreign Domestic Workers in Cyprus' (18 December 2020) 12-13, available at: [http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/\\$file/Domestic%20workers%20.pdf?OpenElement](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/2358C433C1A0F629C2258646002B79DA/$file/Domestic%20workers%20.pdf?OpenElement).

¹²⁰ RoC Ombudsman, 'Report on the Status of Domestic Workers in Cyprus' (2 July 2013) [in Greek].

¹²¹ Platform for International Cooperation on Undocumented Migrants (PICUM), 'Migrants and the Right to Equal Treatment in Cyprus' (Workshop Report, 2013).

undoubtedly consist of locals who are needed to navigate the parts of the buffer zone that contain landmines, but also potentially foreign funders and masterminds as well. Police cooperation between the law enforcement agencies of the two sides is in an embryonic state, hampered by the fact that one side does not recognise the other.¹²² It only started taking place in 2009 and was significantly reduced when checkpoints on the Green Line were closed for more than a year due to the RoC's COVID-19 response.

Little is known about perpetrators of human trafficking in the TRNC, too. The masterminds of human trafficking are organised criminal groups that often use nightclubs to also launder money.¹²³ From research conducted during the 2000s and cited in a piece by Ercakica,¹²⁴ it appears that 80% of the nightclub clients in the TRNC hailed from the RoC. Although sexual exploitation is taking place in the RoC and therefore women who have been forced into prostitution are available to them there as well, this service is much cheaper in the TRNC. (Coded as 'Economic Conditions' and 'Cyprus Problem'.)

Particulars of determinants by type of trafficking

Internal v International trafficking

There is very little internal trafficking in the RoC. Trafficking is international in that victims mostly arrive to the RoC from countries outside the EU. This negatively affects anti-trafficking efforts in several ways:

- a) There is less sustained pressure from the electorate on political actors to address the problem effectively because the citizens themselves are not negatively and directly affected by human trafficking. (Determinant coded as 'Lack of political willingness'.)
- b) The victims are non-Cypriots and therefore more likely to be victims of institutional racism, which has an impact on the level of protection they receive from the state. (Determinant coded as 'Governance'.)
- c) Identified victims typically want to leave the ordeal behind them and move back to their own countries. This, coupled with the fact that the law and internal police processes do not allow the victims to return to the RoC to testify as witnesses in their

¹²² Nasia Hadjigeorgiou and Dina Kapardis, 'Police Cooperation in Cases of Unrecognised Secessions: The Joint Communications Room in Cyprus' (Working Paper, file with the authors).

¹²³ This was stated in almost all the interviews with TRNC stakeholders, and was also acknowledged in the parliamentary proceedings for the passing of art 254B. For instance, Oğuzhan Hasipoğlu noted in the legislature that 'Criminal organisations are doing this job'. (Parliamentary Debate on the Proposed Amendment to the Criminal Law, Assembly of the Turkish Republic of Northern Cyprus (9 March 2020) 108).

¹²⁴ Mustafa Ercakica, 'İnsan Ticaretiyle Mücadele ve Uluslararası Hukuk: Kuzey Kıbrıs Türk Cumhuriyeti Örneğini de İçeren Bir İnceleme' (Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi, 2020) 736.

traffickers' criminal cases, means that many such cases collapse without a conviction.¹²⁵

- d) Because of the nationality of the victims, media coverage and the framing of what is happening to them has not always been favourable. Illustrative of this are two media reports from SigmaLive, the most widely read online media platform in the RoC. The first is a 2020 interview of the President of the Association of Private Employment Agencies, who is quoted as saying that foreign domestic workers have 'turned Cyprus into a brothel'.¹²⁶ The interview blames women for 'choosing' to become prostitutes and does not entertain the possibility that they might have been forced into this. The second example is a 2020 'investigative report' of SigmaLive, which, based on three anonymous Facebook profiles, reaches generalisable conclusions that many migrant men who arrive in the RoC are terrorists, terrorist-sympathisers or pro-Turks (the three are treated as being equally condemnable).¹²⁷
- e) The nationality of victims has meant that the state has approached human trafficking as a migration problem and not as a human rights problem. This means that emphasis has been placed on keeping potential victims out of the country, rather than protecting them. This is illustrated by the fact that the national coordinator for anti-trafficking efforts is the Minister of Interior, who oversees the Migration Department, and not the Minister of Justice.

