



P.O.Box 22113, 1517 Nicosia, Cyprus  
Tel.:+ 357 22 878181, Fax:+ 357 22 773039,  
E-mail: [kisa@cytanet.com.cy](mailto:kisa@cytanet.com.cy), Web site : [www.kisa.org.cy](http://www.kisa.org.cy)

---

## ***KISA'S positions on the Fifth periodic report submitted by the Government of Cyprus on the implementation of the International Covenant on Economic, Social and Cultural Rights***

---

KISA-Action for Equality, Support, Antiracism would hereby like to submit its comments on the Fifth Periodic Report of the Government of Cyprus on the implementation of the International Covenant on Economic, Social and Cultural Rights. KISA, would initially like to note that regrettably, although a member of the National Institution for the Protection of Human Rights (ETHNOPAD), chaired by the Law Commissioner who has prepared the report, the report was never communicated to the members of ETHNOPAD, and more specifically to KISA, as stated in the report. Therefore, the report does not represent in any way the views of KISA regarding the situation of economic, social and cultural rights with regard particularly to migrants<sup>1</sup> in Cyprus.

### **1. Profile of KISA – Action for Equality, Support, Antiracism**

KISA – Action for Equality, Support and Antiracism, is a non-governmental organisation, which has been working intensely in the areas of migration, asylum and racism since 1998. Its main activities and actions focus on two domains: (a) social intervention, with the aim of sensitising the state and the society at large to the above areas, and (b) the operation of migrant and refugee centres offering free advice and information services to refugees, migrants and asylum seekers and victims of trafficking in human beings.

KISA is also a member to European wide networks of NGO's such as ENAR (European Network Against Racism), the Euromediterranean NGO network, MIGREUROPE and UNITED, whereas it has developed a very good cooperation with other international organizations and their monitoring bodies, being their established non governmental counterpart when preparing their reports on Cyprus. Examples of these include the Commissioner of Human Rights, the Committee for the Prevention of Torture (CPT) and the European Committee Against Racism and Intolerance (ECRI) of the Council of Europe as well as the OSCE. Moreover, since Cyprus's accession to the European Union, KISA has been cooperating with the European Parliament and more particularly its Human Rights and Liberty Committee (LIBE) and the European Commission.

### **2. General overview of the migration and asylum policies of the Government of the Republic of Cyprus**

Before commenting on the Fifth periodic report of the Government of Cyprus as such, KISA considers that it is very important to provide an overview of the migration and asylum legal framework and policies followed by the Republic of Cyprus, since it became a host country

---

<sup>1</sup> The term migrants includes both migrant workers, with or without papers, as well as refugees and asylum seekers, unless otherwise stated in this paper.

for migrants and asylum seekers and refugees in the 1990's. The philosophy underlying these policies has never changed since then.

The Republic of Cyprus started receiving migrants on a mass scale in 1991, following a decision of the Council of Ministers. Today, there are more than one hundred thousand migrants, asylum seekers or refugees living in Cyprus. About 25% of them are "without papers" (without a legal residence permit). Since 1998, Cyprus started becoming also an asylum country for many asylum seekers and refugees, their numbers rising up until today, turning Cyprus one of the first three countries in Europe with regard to the number of asylum applications per capita. However, Cyprus did not have then and does not, to a large extent, have today the necessary legal framework in place that would reflect the fact the instead of an emigration country it has turned to an immigration country.

The general legal framework regulating the issues of migrants, the Aliens and Immigration Law, is a colonial legislation dating back to the 1930's when Cyprus was still a colony of the United Kingdom. It thus predates the Constitution as well as all the international human rights treaties ratified by the Republic of Cyprus after its independence, including the International Covenant on Economic, Social and Rights. It therefore does not reflect constitutional and international human rights rules and norms. Although subsequently repeatedly amended, particularly in order to be harmonised with EU law, the underlying philosophy remained the same. The Migration Officer has too many discretionary powers to decide on the issues of their residence and expulsion, on the basis of subjective and untransparent criteria and administrative practices. No clear legal status is provided for each category of migrants (apart from those regulated under community law such as long term residents and students) and no specific set of rights is accompanying each different category.

With regard to asylum seekers and refugees a specific legislation was passed in 2000, the Refugee Law, also because of the obligations of Cyprus as an acceding country to the EU. The Refugee Law reflects the principles of the 1951 Geneva Convention on the Status of Refugees as well as community law on asylum. Moreover, a special legislation has been passed in 2003 and repealed in 2007, regarding trafficking in human beings to implement the Palermo Protocol on Combating Trafficking in Human Beings, the Council of Europe Convention against Trafficking as well as relevant community law.

The Republic of Cyprus has opted since 1990 for the temporary work model for migrant workers, known as "guestworkers concept". Under this model, residence permits are entirely linked to respective employment permits, in specific sectors of the economy and areas of work and to specific employers, under working conditions strictly defined by the government. The maximum time of stay and employment in Cyprus (currently set at 4 years) is periodically set by the Ministerial Committee on Employment (consisting of the Ministers of the Interior, Labour and Social Insurance, Commerce, Industry and Tourism, and Justice and Public Order), a body that is not established under any law.

This particular model of migration presents, according to our experience, very serious weaknesses. The migrants' position is extremely vulnerable vis-à-vis both the state and the employers, making it almost impossible to protect their rights, which are very often violated. Moreover, the model of temporary stay of migrants in Cyprus is used as an excuse for the total lack of any integration policies and measures for migrants. As a result, the Cypriot government has never established or developed any integration policies and measures for migrants.

The inability to effectively protect the rights of migrants, the lack of any integration policies in combination also with the very short residence period set by the authorities, constitute, in our view, the main factor for the steady increase in the number of migrants without papers and also of asylum seekers<sup>2</sup>. The absence of an integrated and well-coordinated migration policy, which would also include the most pertinent aspect of the integration of migrants into the Cypriot society, has been criticized many times by international organisations<sup>3</sup>. The lack of an integration policy of migrants in combination with the particular migration model that Cyprus has adopted, foster, in KISA's opinion, racism and discrimination against migrants. As a result, the overwhelming majority of migrants are excluded socially, economically and politically, and they are subject to exploitation and discrimination in all spheres of life (work, housing, social welfare benefits, education, etc).

The above reality is also «legitimized» through national legislation and administrative practice regarding economic and social rights, such as access to employment, health care and social protection and welfare schemes, which reserve those rights only to Cypriots, to EU citizens and only to the extent this is obligatory under community law as well as to those migrants (third country nationals) that again is obligatory under community law and most of the times non on an equal footing as Cypriots. The rest of the migrant population does not benefit from those rights as they are discriminated against on grounds of their nationality and of course more often than not, discriminated indirectly on grounds of race and ethnic origin. The fact alone that international human rights standards, ratified by the Republic of Cyprus, could be directly applied by the Courts if migrants claim they have been violated, is of minor practical importance as the majority of migrants do not pursue their economic and social rights before Courts for various reasons<sup>4</sup>.

