

RECONCILIATION THROUGH A COMMON PURPOSE: THIRD PARTY HUMAN RIGHTS IN CYPRUS

AUTHORS

Christalla Yakinthou, Öncel Polili



This project is funded by the European Union
and implemented by TESEV

RECONCILIATION THROUGH A COMMON PURPOSE: THIRD PARTY HUMAN RIGHTS IN CYPRUS

AUTHORS

CHRISTALLA YAKINTHOU
ÖNCEL POLİLİ

DECEMBER 2010

TESEV
PUBLICATIONS

RECONCILIATION THROUGH A COMMON PURPOSE: THIRD PARTY HUMAN RIGHTS IN CYPRUS

ISBN 978-605-

TESEV PUBLICATIONS

Foreign Policy Programme

Cover Layout: Serhan Baykara, Myra

Page Layout: Gülderen Rençber Erbaş, Myra

Printing: Printcenter

Copyright © December 2010

All rights reserved. No part of this publication may be reproduced electronically or mechanically (photocopy, storage of records or information, etc.) without the permission of the Turkish Economic and Social Studies Foundation (TESEV).

The viewpoints in this book belong to the authors, and they may not necessarily concur partially or wholly with TESEV's viewpoints as a foundation.

As with all TESEV's and GPoT's projects, we would like to extend our gratitude to our supporters. In this particularly case the financial assistance of the European Union has been greatly appreciated. As with all our projects, the assistance of the Open Society Foundation Turkey, TESEV's High Advisory Board, GPoT's High Advisory Board and the administration of Istanbul Kültür University has proved extremely valuable. Without their support, the project and report would not have been possible.



The contents of this publication are the sole responsibility of TESEV and can in no way be taken to reflect the views of the European Union.

Table of Contents

Preface, 5

Introduction, 7

Section 1: The legal and political context of asylum seeking in the Republic of Cyprus Controlled Areas and the northern part of Cyprus, 11

- The Legal context, 11
- The Political context, 12

Section 2: The response of the Republic of Cyprus and Turkish Cypriot Administration to refugees seeking asylum, 16

- Where do Cyprus' asylum seekers come from?, 16
- Responses to the application and post-application process, 17
- The asylum review process, 18
- Legal aid, 19
- Logistical and social support provided – theoretical vs. actual, 20
- NGOs and non-governmental programmes of support, 21

Section 3: The most neglected human rights issues, 23

- Principles of law that apply to both communities, 24

Section 4: Policy Proposals, 28

Preface

The situation faced by refugees and asylum seekers the world over is hugely problematic. According to the Office of the United Nations High Commissioner for Refugees there were over 15.2 million refugees worldwide and nearly a million asylum seekers in 2009¹. This represents a huge number of people who have fled, are looking to flee or seek refuge in another country due to persecution for whatever reason in just 12 months. Many refugees have fled international conflicts and sought protection in places like Pakistan or more commonly-associated host countries like the United Kingdom and Sweden.

Despite the stark reality of the numbers, the issue of asylum seekers and refugees from third countries is relatively new to the island of Cyprus. Indeed, the divided island is not widely known as a host country for refugees and asylum seekers from third countries. This might be because the Cyprus conflict usurps all other political issues on both sides of the island; the politics of Cyprus, if anything, is framed by the division. For example, while the UNHCR is active in the Republic of Cyprus controlled areas, it does not enter into contact with the Turkish Cypriot administration north of the Green Line because of their political non-recognition. This lack of dialogue and cooperation has had a negative impact on the human rights of the refugees and asylum seekers from third countries. Indeed, those who seek refuge in the island of Cyprus have themselves become victims of the political situation. More must be done to address their needs and rights.

The report itself was prepared by two researchers: Dr. Christalla Yakinthou from the Greek Cypriot community and Öncel Polili from the Turkish Cypriot community. It aims to look at the issue of the human rights of third parties on both sides of the island, how they are affected by the ongoing lack of political settlement and what can be done to alleviate some of the hardships that they face. Although there remains no solution to the Cyprus problem itself, this should not be used as an excuse to ignore fundamental rights and freedoms.

Indeed, this report is the result of a yearlong project run by the Turkish Economic and Social Studies Foundation (TESEV) and the Global Political Trends Center (GPoT) in cooperation with the Turkish Cypriot Human Rights Foundation (KTİHV). The project sought the views of human rights activists and practitioners from both sides of the island in various public forums. The report is the culmination of the project's activities.

Rather than regurgitating official narratives, this report looks to offer policy proposals aimed at easing the asylum process and experience faced by asylum seekers and refugees on both sides of the island. As importantly, it looks to advocate cooperation between the two Cypriot communities. By looking to solve an issue related to third parties through an open and collaborative approach, it is hoped that trust can be built and cooperation engendered. In other words, the report – and more broadly the project – has looked to build bridges around an issue that affects both communities but is not directly related to the Cyprus problem. Only through reconciliation can a just solution to the Cyprus problem become a reality.

¹ UNHCR, 2009 *Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, <http://www.unhcr.org/4c1f0be9.html>, accessed 23rd November 2010.

In the report, the researchers elucidate their findings in four sections. First, they outline the legal and political context of asylum seeking in both communities. The second examines the response of the two communities to refugees seeking asylum in Cyprus. The third details the most neglected human rights issues in the area of refugees seeking asylum in Cyprus. Finally, the fourth section outlines a set of proposals for improvement and policy recommendations. It is hoped that these are heeded to by the international community, the relevant Cypriot authorities and non-governmental organisations working in the field.

TESEV FOREIGN POLICY PROGRAMME

GPOT CENTER

Introduction

Migration across borders is not a new phenomenon. Nor is the practice of moving to avoid persecution. Yet the numbers of refugees currently seeking protection or asylum around the world is daunting. Recently Cyprus has begun to accept refugees and asylum seekers from third countries. This report examines their situation. Central to this process is the belief that their situation needs to be improved. No excuse should be able to justify the ill treatment of those seeking protection from persecution in another country.

Of course, Cyprus is a more complicated case than most. As such, this report examines the plight of refugees and asylum process on both sides of Cyprus. The aim is to understand how and where the system can be made more effective and just. The report looks to explain the situation that asylum seekers face when they come to Cyprus, and shows how the division and the conflict affect the ability of authorities and interested parties to build a human rights culture, respect and protect the rights of those seeking asylum in the country, and also protect security interests. The report aims to show the current situation regarding the legal, political, and social environment surrounding the issue of asylum on both sides of the island. It also highlights areas where there is a critical need for cooperation between authorities and non-governmental actors in the Greek and Turkish Cypriot communities to improve the legal and social conditions for refugees seeking asylum in Cyprus, as well as helping the two communities to become more human-rights aware and in line with EU norms.

In order to do so, this report is broken into four main sections preceded by an introductory section. In the introductory section here, the reader will find a brief outline of the recent history of the island as well as a brief background to the situation faced by third parties. The first section thereafter looks at the legal and political context of asylum seeking in both communities. The second examines the response of the two communities to refugees seeking asylum in Cyprus. The third details the most neglected human rights issues in the area of refugees seeking asylum in Cyprus. Finally, the fourth section outlines a set of proposals for improvement and policy recommendations. In each section, the Republic of Cyprus (RoC) controlled territories and the areas not under control of the RoC are explained separately, except where it is more logical to place the two communities together.

THE POLITICAL CONTEXT

Cyprus is a country that is divided internally between the Greek and Turkish Cypriot communities. Cyprus gained its independence from Britain in 1959, and one year later the newly-independent Republic of Cyprus was established. The state was designed to be a power-sharing government, where decision-making and governance was divided between the two major communities on the island, the Greek and Turkish Cypriots. After a number of difficulties, the state collapsed after a crisis in late 1963 / early 1964.

The state's collapse brought about a decade of inter-communal trouble and on-and-off violence, until an attempted coup to unify the island with Greece in July 1974 brought a response from the government of Turkey, which militarily intervened. A war ensued, and the country was de facto partitioned after extended violence. History in Cyprus is contested, and this is especially the case when it comes to the effects of the 1974 war.

For Greek Cypriots, Turkey invaded and occupied a sovereign republic, and remains in the country illegally. The population exchange which resulted from the war was therefore seen as a forced expulsion. For Turkish Cypriots, the Turkish intervention was a result of an attempt to eradicate

Turkish Cypriots and unify Cyprus with Greece. The Turkish intervention is therefore viewed much more positively, as having provided safety for the Turkish Cypriot community. Correspondingly, many Turkish Cypriots welcomed the ethnic division of the island which resulted from the population exchange. In any case, after 1975, most Greek Cypriots live in the internationally-recognised RoC in the south of the country, which de jure controls the whole island, and most Turkish Cypriots live in the non-recognised area north of the Green Line.

The area between the two territories is patrolled by Greek and Greek Cypriot soldiers on one side, Turkish and Turkish Cypriot soldiers on the other side, and a UN peacekeeping force in the middle. A buffer zone, or ceasefire zone, divides the country from its easternmost point to its westernmost point. Since the state's original collapse in the mid-1960s, the Greek and Turkish Cypriot political leaders have been involved in on-again-off-again negotiations to find an agreed settlement to the conflict. In the post-1974 environment, the most significant effort to unite the island came in 2004 under the aegis of then UN Secretary-General Kofi Annan, after whom the plan for unification was named. The Annan Plan V was put to separate simultaneous referendums in both communities, where it was defeated when it was rejected by the Greek Cypriot community. In the same year, the RoC acceded to the European Union (EU).

The RoC is now a full member-state of the EU. It is a complex situation because EU law applies only in the territory under the control of the RoC government; effectively only in the island's south; the application of the *acquis communautaire* was suspended in the northern part until the reunification of the island, in accordance with Protocol No. 10 of the Accession Treaty of Cyprus to the European Union. The conflict, the division, and the anomalous context of an EU member-state with three sets of laws within one country (the British retain extensive bases in Cyprus which function under British sovereignty) has bred much tension on the island. Nowhere is this more obvious than in the two communities' approach to refugees seeking asylum in Cyprus. Authorities on both sides struggle with the implications of the conflict every day, because they are projected onto the field of asylum in Cyprus. Unfortunately, third parties seeking asylum in Cyprus find themselves in an area where the debate is heavily securitised, and deeply intertwined with the psychological scars of the country's conflict. This makes any discussion of the situation extremely complex and layered.