As explained above, human trafficking is also taking place between the RoC and the TRNC. Although this is not strictly international, as the TRNC is not a recognised state, the phenomenon could not accurately be described as internal trafficking either.

'Incoming' v 'outgoing' v 'transit'

The RoC is a transit country for some victims and a destination country for others. It is a transit country to many asylum seekers (it had the highest number of asylum seekers per population size and per capita than any other European country in 2020)¹²⁸ who travel to Cyprus hoping to reach mainland Europe. Numbers are disputed, but the RoC estimates that many asylum seekers arrive to the TRNC from Turkey and cross into the Republic

¹²⁵ Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [71].

¹²⁶ These agencies act as intermediaries to bring low-skilled workers from third countries to the RoC and are technically responsible for protecting their rights.

¹²⁷ 'SigmaLive Research: Profiles of Migrants in Cyprus with Suspicious Activities and Contacts' (14 July 2020), available at: <<https://www.sigmalive.com/news/local/640306/erevna-sigmalive-profil-metanaston-stin-kypro-me-ypopti-drasi-amp-epafes-foto>> [in Greek].

¹²⁸ European Asylum Support Office, 'EASO Asylum Report 2021' (29 June 2021) Figure 4.5, available at: <<https://easo.europa.eu/easo-asylum-report-2021/413-socio-economic-indicators-analyse-situation-asylum#Figure%204.5>>

through the Green Line.¹²⁹ Asylum seekers often become victims of labour exploitation¹³⁰ due to a number of factors associated with political unwillingness and the chronic failure of the state to help them:

- a) The asylum application process is very slow, lasting for several years.¹³¹ During this period, asylum seekers are legally, financially and emotionally vulnerable, which renders them easy victims of abuse.¹³² (Determinant coded as 'Governance'.)
- b) While the asylum application process is pending, asylum seekers are only allowed to work in low-skilled, low-paying industries, such as the agricultural and farming sectors. Many are exploited in these industries (as the employers know that they cannot legally get a job anywhere else), while others choose to work illegally in alternative lowly paid sectors (the construction industry, as food delivery men etc.). In these industries there is again labour exploitation because employers know that illegal workers will never report bad working conditions and because employees are very easily replaceable.
- c) Asylum seekers receive a monthly stipend from the government that is well below the minimum income guaranteed to everyone else.

There is little political willingness to change this state of affairs because the exploitation of vulnerable workers can be beneficial to certain businesses/industries (coded as 'Economic Conditions') and because greater protection of potential victims could be perceived as being soft on illegal migration (coded as 'Lack of political willingness'). While labour inspections are theoretically taking place in businesses, inspectors have not been trained to identify victims of human trafficking. Finally, although there are some NGOs that are fighting

¹²⁹ It was estimated that, in 2018-2019, 50% of asylum seekers had arrived to the Republic via the TRNC or irregularly with boats. (Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [14]).

¹³⁰ Ibid, noting that there has been a "significant increase in the number of asylum seekers identified as presumed THB or at the risk of being trafficked".

¹³¹ A new International Protection Administrative Court was established in 2018 to hear recourses at first instance by asylum seekers with respect to acts/omissions of the RoC authorities under refugee law, so that the RoC complies with its EU obligations (Law concerning the Establishment and Functioning of the International Protection Court 73(I)/2018). The Law was amended three times in 2020; one of the amendments decreased the timeframe for filing a recourse against a decision of the Migration Authority or Refugee Reviewing Authority to the Court for rejecting someone's asylum application from 75 to 30 days (Law 141(I)/2020). Notably, the Constitution had to be amended first because it provides, under art 146, a timeframe of 75 days for all recourses (Law 135(I)/2020). Therefore, as things stand, all recourses (concerning non-asylum seekers and generally Cypriots) are differentiated from those concerning asylum seekers. This raises some serious concerns about differential treatment of asylum seekers (and potential human trafficking victims) even though the timeframe was purportedly decreased in order to comply with the RoC's EU obligations, including deciding on asylum application as soon as possible. Likewise, the timeframe for appealing the decisions of the International Protection Administrative Court to the Supreme Court was decreased from 42 to 14 days (Law 141(I)/2020).

