



University of  
Central Lancashire  
UCLan Cyprus

# Smuggling and human trafficking across the green line.

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Facilitator:



Knowledge partner:



Support by:



British  
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Nicosia

**Handbook of Good Practices**  
**For the Combatting of**  
**Smuggling and Human Trafficking across the Green Line**  
**February 2022**

**Introduction**

The current Handbook of Good Practices was drafted under the auspices of the project entitled ‘Smuggling and Human Trafficking across the Green Line’. The project has been implemented by UCLan Cyprus, with the help of its knowledge partners, ICLAIM and Step Up Stop Slavery. The aim of the Handbook is to provide recommendations in combating, preventing, and protecting people from smuggling and human trafficking across the Green Line. An auxiliary aim is to enhance the literature and reinforce the capacity of professionals in contact with victims and the law-and-order system.

In achieving the above aims the current Handbook will first provide a brief historical overview as was analysed in the Report on Smuggling and Trafficking of Persons Across the Green Line<sup>1</sup> and then move to the impact of the Green Line on smuggling and human trafficking. After setting out some preliminary observations through the analysis of the most recent developments, the Handbook will provide some recommendations on enhancing the efforts of combating the phenomena of smuggling and human trafficking.

**Brief Literature Review as stated in the Report on Smuggling and Trafficking of Persons Across the Green Line**

A brief literature review and the socio-legal history of the Republic of Cyprus can be found in the Report drafted by the project team.<sup>2</sup> In a nutshell, the island of Cyprus is situated in the Eastern Mediterranean surrounded by three continents. Following a long British reign, 97% of the island gained its independence in 1960.<sup>3</sup> While the Republic of Cyprus was born with the first light on 16 August 1960,<sup>4</sup> the English administration retained 3% of the island’s

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<sup>1</sup> UCLAN Cyprus, ‘Smuggling and Trafficking across the Green line - Outputs’  
<<https://htsproject.uclancyprus.ac.cy/>> last accessed 02/02/2022

<sup>2</sup> Ibid

<sup>3</sup> The Cyprus Act 1960, Section 2; *R (on the application of Tag Eldin Ramadan Bashir and others) v Secretary of State for the Home Department* [2018] UKSC 45; Klearchos Kyriakides, ‘The 1960 Treaties and the search for security in Cyprus (11(4) Journal of Balkan and near Eastern Studies, 2009) 427

<sup>4</sup> The Cyprus Act 1960, Section 1; Klearchos Kyriakides, ‘The 1960 Treaties and the search for security in Cyprus (11(4) Journal of Balkan and near Eastern Studies, 2009) 427

territory.<sup>5</sup> What became known as the Sovereign Base Areas (SBAs) is used as a military base, as a refuge (up to 2003) for migrants, the home of many families, is administered by its own Governor and has its own legislative frameworks and courts.<sup>6</sup>

By 1963, a Constitutional crisis arose. Intra-state and inter-state violence grew ominously and all attempts to restore peace failed. As a result, the United Nations Security Council unanimously adopted resolution 186 (1964), which recommended the establishment of the United Nations Peacekeeping Force in Cyprus (UNFICYP) on the island.

In 1974, Turkey invaded and occupied the northern geographical part of Cyprus, and the Security Council adopted several resolutions expanding UNFICYP's mandate, including supervising the enforcement of the *de facto* ceasefire line that came into effect on 16 August 1974 and maintaining a Buffer Zone between the lines of the Cyprus National Guard and the Turkish and Turkish Cypriot forces.<sup>7</sup> Ever since the abovementioned events, the ceasefire line, which is referred to as the "Green Line", has separated the two parts of the island. The island is inhabited by Greek Cypriots and Turkish Cypriots which make up about 80% and 18% respectively, of the overall population.<sup>8</sup> Since Turkey's 1974 military invasion and the *de facto* division of the island, Turkish Cypriots primarily reside in the north of the island that remains under the military, economic and political control of Turkey, despite having declared itself as the independent 'Turkish Republic of Northern Cyprus' ('TRNC').<sup>9</sup> In compliance with the UN Security Council Resolution 541 (1983), the 'TRNC' has not been recognised by any state, except Turkey.<sup>10</sup>