THE CURRENT SITUATION: A SNAPSHOT

Asylum seeking has been rising steadily since the late 1990s, when the first migrants and asylum seekers arrived by boat, also prompting the first debates on the issue.² Refugees come to Cyprus seeking asylum for a number of reasons which are explored in the report. Most important is the fact that Cyprus is an EU country that is relatively easy to reach. Indeed, despite being the 3rd smallest country in the EU, Cyprus has one of the highest asylum-seeking rates in the Republic of Cyprus-controlled areas. Measured per capita, RoC controlled areas rank first among industrialised countries, with 30.1 applications per 1000 inhabitants between 2005 and 2009.³ UNHCR statistics show that as of January 2010, the Republic of Cyprus had 2,888 refugees (including persons in a refugee-like situation whose status has not yet been verified), and 5,015 applications for asylum.⁴ On the other hand, asylum applications in the north are relatively lower.⁵ In 2010, 25 refugees were residing in the northern part of Cyprus including persons in a refugee-like situation whose status has not yet been verified.⁶

The research conducted for this report found that asylum seekers and refugees in the RoC are treated as temporary results of one or another international crisis. They are thus viewed, at

2 Cetta Mainwaring, 'On the Edge: Cyprus, Immigration and the EU', Unpublished paper presented at Middle Eastern Technical University International Relations conference, 20-22 May 2010, p.9.

3 Ibid., p.9.

4 UNHCR, 'Statistical Snapshot', <http://www.unhcr.org/pages/49e48dba6.html>, accessed 10 June 2010.

5 The term of refugee includes asylum seekers as well for the purposes of this report

6 Interview with UNHCR Implementation Partner Refugee Rights Association Officer Fatma Demirel on 15 October 2010

best, as being transitory. They are on the whole not integrated into society, but are significantly marginalised. There is a large amount of media and public misinformation and racism towards these communities.⁷ Nevertheless, with the support of NGOs like Action for Equality Support and Antiracism in Cyprus (KISA) and Future Worlds Centre (FWC), a small space is being created to help not only protect the rights of asylum seekers and refugees but also giving them room for engagement with a more multicultural Cyprus. In the northern part of Cyprus, the lack of recognition or consistent application of international standards and laws means that local NGOs are fighting an uphill battle for the legal and social protection of the rights of refugees seeking asylum. The Turkish Cypriot Human Rights Foundation and the Refugee Rights Association are operating in a very difficult environment.

ASYLUM SYSTEMS IN CYPRUS

The implementation of the 1951 Geneva Convention and the 1967 Protocol were hampered by the Cyprus conflict. Therefore, when the UNHCR was established in Cyprus post-1974, it also became responsible for processing the few annual asylum claims. The RoC government only became responsible for processing asylum claims in 2002 as a result of harmonisation with the EU *acquis communautaire*. Thus, the RoC government's asylum-seeking infrastructure is only 8 years old. The system was immediately confronted with a number of challenges: for example, asylum applications rose from 951 in 2002 to 4,411 in 2003.⁸ The RoC also has one of the lowest recognition rates of refugees – although it has grown from around 3% in 2007⁹ to around 20% of decided cases in September 2010.¹⁰

The Turkish Cypriot Authorities administration has not yet taken responsibility for processing asylum claims. However, the UNHCR's mandate extends to the northern part of Cyprus, taking the responsibility of processing asylum claims there. The UNHCR cooperates with a local NGO, the Refugee Rights Association, which acts on behalf of the UNHCR and receives asylum applications.

GENERAL APPROACHES TOWARDS REFUGEES

Mainwaring has illustrated the major discrepancies between the lived realities of asylum seekers and refugees in Cyprus and the assumptions about asylum and migration that form the foundation of much asylum seeking policy and politics.¹¹ In addition, the approach the RoC government takes to the question of deterrence of refugees versus their integration has a kind of circular effect on the problem. The RoC government emphasises that it is a small, periphery EU state unable to cope with both the complications of the island's division and the overwhelming influx of refugees.

On the other hand the situation of refugees in the north is no better than in RoC controlled areas. Refugees are often perceived as migrants who come to work and their plight is thus ignored by society. Although, according to the 1951 Refugee Convention, customary international law, refugees should not be penalized for illegal entry, the Turkish Cypriot administration do not respect this rule and very often dramatic consequences occur. Additionally, the media frequently draws a false image of refugees where they are depicted as victims of human trafficking who come to Cyprus to work. Many refugees live in inadequate housing conditions and they have extremely limited access to public services such as health and education.

7 See 'Illegal immigrants, asylum seekers and refugees, *Today*, 1 January 2008; 'EU racism body gathers information for new report on Cyprus', *Cyprus Mail*, 25 September 2010

8 UNHCR, *Statistical Yearbook 2003*, 'Asylum and refugee status determination during the year', Office of the United Nations High Commissioner for Refugees, Geneva.

9 Cetta Mainwaring, 'On the Edge', p.9.

10 Cyprus Statistical Service Report 2010. http://www.mof.gov.cy/mof/cystat/statistics.nsf/index_gr/index_gr?OpenDocument, accessed 12 August 2010.

11 Cetta Mainwaring, Uncompleted PhD Thesis, Centre on Migration, Policy, and Society, Oxford University.

Definition of Refugee

The 1951 Refugee Convention is the basic document of international refugee law, and its refugee definition is the principal basis for establishing a person's refugee status. Article 1A(2) of the 1951 Convention defines as a refugee anyone who:

As a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his [or her] nationality and is unable, or owing to such fear, is unwilling to avail him [or her]self of the protection of that country; or who, not having a nationality and being outside the country of his [or her] former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.

In addition to the 1 January 1951 date line, the 1951 Convention also provided in Article 1B for an optional geographical limitation to refugees "as a result of events occurring in Europe". These restrictions to the scope of its refugee definition are no longer of major importance. The temporal limitation was formally removed by the 1967 Protocol, while the geographical restriction was withdrawn by the vast majority of States which are a party to the two instruments, thus giving a universal dimension to the Convention's provisions.¹²

Therefore, international law defines refugees as people who are outside their country of origin and whose life and, or human rights are seriously at risk because of who they are (e.g. their race, nationality, social group) or what they believe (e.g. their religious beliefs or political opinion); and their governments will not, or cannot, protect them. People who flee civil wars and other conflicts may be refugees. If they do not cross an international border, they are referred to as 'internally displaced people'.

DEFINITION OF ASYLUM SEEKER

Asylum-seekers are people seeking protection as refugees, who are waiting for the government or UNHCR to decide on their applications. These people are entitled to stay in the State unless their application to be considered as a refugee is rejected. They also have a right to a fair hearing of that application and to an appeal if necessary.

DEFINITION OF SUBSIDIARY PROTECTION

Subsidiary protection can be given to a person who does not meet the legal definition of a refugee under the 1951 Refugee Convention. Three grounds exist for giving subsidiary protection. They include when a person faces: (1) the death penalty or execution in their country; (2) torture, inhumane or degrading treatment or punishment; and (3) threats from an international or internal armed conflict. This status was created across the EU by a Directive.

¹² Refugee Status Determination Identifying Who is a Refugee Self-study Module 2, Office of the United Nations High Commissioner for Refugees, Geneva page 11

Section 1: The Legal and Political Context of Asylum Seeking in the Republic of Cyprus Controlled Areas and the Northern Part of Cyprus

In this section existing laws and policies on both sides of the island concerning refugees will be examined. The EU laws play an important role in Refugee Status Determination process. For that reason the EU legal context and the other legal contexts will be discussed separately. In the political context the social and political approaches towards refugees will be examined.

The Cyprus problem has led the two parties to have different legal systems for asylum. In the RoC controlled areas EU law plays an important role in shaping the asylum procedures. On the other hand the suspension of the *acquis communautaire* in the north is a vital factor in not having an asylum law.

THE LEGAL CONTEXT

LEGAL CONTEXT IN REPUBLIC OF CYPRUS CONTROLLED AREAS

THE EU LEGAL CONTEXT

With the signing of the Amsterdam Treaty in 1997, the European Union embarked on an ambitious project to work towards a common asylum system, based on agreed minimum standards. The development of a Common European Asylum System required binding legislative instruments establishing common standards and operational strategies. In order to create a Common European Asylum System, the EU has produced a number of legal instruments, the following of which has been adopted into domestic law by the RoC. Where relevant, the instruments are elaborated on in the below report. These are:

- The European Pact on Immigration and Asylum
- Harmonisation with EU directives / community law
- EU procedures directive on asylum
- EU return directive, outlining that EU states can detain migrants and asylum seekers for up to 18 months.
- A Common European Asylum System

GENERAL LEGAL CONTEXT

The legal framework in the RoC is shaped by international and European conventions and protocols. The 1951 Refugee Convention and the 1967 Protocol for the Status of Refugees, the UN Convention against Torture, Inhuman and Degrading Treatment, the UN Convention on Civil and Political Rights, the UN Convention on Economic, Social and Cultural Rights, and the European Convention of Human Rights are founding legal structures. Within the RoC, the Refugees Law of 2000, several times amended, created a new framework for refugees and asylum seekers. The law was enacted by Parliament in 2000, and then amended in 2002, 2004, 2005, 2007, and 2009, transposing EU directives in order to harmonise with EU asylum space.

Between 1998 and 2002, the UNHCR was the body responsible for Refugee Status Determination in Cyprus. It also spent those years helping the RoC develop an asylum system and national legislation. In January 2002, the RoC started doing its own Refugee Status Determination. The UNHCR continues to play a large role in training and overseeing work of officials and bodies dealing with refugees.

LEGAL CONTEXT IN THE NORTHERN PART OF CYPRUS

THE EU LEGAL CONTEXT

Although the whole of the island has been considered to be part of the EU since 2004, when the RoC joined as a full member, the application of the *acquis communautaire* was suspended in the northern part until the reunification of the island, in accordance with Protocol No. 10 of the Accession Treaty of Cyprus to the European Union. However, after the 2004 referendum, the Turkish Cypriot administration decided to adopt the EU *acquis communautaire* and have been holding consultations with the European Commission to adjust the relevant laws in 12 chapters between 2009 and 2011. However these chapters do not concern refugees or human rights related with refugees.