¹³² Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [171].

for the rights of victims, most of them are focused on gender discrimination (thus mostly focusing on sexual exploitation) and others are too small or marginalised to make an impact.

For other victims, notably those who arrive in the RoC with a worker's visa, Cyprus is a destination country. The political unwillingness, state inability and weakness of NGOs to protect these individuals from human trafficking are relevant determinants that have been explored in previous sections of this report.

Particulars of determinants by stage of response

Acknowledgment and prioritisation of trafficking as a policy issue

As has already been explained above, although there are some individual MPs who have taken an active interest in anti-trafficking efforts, the state as a whole has not prioritised anti-trafficking as a policy issue. This lack of political willingness to prioritise the issue is due to the following reasons:

- a) The 'Cyprus Problem', which overshadows other socially important goals.
- b) The framing of human trafficking as a migration problem that requires keeping the vulnerable out of the country, rather than protecting them.
- c) The fact that human trafficking victims are non-Cypriots with little connections to or leverage over – political or financial – the electorate.
- d) The fact that whole industries benefit from and rely on labour exploitation.

Adoption of legislation and policy and setting up of institutions or mechanisms

Significant improvements have taken place, both in terms of passing legislation and creating the necessary institutions and procedures for implementing it. For both, the key positive determinant has been international standards, both through case law of the ECtHR and international conventions that have been used as a guidance when drafting domestic legislation. Government officials have also pointed out that international manuals detailing good practices on how to handle trafficking cases have been practically very important for the implementation of the law. Finally, reports from the United States State Department, GRETA and the European Commission create pressure to better enforce legislation that has already been enacted. This pressure has made a valuable positive contribution, but is also limited in its impact. This is because the international community, watching from afar, is less likely to spot the hidden consequences of implementation problems on the ground. Further, small office politics that often shape the extent of collaboration between different public authorities (which is an important factor for the successful enforcement of the law) are also

often lost in international reporting and case law.¹³³ This is a common problem in the RoC, which is generally quick to ratify international instruments without always following up in terms of implementation.

Allocation of resources and capacity building

A consistent demand of the RoC authorities is that they should be better staffed,¹³⁴ yet other interviewees claimed that the only institutions that are truly understaffed are the shelters.¹³⁵ Requests for more staffing therefore could be seen either as evidence of inefficiency within the civil service or a lack of adequate resources in the different departments (coded as 'Governance').

The Police Anti-Trafficking Unit is generally considered to be effective in investigating complaints, which is attributed to two factors:¹³⁶ first, it has adopted international best practices (coded as 'international standards'). Among these good practices are the involvement of clinical psychologists in criminal cases as witnesses and the development of a coordinated and standardised method of identifying human trafficking victims and assessing their vulnerability.¹³⁷ Second, over the years, the Unit's officers have developed expertise on how to approach and handle cases (this has partly been the result of training from international experts).¹³⁸ Increased levels of expertise are also observed in other institutions dealing with human trafficking. For instance, over the years, national action plans that are drafted by the Multidisciplinary Co-ordinating Group have become a lot more

¹³³ This was raised in a September 2021 TV interview with two members of the RoC Parliamentary Committee on Human Rights, available at: <<https://www.alphanews.live/cyprus/emporia-prosopon-tis-ptai-iei-gia-tin-epanathymatopoiisi-ton-thymaton-binteo>> [in Greek].

¹³⁴ This was stated in an interview with a RoC state actor. It is also a concern raised by GRETA: Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [108].