With regard to asylum seekers and refugees, Cyprus adopted a strict policy both in terms of recognition rates, which are the lowest at least in Europe (0,02%) as well as with regard to rights pertaining to the reception conditions of asylum seekers. The underlying principle to these policies is that the less reception rights we grant to asylum seekers and the fewer people we recognize as refugees, the less asylum seekers we will have as Cyprus will not be a favorable destination. This, however has been proven wrong as despite the strict policies of the Government, Cyprus is one of the first asylum countries per capita in Europe, which is also related to its geographical position as well as to the fact that it does not control its external borders at the non-government controlled areas of Cyprus.

Following its accession to the European Union, the Republic of Cyprus had to inevitably harmonise its legislation, structures and systems to the relevant community law on immigration and asylum. Of relevance is more specifically Directive 2003/109/EC regarding the status of third country nationals who are long term residents in the member states of the

---

<sup>2</sup> Many migrant workers finding themselves in an «illegal situation» with regard to their residence, may choose to file an asylum application in order to be allowed to stay in the country for a few more years.

<sup>3</sup> Reports of the European Commissioner on Human Rights of the Council of Europe: The Commissioner – CommDH(2004)2/ 12 February 2004, The Commissioner –CommDH(2006)12/ 19 March 2006. ECRI Report (2001) 35, Second report on Cyprus, adopted on 15 December 2000 made public on 3 July 2001. American Foreign Ministry Report on Human Rights, Country Reports on Human Rights Practices -2005, Released March 8, 2006.

<sup>4</sup> The major reason being the lack of legal aid for cases like these coming under the administrative jurisdiction of the Supreme Court. Moreover, migrants are confronted in their daily lives with problems related to their residency status or to deportations that they normally pursue these cases before the courts rather than cases pertaining to their economic and social rights.

EU. This Directive was developed by the EU as a measure of integration for migrants (third country nationals) and its rationale and aims directly oppose the aforementioned policy and model of immigration followed by the Republic of Cyprus. The Directive basically grants permanent residency rights as well as qualified rights of free movement and establishment in other member states of the EU, to those migrants legally residing in a member state for a period of at least five years. The Directive provides also for the equal treatment of long term residents third country nationals as the nationals of the member states to a number of rights, including the most important economic and social rights such as access to employment and the terms and conditions of employment, social protection and health care et.c..

KISA, having carefully evaluating the actions and decisions which the Republic of Cyprus, including its Courts, has taken until now, concerning the transposition and implementation of Directive 2003/109/EC, is of the opinion that these make the recognition of the status in question particularly difficult, if not impossible altogether. Furthermore, they hinder the practice of the rights emanating from it for the long-term resident migrants in Cyprus. Until March 2005, the maximum period of residence and employment of migrant workers in Cyprus was set at 6 years. As this policy was also somewhat flexible, a large number of migrants had until then resided in Cyprus for more than 5 years, specified by the Directive for the long term residence status. In March 2005, and after the entry into force of the Long Term Residence Directive, the Ministerial Committee on Employment decided to reduce the maximum period of residence to 4 years. It also decided that the resident permits of migrants who, due to the previous policy, had already been in Cyprus for a period longer than 5 years should not be renewed. A direct result of this decision was that affected migrants were compelled to remain in Cyprus without the required residence permit and thus remaining “without papers” and without rights. Long term migrants tried to claim their rights through Court procedures until also the Supreme Court of Cyprus finally closed the door to the majority of migrant workers<sup>5</sup>, with a ruling that found the governmental practices to be in conformity with the Directive. No preliminary questions were send by the Supreme Court of Cyprus to the European Court of Justice, regarding the interpretation of the afore mentioned Directive, on a matter of such a great importance for the lives of thousands of migrants living in Cyprus for more than 5 years already.

The above mentioned migration and asylum policies of basically all of the subsequent Governments of the Republic of Cyprus since the 1990’s, in combination with the absence of an integration policy as a two way process that will mutually respect and accept the national and cultural identity of both Cypriot and migrants, facilitates the development of racism, xenophobia and discrimination against migrants who are denied or restricted from enjoying their most basic economic, social and cultural rights.

### **3. Positions of KISA on the Government Report by Article**

#### **Article 1 of the Covenant**

KISA regrets the fact that migrants, other than EU nationals, are not entitled to vote even in local and municipal elections. Cyprus has never signed and ratified the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level. The right to vote

---

<sup>5</sup> The ruling concerned domestic workers, thus all of them excluded from the long term residence directive under the interpretation of the Court, but affects all migrant workers coming to Cyprus under the above described temporary migration model followed, in all other sectors of the economy.

on local and municipal elections should be granted on the basis of residency and not on the basis of nationality.

## **Article 2 of the Covenant**

The Government of Cyprus replied that the question on any rights not guaranteed to non nationals is Non Applicable with regard to the situation in Cyprus. KISA regrets the fact that there is no acknowledgment of the fact that legally and practically the rights of non-nationals who are migrants from third countries i.e. other than EU nationals are not recognized. KISA is of the opinion that the majority of the rights guaranteed under the Covenant are not recognized for migrants/third country nationals or they are recognized to a limited extent depending on their legal status, and not in accordance with the principle of equal treatment. Irrespective of the fact that Cyprus has ratified the Covenant which guarantees economic, social and cultural rights for every person within the jurisdiction of the signatory states and irrespective of the fact that the Constitution of Cyprus supersedes national legislation, the administration applies on a daily basis directly only national law and not international law. National legislation has never been brought in line with international human rights standards. On the contrary, national legislation and or administrative practices and policies directly discriminate against migrants /third country nationals as it will be shown further down with regard to each of the specific rights.

### **Which of the rights are specifically subject to non-discrimination provisions in national law? Attach the text of such provisions.**

KISA considers also relevant Article 32 of the Constitution of the Republic of Cyprus which has not been mentioned by the Government in its report, according to which «Nothing in this Part [Part II- Fundamental Rights and Liberties] contained shall preclude the Republic from regulating by law any matter relating to aliens in accordance with international law». In essence this Article excludes the application of the Fundamental Rights provisions of the Constitution Provisions with regard to aliens and allows different treatment, to the extent that this is not contrary to international law. As also mentioned above, the Aliens and Immigration Law predates the Constitution as well as all the international human rights treaties ratified by Cyprus after independence and it has never been aligned in accordance with the international obligations of Cyprus.

Moreover, national legislation in the various specific sectors regulate economic and social rights, contrary to international law, as they do not contain non -discrimination provisions. On the contrary, they reserve those rights to specific categories of persons on the basis either of their nationality or their legal status.

Finally, its is not reported by the Government that the primary anti-discrimination legislation enacted by Cyprus in order to transpose Directive 2000/43/EC on the implementation of the principle of equal treatment irrespective of racial or ethnic origin, has a big gap in the protection against discrimination on grounds of race and ethnic origin, that it may be in line with the Directive itself, but in KISA's opinion it is not in line with the international obligations of Cyprus and more particularly with the Covenant, which in Article 2.2 provides that the rights set forth in the Covenant shall be respected without discrimination on a number of grounds including, national or social origin or other status.