The Republic of Cyprus acceded to the European Union (EU) on 1 May 2004, and even though the whole of Cyprus is part of the EU, in the parts where the Republic of Cyprus does not exercise effective control, the EU *acquis* is suspended, in line with Protocol 10 to the

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<sup>5</sup> Nasia Hadjigeorgiou 'Sovereign Base Areas (SBA)', Max Planck Encyclopaedia of International law < <https://opil.ouplaw.com/view/10.1093/law-epil/9780199231690/law-9780199231690-e2261> > last accessed on 20/12/2021

<sup>6</sup> *R (on the application of Tag Eldin Ramadan Bashir and others) v Secretary of State for the Home Department* [2018] UKSC 45; Sovereign Base Areas, The SBA Administration (SBAA) < <https://www.sbaadministration.org/index.php/administration> > last accessed on 20/12/2021

<sup>7</sup> Ibid

<sup>8</sup> European Commission, 'Cyprus- Population: demographic situation, languages and religions' (European Commission, 30/11/2021)< [https://eacea.ec.europa.eu/national-policies/eurydice/content/population-demographic-situation-languages-and-religions-15\\_en](https://eacea.ec.europa.eu/national-policies/eurydice/content/population-demographic-situation-languages-and-religions-15_en) > last accessed on 23/12/2021

<sup>9</sup> *Cyprus v. Turkey*, 25781/94, Council of Europe: European Court of Human Rights, 10 May 2001, <<https://www.refworld.org/cases,ECHR,43de0e7a4.html>> last accessed on 23/12/2021; UN Security Council, *Security Council resolution 541 (1983) [Cyprus]*, 18 November 1983, S/RES/541 (1983), < <https://www.refworld.org/docid/3b00f16528.html> > last accessed on 23/12/2021; UN Security Council, *Security Council resolution 550 (1984) [Cyprus]*, 11 May 1984, S/RES/550 (1984), < <https://www.refworld.org/docid/3b00f15b24.html> > last accessed on 23/12/2021

<sup>10</sup> UN Security Council, *Security Council resolution 541 (1983) [Cyprus]*, 18 November 1983, S/RES/541 (1983), < <https://www.refworld.org/docid/3b00f16528.html> > last accessed on 23/12/2021; UN Security Council, *Security Council resolution 550 (1984) [Cyprus]*, 11 May 1984, S/RES/550 (1984), < <https://www.refworld.org/docid/3b00f15b24.html> > last accessed on 23/12/2021

2003 Act of Accession.<sup>11</sup> Despite the fact that the non-government-controlled areas fall outside the EU's *acquis*, the rights of the Turkish Cypriots as EU citizens are not affected.<sup>12</sup> It is also important to mention that the line is not an external border to the EU and is subject to Council Regulation 866/2004.<sup>13</sup> The so-called Green Line Regulation sets out the terms under which persons, goods and services can cross the line from the non-government-controlled areas into the government-controlled areas and *vice versa*.<sup>14</sup> To ensure the effectiveness of the rules contained within the Green Line Regulation, their application was extended to the boundary between these areas and the UK Eastern Sovereign Base Area.<sup>15</sup> In practice, what we refer to as the Green Line is in reality two lines, about 180km long spanning the island. In 2019 alone, there were 3.7 million crossings by people who were shopping or socialising across the Green Line. Approximately 2.4 million were Greek Cypriot crossings to the northern geographical part and 1.3 million Turkish Cypriot crossings to the southern geographical part.<sup>16</sup>

The policing of the Green Line requires an agreement between the two sides as to the population and territory that each police force should be protecting, and a willingness

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<sup>11</sup> Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded - Protocol No 10 on Cyprus, *Official Journal L 236*, 23/09/2003 P. 0955 – 0955; Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded - Protocol No 3 on the sovereign base areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus *Official Journal L 236*, 23/09/2003 P. 0940 – 944. See S. Laulhé Shaelou, *The EU and Cyprus: principles and strategies of full integration* (vol. 3, *Studies in EU External Relations*, Brill/Martinus Nijhoff Publishers, Leiden, 2010).