¹³⁵ Note that the preparation of internal regulations on how the shelters are to operate has been pending for years. Their preparation was an action in the national action plans for 2010-2012, 2013-2015 and 2016-2018. In 2020, it was reported at the Parallel House of Representatives that they have been with the Law Office since 2018, pending their review. (See here <<http://www.parliament.cy/images/media/redirectfile/%CE%A0%CE%B1%CF%81%CE%AC%CF%81%CF%84%CE%B7%CE%BC%CE%B1%201%20-%20%CE%A0%CF%81%CF%8C%CE%BB%CE%B7%CF%88%CE%B7%20%CE%BA%CE%B1%CE%B9%20%CE%9A%CE%B1%CF%84%CE%B1%CF%80%CE%BF%CE%BB%CE%AD%CE%BC%CE%B7%CF%83%CE%B7%20%CF%84%CE%B7%CF%82%20%CE%92%CE%AF%CE%B1%CF%82%20%CE%BA%CE%B1%CE%B9%20%CE%95%CE%BA%CE%BC%CE%B5%CF%84%CE%AC%CE%BB%CE%BB%CE%B5%CF%85%CF%83%CE%B7%CF%82%20%CE%BA%CE%B1%CF%84%CE%AC%20%20%CF%84%CF%89%CE%BD%20%CE%93%CF%85%CE%BD%CE%B1%CE%B9%CE%BA%CF%8E%CE%BD.pdf>> [in Greek].)

¹³⁶ These factors were discussed in interviews with RoC state actors.

¹³⁷ The National Referral Mechanism was established in 2016.

¹³⁸ Evidence was provided in an interview with a non-state actor, who noted that when it became apparent that there were many trafficking victims from Moldova, international experts were invited to advise the authorities on how to approach this.

detailed as a result of accumulated expertise.¹³⁹ Further, an increase in expertise was noted in an interview with a RoC state actor, who explained that there is now a better understanding of how to approach and prove key concepts, such as vulnerability, in court.¹⁴⁰ Thus, it appears that guidance from the international community, in the form of manuals or trainings, can effectively result in sustainable change, perhaps to an even greater extent than the threat of reputational damage.

Implementation and enforcement of law, policy and practice

The lack of, or delays in the, implementation of the law in the RoC is the most important limitation on anti-trafficking efforts today. The main factor/determinant that encourages better implementation is international pressure to establish specialised bodies (e.g. the Labour Inspectorate Service, the Police Anti-Trafficking Unit, the Multidisciplinary Co-ordinating Group). This pressure usually comes from international reporting and is relatively low-key, but also sustained, demanding continuous improvements. Conversely, the determinants that prevent better implementation of the law are:

- a) Chronic failures of the civil service in terms of efficiency and transparency;¹⁴¹
- b) Lack of political willingness to prioritise the implementation of the law; and
- c) Economic incentives to keep things as they are.

Establishment of partnerships (including with civil society organisations and the private sector)

Cyprus' accession to the EU has been an instrumental factor in improving partnerships, most notably by sharing information through EUROPOL.¹⁴² Although the whole island joined the

¹³⁹ National action plans lie at the heart of an effective anti-trafficking regime. They provide actions for change and relevant indicators to assess their implementation. That said, their use as anti-trafficking tools may have been hampered by the ineffectiveness characterising the operation of the Multidisciplinary Co-ordinating Group more broadly. For example, the National Action Plan for 2016-2018 was only approved by the Council of Ministers on 5 January 2017 (Council of Ministers Decision 81.885).

¹⁴⁰ This was also acknowledged by the Ombudsman: Ombudsman's Report with Regards the Support Received by Victims of Human Trafficking who are Residing in the National Shelter (□/□ 1424/2016) (9 October 2019) [67].