The laws<sup>6</sup>, transposing the Directive, provide that they do not cover difference of treatment based on nationality and they are without prejudice to provisions and conditions relating to the entry into and residence of third-country nationals and stateless persons in the Republic, and to any

---

<sup>6</sup> The Equal Treatment (Racial or Ethnic Origin) Law (L. 59(I)/2004, as amended, The Equal Treatment in Employment and Occupation Law (L. 58(I)/2004, as amended

treatment which arises from the legal status of the third-country nationals and stateless persons concerned. Taken into account that in the majority of the cases national legislation permits the different treatment of migrants on the basis of their different nationality as well as their legal status, it is obvious that the above mentioned law has a limited effect with regard to migrants/third country nationals in Cyprus.

### **Article 6 of the Covenant**

**Please supply information on the situation, level and trends of employment, unemployment and underemployment in your country, in respect of both the aggregate and particular categories of workers such as women, young persons, older workers and disabled workers. Please compare the respective situation 10 years ago and 5 years ago. Which persons, groups, regions or areas do you consider particularly vulnerable or disadvantaged with regard to employment?**

KISA would like to request the Committee on Economic, Social and Cultural Rights to seek clarification from the Government of the Republic of Cyprus as to whether the statistics provided, include also migrants from third countries who reside and/or work in Cyprus.

According to KISA's knowledge, normally third country migrants are not included in any of the official labor force statistics of the Government.

**Please describe the principal policies pursued and measures taken with a view to ensuring that there is a work for all who are available for and seeking work.**

KISA regrets the fact that all the measures communicated by the Government of the Republic of Cyprus with a view to ensuring that there is a work for all who are available for and seeking work, do not include third country migrant workers. More specifically they are not included in any of the Action Plans of Cyprus, in relation either to the implementation of the Lisbon Employment Strategy or to that of Social Cohesion and Social Exclusion. The only reference made to third country nationals is the need to reduce their numbers or the fact that they are covering the needs of low skilled or unskilled jobs.

As a matter of fact, third country migrant workers are not included in the unemployment registers of the Ministry of Labour and Social Insurance, neither can they benefit from the Department of Labour's employment services of helping citizens find employment.

With regard to third country migrant workers seeking work, a system parallel to the official and public one is in place. They almost always depend on the services of private employment agencies, which operate for the recruitment of migrant workers as well as the change of employer. These offices, in their vast majority, are more often than not part of the network of trafficking of persons, both for labour as well as for sexual exploitation. In practice, even though it is prohibited by law, they charge migrants exorbitant amounts of money for finding them new employment. In view of the ludicrous profits of such agencies as well as the exclusion of migrants from the public labour services, the operation of these agencies is part of the exploitative system of migrants.

**Please indicate what provisions ensure that there is freedom of choice of employment and that conditions of employment do not infringe upon fundamental political and economic freedoms of the individual.**

Provisions relating to freedom of choice of employment do not cover third country migrant workers. Please see section below.

**Please describe the technical and vocational training programmes that exist in your country, their effective mode of operation and their practical availability.**

KISA regrets the fact that as a rule, vocational training programmes and courses do not apply to third country migrant workers.

**Please indicate whether there exist in your country any distinctions, exclusions, restrictions or preferences, be it in law or in administrative practices or in practical relationships, between persons or groups of persons, made on the basis of race, colour, sex, religion, political opinion, nationality or social origin, which have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity or treatment in employment or occupation. What steps are taken to eliminate such discrimination?**

KISA regrets that the picture presented by the Government of the Republic of Cyprus regarding the above issues does not represent the reality with regard to the labor market and the employment of third country nationals.

As already mentioned above, third country migrant workers do not have freedom of choice of employment as well as, as a rule, freedom of choice of their employer.

The main characteristic features of the employment model followed for third country migrant workers, are the following:

1. Cypriot and European citizens and their family members have priority and full access to the labour market in all sectors. Recognised refugees have, by law, the same rights as Cypriots regarding access to the labour market.

2. Other third country nationals are allowed to work only in specific sectors set by the Ministerial Committee on Employment<sup>7</sup> and only if there are no Cypriot or other European citizens or members of their families who want to take up the job.

3. Third country nationals -

- May be employed only in specific sectors and by specific employers for a maximum period of four years.<sup>8</sup> A change of employer is only allowed in practice<sup>9</sup> if there is a labour dispute<sup>10</sup> and only if the migrant has “proven” the violation of his/her employment contract or if he/she is “released” by the employer and provided that a permit to find a new employer is granted by the Migration Officer. According to recent practice however, for the first year of employment «release» of the migrant worker by the employer is prohibited;

- In effect, they represent a cheap labour force, concentrated in specific sectors of economic activity where there is demand for unskilled, low-paid and low-prestige jobs in which Cypriots or other European citizens show no interest, often with extremely adverse terms and conditions of work, such as farming and agriculture, construction, tourism, etc, regardless of their skills and qualifications. As such, they are at high risk of extreme poverty and social exclusion.

- They are not included in the unemployment registers of the Ministry of Labour and Social Insurance, neither can they benefit from the Department of Labour’s employment services of helping citizens find employment.

- They almost always depend on the services of private employment agencies, which operate for the recruitment of migrant workers as well as the change of employer.

- They are not included in any of the Action Plans of Cyprus, in relation either to the implementation of the Lisbon Employment Strategy or to that of Social Cohesion and Social Exclusion.

- The employment contracts of migrants are not concluded freely between the two parties but they are prescribed and actually given out by the Department of Labour, except the contracts

---

<sup>7</sup> The Ministerial Committee on Employment is a body not established by law, operating in an untransparent manner and defines some aspects of migration and asylum as there is no body to set out a comprehensive migration and asylum policy. It consists of the Ministers of Interior, Labour and Social Security, Justice and Public Order and Commerce Industry and Tourism.

<sup>8</sup> Up until May 2005 the maximum period was six years. Due to the obligation to transpose the Long Term Residence Directive, this period was limited to 4 years so that migrants would not get permanent residency rights provided by the Directive.