GENERAL LEGAL CONTEXT

The 1951 Refugee Convention, the UN Convention against Torture, Inhuman and Degrading Treatment, the UN Convention on Civil and Political Rights, the UN Convention on Economic, Social and Cultural Rights and the European Convention of Human Rights are also part of domestic law in the northern part of Cyprus. However, the 1967 Protocol of the 1951 Refugee Convention lifting the geographical and time limits of the 1951 Refugee Convention, has not been ratified by the Turkish Cypriot authorities. On the other hand, the European Court of Human Rights decided that Turkey has extra-territorial responsibility in northern Cyprus and thus Turkey is responsible for the human rights violations there.¹³ Despite the fact that the human rights of refugees must be protected according to the above-mentioned international treaties there is no refugee law in the northern part of Cyprus. On the other hand, although all these treaties are part of domestic law, international human rights bodies do not monitor the Turkish Cypriot administration due to the unsolved political problem.

THE POLITICAL CONTEXT

The clearest factor influencing the broader political context of asylum seeking and attitudes to refugees is the Cyprus conflict. This directly affects asylum seeking in at least three ways:

- The first is centred on perceived and actual security implications of the conflict's geography – that is, asylum seekers using the Green Line to cross from north to south and claim asylum.
- The second is the ability of politicians and policy makers to divert attention from the human rights of asylum seekers, or their need to develop policies in line with international best practice, back to the needs of Greek and Turkish Cypriots as victims of the Cyprus conflict.
- The third is the clear lack of empathy at the public level for refugees and asylum seekers.

THE ROLE OF DEMOGRAPHICS IN THE POLITICAL CONTEXT

Demographics are important in Cyprus, and – as has been clearly articulated by Mete Hatay in a number of pieces¹⁴ – Cyprus is a country obsessed with numbers. The Greek Cypriot community relies very heavily on its numerical superiority vis-a-vis the Turkish Cypriot community.¹⁵ To grossly oversimplify, this is because having many more Greek Cypriots than Turkish Cypriots reinforces the legitimacy of the position many from the Greek Cypriot political leadership have historically taken that a majoritarian system of democracy is the most fair and appropriate solution to the

¹³ *Loizidou vs. Turkey*, European Court of Human Rights, 15318/1989. [http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/o/CF3E836BC3F3336EC2256DC300799C23/\\$file/European%20Court%20of%20Human%20Rights.pdf?OpenElement](http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/o/CF3E836BC3F3336EC2256DC300799C23/$file/European%20Court%20of%20Human%20Rights.pdf?OpenElement), accessed 24 November 2010

¹⁴ Mete Hatay, *Beyond Numbers: An Inquiry into the Political Integration of the Turkish 'Settlers' in Northern Cyprus*, PRIO Report 4, Oslo/ Nicosia: 2005. Mete Hatay, *Settlers, Soldiers, Students, and "Slaves": The Complex Composition of the Turkish Immigrants in Cyprus*, presented at Conference on Cyprus Three Years after EU Accession: A Member State with a Divided Legal System, European Academy, Berlin, 25–26 May 2007.

¹⁵ The Turkish Cypriot community, in its turn, either under- or overestimates its local population depending on the purpose of the measurement.

Cyprus conflict.¹⁶ The legitimacy of this position clearly depends on maintaining the 70/30 75/25 or 80/20 percent (the numbers change according to who is counting) population proportion between the two communities. On one level, therefore, the increased numbers of immigrants or refugees settling permanently in the RoC is perceived to ‘muddy’ the demographic waters by reducing the demographic superiority of the Greek Cypriot community.¹⁷

Since 1975 a substantial number of Turkish immigrants have settled in the northern part of Cyprus. There has been much speculation about their numbers, and numerous negative stereotypes, suspicions, fears and myths are attached to the Turkish ‘settler population’ among both Greek Cypriots and Turkish Cypriots.¹⁸ ‘Native’ Turkish Cypriots also harbour conflicting sentiments towards the Turkish immigrants. While some consider the latter an inseparable part of their community, others resent their presence on the island and are reluctant to embrace them as true Turkish Cypriots.¹⁹ More recently, a public discussion has emerged around the population of northern part of Cyprus and numbers of Turkish migrants. Left wing parties in northern part of Cyprus campaigned against the migration flow from Turkey and recently Turkish officials are questioning the demographics of Cyprus. In this highly charged environment refugees get very little attention and their problems are ignored. Due to the migration flow Turkish Cypriot society is suspicious of migrants and the opinion is ‘there are enough Turkish migrants we can not cope with the others as well’. This opinion is also valid for many Turkish Cypriot officials.²⁰

EMBEDDING REFUGEE ISSUES WITHIN THE CYPRUS CONFLICT

In addition, Greek and Turkish Cypriot societies have been historically (albeit selectively) self-protecting. There is a long-standing multi-generational suspicion of ‘others’. The conflict in Cyprus and the way it is lived has simply facilitated the magnification and manipulation of this fear when it comes to refugees coming to Cyprus. At present, around 14% of the population of the RoC is non-Cypriot.²¹ According to the last census in the northern part of Cyprus 33.33% of the de facto population are non-citizens²² but these numbers are disputed by many politicians.²³ On both sides of the island foreigners are viewed within a hyper-nationalist framework, and treated with suspicion (though the level of the foreign ‘threat’ depends on the colour, ethnicity and class of the foreigner). Low-paid migrants and refugees absorb the brunt of the suspicion about foreigners.²⁴

Directly relevant is the way that the geography of the Cyprus conflict links migration patterns to the perception and treatment of refugees seeking asylum. The conflict becomes directly involved in the issue of asylum seekers because of the way a number of asylum seekers enter the RoC controlled areas; via the United Nations ‘Green Line’ a ceasefire zone dividing north and south Cyprus. The Green Line is a 180km ceasefire zone, patrolled by the Greek Cypriot army in the south, the Turkish Cypriot army in the north, and the UN in the middle. It forms a central point of focus for the Greek Cypriot government’s rhetoric about illegal migration.

16 See Chapters 3 and 5 of Christalla Yakinthou, *Political Settlements in Divided Societies: Consociationalism and Cyprus*, Palgrave Macmillan, London, 2009.

17 2008 figures of non-Cypriots in Republic of Cyprus: foreign workforce – 96 324; number of asylum seekers and refugees – 9 479; 2008 figures of non-Cypriots in Republic of Cyprus: foreign workforce – 96 324; number of asylum seekers and refugees – 9 479; conservative estimate of irregular migrants in Cyprus – 5 000. Total: 110 803. Source: Cetta Mainwaring, *On the Edge*. Citing respectively: (1) Cyprus Statistical Service, *Labour Statistics 2008, Series II, Report No. 27*, 2010. (2) UNHCR, *Statistical Yearbook 2008*. <http://www.unhcr.org/4bcc5bb79.html>, accessed on 24 November 2010 (3) Nikos Trimikliniotis and Corina Demetriou, *Active Civic Participation of Immigrants in Cyprus*, 2004.

18 Hatay, 2005.

19 Hatay, 2005.

20 Information communicated to the authors in meetings held with various public officials and also communicated to the Refugee Rights Association.

21 Cyprus Statistical Service figures 2009.

22 TRNC General Population and Housing Unit Census. Available online at: <http://nufussayimi.devplan.org/Census%202006.pdf>, November 10, 2010.

23 New Cyprus Party, *New Cyprus Party’s (YKP) Evaluation and Demands Regarding the Population Situation in Northern Cyprus*, February 2008, p. 2. Available online at: <http://www.ykp.org.cy/YKP%20evaluation%20and%20demands%20regarding%20the%20population%20situation%20in%20northern%20Cyprus.pdf>

24 ‘Far right poses a bigger threat to society than immigrants’, *Cyprus Mail*, 29 December, 2009. Comments under article by Stefanos Evripidou, ‘Man cuts himself in benefit protest’, *Cyprus Mail*, 2 July, 2010. ‘EU racism body gathers information for new report on Cyprus’, *Cyprus Mail*, 25 September 2010. George Psyllides, ‘Nigerian beaten by racist mob’, *Cyprus Mail*, 22 July, 2010.

Mainwaring has noted that:

the fact that migration into Cyprus is made up partially of people travelling irregularly through northern Cyprus, and across the Green Line has also been politicised within the rhetoric of the Cyprus Problem. [RoC] Government officials levy accusations against the [Turkish Cypriot] authorities in the north for attempting to undermine the demographic fabric of Cyprus, by encouraging and even facilitating the movement of irregular migrants across the Green Line.²⁵

She notes that there is a RoC government “emphasis on the number of ‘illegal migrants’ and even asylum seekers, who are seen to be changing the demographic character of Cyprus and creating social and economic ‘disorder’”.²⁶ It is estimated that approximately 70 percent of people claiming asylum in Cyprus have entered the country through the northern part of Cyprus,²⁷ though the number is difficult to measure, and fluctuates between 60 percent and 98 percent, depending significantly on political motivations.

This border/non-border space presents the RoC government with the responsibility to both facilitate the free movement of EU citizens across the island, and to secure the Green Line from illegal immigrants (Protocol 10 of Cyprus’ Accession Treaty). Along this space, the RoC government walks something of a political tightrope: it doesn’t want to convey any legitimacy to the line as a border, or as having permanence because of its fear of transferring legitimacy of the division’s permanence. At the same time, it may be inclined to overestimate the number of asylum seekers and refugees who cross south from the north, and has blamed Turkey and the Turkish Cypriot administration for failing to properly patrol the zone.²⁸ A number of Greek Cypriot government officials as well as a Greek Cypriot MEP have maintained that up to 98% of ‘the illegals come through the dividing line’.²⁹ The rhetoric sometimes stretches so far as to suggest that Turkey is allowing the southward migration flow in order to flood the south with illegal immigrants and change the demographics of the Greek Cypriot community. This interpretation is also politically useful because it allows the Greek Cypriot government to draw attention back to the division of the island, and the Turkish presence, and to argue that the removal of these difficulties is dependent on a solution of the conflict. Much energy goes into directing international attention to the fact that asylum seekers cross from the north.