¹⁴¹ As an example of this, the RoC has been under an EU obligation to establish a national rapporteur on anti-trafficking. Apparently a bill has been drafted to this effect. However, at the moment the bill is physically misplaced, with relevant government departments and the House of Representatives, being, for the last two years, unclear of its status. (Reference to this was made in a September 2021 TV interview with two members of the RoC Parliamentary Committee on Human Rights, available at: <<https://www.alphanews.live/cyprus/emporion-prosopon-tis-ptai-iei-gia-tin-epanathymatopoiisi-ton-thymaton-binteo>> [in Greek]).

¹⁴² References to this information sharing were made in Georgia Andronikou, Anthi Tofari and Antigoni Hasikou, 'Criminalization of the Market for Sexual Services in EU Member States and Effectiveness of Relevant Legislation' (Parliament of Cyprus, March 2019) available at:

EU in 2004, the *acquis communautaire* is not in force in the areas that are not under the effective control of the Republic,¹⁴³ and therefore European partnerships are not (as) available there.¹⁴⁴

Monitoring and evaluation of anti-trafficking efforts and reporting

The 2019-2021 National Action Plan provides for the ‘monitoring and evaluation of the strategic framework and actions against human trafficking’¹⁴⁵ from an independent expert. The decision of the RoC to assign this role to the Ombudsman is legally problematic, as the law requires a three year appointment of an independent external evaluator following a call for tenders.¹⁴⁶ Thus, this is another instance in which the law has not been effectively implemented for the reasons identified in the ‘implementation and enforcement’ section above.

<http://www.parliament.cy/images/media/redirectfile/7%20%20%CE%A0%CE%9F%CE%99%CE%9D%CE%99%CE%9A%CE%9F%CE%A0%CE%9F%CE%99%CE%97%CE%A3%CE%97%20%CE%91%CE%93%CE%9F%CE%A1%CE%91%CE%A3%20%CE%A3%CE%95%CE%9E%CE%9F%CE%A5%CE%9B%20%CE%A5%CE%A0%CE%97%CE%A1.pdf> [in Greek].

¹⁴³ Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, Protocol No 10 on Cyprus [2003] OJ L 236, 955.

¹⁴⁴ Nevertheless, some EU funding reaches the TRNC as well. See, for instance, the ‘COMMIT Project: Coordinated Measures and Mechanisms for Anti-trafficking’. For more information on COMMIT, see <https://www.patcyprus.org/?lang=en>.

¹⁴⁵ National Action Plan Against Human Trafficking in Human Beings 2019-2021, Action I.3, available at: [http://www.moi.gov.cy/moi/moiup/moi.nsf/All/C51EC588B4ACFECFC22585FB0038FFF6/\\$file/%CE%95%CE%B8%CE%BD%CE%B9%CE%BA%CF%8C%20%CE%A3%CF%87%CE%AD%CE%B4%CE%B9%CE%BF%20%CE%94%CF%81%CE%AC%CF%83%CE%B7%CF%82%20\(%20%CE%95%CE%A3%CE%94%20\)%20%CE%BA%CE%B5%CE%AF%CE%BC%CE%B5%CE%BD%CE%BF%20%CE%BA%CE%B1%CE%B9%20%CF%80%CE%AF%CE%BD%CE%B1%CE%BA%CE%B1%CF%82%202019-2021%20%CF%84%CE%B5%CE%BB%CE%B9%CE%BA%CF%8C%2015%2011%202019.pdf](http://www.moi.gov.cy/moi/moiup/moi.nsf/All/C51EC588B4ACFECFC22585FB0038FFF6/$file/%CE%95%CE%B8%CE%BD%CE%B9%CE%BA%CF%8C%20%CE%A3%CF%87%CE%AD%CE%B4%CE%B9%CE%BF%20%CE%94%CF%81%CE%AC%CF%83%CE%B7%CF%82%20(%20%CE%95%CE%A3%CE%94%20)%20%CE%BA%CE%B5%CE%AF%CE%BC%CE%B5%CE%BD%CE%BF%20%CE%BA%CE%B1%CE%B9%20%CF%80%CE%AF%CE%BD%CE%B1%CE%BA%CE%B1%CF%82%202019-2021%20%CF%84%CE%B5%CE%BB%CE%B9%CE%BA%CF%8C%2015%2011%202019.pdf) [in Greek].