<sup>9</sup> In the contracts themselves it is stated that change of employer is prohibited

<sup>10</sup> Labour disputes are in the first instance examined by the Ministry of Labour and Social Insurance and if no compromise can be reached by the Labour Disputes Committee. Neither of these bodies and procedures are legally regulated and they operate without transparency and without defined procedures and procedural guarantees under the law. On the other hand recourse to the Labour Courts by third country nationals does not safeguard their stay in Cyprus until their case appears before them, neither is their right to find a new employer and have their residency permit renewed.

of domestic workers and "artistes", which are given out by the Ministry of the Interior, as if these two categories are not workers.<sup>11</sup>

- Discrimination and violation of employment and other rights, to an even greater extent, are also the rule rather than the exception in the case of female workers, most of the times victims of trafficking especially in the 'sex industry'. These migrant women are granted residence/work permits for extremely short periods (six months maximum) and allowed to re-enter the country after a lapse of a six month period of work. Residence permits may be extended and female victims of trafficking may be granted permission to change employer or employment sector only in very exceptional and limited circumstances and only if they collaborate with the police.<sup>12</sup>

- Asylum seekers have no access to employment for the first six months after they file their application, after which they only have limited access to jobs in agriculture and farming. Those who choose not to take jobs in this sector are considered voluntarily unemployed and thus denied access to welfare benefits. The majority of asylum seekers do not have access to the labour market or to welfare benefits<sup>13</sup> and they end up working illegally under very exploitative conditions.

- In addition to migrant workers with papers, some estimates place 1 in every 6 or 7 workers in Cyprus in the category of migrants without papers, resulting in a large 'para-economy' with serious social and economic consequences, such as discrimination, mistreatment and exploitation of migrants without papers, as well as lost revenues from social security contributions and taxation, etc<sup>14</sup>. Migrants without papers are the lowest category of workers as they have no rights at all. Quite often it is reported either in the news or the newspapers that migrant although injured in a car accident or in a labour accident, the escape from the scene without any medical care for fear that they will be arrested.

**Please supply information on the actual situation in your country regarding vocational guidance and training, employment and occupation of persons according to their race, colour, sex, religion, and national origin.**

Eventhough according to the law, no restriction exists regarding the training of persons according to race, sex religion or national origin, in practice and due to the migration model followed, third country migrant workers do not benefit from any vocational guidance and training as they are only allowed to work in low skilled or unskilled jobs, irrespective of their real qualifications or skills.

**Please indicate what proportion of the working population of your country holds more than one full-time job in order to secure an adequate standard of living for themselves and their families. Describe this development over time.**

KISA regrets that the statistics provided by the Government of the Republic of Cyprus relate only to Cypriots. Of course, under the current model followed for the employment of third country migrant workers, they are not allowed to hold more than one job as they would be illegal. However, more often than not, migrants hold more than one full time work in order to be able to survive.

---

<sup>11</sup> The contracts provided by the Government can be found at the following e-address:

[http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlforms\\_gr/dmlforms\\_gr?OpenDocument&Start=1&Count=1000&Expand=2](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlforms_gr/dmlforms_gr?OpenDocument&Start=1&Count=1000&Expand=2)

<sup>12</sup> Republic of Cyprus: Information Leaflet for women-nationals of third countries, who enter the Republic of Cyprus for employment as artistes in entertainment places (cabarets), Civil Registry and Migration Department, Ministry of the Interior, 2006. Published by the Press and Information Office, Printed by the Government Printing Office.

<sup>13</sup> The Welfare Services stated that of the 12,000 asylum seekers in Cyprus, only 300 cases received welfare benefits. However, there is a constant demonisation of asylum seekers as they are perceived as the ones who come and get "our" welfare benefits and live off our taxes e.t.c.

<sup>14</sup> Ibid 13

**In case of subsequent reports, give a short review of changes, if any, in national legislation, court decisions, as well as administrative rules, procedures and practices during the reporting period affecting the right to work.**

With regard to the observations of the Government on the Rights and protection of Aliens, KISA would like to note the following, further to what has already been mentioned above:

- The Committee established by the Council of Ministers Decision (No. 51.243 dated 16/2/2000) to examine labor disputes raised between migrant workers and their employers, is not established by law, it has no regulated and transparent procedures provided for by any law and there are no provisions as to the powers this Committee has when examining complaints. It is a mere administrative committee consisting of civil servants that has been given power to decide on very important issues relating directly to the right of migrant workers to remain in the country legally.
- the Aliens and Immigration Unit of the Police are not carrying out frequent checks in order to safeguard legal employment and acceptable living conditions for migrants workers, but only to arrest employers employing migrants without papers and the migrants themselves, in order to be deported.
- breach of contract and conditions of employment is a criminal offence under the law, however employers are only taken to the Court in cases they are employing migrants without papers and not in cases where they are employing legally migrants but they breach the terms of their contract and the working conditions.
- the provisions of the Aliens and Immigration (Amendment) Law, 2007 (L. 8(I)/2007), regarding long term residents and family reunification are not implemented.
- the provisions relating to the immigration permit which according to the Government is equivalent to a permanent residence status, are hardly ever been granted to any third country migrants for the purposes of employment or self employment. It would be interesting to get more information from the Government of the Republic of Cyprus as to how many such immigration permits were given to third country migrants for the purpose of employment or self employment from independence up to date. The only immigration permits granted are the ones for persons with secured income (normally pensioners from EU member states or Russia) and they are not entitled to work.
- With regard to employment permits granted to women in order to be employed in cabarets and night clubs, the so called «artists visas», it has to be noted that in the majority of the cases, in addition to being forcibly sexually exploited, many of these migrant women live in overcrowded conditions, are literally kept locked up during non-working hours or prevented from going out. They are often physically and psychologically harassed, intimidated, threatened, abused and violated and have their passports and other personal documents withheld for the whole period of their stay and work in Cyprus. These working conditions provide an incentive for the trafficking and further exploitation of women and give traffickers the opportunity to move women around the region for purposes of sexual exploitation, thus taking advantage of short term contracts in different countries. The instability women are subjected to and the ensued insecurity, along with all the above-mentioned violence or threat of violence and other violation of their rights, keep them disempowered and unable to react. The government maintains that most women who qualified as trafficking victims chose to

return voluntarily to their home countries without testifying in court. There were reports that cabaret owners and agents for dancers pressured women to withdraw complaints to the police or not to follow through with their intention to testify in court. Of 90 women who requested police protection during at least 2007, the government reported that 59 returned to their home countries and 31 were waiting to testify at trials.<sup>15</sup> What is despicable, is the current practice of the Police to use their own undercover police officers, who actually buy and pay with marked notes for the services of the victims, in order to later arrest the victims and if possible their traffickers for living out of proceeds of prostitution which is criminal offence. The new anti-trafficking legislation enacted in 2007 remains to be implemented yet. KISA is not aware of any reflection periods given to victims of trafficking, or residence permits with the right of employment and all the other social rights provided for in the Law, as yet. Moreover, no protocols of cooperation have been signed with non governmental organisations.