THE RESPONSE OF THE TURKISH CYPRIOT ADMINISTRATION

In order to avoid the criticism that the Turkish Cypriot administration allow refugees to cross to the south, the Turkish Cypriot port authorities have begun to refuse entry to passengers coming to the north if they suspect that they will cross to the south illegally. The Refugee Rights Association was informed many times by Iraqis of Palestinian origin refugees that they were refused entry for that specific reason. On the other hand, some refugees are caught while trying to cross the Green Line “illegally”, tried, given prison sentences and then deported by the Turkish Cypriot administration. Recently it was reported to the Refugee Rights Association by a refugee who resides in RoC areas that the Turkish Cypriot administration forcedly sent him south after his prison term.³⁰

PUBLIC ATTITUDES TO ASYLUM SEEKERS AND REFUGEES

On both parts of the island, political problems associated with the Cyprus conflict are quickly blamed on the ‘other’ side. Previous tragic events in Cyprus and the shaping of the political agenda around the violence experienced by the communities in the past has resulted in members of society seeing themselves as the only “real” victims of human rights issues.

25 Cetta Mainwaring, p. 7.

26 Ibid., p. 22.

27 Estimated by two representatives of human rights NGOs working closely with migrants and the government. Sources protected.

28 See interviews conducted by Cetta Mainwaring, cited in *Over the Edge*, p. 6, as well as RoC official document *Towards a Unified Cyprus*, cited by Mainwaring p. 6.

29 Ibid., p. 12.

30 Name withheld for purposes of protection of witness.

Indeed, while the legal term for Cypriots displaced between 1963 and 1974 is ‘Internally Displaced Persons’ (IDPs), the term ‘refugee’ is used in the south for internally displaced Greek Cypriots. Ownership of the term ‘refugee’ has been especially important in the Greek Cypriot rhetoric about the impact of 1974 and is deeply tied in with the perception of ongoing victimhood. The term is also linked with solution of the conflict; in the maximalist Greek Cypriot rhetoric, the Cyprus conflict will only be solved when all refugees return home. There is an internal reluctance to see Greek Cypriots as IDPs,³¹ because it is perceived as taking away from the community’s victimhood.³² What this means for refugees seeking asylum in Cyprus is that the frame is already set for them: they are viewed from within the closed box of the Cyprus conflict perspective. Refugee hood is therefore also viewed within a very long time frame, with more recent refugees competing with Greek Cypriot refugees for legitimacy in the public eye.

Due to the international isolation of Turkish Cypriot society, the feelings prevailing in the northern part of the island are that the embargoes placed on Turkish Cypriot society are human rights violations. The ongoing nature of these difficulties are used as an excuse not respect the human rights of “others”.

This is most clearly articulated as a lack of empathy. On both sides of the island, a zero-sum mentality exists regarding victimhood, suffering, and the protection and violation of human rights. Politicians frequently make public statements that their society is the primary victim of human rights violations, and the “other” side is responsible for these violations. Because both communities have come to understand human rights as something “taken away” by an external party, rights must consequently be restored by a third party (the lifting of embargoes and isolation for Turkish Cypriots, and the return of lost land and people for Greek Cypriots³³). What this means is that there is very little awareness within the communities that human rights cultures can be developed within societies, and that societies interact with rights; they are not something exclusively given or taken away by third parties. The way the conflict has been lived, and the Cyprus conflict’s non-resolution has also damaged the ability of both communities to empathise with the suffering of others.³⁴ This has also meant that there is often very little public support for creating more integrative asylum procedures.

Security and other conflicts between the Turkish Cypriot and Greek Cypriot parties in Cyprus have led to the de-emphasising in both communities of the human rights of refugees. In contexts where it is dealt with, the “refugee problem” is often illustrated as exclusively one of human smuggling, where illegal smuggling is the focus of attention, with no corresponding attention given to the need to protect the fundamental human rights of refugees. Because an understanding has developed on both sides of the island that each party is the only real victim of human rights violations, this corresponds to a political environment which has been shaped that downplays the need to give serious attention to follow international human rights standards for asylum seekers and others whose rights are being violated within the two societies.

31 In 2004 the UNSG’s Chief Negotiator in Cyprus Alvaro de Soto made a public comment at a press conference that Greek Cypriot refugees were actually internally displaced, he was met with public hysteria and accusations that he sought to downplay Greek Cypriot suffering.

32 See Christalla Yakinthou, *Political Settlements in Divided Societies*, 2009.

33 Even though the numbers of displaced persons and percentage of property ownership on the island by the Greek Cypriots and Turkish Cypriots varies according to figures provided by the two respective authorities, there is no dispute about the fact that property ownership rights of both, the Greek Cypriots and Turkish Cypriots alike, have been taken away. While the Greek Cypriots claim the ratio of Greek Cypriot and Turkish Cypriot ownership of property north of the Green Line is roughly 80 to 20, the Turkish Cypriots argue the ratio is 60 to 40. On the other hand, while the Turkish Cypriots claim that the ratio of Greek Cypriot and Turkish Cypriot ownership of property south of the Green Line is around 20:80, the Greek Cypriot claim the numbers are closer to 15:85. For more information on property in Cyprus see Chapter 1 in Ayla Gürel & Kudret Özersay, *The Politics of Property in Cyprus*, International Peace Research Institute, Oslo, 2006.

34 See Christalla Yakinthou, *The (non)debate Around Dealing with the Past in Cyprus: Prosecutions, Amnesties, Commissions*, Oslo Peace Research Institute, Cyprus Centre Annual Conference, Nicosia, June 2009.

Section 2: The Response of the Republic of Cyprus and Turkish Cypriot Administration to Refugees Seeking Asylum

In this section, asylum systems and their shortcomings will be discussed on the both sides of the island. In order to show a clear picture of asylum systems application and the post-application process, the asylum review processes, legal aid mechanisms, the role of the NGOs and the role of the UNHCR will be also discussed.

WHERE DO CYPRUS' ASYLUM SEEKERS COME FROM?

The UNHCR has listed some forty different countries from which people seeking asylum in the RoC come. Most recently, the largest numbers of people are from Iran, Iraq, Palestine, Kurds from Turkey and Syria, Georgia, Pakistan, Ukraine, and an increasing number of West African countries. However, almost 95% of asylum seekers in the RoC come from the occupied Palestinian Territories and Iraq.

IN THE ROC

There are a number of push and pull factors governing asylum seeking in the RoC controlled areas, including conflict-related shifts in migration groups and patterns. In the recent past, the Gulf Wars, the US invasion of Iraq, turmoil in Palestine, and violence in the Balkans have all caused changes in who was claiming asylum here. As a general trend, asylum claims increased significantly between 2003 and 2005, and have since declined. During the period from 2002 to 2005, when asylum-seeking claims fell in Europe by some 20 percent, claims in RoC controlled areas rose from between 300 to 500 percent.

This steep increase is partly due to international factors, but also partly a result of the quirk of the Republic of Cyprus' migration system leading to higher numbers of asylum seekers in the last five years. During this period, half of the RoC's asylum seekers originated from Bangladesh and Pakistan. Most of those applicants were students who came here on legitimate student visas, and their asylum applications were caused by work restrictions on student visas. While people in RoC controlled areas on student visas had no rights to work, asylum applicants are able to work six months after having claimed asylum. Applications for asylum from Bangladesh and Pakistan increased from 0 and 71 respectively in 2002 to 2,077 and 480 asylum applications in 2003. In a positive move by the RoC government, this legal loophole was closed when student visa laws were amended, allowing them to work part-time. In a concurrent not-so-positive reaction to the applications, in an effort to send out a message to other applicants, immigration officials also deported a number of students who had applied for asylum after their cases had been rejected.

As a result of this and other factors, asylum applications continue to show a downward trend. This was reinforced in 2009, when asylum applications again fell significantly.³⁵

IN THE NORTHERN PART OF CYPRUS

In the north most of the asylum applications made to the UNCHR are by Iraqi or Palestinian origin refugees. Also, there are asylum applications from nationals of Afghanistan, Bangladesh, Cameroon, Iran, Palestine and Turkmenistan. Many other Iraqis or Palestinian origin made their asylum application to UNHCR when they were in the north and later on they crossed to south.

³⁵ See graphs 1 and 2 in appendix.

Applicants from Palestine came to the north to study and due to the developments in Palestine were unable to return home.

RESPONSES TO THE APPLICATION AND POST-APPLICATION PROCESS

IN THE ROC

The island of Cyprus is a recent refugee-receiving country, and therefore has had all the usual teething problems in addition to the significant complicating factor added by the Cyprus conflict. During the earlier years of the establishment of the asylum application process, there were a number of highly problematic practices. However, with time and the adoption of EU asylum procedures, a number of malpractices have been changed. Some of the earlier trends in the treatment of asylum seekers included: the immediate arrest and detention of asylum seekers; threatening of asylum seekers by police officers who were taking their applications; and return of asylum seekers either before or after they had the chance to apply for asylum. The mood of the time may perhaps be captured by the statement of a RoC government official, when talking about the EU's standards and expectations: 'before we were part of the EU, it was all of them in the boat and back!'³⁶

As the process has developed, and procedures have been implemented and strengthened, the above violations have decreased in frequency. However, violations do continue.

Most recently, two important developments have been made in the RoC. The first is the "Further Developing Quality" (FDQ) Project. The second is the Cyprus National Action Plan 2010-2012.

The FDQ is an 18-month European Refugee Fund (ERF) funded project, which aims to improve the quality of asylum procedures and decision-making, running from April 2010 to September 2011. The project's genesis was in the United Kingdom, when, in 2003, the UK Government authorised UNHCR staff to enter the Home Office and audit first-instance decision-making.³⁷ In 2008, ERF funding was given to extend this type of project to eight Central and Eastern European States.³⁸ This was known as ASQAEM (Asylum Systems Quality Assurance and Evaluation Mechanism). The FDQ is the second phase of ASQAEM and now includes Cyprus, Greece, Italy and Portugal. The project is making progress towards achieving a consistent approach as regards asylum procedures and decision-making in line with the EU *acquis communautaire*, and is also assisting competent staff to do their job more efficiently and effectively. The project will assist in setting up an internal Quality Assurance team that can continue to work to ensure compliance with standards in the decision-making process. The decision of the RoC government to participate in this project signals a desire to improve its asylum procedure, as well as its commitment to developing a more consistent and sustainable programme in line with EU standards.