¹⁴⁶ Comment by Skevi Koukouma, Parliamentary Proceedings, Cyprus House of Representatives (12 July 2019) 2658.

Focus: Law 60(I)/2014, Law 91(I)/2014, Law 117(I)/2019

The first key improvement in the RoC is the passing of Law 60(I)/2014 and Law 91(I)/2014, followed five years later by the passing of Law 117(I)/2019. The 2014 Laws strengthened the basic crime of human trafficking, created a series of related offences and established a holistic framework to fight this phenomenon and protect victims. This included the creation of national bodies, such as the National Coordinator, the Multidisciplinary Co-ordination Group and the Police Anti-Trafficking Unit. The 2019 Law strengthened existing protections by making the use of sexual services by victims of sexual exploitation a strict liability offence (at least on paper) and increasing the maximum sentences for several related crimes (which, again, does not appear to have resulted in any changes on the ground).

The most important determinant that led to this key development was the existence of international standards and the consequent international pressure to comply with them. International standards were communicated to the RoC, first in the form of a case of the ECtHR (*Rantsev v Cyprus and Russia*) in which the RoC was found to be in violation of art 4 of the ECHR. Pressure to change the existing legislative framework and undertake more consistent and genuine efforts to address human trafficking continued being exerted in the form of international reporting from the United States State Department, GRETA and the European Commission. The impact of international pressure on the enactment of anti-trafficking legislation was acknowledged by key stakeholders working for the government in interviews.

The importance of adopting legislation that deals holistically with the anti-trafficking phenomenon cannot be exaggerated. It has created a framework within which the authorities and NGOs can keep improving. It has also given rise to specific provisions, support mechanisms and institutions that international actors, NGOs and sympathetic members of the legislature can point to in order to demand that additional improvements take place. At the same time, this key development is not without its limitations, with the main one now being that efforts must be adopted to ensure the framework's proper enforcement. If international pressure comes from case law, it is likely to result in a one-off legal change, with no way of checking whether that law is implemented properly in practice. If the international pressure is in the form of reporting, the fact that this takes place regularly (yearly for United States State Department reports and every four to five years for GRETA reports) allows for continuous monitoring and demands that the state presents evidence of year-on-year improvement. Both reports receive inputs not only from authorities involved in

anti-trafficking efforts, but also independent NGOs that are (in theory at least)¹⁴⁷ more likely to be critical of the situation on the ground. At the same time, however, even reliance on local NGOs cannot fully address the fact that international reporting is likely to miss nuances in the dynamics of, or small office politics within, institutions, which although invisible to outside observers, play a central role in shaping the government's anti-trafficking responses.

¹⁴⁷ Note the general reluctance of NGOs in the RoC to provide evidence on anti-trafficking efforts, as discussed in the introduction.

Focus: State Organ Continuous Improvement

The second, and related, key development in the RoC is that, over the years, there has been continuous improvement in how state organs are dealing with trafficking cases. National action plans drafted by the Multidisciplinary Co-ordination Group have become more detailed, and a National Referral Mechanism has been developed to provide guidance to different governmental departments on how to identify victims of trafficking. Moreover, the Police Anti-Trafficking Unit has developed expertise on how to approach and investigate cases, the Law Office has improved its understanding of key concepts such as 'vulnerability' and how to go about proving this in court, and there is a greater willingness by the judiciary to accept testimonies of victims without any other corroborative evidence, or to rely on expert opinions from psychologists.

These changes are a direct result of the enactment of domestic legislation that has created a framework for key stakeholders to start operating and, by learning with experience, continue improving. In this respect, they were again aided by international standards, especially in the form of practice manuals and best practices that were imported from abroad. Further, trainings with international experts that took place within the different sectors of the executive and the judiciary have been instrumental in improving anti-trafficking practices. The EU has played a central role in this respect, both by making funding available for the organisation conducting these trainings and by sharing knowledge and best practices from other member States.