- The Cypriot Government does not allow Asylum Seekers to take up employment for the first six months as from the submission of the asylum application. After the first six months Asylum Seekers have access only to jobs in the Farming and Agriculture Sector. This policy is not in accordance with the provisions of Article 11 of the 2005 Regulations, as it ultimately results in the exclusion of asylum seekers from the labour market, even after the initial 6 month period. A report by the office of the Ombudsman (21.12.2007) considers the decision of the Government to limit the employment of Asylum seekers in the Farming and Agriculture Sector as unlawful, and calls on the government to revise it. A second report by the office of the Ombudsman (21.12.2007) considers the collective agreement between the trade unions and the employers for this sector as a violation of the anti-discrimination legislation. Even those working legally in the limited employment positions in the farming industry are exploited. It is useful to have a picture of the working conditions in agriculture and farming for asylum seekers or seasonal workers: The terms of employment provide for a minimum salary that is below the minimum wage, set by the Minister of Labour and Social Insurance for specific occupations and by the collective agreements for others. Board and lodging, provided by the employer, range from inadequate to very poor. In many cases, workers are expected to live in barns with animals or make-shift sheds; while there is no provision for persons with families, which means that either families are made to live under the same conditions as the working member of the family or the family stays behind but has no housing. Thus, in addition to poor wages, long hours, hard working and living conditions, asylum seekers and their families are forced to complete isolation and social exclusion as a result of this policy of restricted access to the labour market<sup>16</sup>.
- The asylum seekers Reception Centre in Kofinou is the only governmental reception centre for Asylum Seekers in Cyprus. It is composed by 18 rectangle prefabricated units. Four units are used for the administration, another four units as common spaces and two of them as sanitary units. The remaining 8 units are meant to be used as personal spaces / rooms for the hosting of asylum seekers. The Centre facilities are from the aesthetic point of view ugly and depressive. There are no trees within the

---

<sup>15</sup> U.S. State Department, *Country Reports on Human Rights Practices 2006*, Cyprus, pg. 10.

<sup>16</sup> KISA – Action for Equality, Support, Antiracism. *Asylum law, policies and practices in Cyprus – An Overview based on asylum cases*. June 2005. pages 15, 16, 17.

Centre areas. The capacity of the Centre was initially estimated to 120 persons but due to recent changes the Centre can nowadays host around 80 persons. Although efforts have been taken to improve the living conditions of asylum seekers there, there are still serious concerns as to the sanitary facilities, cooking and common spaces facilities, bad and smelly air quality due to the proximity to the central arbitrary especially at the days of animal corpses burning, recreational and religious facilities e.t.c. According to the Refugee (Reception Conditions for Asylum Seekers) Regulations of 2005 the Centre is to serve for the temporary accommodation and provision of reception facilities to asylum seekers for an initial period until asylum seekers gain access to the rights provided under the regulations (housing, work, welfare benefits e.t.c.). However, the fact that a structured programme designed to assist the Asylum Seekers to leave the Centre as soon as possible was never adopted, has led to the long term stay of asylum seekers in the Centre. Moreover, clear obstacles were created, especially from the welfare services, to discourage asylum seekers from leaving the Centre. As a result asylum seekers end up remaining there sometimes for years. The Centre was initially receiving single persons and families, men and women. Due to serious difficulties the authorities decided to receive only families and single women. The decision might be seen, at first side as a protection measure for families and single women. But the Centre is unsuitable especially for these two categories of asylum seekers due to the serious difficulties regarding mobility, their social integration and the specialised accommodation needs these categories have. The place is not designed to meet the needs of families at all ( e.g. children are sleeping and living with their parents in the same tiny space). Finally, the hosted families and single women do not get any budget to prepare their own meals but they have to consume every day take away food which is not always appropriate for the dietary needs as well as food culture of the asylum seekers living there. Apart from the above there have been reported cases of sexual harassment, abuse of alcohol and physical violence and racial conflicts between the inhabitants that are pushed under the carpet. The Centre is governmental, under the responsibility of the Asylum Service of the Ministry of Interior but is run by the Community Welfare Council of Kofinou, a body whose establishment is initiated by the welfare department of the Ministry of Labour and Social Insurance with the aim to engage local stakeholders in the social policy of the government. At the same time another institution, the University of Nicosia, is running programs funded by the European Refugee Fund, with the aim to improve the conditions in the Centre, independently from the Kofinou Community Council, which is otherwise running the Centre. The Director of the Centre is selected by the Asylum Service, paid partly by the Asylum Service to manage the Centre and partly from the University of Nicosia to implement its ERF Project. The abovementioned structure of the administration of the Kofinou Centre, raises serious concerns about the transparency and the accountability of the decision making and its management authorities whereas the role and responsibility of the Asylum Service, which according to the regulations is responsible for the Centre is not visible at all. The running costs of the Centre are nearly 1 million Euro. Under full capacity conditions the costs per person is 1000 Euro per month, which amounts to double the public assistance a single asylum seeker would get outside the Centre and triple the public assistance a 4 persons family would again get outside the Centre. Apart from the expensive running costs the Centre affects negatively the efficiency of the European Refugee Fund, since a serious percentage of the ERF budget goes to the Kofinou Centre instead of other necessary programmes asylum seekers really need such as legal aid, integration programmes and efficient reception conditions programmes e.t.c. The Kofinou Reception Centre is located next

to the central Abatoir of Cyprus, 4 km away from the nearest residential area, the small village of Kofinou and around 40 km away from Nicosia, where Asylum Seekers can find the vast majority of the authorities dealing with their issues. It is not within the residential, but in the farming / agriculture zone of the village. There is no public transport available directly from the Centre to and from the major towns of Cyprus. There is no pedestrian road or any lighting from the Centre to the Village. In this respect freedom of movement of asylum seekers is seriously jeopardised thus leading to possible restrictions of personal freedom.

### **Article 7 of the Covenant**

KISA regrets the fact that the Government did not give the full picture with regard to workers wages. The domestic workers which make up one of the largest groups of migrants in Cyprus, numbering some 25,000 in 2006<sup>17</sup>, remain outside the system of fixing of minimum wages applied with regard to workers not covered by collective agreements, whereas they are not covered by any collective agreement either.

According to the Report of the Equality Body for domestic workers their low wages constitute discrimination. These wages have been set at 256Euro net salary since 1990, and they have only been increased to 266 Euro last year. They have neither been benefited from the periodic automatic inflation adjustment other workers benefit from.

The same applies with women working in cabarets and night clubs. Their wages are fixed by the employment contract the Ministry of Interior provides them with, in order to get the residence permit, which is 17 Euro per night. They are not covered by any collective agreement either.

**Indicate which categories of workers are excluded by law or in practice, or both, from the enjoyment of which of these rights. What measures are contemplated or currently taken to remedy this situation?**

In practice domestic worker's rights and seasonal workers rights are more often than not violated. They are the most vulnerable group of workers in relation to working rights. Both categories may end up working up to 14-16 hours per day, some of them do not even get the one day per week off or the official holidays. The Labour Inspectors of the Ministry of Labour do not have the power to monitor working conditions of domestic workers as according to the law, they are not allowed to enter private houses.

The same applies to migrants without papers as they are fully exposed to exploitation.