<sup>12</sup> European Union: Council of the European Union, *Council Regulation (EC) No 2007/2004 of 26 October 2004 : Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*, 26 October 2004, No 2007/2004, <<https://www.refworld.org/docid/4847e8022.html>> last accessed on 23/11/2021. See S. Laulhé Shaelou, *The EU and Cyprus: principles and strategies of full integration* (vol. 3, *Studies in EU External Relations*, Brill/Martinus Nijhoff Publishers, Leiden, 2010); see also S. Laulhé Shaelou, 'Market Freedoms, EU fundamental rights and public order: views from Cyprus', (2011) 30(1) *Yearbook of European Law* 298 (OUP) (pp. 298-357).

<sup>13</sup> Ibid

<sup>14</sup> Ibid

<sup>15</sup> European Union: Council of the European Union, *Council Regulation (EC) No 2007/2004 of 26 October 2004 : Establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union*, 26 October 2004, No 2007/2004, third recital <<https://www.refworld.org/docid/4847e8022.html>> last accessed on 23/11/2021. See S. Laulhé Shaelou, 'The principle of territorial exclusion in the EU: SBAs in Cyprus – a special case of *sui generis* territories in the EU' in D. Kochenov (ed.), *EU Law of the Overseas: Outermost Regions, Associated Overseas Countries and Territories, Territories Sui Generis* (Kluwer Law International, The Netherlands, 2011).

<sup>16</sup> European Commission, Report from the Commission to the Council: Sixteenth report on the implementation of Council Regulation (EC) No 866/2004 of 29 April 2004 and the situation resulting from its application covering the period 1 January until 31 December 2019 <[https://ec.europa.eu/info/sites/default/files/com\\_2020\\_239\\_f1\\_report\\_from\\_commission\\_en\\_v4\\_p1\\_1079\\_406.pdf](https://ec.europa.eu/info/sites/default/files/com_2020_239_f1_report_from_commission_en_v4_p1_1079_406.pdf)> last accessed on 23/12/2021



between the two to communicate with each other so that information exchange can take place. Thus, particular emphasis is given to the collaboration between the *de jure* and *de facto* authorities, which is not forthcoming because of concerns that cooperation will be misconstrued as recognition or a 'Taiwanisation' of the 'TRNC'.<sup>17</sup> An example of the reluctance in cooperation even on criminal matters was seen in the infamous case of *Guzelyurtlu and others v. Cyprus and Turkey*.<sup>18</sup>

Regarding the mechanism for policing the Green Line, the Technical Committee on Crime and Criminal matters, one of the 12 bi-communal technical committees, established to promote better collaboration on everyday matters between Greek Cypriots and Turkish Cypriots, formed the Joint Communication Room (JCR) in 2009.<sup>19</sup> The JCR with the help of the UN facilitates the exchange of information between the two parties, what has been referred to as 'engagement without recognition'.<sup>20</sup> In summary, the two law enforcement agencies have no direct or official communication with each other. Rather, the mechanism allows them to share information and make requests for assistance through UNFICYP. Between June 2009 and 31 December 2018, there were 633 requests for assistance from the Republic of Cyprus police and 388 from the 'TRNC'.<sup>21</sup>

The difficulty to regulate effectively the Green Line either because of its limited policing or due to the challenges within the JCR, has had a great impact on the phenomena of smuggling and human trafficking. For that reason, the next part will look at the way illicit activities have operated across the Green Line.

### **The impact of the Green Line on illicit activities and preliminary observations**

Human trafficking across the Green Line was flagged up as a serious issue that had to be dealt with by the UN Secretary-General in 2005, 4 years before the establishment of the JCR, and was reiterated as a key concern in 2006.<sup>22</sup> It is one of a handful of crimes that were

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<sup>17</sup> See S. Lahlou, 'On the edge of good neighbourliness in EU law: lessons from Cyprus' in D. Kochenov & E. Basheska (eds.), *The principle of good neighbourly relations in the European legal context* (Brill/Martinus Nijhoff, 2015).