The Cyprus National Action Plan was launched in October 2010 by the RoC Interior Ministry to integrate immigrants who legally reside in RoC controlled areas. The plan is composed of eight priority aspects, and includes refugees and asylum seekers. It is based on the relevant European directives, the eleven Common Basic Principles for the integration of immigrants, the Common Integration Program, the Stockholm Program and the Immigration and Asylum Pact. Its focus is on integration.

IN THE NORTHERN PART OF CYPRUS

The Turkish Cypriot administration have never had a particularly positive approach to refugees. Since the change of government in 2009, the government has come to show less and less respect for the principle of non-refoulement for refugees who have made an "illegal" entry or who attempted

³⁶ Cetta Mainwaring, p. 22.

³⁷ The reports on that phase are available online at the UK Border Agency: <http://www.ukba.homeoffice.gov.uk/sitecontent/documents/aboutus/reports/unhcrreports/>

³⁸ Austria, Bulgaria, Germany, Hungary, Poland, Romania, Slovakia and Slovenia.

to cross to the south “illegally”. Indeed, the Turkish Cypriot administration perceive refugees to be a major threat to the local population and that having a refugee policy that respects human rights will increase the influx dramatically.

There is a serious impact of being outside the International Human Rights supervision mechanisms on the respect for human rights of refugees. The Turkish Cypriot administration has never been directly supervised by international bodies and there is very limited pressure on the authorities concerning the human rights of refugees. International NGOs such as Amnesty International and Human Rights Watch do not report human rights violations from the northern part of Cyprus in their yearly reports, another example of how the human rights of refugees in the northern part of Cyprus are ignored.

Indeed, the Turkish Cypriot administration uses their de facto status as an excuse to not implement human rights fully. The Turkish Cypriot administration has responded to the efforts of the Refugee Rights Association by saying “we are not recognized by the international community so how do they expect us to protect the human rights of refugees.”³⁹ However, such reactions from the side of the Turkish Cypriot administration are partially caused by the lack of possibilities for direct contact with the international community.

THE ASYLUM REVIEW PROCESS

IN THE ROC

In the RoC controlled areas there are a number of types of protection provided under the Refugee Law of 2000. The key types are refugee status, subsidiary protection status, and humanitarian status.

Once in the RoC, the seeker applies for asylum at their nearest district immigration office, where they also simultaneously submit an application for a temporary residence permit. They are then sent for medical examination. Under the law, immediate access is granted to welfare benefits and the right to an immediate cash payment if the asylum applicant does not have enough money to cover their most pressing needs. However, in practice this procedure is inefficient and inconsistently applied. The government is also obliged to provide the asylum seeker with housing during the application process. There is only one reception centre in Kofinou which provides immediate housing to those who are vulnerable.

It is a two-instance system. Refugee status is first determined by the Asylum Service, and then in the second instance by the Refugee Reviewing Authority. If the case is rejected at both first and second instances, the applicant has the constitutional right of appeal to the Supreme Court.⁴⁰ However, there are a number of problems with the process. Most importantly, the Supreme Court examines cases only on procedural grounds (not on substantive), and few Supreme Court cases have been won. Human rights NGO KISA has argued that this is ‘due to mainly limited knowledge by the Supreme Court judges of refugee law, prejudice against asylum seekers and very superficial examination of the cases’.⁴¹ Protection of the asylum seeker’s rights during the process is also problematic. When the asylum seeker has exhausted both the first and second instance, and they file a case before the Supreme Court, they are denied the legal status of asylum seekers and thus are not able to claim reception or any of the rights of asylum seekers. So while at the Supreme Court level, they have the right to challenge the decision (on administrative / procedural grounds) they do not have the corresponding right to remain in the country until the decision has been

39 Meeting with Undersecretary of Ministry of Interior on 10 June, 2010.

40 Constitution of the Republic of Cyprus, article 146.

41 KISA Memo, *Asylum Procedures in Cyprus*, January 2009, pt.B6.

taken.⁴² The length of time cases are in the Supreme Court is also problematic, especially because the right to work and the right to welfare are both cancelled.⁴³

IN THE NORTHERN PART OF CYPRUS

In the north, the Turkish Cypriot administration does not accept any asylum applications. On the other hand, the mandate of UNHCR extends to the northern part of Cyprus as well, and UNHCR receives asylum applications. Despite this, the unrecognized status of northern Cyprus means that the UNHCR has no direct contact with the Turkish Cypriot administration during this process. However, the UNHCR is attempting to become a more meaningful actor by cooperating with the Refugee Rights Association. The Refugee Rights Association takes the asylum applications and then submits them to the UNHCR for examination. This process takes about a year.

LEGAL AID

IN THE ROC

There is no free legal aid system for asylum seekers. Asylum seekers receive no government-sponsored legal aid in the RoC during the process of claiming asylum. This means that they frequently have poor or no representation. This lack of legal aid is especially problematic for Supreme Court challenges, which are very expensive.

In addition to the lack of legal aid, there is the problem of legal expertise and competent legal representation. Very few lawyers in Cyprus are trained in migration law, so asylum seekers are often financially exploited and poorly represented.⁴⁴ And because lawyers and judges are not being trained in asylum and refugee law, the people interpreting European and international law in these cases are not adequately trained in the area.

The EU asylum directive provides some instruction for legal aid. Perhaps in an effort to address this directive in countries like Cyprus, under the European Refugee Fund (ERF), there is capacity for projects which provide free legal aid, including legal aid for court challenges.

In addition, laws around the legal representation of unaccompanied minors in the asylum procedures are evolving. The RoC Attorney General's office has taken the view that the Commissioner for Refugees has been empowered by the Refugee Law to have her Office staff represent children in the asylum procedure. The Attorney-General interpreted the law literally, which meant that private lawyers retained by the Commissioner to act on behalf of unaccompanied children were not permitted to represent the children. Because the Commissioner had no lawyers trained in asylum law in her office, this posed a significant problem. The UNHCR submitted a series of policy recommendations to parliament during the debate on this issue in late 2010, and proposed an appropriate amendment to the law. This amendment proposal has been positively received by parliament.

42 However, if an immigration officer issues a detention or deportation order, the asylum seeker can challenge it in the Supreme Court. They file two separate applications: the first challenging the decision against the asylum claim, and the second against the deportation. The Supreme Court examines the two applications in parallel.

43 Amnesty International Report on Cyprus 2010 states that:

Under the new legislation and in combination with Article 146 of the Constitution, asylum applicants are entitled to submit an appeal against a negative decision at first instance to the Review Authority for Refugees or the Supreme Court. Asylum applicants can appeal against a negative decision issued by the Review Authority to the Supreme Court. Concerns were expressed that the amendments do not guarantee the right to an effective remedy before a court or tribunal as provided for in Article 39 of the Asylum Procedures Directive, since the Supreme Court's jurisdiction is limited to a review of the lawfulness and not the merits of a case. The new Law provides a free interpreter for asylum applicants when they appear before the Review Authority and before the Supreme Court under certain conditions. It also provides for the Commissioner for the Rights of the Child to represent unaccompanied minors during asylum proceedings. Available online at: <http://www.unhcr.org/refworld/country,,,,CYP,,4c03a833c,o.html>, accessed 3 October, 2010.

44 KISA Memo, pt.B1nt.10.

IN THE NORTHERN PART OF CYPRUS

In the north Cap 154 Criminal Procedure Article 64 gives authority to the court, when an accused is to be tried upon a charge or information or on the hearing of an appeal from a judgment of an Assize Court, to assign a lawyer to defend the accused or the appellant, as the case may be, if the gravity, difficulty or other circumstances the case make it desirable in the interests of justice. However, courts use this authority very rarely and it has never been used in a refugee case where they were charged for illegal entry. Refugees can very rarely afford to pay a lawyer and thus have representation. However, the Refugee Rights Association's project to defend human rights of refugees is funded by the European Union's Civil Society in Action II funding programme, allocated to improve capacity in Turkish Cypriot society. One of the most important roles of the Refugee Rights Association in this project is to represent refugees in the Criminal Court when charged for "illegal entry".

Refugees who make an "illegal entry" are generally sentenced to imprisonment. For that reason the authorities take a deportation decision against them, contrary to international law. Due to the fact that there is no legal aid, the Refugee Rights Association represents refugees pro bono in order to challenge the deportation decision in the High Administrative Court. Between August 2009 and October 2010, Refugee Rights Association lawyers have been granted 5 out of 6 interim orders against deportation. In September 2010 a new agreement came into force between the Refugee Rights Association and UNCHR in order to represent refugees in the High Administrative Court to stop their deportation.

LOGISTICAL AND SOCIAL SUPPORT PROVIDED – THEORETICAL VS. ACTUAL

IN THE ROC

Under the RoC Refugee Law of 2000, asylum seekers do not have the right to work for the first six months from the date they apply for asylum. Within this period, they have no choice but to apply for social security support. After the first 6 months, they are restricted to working in certain sectors – mainly farming and agriculture. There are few vacancies in these areas, so many asylum seekers work illegally or apply for social security support; something which brings the ire of the Greek Cypriot public. The practicalities of receiving social security support is also often highly problematic. Because the government welfare department has a significant backlog of payments, it is notoriously slow in making payments. Cheques are usually delayed for all applicants (both asylum seekers and Cypriots). This causes serious survival problems for economically vulnerable groups.