Therefore, for both key developments in the RoC – the adoption of an anti-trafficking legislative framework and continued improvement in the implementation of this framework – international standards have been the most impactful positive determinant. Through a combination of the 'carrot' and 'stick' (funding and training opportunities on the one hand, and reputational damage on the other) approach, they have increased the rating of the RoC from 'Tier 2 Watch List' country in 2008 to a 'Tier 1' country in 2020. The main limitation of this determinant is that it cannot operate on its own; it wholly relies on the existence of sufficient political will to see change and the ability of state institutions to enact this change. This ability is often compromised by corruption, and a lack of transparency, accountability and efficiency, which are fairly widespread phenomena in the RoC. In terms of sustainability, therefore, if anti-trafficking efforts are going to reach the next level, there must be a consistent effort to tackle these underlying factors as well.

For the TRNC, the biggest development over the last years has been the criminalisation of human trafficking in 2020. This punishes the basic crime of human trafficking but does not provide for a holistic anti-trafficking framework as the 2014 Law did in the RoC. Despite this

having been identified as the most important development by many stakeholders in the TRNC, not a single prosecution under art 254B has taken place to date. A second important development has been the organisation by the Ministry of Interior of a workshop in 2018, in which relevant governmental departments and NGOs participated. During this workshop, it was officially acknowledged for the first time that human trafficking was taking place in nightclubs in the TRNC.

Both developments have been the result of consistent and coordinated pressure exerted on the TRNC by local NGOs. In this, they were assisted by the international community which criticised the TRNC for its dismal human trafficking efforts and provided assistance in the form of funded projects. Both the literature and key stakeholders acknowledged, however, that the impact of international standards is only felt indirectly in the TRNC because of its status as a non-recognised state and its consequent inability to participate in international organisations. This exclusion of the TRNC from the international community also contributes to other factors that undermine anti-trafficking efforts: the economic embargo on the TRNC means that income from illicit activities is a big part of the local economy and this, coupled with the ongoing 'Cyprus Problem', means that issues such as human trafficking are not on the public agenda.

COVID-19

Impact on anti-trafficking efforts

There is no literature on the impact of COVID-19 on anti-trafficking efforts in the RoC. The interviews in the RoC identified the following effects of the pandemic, all of them negative:

1. During the months-long lockdowns, the courts' operation was subject to substantial restrictions whereby only urgent cases were heard. In theory, human trafficking cases could qualify as such (especially when the suspect/defendant was already in custody); in practice, however, their progress was severely curtailed by the pandemic restrictions. Thus, the pandemic further delayed the already very slow judicial process. This, as was pointed out by state actors in interviews, makes convictions of alleged human traffickers more difficult, as the victims are not willing to wait in the Republic for the completion of the case, thus leaving the prosecution without key witnesses.
2. Police operations became harder because trafficking was moved from business premises to private apartments.
3. During and after the lockdowns, social distancing rules applied and there were restrictions on the number of individuals someone could see in person. As has been pointed out in other contexts (e.g. in domestic violence cases), the forced isolation of the victims added to their vulnerability.
4. During and after the lockdowns, asylum seeker reception centres remained entirely closed, even to NGOs that had previously been working and offering services in them. The lack of visibility of potentially trafficked victims added to their vulnerability.
5. Meetings that were taking place in government departments for the coordination and implementation of the anti-trafficking strategy were postponed. This added to the chronic delays of implementation by the authorities.
6. The Asylum Service, responsible for processing applications from asylum seekers, stopped processing, or was very delayed in processing, these applications, thus adding further delays to the overall process.
7. Government departments, such as the Social Welfare Services responsible for paying out the minimum guaranteed income to identified victims of trafficking, have, during the pandemic, entirely stopped face to face communications with the public and asked that these take place through phone or email. Yet, phone calls and emails often remain unanswered.
8. Following the closing of the checkpoints on the Green Line in order to limit the spread of COVID-19, cooperation between the RoC and TRNC in criminal matters, including

tackling human trafficking, came to an almost complete standstill.¹⁴⁸ This is despite the fact that human trafficking does not actually take place through the checkpoints and movement of persons is likely to have continued mostly undisturbed during this period.