### **Article 8 of the Covenant**

Migrant workers have the right to become members to trade unions and a lot of them are members to the biggest trade union in Cyprus PEO. What is disturbing however, is the fact that trade unions have an agreement with the employers associations to cut the trade unions' contribution automatically from the salaries of migrants workers and split it between the three trade unions existing in Cyprus. However many migrants are not informed of this and they are not aware whether they are members to any of the trade unions' and if yes, to which union they are members to.

Domestic workers are not unionised as for years in their contracts given by the Ministry of Interior there was a clause prohibiting their right of association. These clauses have been abandoned only recently, after a report of the Ombudsman that they were against the Constitution and human rights.

---

<sup>17</sup> Mediterranean Institute of Gender Studies, *Integration of Female Migrant Domestic Workers*, [http://www.medinstgenderstudies.org/wp/wpcontent/uploads/study\\_visit\\_reportcyprus\\_5-6-07\\_final.pdf](http://www.medinstgenderstudies.org/wp/wpcontent/uploads/study_visit_reportcyprus_5-6-07_final.pdf), page 2

## **Article 9 of the Covenant**

The social security system in Cyprus is based on obligatory contributions from every employed person on the one hand, whereas, on the other, benefits and pensions are granted only in case working people complete a certain amount of contributions, depending on the case. In the majority of the cases, third country migrant workers cannot claim social security benefits, such as unemployment or sick pay while in Cyprus. Moreover, taking into account the temporary migration model of Cyprus, the majority of migrant workers never complete the required contributions by the Law in order to benefit from the pensions scheme. They can neither claim pensions when they return to their home country as no bilateral agreements with the main countries of origin of migrants have been signed by Cyprus, which would allow migrants to claim their pensions in their home countries<sup>18</sup> It is not an exaggeration to say that migrant workers for years have been, and still are, the main net contributors to the Social Security Fund without getting any benefits out of this.

## **Article 10 of the Covenant**

KISA regrets once again that the information provided by the Government of the Republic of Cyprus, relate only to Cypriot families and do not take into account the difficulties migrant families encounter in Cyprus.

Although Cyprus harmonised its legislation with the Family Reunification Directive (Directive 2003/86/EC) of the European Community, it does not implement it. According to the law third county migrants are entitled to family reunification if they have a residence permit valid for at least one year and if they have reasonable prospects of obtaining a permanent residence permit. Given the temporary migration model followed by Cyprus described above, the majority of third country migrants do not fulfil the above conditions as they cannot be considered to have reasonable prospects of obtaining a permanent residence permit.

Moreover, in cases where third country migrants could be considered to have this prospect because they have been living in Cyprus for more than 5 years, and could in theory gain permanent residency under the long term residence Directive, they are given six months extensions of their residence permit at a time so that they will never be able to fulfil the one year residence permit period provided for by the law in order to exercise their family reunification rights. Finally, family reunification may only be permitted when the family members are not already in Cyprus, therefore families already residing in Cyprus, cannot benefit from the rules as they have to leave Cyprus and return under family reunification status, if this would be approved.

Each of the member of migrant workers families may reside in Cyprus under a different status and they are not treated as a family unit for immigration purposes. For example, more often than not, the spouses of migrant workers may be only entitled to remain in Cyprus either because they are workers themselves or only as visitors and therefore not allowed to work and have no access to any of the social rights provided in national legislation or the Covenant. Children are normally registered on the permit of one of their parents and are not given any separate permit themselves.

For years children of migrants born in Cyprus were not granted even a birth certificate from the competent authorities and therefore remained without any papers proving their existence. Quite a lot of migrant children born in Cyprus remain invisible in the society they are living in. This practice is supposed to be abandoned, after instructions given by the Minister of Interior recently, but we do not have concrete evidence that these have been enforced.

---

<sup>18</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus, released by the Bureau of Democracy, Human Rights and Labour, 6 March 2007, p. 12.

There have been cases of deportation of migrant families or some of the members of migrant families without taking into account the best interest of the family as a unit as well as the best interest of the children. There have been cases where migrant children were arrested while at school in order to be deported together with their mother.

There have been also cases where migrant workers were told by the immigration authorities that their residence permit would not be extended, unless their family would leave Cyprus.

Rejected asylum seekers or other migrants to be deported, that cannot for various factual or legal reasons be deported, remain in detention and separated from their families for long periods although they have not committed any crime. There have been cases of detention for over 30 months on the basis of detention and deportation orders although the authorities knew very well that those persons could not be deported. Their families, remained without any residence permits and without any access to any of the social rights guaranteed by the Covenant as a way, amongst other reasons, to put pressure to the member of the family in detention to consent to their deportation.

Migrant women and more particularly, domestic workers are not normally granted by their employers their right to maternity leave. The most usual situation if a domestic worker is pregnant is that the employer will send them back to their country of origin whereas in the best case scenario, she will be released, but it would be very difficult to find another employer if she is pregnant.

Mixed marriages and families also face considerable problems as the residence and legal status of the migrant member of the family of a Cypriot national, is not regulated at all by any law. Any decisions taken with regard to this category of persons are on the basis of administrative un-transparent practices. The migrant member of the family of a Cypriot national is entitled to reside in Cyprus on the basis of an employment permit given by the Migration Department, provided that marriage is not one of convenience. This residence permit is always linked to the fact the he/she is the spouse or child of the Cypriot national, irrespective of the years of residence in the country or the years of marriage e.t.c. After three years of marriage co-habitation with the Cypriot national, migrants are entitled to file a citizenship application which, however may take another three years to be examined. In case of death of the Cypriot national or of a divorce, migrant women are normally told that they have to leave the country, irrespective of their years of residence in Cyprus. These policies add to the vulnerability of most migrant women as they remain for long periods of time under the «power» of their Cypriot husbands. KISA has handled cases of migrant women being victims of domestic violence or sexual exploitation from their own husbands, who preferred not to report their human rights violations as they were under the constant threat that the husband would tell immigration authorities that they no longer live together and they would be deported.

Migrant and mixed families are not seen at all as the natural and fundamental group unit of society as defined in Article 10 of the Covenant, but rather as a danger to the Cypriot society that needs to be protected from the influx of migrants. In KISA`s view the premise on which such practices and policies are based is racism and xenophobia.

### **Article 11 of the Covenant**

KISA regrets once again that the report of the Government of the Republic of Cyprus regarding Article 11, does not take into account at the situation of migrants.

It is stated that poverty, hunger, homelessness and bad living conditions is an unknown phenomenon in Cyprus. However, in KISA`s view this is not the case with regard to migrants in general and more particularly asylum seekers.

It has to be noted that third country migrants are not entitled to any welfare benefits in accordance with the Welfare Benefits and Services Law, unless they belong to a specific category of migrants which derive their right to welfare from community law. These

categories are asylum seekers, refugees and persons under subsidiary protection, long term residents and victims of trafficking. These provisions exclude the vast majority of migrants who are the migrant workers. So in case they are in search of a new employer or in case their salary is not enough to cover their basic needs, they are not entitled to any benefit at all from the state.