In its 42nd session, the United Nations Committee on Economic, Social and Cultural Rights in its concluding observations for the report of RoC expressed concern over the administrative obstacles which prevent third country migrants and asylum-seekers from enjoying their economic, social and cultural rights and especially their rights to social security and family reunification.⁴⁵

The Kofinou reception centre between Nicosia and Larnaca is the single reception centre used for emergency assistance for asylum seekers in the RoC. The Centre operates under the Refugee (Reception Conditions for Asylum Seekers) Regulations of 2005. It consists of 18 demountable units (4 administrative rooms; 4 common spaces; 2 sanitary units; 8 rooms/sleeping quarters), and has the space to host around 80 people. The Centre is run under the auspices of the Asylum Services (under the Ministry of Interior). But in practicality it is run by the Community Welfare Council (under the Welfare Department of the Ministry of Labour and Social Insurance). The University of Nicosia also runs some projects within the centre designed to improve services and conditions, funded by the ERF. The centre houses the most desperate; it is set up as temporary accommodation for families and single women until they are able to access assistance for housing,

⁴⁵ Committee on Economic, Social and Cultural Rights, *Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant: Concluding observations of the Committee on Economic, Social and Cultural Rights, 42nd Session, 4-22 May, 2009, para 18.*

employment, and welfare. However, a cycle of dependency is sometimes created, and without structured programmes that assist people in leaving Kofinou, there are a number of long-term residents. Most, however, do move on to private accommodation as soon as they are in a viable economic situation. The centre's location is also problematic: approximately forty kilometers out of the capital Nicosia, Kofinou is far from the necessary government offices. The lack of public transport to and from the reception centre makes movement difficult, and the area between the village and the reception centre is poorly lit, which essentially means that the centre is very isolated.

IN THE NORTHERN PART OF CYPRUS

In the north there are no regulations in place relating to the employment of refugees. However, work permits were granted upon the request of Refugee Rights Association. Likewise, there are no specific mechanisms to assist refugees to access employment and most cannot find work other than casual or seasonal employment.⁴⁶ There is no assistance to access the labour market nor any social security support. A small allowance provided by the UNHCR was stopped at the end of 2008 but restarted in September 2010.

Until the end of 2008, the UNCHR rented two apartments north of the Green Line to accommodate refugees. Since then, refugees have had to find their own accommodation. It was reported to the Refugee Rights Association that some refugees stay in uncompleted construction sites and other inadequate places. However, with the entering into force of the agreement between the UNHCR and Refugee Rights Association in 2010, a small contribution has been made available for the accommodation of refugees.

NGOS AND NON-GOVERNMENTAL PROGRAMMES OF SUPPORT

IN THE ROC

The Future World Centre's Unit for the Rehabilitation of Victims of Torture:

The Unit for the Rehabilitation of Victims of Torture (URVT) is a project that aims to support and promote the empowerment and rehabilitation of torture victims and victims of trafficking who are asylum seekers or persons granted with international protection status in Cyprus and to assist them to integrate into the local society. To that end it takes a holistic approach, offering medical and psychological care, legal advice and social assistance to the persons of concern and their families. Its services are facilitated through a structure designed on the standards of the Istanbul Protocol (the United Nations Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) and its services are offered to the beneficiaries by specialized, experienced and well-trained personnel. Furthermore URVT works closely with a network of volunteer service providers, medical professionals and interpreters.⁴⁷

KISA:

KISA's overall long-term objective is the creation of a multicultural society, where there is equality of all persons, irrespective of nationality, race or ethnic origin, colour, creed, gender, sexual or any other orientation, background or characteristic.

KISA's activities focus on two general directions:

1. Sensitisation of [Greek] Cypriot society about social discrimination and racism, the benefits of a multicultural society and reform of the immigration and asylum framework in [Republic of] Cyprus, through campaigns, conferences, cultural events, provision of information, publications and lobbying the authorities.

⁴⁶ James Mackay, Dilek Latif, Ali Dayioğlu, Öncel Polili, *ENAR Shadow Report 2008*, p. 17. Available online at: <http://cms.horus.be/files/99935/MediaArchive/national/Cyprus%20-%20SR%202008.pdf>, access: 10 November 2010.

⁴⁷ The Unit for the Rehabilitation of Victims of Torture: Our Mission. Available online at: <http://www.urvt.org>, access 12 October, 2010.

2. Operation of Support Centres providing free legal and social services, guidance and advice to migrants, refugees and asylum seekers, in order to enable them to claim their rights and facilitate their integration and full participation in society.⁴⁸

IN THE NORTHERN PART OF CYPRUS

In the north other than the work of the Turkish Cypriot Human Rights Foundation and the Refugee Rights Association, the plight of refugees is not on the agenda of civil society organizations. Mostly, refugees are perceived as victims of human trafficking. There has been some limited support shown by civil society organizations when humanitarian aid campaigns are organized by Refugee Rights Association but there is no public movement to pressure the government in order to make structural changes.

The Refugee Rights Association

The Refugee Rights Association plans to provide legal assistance to refugees and asylum seekers, to attend to their sheltering, nutrition, education, health and basic needs, to collect data about refugees and asylum seekers, to raise awareness in public, to participate in events on the mentioned issues, to work for the betterment of rights and freedoms of refugees and asylum seekers, to lobby domestically and internationally for that purpose, to suit cases if necessary and engage in legal action approved by the association.

Between April and December 2009, the Refugee Rights Association ran a joint project with the UNHCR entitled “Strengthening Asylum in North Cyprus”. The Association as of 16 December 2009 has also run the EU funded “Secure Asylum Seekers and Refugee Rights in the northern part of Cyprus” project.

The overall objective of this project is to defend refugee and asylum seeker rights in the northern part of Cyprus, to lobby for the enforcement of international and European Union standards and to create a relevant civil society aptitude that is urgently needed.

It is an objective of the Refugee Rights Association to develop its capacity in order to provide counseling and social integration activities to refugees and asylum seekers and to build sustainable networks and co-operation actions within the Turkish Cypriot community.

It is part of the action plan of the “Strengthening Asylum in North Cyprus” project to monitor arrivals and establishment of contact with asylum seekers, establish itself as a focal point for asylum seekers and refugees, giving legal and other advice, lobbying authorities and donors for assistance and awareness raising events and training are the main activities of the project.

The UNHCR and RRA recently signed a new contract in order to complement the activities covered under the relevant EU project and cover the current gaps such as making applications to the High Administrative Court. The project also covers contributions for the accommodation and other basic needs of refugees.

⁴⁸ KISA’s official website: About KISA. Available online at: http://www.kisa.org.cy/EN/about_kisa/index.html, access 12 October, 2010.

Section 3: The most neglected human rights issues

The most pressing problems faced by asylum seekers in the RoC controlled areas can be grouped into the categories of excessive delays in the decision-making process, lack of free legal support, the need for further and more consistent training of government officials involved in the asylum application process, weaknesses in the asylum procedure itself, insufficient identification and protection and lack of early identification of vulnerable groups.

In the northern part of Cyprus refugee rights are somewhat ignored by the authorities. Having no refugee law and having no strong internal or international reaction – stemming most of the time from the lack of international contacts – have led the administration to not respect the right to non-refoulement, the right to a fair trial and the right to effective remedy, the right to liberty and social rights such the right to health, housing and employment.

IN THE ROC

Although the asylum law enacted in the RoC controlled areas and trainings by the UNHCR should create a level of protection, the authorities deciding asylum applications are not always adequately aware of refugee law or correct interviewing techniques when dealing with asylum seekers. Levels of sensitivity and knowledge vary very widely. This is especially true when it comes to dealing with people who may have been subject to trauma or torture. This includes both eligibility officers and the refugee authority. They need more consistent training and encouragement from within their own services. This also applies to other related authorities such as immigration and welfare officers, and hospital staff.

Interviewing standards. NGOs have reported that eligibility officers do not always stick to UNHCR interview standards. KISA has complained that ‘eligibility officers do not create a situation of trust between them and the asylum seekers in order for the asylum seeker to feel that he/she can explain his/her situation in the best possible way.’⁴⁹ There is little understanding of the trauma of asylum seekers. People who have had strong asylum applications have been rejected because of minor contradictions in their stories. There have also been cases of illegal refoulement.

The decision-making process. Coupled with the above problem of sensitivity, deciding officers have a very large degree of discretion with regard to the decision-making process of granting asylum.

Second-instance reviews are problematic and need to be brought into line with UNHCR standards. Asylum seekers are often unaware of their procedural rights, and KISA has argued that re-examination of cases is seriously inadequate.⁵⁰ Fresh examinations of cases are infrequently conducted, and decisions of the Asylum Service are infrequently overturned, though recently this has been changing. This may also be partly a problem of understaffing and overburden within the refugee agencies.

The process of status determination is problematic, and without internal regulation. Insufficient numbers of eligibility officers means that there are inadequate resources for the examination of cases. Officers are overburdened, and therefore do not treat the cases with the attention they are due. In addition, the process of receiving refugee status or subsidiary protection needs more

⁴⁹ KISA Memo, pt.B2nt.14.

⁵⁰ Ibid., pt.B3nt.19.

time to become embedded in the system. Though a fast-track system has been put in place to streamline the initial date of interview, the actual decision-making process is notoriously slow.

Limited resources also means insufficient and sub-standard translation and interpretation services. KISA has reported a conflict of interests, as other asylum seekers are sometimes used as interpreters.

Subsidiary protection cancelling out the refugee option. There is a more recent problem where people are being given subsidiary protection, and by receiving that subsidiary protection are automatically being disqualified from getting refugee status, which means that when their country context is deemed no longer to be an emergency, they can be sent back regardless of whether they have a valid refugee claim.

IN THE NORTHERN PART OF CYPRUS

Non-refoulement is the most serious human rights problem north of the Green Line. As mentioned above there is no asylum law. However, before 2008 customs or immigration officers were informing the UNHCR representative in the north whenever Iraqi or Palestinian refugees had entered illegally and the UNHCR representative would take their asylum application. The Turkish Cypriot administration would not deport individuals once the UNHCR representative had made an intervention into the matter. As mentioned above, since April 2009 refugees are deported after entering illegally. Refugee Rights lawyers have been able to obtain interim orders from the Administrative Court to prevent deportations but the Refugee Rights Association believes that many refugees are deported without any opportunity to contact them. Sometimes detained refugees or their families reach the Refugee Rights Association when they are refused entry into the northern part of Cyprus. In such cases however, the police authorities do not allow Refugee Rights lawyers to access the detention places. Efforts by the Refugee Rights Association to monitor entrance points or persons brought to court are the only ways of detecting refugees.

The UNHCR's asylum procedures apply on the application from the north but it does not necessarily prevent the deportation from there.