The interviews in the TRNC identified the following effects of the pandemic, all of them negative:

1. Less inspections of workplaces could take place during the lockdowns.
2. Domestic workers had to spend more time with their employers at home, thus increasing instances of abuse.
3. It was already difficult for victims to contact the authorities for help, but the pandemic made this even harder.
4. The economic crisis worsened, which increased the vulnerability of victims and also the aggression of their employers/traffickers.¹⁴⁹
5. In the TRNC, like in the RoC, the COVID-19 measures did not stop sexual exploitation from taking place. Instead of this happening in nightclubs, women were sent to the clients' homes.¹⁵⁰
6. Anti-trafficking efforts have been totally removed from the public agenda, with all the focus being on the economy and on fighting COVID-19. Interviewees explained that the anti-trafficking training they had offered to the police was cancelled during the pandemic. When they offered to run this online, they were told that the police were short staffed because officers were mostly dealing with pandemic issues.

¹⁴⁸ UNSC, United Nations Operation in Cyprus: Report of the Secretary-General (10 July 2020) UN Doc S/2020/682, [26].

¹⁴⁹ This has also been reported in the United States State Department, 'Trafficking in Persons 2021 Report' (June 2021) 181.

¹⁵⁰ Ibid.

Conclusion

There are both positive and negative determinants for anti-trafficking efforts in the RoC. The most impactful positive determinant has been the existence of international standards, which are communicated to the RoC through the 'carrot' (trainings, sharing of good practices, funding) and the 'stick' (the threat of reputational damage) approach. Negative determinants, on the other hand, include a lack of political willingness and the inability of the authorities to enact change. These are, in turn, shaped by the existence of the 'Cyprus Problem', institutional racism and chronic weaknesses of the authorities, such as corruption and a lack of transparency and accountability.

The most positive determinant in the TRNC has been an active civil society and its ability to utilise the indirect pressure that had been exerted by the international community to bring about some change. Despite admirable efforts of NGOs, the situation in the TRNC remains dire. This is the result of a number of negative determinants, such as economic conditions, the 'Cyprus Problem', rampant corruption and a lack of international pressure, which combine to result in a profound lack of willingness to institute change. The comparison between the RoC and TRNC therefore, where human trafficking takes place in similar ways, suggests that international standards play a very important role in shaping, and pushing for continuous improvements in, anti-trafficking strategies. Simply put, the more guidance provided by the international community, especially in the form of both the carrot and the stick, the better.

This report discussed the determinants shaping anti-trafficking efforts separately for the RoC and the TRNC. Nevertheless, this should not obscure the fact that the 'Cyprus Problem' itself both fuels trafficking phenomena on the island and also makes it harder for the authorities to fight it. In particular, the 'Cyprus Problem' has undermined anti-trafficking efforts in the following ways:

- A) The buffer zone between the RoC and the TRNC has not been policed by either law enforcement agency in decades, thus allowing human traffickers to organise themselves and operate undisturbed.
- B) The lack of recognition of the TRNC has meant that there is virtually no international pressure on it to comply with international standards and best practices. This has not only allowed trafficking practices to develop in the TRNC, but also because of the porous nature of the Green Line, it is having an impact on the RoC as well. For instance, GRETA reported in 2020 that there had been an increase in the number of asylum seekers in the RoC who claimed that they had been sexually exploited in the

TRNC.¹⁵¹ This creates a situation in which these people escape one vulnerable legal status in the TRNC to be given another legal status which is likely to be abused in the RoC.

- C) The unwillingness of the RoC and the TRNC to collaborate with each other to tackle a problem that affects both.
- D) The 'Cyprus Problem' exacerbates the lack of information on human trafficking that exists on both sides of the Green Line and detracts attention from efforts to combat the phenomenon.

¹⁵¹ Group of Experts on Action against Trafficking in Human Beings (GRETA), 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' (11 June 2020) [108].

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