Even though asylum seekers are eligible for welfare benefits under the Law, in practice they hardly ever get any benefits. According to the relevant regulations, upon the submission of an application for asylum, the asylum seeker has the right to public assistance in order to cover the material reception conditions as provided by the Refugee (Reception Conditions for Asylum Seekers) Regulations (food, clothing, housing, means of subsistence and a cash amount for every day needs). For the first six months asylum seekers do not have any access to the labour market. Upon the submission of the application for welfare, the asylum seeker has the right to an immediate cash payment if he or she doesn't have enough money to cover very immediate needs (housing, nutrition, etc.) until his or her application is examined. However, asylum seekers hardly ever get any cash payment upon the submission of the application, there are serious delays in the examination of the applications for welfare benefits (3-6 months), asylum seekers are not compensated for the whole amount of their monthly rent payment, the monthly payment system for Asylum seekers is different than that applied to Cypriot beneficiaries (not on a payroll basis) resulting in delayed payments, asylum seekers with special needs are not given the additional handicapped subsidies for special needs provided for by the law and they are usually not granted the special payments for Christmas and Eastern time as those are granted to Cypriots. Moreover, asylum seekers are often «encouraged» by the welfare services to take up unregistered employment whereas asylum seekers in full time employment are not paid supplementary benefits even if the income from their work, in case of families, doesn't exceed 30% of the amount foreseen by the public assistance Law as the minimum amount for the particular person/family to secure a dignified standard of living.

The above situation results in many asylum seekers having no means of subsistence for the first six months they are not allowed to work, no housing and sometimes no food to feed their children. This may also occur after the first six months if the asylum seekers cannot for various reasons get a job in the limited sectors of the economy they are entitled to work, as they are considered as «willingly unemployed» and therefore they are not entitled to welfare benefits. In any case, of the vast majority of asylum seekers which are around 12,000, according to the Welfare Services, only 300 -500 cases receive welfare benefit.

With regard more particularly to the housing situation of asylum seekers, it has to be noted that according to the Refugee Regulations (Conditions of Reception of Asylum-seekers) of 2005, upon the submission of an application for asylum, the government of Cyprus has the obligation to provide the asylum seeker with housing throughout the period that his or her application for asylum is being processed and examined by the relevant Authorities (Asylum Services and Review Authority). However, the government of Cyprus has neither an efficient policy nor an official body responsible for the implementation of this obligation to which an asylum seeker can be referred in order to find accommodation. Officially the government of Cyprus declares that the housing rights of asylum seekers are guaranteed, since asylum seekers can get a “rent supplement” through their welfare benefits. In reality, the vast majority of asylum seekers face tremendous difficulties in securing either the welfare benefit or adequate accommodation. According to the policy of the Cypriot government, single women and families can be referred to the Kofinou Reception Centre. Due to the difficulties prevailing with regard to accommodation to the Centre the majority of the people turn down an offer to move to Kofinou. In the event that the Authorities do not refer an asylum seeker to the Kofinou Reception Centre, he or she has to find accommodation by him or herself and then

apply for a rent supplement within his or her welfare application. In practice, this has become more and more difficult for a number of reasons:

- a. Firstly, the Welfare Services will approve the rent benefit only if the asylum seeker can provide the services with a valid copy of the officially stamped lease agreement, as well as a copy of the receipt of the last payment of rent. This is very difficult for the majority of asylum seekers as they usually don't have enough money to make this payment in advance or because they may not have a lease agreement on their name as more often than not they share an accommodation with other asylum seekers.
- b. The second reason is that in reality it has become more and more difficult to find proper accommodation since property owners and dealers are increasingly unwilling to accommodate asylum seekers due to racist and discriminatory attitudes.
- c. The third reason is that the majority of the property owners and dealers are not willing to provide them with a valid, officially stamped lease agreement, as they are often avoiding tax.

With regard to the housing needs of the rest of the migrant population, it has to be noted that the Government recently adopted a housing policy to include additional groups of persons and not only the internally displaced G/Cypriots. However, this policy covers only Cypriots and, at least in theory, E.U. nationals. Migrants, asylum seekers and refugees are excluded from this policy on grounds of nationality. And this, despite the fact that persons under international protection and long term migrants should enjoy equal treatment in housing according to community law. In the absence of a comprehensive housing policy by the state to address the housing needs of migrants, the phenomenon of the 'ghettozisation' of migrants persists, wherein landlords rent out decrepit premises (which often have no basic amenities such as water supply) to those in need, knowing that migrants and especially migrants without papers will not dare report these to the authorities as they are not protected by law. Landlords exhibit manifest discrimination when renting out good-quality accommodation and often blatantly refuse to rent to anyone of colour or migrants in general. Although, discrimination on the grounds of race and ethnic origin in the provision of housing is prohibited, as per Article 4 of Law 59(I)/2004, there is no monitoring authority for the implementation and enforcement of the law.

According to the employment contract provided by the Ministry of Labour and Social Insurance, employers can subtract a percentage<sup>19</sup> of the earnings of migrants in exchange for providing them with board and lodging. Employers, very often, particularly in the farming industry, take advantage of this term of the contract and provide accommodation that does not comply with minimum health and safety standards. The fact of the matter is that whether accommodation is provided by the employer or rented by migrants themselves, the majority of migrants live in very poor conditions in the old and marginalised parts of cities, in old dwellings abandoned by the locals. These dwellings are the cheapest to rent. Although it is argued that people of the same origins like to live together in certain areas, the fact remains that the formation of ghettos is driven by income, social status and discrimination, rather than a desire to form a community neighbourhood. Often, migrants who try to rent accommodation in better residential areas are flatly refused, or charged exorbitant rents (higher than any Cypriot would have to pay) so as to make it impossible for them to move to these better areas.

---

<sup>19</sup> 10% for accommodation provided and 15% if food is also provided. This however is prohibited under the ILO Conventions as workers are entitled to their salary which should be paid and be substituted with in kind contributions. For years the Government of Cyprus is hiding behind this arrangement for domestic workers claiming that their actual salary is not CYP 150 but CYP 350 since food and accommodation is also provided for them by the employer.

## **Article 12 of the Covenant**

According to the law, public medical care is available free of charge if asylum seekers, refugees and victims of trafficking do not have enough means of subsistence and for E.U. nationals under the same terms as for Cypriots. The rest of the migrants are not covered by the public health system the same way as Cypriots. If they would be treated in public health care institutions they would have to pay the full amount of fees, irrespective of their annual income. In other words, a domestic worker who earns Euro 266 per month cannot pay the reduced or no fees a Cypriot with the same income would pay.

Migrants not covered by free medical care are obliged to be covered by basic health insurance which is paid for by both the employer and the employee in order to have their residence permits issued. Employers are obliged to provide health insurance to employees regardless of their ethnic origin and can deduct 50% of the insurance expenses from the earnings of the employees. Migrants who are members of trade unions are covered by the medical schemes applicable to all trade union members.