Lack of dialogue between UNHCR and the Turkish Cypriot administration. Although the northern part of Cyprus is under the mandate of the UNHCR, political non-recognition of the Turkish Cypriot administration has been also translated so that the UNHCR does not enter into direct contact with the Turkish Cypriot administration. This lack of dialogue and cooperation inevitably has a negative impact on the human rights of refugees.

PRINCIPLES OF LAW THAT APPLY TO BOTH COMMUNITIES

The following section outlines principles of law that must be applied equally in both communities. It therefore does not separate sections into the RoC controlled areas and in the north.

Right to a Fair Trial and free legal aid. Article 6.3.c of the European Convention on Human Rights guarantees the individual the right to defend him or herself in person or through legal assistance of his or her own choosing or, if he or she has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require. However, there is no free legal aid service provided in both parts of the island, and there are no established legal networks that provide free legal support to asylum seekers; only individual lawyers (and they are few) occasionally work on a *pro bono* basis. Only two NGOs (KISA, FWC) in RoC controlled areas and the Refugee Rights Association in northern Cyprus are capable of providing legal advice – and of the three, only one group has an organised programme for asylum seekers. All of them are underfunded, understaffed, and overburdened. The UN Committee on the Economic, Social and Cultural Rights underlined this issue and made a call to RoC authorities in its 42nd session to provide asylum-seekers and third country migrants with free legal aid on their economic, social and cultural rights.⁵¹

51 Committee on Economic, Social and Cultural Rights, para 10.

As mentioned above, in the north, Refugee Rights Association lawyers have difficulty in accessing detention places when refugees are detained for deportation. Another problem regarding the right to a fair trial is that sometimes police officers do not allow lawyers to see their detained clients during certain hours. Moreover, only a few lawyers are trained in refugee law and are equipped to conduct cases based on refugee law.

Right to an Effective Remedy. Effective remedy is a significant issue in the RoC controlled areas. That is, there is a problem with the actual asylum application procedure. The reviewing authority is obliged to take into consideration new evidence, but the Supreme Court has ruled that the reviewing authority does not need to undertake new research on the case. At this point, the asylum seeker's lawyer can review the file and request re-examinations. Application rejections at the Supreme Court level can be challenged only on procedural grounds, rather than on a wrong decision made on substantive grounds. In other words, the merits cannot be re-examined at the Supreme Court level. After the reviewing authority's denial, the asylum seeker loses their status and becomes an illegal immigrant. The immigration officer suspends the deportation order in cases where decisions are challenged in the Supreme Court, but does not suspend detention, so asylum seekers, if caught, have been placed in detention for extended periods.

Applicants in the north are able to appeal against the decision of the UNHCR but there is no precedent of such an appealed case.

In the north, an application against deportation can be lodged to the High Administrative Court and interim orders can be granted on the following grounds:

1. The applicant has a prima facie case,
2. There is a possibility that a judgment will be issued in favour of the applicant on merit,
3. If an order is not made, there is a great risk that any judgment issued in favour of the applicant will not be satisfied.

Various European Court of Human Rights decisions require automatic suspensive effect against the deportation decisions taken against the refugees in order to consider a legal mechanism as an effective remedy.⁵² By this definition, there is no effective remedy for the refugees where the deportation order has been taken against them.

The cost of applying to court are extremely high and often it is impossible for many refugees to afford this themselves. Although recent efforts have resulted in four interim orders being granted out of five applications, none of these cases have led to case law regarding the deportation order decisions.

Right to Health and Protecting Vulnerable Groups. There is insufficient identification and protection of vulnerable groups in the RoC controlled areas. This is especially true for people who have been subject to torture, minors and unaccompanied minors, as well as single women or single parents. The identification of vulnerable people takes place in the first interview, which can take place years after the individual first applies for asylum. And identification is dependent on the asylum seeker being able to divulge information about their abuse or vulnerability, which can be difficult for them in the context of an interview setting in which they are not comfortable or do not feel safe. For unaccompanied minors, there needs to be a focus on housing (to avoid institutionalisation) and education/integration/language support. There must be greater priority placed on the training of medical professionals as well as counselors regarding identifying and treating victims of torture and degrading treatment. Until very recently all possible cases of torture were referred to FWC's Unit for Rehabilitation of Victims of Torture's one doctor for verification and treatment. A recent change in procedures reversed that decision and possible victims are now being seen by doctors

⁵² Jabari vs. Turkey, European Court of Human Rights, 40035/98.

within the government's employ, who have no specialist training in identifying or treating victims of torture.

This position is underlined at the international level. The UN Committee on Economic, Social and Cultural Rights in its 42nd session urged the State party to ensure that asylum-seekers with special medical needs have access to specialized medical care, targeted welfare benefits and facilities for the early identification and rehabilitation of the victims of torture.⁵³

In the northern part of Cyprus, according to the constitution, it is the duty of the state to ensure that every person enjoys physical and mental health care and receives adequate medical attention. However, there is no regulation about the health rights of refugees and they are bound by the rules that apply to all foreigners although refugees have special circumstances. Small funds granted to the Refugee Rights Association from the European Union and UNHCR are the only available resources for addressing refugees' health problems.⁵⁴

Right to Liberty: There is a significant problem in the RoC controlled areas that rejected asylum seekers that are waiting to be deported, but who cannot for various factual or legal reasons be deported, remain in detention and separated from their families for long periods even though 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 were aware that those persons could not be deported.⁵⁵

The UN Committee on Economic, Social and Cultural Rights "expressed concerns about the lengthy detention of irregular migrants and rejected asylum-seekers in inadequate conditions. The Committee recommends that the State party ensure that asylum-seekers be detained only when it is absolutely necessary and that the time which rejected asylum-seekers and irregular migrants spend in detention is limited to a strict minimum. The Committee also urges the State party to ensure that the conditions of migrants' detention meet United Nations standards".⁵⁶

The detention, and detention conditions of refugees in the north is an extremely serious human rights problem. Although refugees should not be penalized for illegal entry, as mentioned above, refugees are frequently sentenced to imprisonment. Refugee Rights lawyers often receive complaints about ill treatment during the investigation stage.

Right to Housing. In the RoC, the minimum reception conditions of the Reception Condition Regulations of 2005 are not being met, partly because of the high number of applicants. There are insufficient reception centres, and few social spaces. The UN Committee on Economic, Social and Cultural Rights has also expressed also concern that the State party has not adopted any specific policy to address the sub-standard housing of third country migrants and asylum-seekers and still considers that employers are responsible for offering suitable housing conditions.⁵⁷

The Turkish Cypriot administration provide no support to refugees concerning their housing rights. From 2009 until September 2010, refugees had to find and pay for their own accommodation. During this time, some refugees lived in construction sites or other inadequate places. On the other hand UNHCR started to provide a limited amount for the housing needs of refugees since September 2010.

Right to Employment. Asylum seekers experience difficulty entering an extremely restricted job market in RoC controlled areas. The job market is severely limited for asylum seekers; for a long

53 Committee on Economic, Social and Cultural Rights, para 18.

54 However, there is no regulation about the health rights of refugees and they are bound by the rules that apply to all foreigners although refugees have special circumstances. Small funds granted Refugee

55 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, p. 14.

56 Committee on Economic, Social and Cultural Rights, para 22.

57 Ibid., para 21.

time they were limited to the agricultural and farming sector. This effectively locked them out of the broader labour market. The Ombudswoman declared this decision to be unlawful in a December 2007 decision.⁵⁸ In 2008, the manufacturing sector and a small number of other sectors were added to the list, but no additional moves have been made to broaden the law significantly.

In the north there are no regulations about refugees' access to the labour market. Although, foreigners have to apply for a pre work permit before they enter the north, in practice refugees do not have this opportunity. For that reason the Ministry of Labour does not look for this pre requisite rule for refugees. However, despite the high level of education of some refugees, the majority of refugees can only find low skill employment.

58 See Stefanos Evripidou, 'Ombudswoman blasts cheap labour 'exploitation' of asylum seekers', *Cyprus Mail*, 23 January 2008.

Section 4: Policy Proposals

EU law is applicable only in the RoC, and the complications that arise because of the strained political situation directly concerns asylum seekers coming to the island. This has led to three different asylum systems: the RoC-controlled areas, the Turkish Cypriot administered areas, and the British bases.⁵⁹ There is no refugee law in the Turkish Cypriot administered areas, and no respect for the right to non-refoulement. Consequently, refugees seek to cross to the other side of the “Green Line” to enter the RoC controlled areas. Moreover, the complete lack of cooperation between the Turkish Cypriot administration and the RoC controlled areas has serious implications. Some refugee families are divided between north and south. Often desperate conditions lead refugees to risk their lives and cross the “Green Line”. The buffer zone between the two communities has also become an area of exploitation for human smugglers.

The most important focus of attention on the development of asylum laws and protection of asylum seekers should be ensuring adherence to the minimum protection standards⁶⁰ throughout the island of Cyprus. The following policy proposals seek to encourage island-wide co-operation for the protection of asylum seekers and, should they wish it, their integration into the Cypriot societies. Our recommendations fall into four main areas of action: policy; UN and UNHCR; public awareness and education reform; and co-ordination, support and strengthening of NGOs.

ON THE POLICY PROCESS:

- There is a need to recall obligations for to adhere to the principle of non-refoulement by the Turkish Cypriot administration, and call for acknowledgement by the RoC that crossing the buffer zone is a means for asylum seekers to arrive in Cyprus, which is currently fraught by risks of abuse by smugglers, mines, arrest and risk of refoulement.
- **Strengthening dialogue** can be one of the key elements to overcome the problems of refugees on both sides of the island. The report has highlighted that the island’s division causes some of the most critical problems faced by both communities in their efforts to overcome the challenges associated with the asylum process. In addition, while the division continues, asylum seekers continue to face real dangers and undue hardships when they cross illegally from north to south. These include:
 - The division of families across the boundary
 - Their exploitation by human smugglers, who continue to profit from the division
- There is therefore a real need to the co-operation between the two sides. This must be addressed immediately, and because the problems involve both communities, they require a common approach. We therefore recommend the establishment of a **Unit for Asylum Seekers**; a bi-communal unit which can be run to address the shared challenges faced until the Cyprus conflict’s resolution. The Committee on Missing Persons and the bi-communal unit on criminal matters can be taken as examples of interim bodies addressing pressing cross-communal needs and issues which cannot be resolved by one side without the engagement and co-operation of the other.
- **The preparation of and support for the Turkish Cypriot community’s application of relevant EU laws on asylum seekers and refugees.** Assistance from the EU to the Turkish Cypriot

⁵⁹ According to Article 2 of the Treaty of Establishment of the Republic of Cyprus: “designated areas remain under the sovereignty of the United Kingdom”.

⁶⁰ “Minimum protection standards” imply securing at least access to territory and access to the asylum procedures, by means of respect and application of the principle of non-refoulement.

community to apply relevant EU laws would improve the immediate structural deficiencies in the north related to treatment of asylum seekers and refugees, decrease the structural distance between the two communities treatment of the issue and prepare for an eventual solution to the Cyprus conflict. The principle of preparing the Turkish Cypriot community for EU harmonisation already exists and functions in other areas including the free movement of goods, agriculture, and environment and therefore an expansion into this area appears feasible.

- The asylum communities themselves need to be consulted to ascertain what their needs and fears are. We first need a broad mapping exercise which charts where the different communities are, what their interests are, and lists their priorities as well as whether they desire to be integrated into the Cypriot societies, or to move away from Cyprus.

TO THE UN AND UNHCR:

- There is an urgent need for action on the establishment of a “Unit for Asylum Seekers” (addressed above). This could be supported by the UN.
- In addition, the UN, UNHCR and other international organisations could establish other areas of co-operation, including the facilitation of information on irregular arrivals, either under current structures, or creation of a relevant office, with a view to ensuring protection from refoulment and access to territory/procedures.
- **The UNHCR can undertake a series of trainings to help improve knowledge about the plight of asylum seekers, and share international best practice. These could include:**
 - Programmes targeted specifically at increasing media sensitivity in the (especially Greek and Turkish language) press
 - Programmes targeted at increasing knowledge of international asylum law and best practice among Cypriot lawyers and judges in both communities (with an awareness of the different contexts)
 - “Training the trainers”. Offering continuous professional development programmes and trainings focusing on improving the skills and knowledge of people working directly with asylum seekers
 - Support and awareness programmes targeted at NGOs in Cyprus which work with children’s rights and women’s rights, encouraging them to look at the rights of women and children asylum seekers and refugees in both the RoC controlled areas as well as in the north
 - Programmes targeted at increasing sensitivity within the communities, and a multicultural perspective
 - Awareness-raising programmes for schools that can be implemented in co-operation with trade unions, NGOs working in the fields of human rights and education, and organisations like the British Council which already co-operate in such efforts.

ON PUBLIC AWARENESS AND THE DEVELOPMENT OF EDUCATION REFORM AND CULTURES OF HUMAN RIGHTS:

- **There is a dire need for increased human rights education in schools and at the public level.** There is very low public awareness that human rights are universally applicable, and not specific to one or another group of people. The conflict and its incorporation into the public discourses in the Greek and Turkish Cypriot communities has meant that a very limited understanding of human rights, their application and corresponding obligations exists. Programmes should be developed for both the primary and upper-school levels to develop a deeper understanding of human rights. Partly, the purpose of such programmes would be to create human rights protecting cultures in Cyprus, and partly also to de-link the idea of human rights to the limited sphere of the Cyprus conflict.

This could be done with projects that focus on building co-operation between human rights NGOs in Cyprus, the United Nations (UN), and the education authorities. The UN has developed powerful teaching tools for this kind of work.⁶¹

ON CO-ORDINATION, SUPPORT AND STRENGTHENING OF NGOS:

- **There is a need for targeted capacity building for north Cypriot NGOs and south Cypriot NGOs that recognises that the challenges faced by each group are different.** An awareness that NGOs in Cyprus face different challenges is important as a first step for the strengthening and sustainability of these organisations. Structural disadvantages, and the specific challenges Turkish Cypriot NGOs face in applying for and receiving funding should be taken into account, because without equal capacity for achieving targets, it is difficult for NGOs working together across the divide to sustain their co-operation.
- **Administrative support and funding for NGOs working on the same issue across the border to share their experiences and knowledge regularly.**
- The employment of someone to make a monthly bulletin of most interesting cases which can be sent out by email to the press locally and internationally, to other NGOs as a form of cross-learning, and to interested parties.
- Structural support for the establishment of quarterly working sessions where NGOs can bring their most interesting and most pressing cases and problems for discussion. This could include the involvement of UNHCR representatives who can share news from their end. It could also become a regional knowledge-sharing platform: speakers could come from Malta, Italy, and other regional situations which face similar situations in order to share their experiences, and to learn from NGOs in Cyprus also.

TO THE INTERNATIONAL COMMUNITY:

- The international community could provide incentives, support, and pressure to both parties to boost inter-communal cooperation at the political and bureaucratic levels.
- Support both Greek and Turkish Cypriot communities to effectively implement the existing laws that protect refugees and harmonize their laws according international refugee law.

61 See United Nations Global Teaching and Learning Project: Cyberschoolbus. Available online at: www.cyberschoolbus.un.org.

Bibliography

- Amnesty International, Amnesty International Report on Cyprus 2010.
- Committee on Economic, Social and Cultural Rights, *Consideration of Reports Submitted by States Parties Under Articles 16 and 17 of the Covenant: Concluding observations of the Committee on Economic, Social and Cultural Rights*, 42nd Session, 4-22 May, 2009, para 18.
- Cyprus Statistical Service, *Labour Statistics 2008*, Series II, Report No. 27, 2010.
- Cyprus Statistical Service Report 2010. http://www.mof.gov.cy/mof/cystat/statistics.nsf/index_gr/index_gr?OpenDocument. Accessed 12 August 2010.
- 'EU racism body gathers information for new report on Cyprus', *Cyprus Mail*, 25 September 2010.
- 'Far right poses a bigger threat to society than immigrants', *Cyprus Mail*, 29 December, 2009.
- Gürel, Ayla and Özersay, Kudret, *The Politics of Property in Cyprus*, International Peace Research Institute, Oslo, 2006.
- Hatay, Mete, *Beyond Numbers: An Inquiry into the Political Integration of the Turkish 'Settlers' in Northern Cyprus*, PRIO Report 4, Oslo/Nicosia: 2005.
- Hatay, Mete, *Settlers, Soldiers, Students, and "Slaves": The Complex Composition of the Turkish Immigrants in Cyprus*, presented at Conference on Cyprus Three Years after EU Accession: A Member State with a Divided Legal System, European Academy, Berlin, 25-26 May 2007.
- 'Illegal immigrants, asylum seekers and refugees', *Today*, 1 January 2008.
- Jabari vs. Turkey, European Court of Human Rights, 40035/98.
- KISA Memo, *Asylum Procedures in Cyprus*, January 2009.
- Loizidou vs. Turkey, European Court of Human Rights, 15318/1989. [http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/0/CF3E836BC3F3336EC2256DC300799C23/\\$file/European%20Court%20of%20Human%20Rights.pdf?OpenElement](http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/0/CF3E836BC3F3336EC2256DC300799C23/$file/European%20Court%20of%20Human%20Rights.pdf?OpenElement), accessed 24 November 2010
- Mackay, James, Latif, Dilek et al, *ENAR Shadow Report 2008*, p. 17. Available online at: <http://cms.horus.be/files/99935/MediaArchive/national/Cyprus%20-%20SR%202008.pdf>, accessed 10 November 2010.
- Mainwaring, Cetta, 'On the Edge: Cyprus, Immigration and the EU', Unpublished paper presented at Middle Eastern Technical University International Relations conference, 20-22 May 2010.
- Mainwaring, Cetta. Uncompleted PhD Thesis, Centre on Migration, Policy, and Society. Oxford University.
- 'Man cuts himself in benefit protest', *Cyprus Mail*, 2 July, 2010.
- New Cyprus Party, *New Cyprus Party's (YKP) Evaluation and Demands Regarding the Population Situation in Northern Cyprus*, February 2008, p. 2. Available online at: <http://www.ykp.org.cy/YKP%20evaluation%20and%20demands%20regarding%20the%20population%20situation%20in%20northern%20Cyprus.pdf>
- 'Nigerian beaten by racist mob', *Cyprus Mail*, 22 July, 2010.
- 'Ombudswoman blasts cheap labour 'exploitation' of asylum seekers', *Cyprus Mail*, 23 January 2008.
- Trimikliniotis, Nicos and Demetriou, Corina, *Active Civic Participation of Immigrants in Cyprus*, 2004.
- TRNC General Population and Housing Unit Census. Available online at: <http://nufussayimi.devplan.org/Census%202006.pdf>, November 10, 2010.

- UNHCR, *2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons*, <http://www.unhcr.org/4c11f0be9.html>, accessed 23rd November 2010.
- UNHCR, 'Statistical Snapshot', <http://www.unhcr.org/pages/49e48dba6.html>, accessed 10 June 2010.
- UNHCR, *Statistical Yearbook 2003*, Office of the United Nations High Commissioner for Refugees, Geneva.
- UNHCR, *Statistical Yearbook 2008*, Office of the United Nations High Commissioner for Refugees, Geneva.
- UNHCR, *Refugee Status Determination Identifying Who is a Refugee Self-study Module 2*, Office of the United Nations High Commissioner for Refugees, Geneva.
- Yakinthou, Christalla, *Political Settlements in Divided Societies: Consociationalism and Cyprus*, Palgrave Macmillan, London, 2009.
- Yakinthou, Christalla, *The (non)debate Around Dealing with the Past in Cyprus: Prosecutions, Amnesties, Commissions*, Oslo Peace Research Institute, Cyprus Centre Annual Conference, Nicosia, June 2009.

Biographies

Öncel Polili is a practising lawyer in North Cyprus and a legal advisor to the Turkish Cypriot Human Rights Foundation. He has written various articles and reports on human rights in North Cyprus.

Christalla Yakinthou is Country Manager of the International Center for Transitional Justice's Cyprus Programme and research fellow for the University of Western Australia and the Bluestocking Institute for Global Peace and Justice. Her most recent book is *Conflict Management in Divided Societies: Theories and Practice* (co-edited with Stefan Wolff).