Compulsory health care insurance is, however, discriminatory as it does not cover gynaecological examinations, whereas the majority of migrants in Cyprus are women. Migrant women are extremely vulnerable in this field, as they do not have access to sexual and reproductive health programmes, which are so vital for this group, as indeed for all women. For example, while the gynaecological Pap Test is freely available to all Cypriot and EU female nationals, the Government refuses to make it available to migrant women.

Even though asylum seekers and refugees are entitled to free medical care, in practice there are serious obstacles to obtaining such care. First and foremost there is the language barrier, which creates serious communication problems between doctor and patient. Due to the unavailability of translators in hospitals, this communication problem leads to inequality of treatment. In addition, delays of the Migration Department in processing paperwork for asylum seekers means that they are often left without residence permits for long periods of time, which in effect means they cannot have a medical care card, thus effectively denying them access to obtaining the social benefits provided for by the law.

On their arrival to Cyprus, migrants are required to undergo medical examinations in order to verify that they are in good health. If a medical problem is found the migrant is not issued with a residence permit and is subject to deportation. If a medical problem arises during the migrant's stay, the employer must arrange for medical care. According to the Government policy, in the case of migrants with work permits of 'artistes' (in the sex industry), they are required to undergo HIV testing every 3 months. If they are found HIV-positive they are deported.

## **Article 13 of the Covenant**

Education is provided free to all residents of Cyprus up to the age of 18. Education is mandatory until the age of 15, or nine years of education.

In the National Report on the Strategies for Social Protection and Social Inclusion 2006 – 2008, many specific goals are set out with the general aim of protecting and including all vulnerable people. Much is said about women, people with disabilities, young people, the elderly, the unemployed and children. These groups of people are seen as one single social group. The needs of migrants as a particular group of people with particular needs are addressed minimally. The need for the prevention of social exclusion of children is set forth as a goal, but only two of the twelve measures to ensure that this goal is reached may be said to

have some relation to migrant children. One is the reduction of inequality for students who live in lower-income areas (which is very general), and the other is the integration of children whose mother tongue is not Greek through special programmes for learning the Greek language, a measure that, if maintained, can in itself lead to assimilation rather than to integration and inclusion.

Even though the Minister of Justice and Public Order, in a speech made on 15 February 2006, stated that all children and young people who live in the Republic of Cyprus have equal rights and should have the same opportunities in terms of education, employment and social status<sup>20</sup>, the Government persisted in its decision not to withdraw a circular issued in 2005 requesting all school headmasters in primary and secondary education to notify the Immigration Authorities about migrant children enrolled and the contact details of their parents, in order to investigate their legal status (whether they reside lawfully or not). This circular was found by the Equality Body to constitute indirect discrimination on grounds of race with regard to access to education<sup>21</sup>. The Government continued to insist that this was a matter of protection of the sovereignty of the state which overrides fundamental rights.

With the presence of children of migrants, classrooms are indeed more diverse now than ever before. This is a relatively sudden and recent phenomenon for Cyprus (in the last few years, especially after EU accession), therefore, a great deal of work needs to be done in order to create the vision that is spoken of by officials (a society of equality, in theory and practice). In order to foster an environment of respect for diversity so that the equal right to education becomes a fact and not just a theoretical right, continuous and sustained work needs to be carried out. The principle of equality needs to be mainstreamed in every aspect of the educational system. Sporadic and once-off programmes may have some effect, but it will be minimal.

At a seminar on the 'Integration of migrant children in education and society in general', organised by KISA in November 2006, it was found that contrary to the primary schools, where minimal integration programmes are offered, particularly for learning the Greek language, in secondary education there are no provisions for such programmes at all. As a result, migrant children who start their attendance at secondary school age, they just attend classes without any real opportunity to either learn or understand or to get a certificate. As it is to be expected, a large number of these children finally drop out of school.

In addition, in public schools the official curricula require instruction in the Greek Orthodox religion unless parents of children of other religions request that their children be excused from such instruction and from attending religious services<sup>22</sup>. This policy creates indirect exclusive practices, because it implies that the dominant and therefore acceptable religion is Christian Orthodoxy, and everything else is deviant.

It should also be noted that no sufficient measures have been taken for the promotion of the education of adult migrants. There are no vocational training programmes for migrant workers and no impetus to provide such programmes, as migrant workers are considered temporary and employed in areas that require unskilled labour, even if they are educated and qualified (sometimes more than locals)<sup>23</sup>. Even though the Ministry of Education & Culture insists that the Adult Education Institutes are sufficient to meet the needs of migrants, especially in terms of language learning, they are nevertheless not frequented by migrants. On the contrary, the

---

<sup>20</sup> 2006, Republic of Cyprus, Ministry of the Interior. Press and Information Office (PIO). [Moi.gov.cy/moi/pio/pio.nsf](http://moi.gov.cy/moi/pio/pio.nsf). Last accessed on 29.06.07

<sup>21</sup> ENAR Shadow Report 2005

<sup>22</sup> U.S. State Department, Country Reports on Human Rights Practices 2006, Cyprus, released by the Bureau of Democracy, Human Rights and Labour, 6 March 2007, p. 6.

<sup>23</sup> "Feeding in and Feeding Out and Integration of Immigrants" (Second Semester Report for Cyprus), Panos Pashardes, Network of the European Commission's Independent Experts in the Fight Against Poverty and Social Exclusion, November 2006, p. 15

few courses that are specially designed by individual colleges and NGOs for migrants are very successful.

### **Article 15 of the Covenant**

KISA regrets that fact that in its Report, the Government of the Republic of Cyprus, does not acknowledge the fact that there is no policy aiming at the development of respect amongst Cypriots of the cultural diversity as well as the promotion of the culture of the various migrant communities living in Cyprus. At schools, the cultural needs of migrant children are not addressed at all and they have to follow the mainstream Greek Cypriot culture and at the end of the day assimilated to the indigenous population, erasing any cultural diversity amongst children.

Migrants are left by themselves and without any support from the state, to celebrate their own culture, in a marginalized and poor way. Migrant communities have not been empowered through various programs, as stated in the Government's Report to get self organized. On the contrary, the few migrant communities that were self organized, were empowered by KISA to do so, which supports them in any cultural or other activities they would like to do. No or very minimal funding is provided to migrant communities or migrant associations for cultural activities. KISA has been operating its Migrant and Refugee Centre in Nicosia, since 2000 offering amongst other services, a place for migrants to celebrate their own culture as well as to develop cultural exchanges amongst the various communities, with no or some years' very minimal financial support by the State.

No policy of cultural exchange between Cypriots and the migrant communities has ever been developed in order to benefit both communities in a mutual way. The integration of migrants is a notion that only recently started emerging in the discussions regarding migration in Cyprus, and it is still to be defined as to what it is meant by it, particularly taking into account the migration model followed.

KISA remains at your disposal for any further information you may need.

KISA Steering Committee  
24 October 2008