<sup>18</sup> *Guzelyurtlu and others v. Cyprus and Turkey* [GC] Application No 36925/07, Council of Europe: European Court of Human Rights. 29 January 2019

<sup>19</sup> United Nations. UN Cyprus Talks: On Criminal Matters (United Nations, 2021) < <https://uncyprustalks.unmissions.org/criminal-matters> > last accessed on 23/12/2021

<sup>20</sup> Ker-Lindsay, James, and Eiki Berg. 2018. 'Introduction: A Conceptual Framework for Engagement with de facto States', *Ethnopolitics*, 17: 335-42; Nasia Hadjigeorgiou and Dina Kapardis, 'Police Cooperation in Cases of Unrecognised Secessions: The Joint Communications Rooms in Cyprus' (2022, forthcoming)

<sup>21</sup> Nasia Hadjigeorgiou and Dina Kapardis, 'Police Cooperation in Cases of Unrecognised Secessions: The Joint Communications Rooms in Cyprus' (2022, forthcoming); United Nations. UN Cyprus Talks: On Criminal Matters (United Nations, 2021) < <https://uncyprustalks.unmissions.org/criminal-matters> > last accessed on 23/12/2021

<sup>22</sup> Report of the Secretary-General on the United Nations operation in Cyprus (4 June 2007, S/2007/328), para. 38; Report of the Secretary-General on the United Nations operation in Cyprus (23 May 2006, S/2006/315), para. 24; Report of the Secretary-General on the United Nations operation in Cyprus (27 May 2005,

expressly named when establishing the JCR. Yet, it has remained an unresolved issue and has been highlighted by the UN Secretary-General in both 2017 and 2020.<sup>23</sup> Human trafficking and smuggling are well-organised criminal activities that have been taking place for decades in Cyprus. The gap in the literature but also the fact that the activities are taking place across the very long and difficult-to-regulate line impairs the good understanding of how the demand from one side of the Green Line feeds supply from the other, and *vice versa*. It thus follows that it is difficult to estimate the extent of the illicit phenomena and the exact number of irregular crossings from the occupied areas to the Republic of Cyprus through the buffer zone and *vice versa*. In a recent report Dr Nasia Hadjigeorgiou, Dr Demetra Loizou, Ms Fezile Osum and Ms Andrea Manoli wrote for the British Institute of International and Comparative Law on Determinants of Anti-Trafficking Efforts in Cyprus,<sup>24</sup> the frozen conflict and the Green Line are identified as one of the major factors that hinder more sustained and effective efforts to address this. Anecdotal evidence shows that individuals who are exploited in the north cross to the Republic irregularly via smugglers and seek protection there. Consequently, one could argue that the mere existence of the line exacerbates the issues at hand because a large part of it is essentially unpoliced, either due to the limited jurisdictional mandate of the UN and/or the reluctance between *de facto* and *de jure* actors to cooperate. Furthermore, data (or lack of) indicates that the absence of consistent and effective cooperation between the Republic of Cyprus and the 'TRNC' authorities regarding activities in their areas of respective effective control and across the Green Line, contributes to the lack of understanding on the full extent of the problem and the profile of the victims at any given time. In this respect, the work of the SBA authorities, their accumulated expertise and knowledge on the matter, is of much value to the design and development of good practices and recommendations, which will form a core part of the Handbook.

Another reason that can be argued to contribute to the flourishing of the illicit activities is the allocation of funding by different authorities. All the above can be referred to as pull/push factors which are of outmost importance to understand the evolving and ever-changing nature of smuggling and human trafficking.

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S/2005/353) para. 23 and para.29. See also: US State Department, 'Trafficking in Persons 2021 Report' 202-205; GRETA, 'Cyprus: Third Evaluation Round: Access to Justice and Effective Remedies for Victims in Trafficking in Human Beings' GRETA (2020) 04 (11 June 2020); Data Collection on Trafficking in Human Beings in the EU (2020)

<sup>23</sup> Report of the Secretary-General on the United Nations operation in Cyprus (10 July 2017, S/2017/586), para. 14; Report of the Secretary-General on the United Nations operation in Cyprus (7 January 2020, S/2020/23) para. 27 and para.24

<sup>24</sup> Nasia Hadjigeorgiou, Demetra Loizou, Fezile Osum, Andrea Manoli, 'Determinants of Anti-Trafficking Efforts: Cyprus Case Study' (forthcoming, 2022, British Institute of International and Comparative Law) < <https://www.biicl.org/projects/determinants-of-anti-trafficking-efforts> > last accessed on 23/12/2021

## **Recommendations on enhancing the efforts of combating the phenomena of smuggling and human trafficking across the Green Line**

### **Recommendation 1: Combined and regular data collection**

The factors within and outside Cyprus have a direct impact on the volume of victims, their profiles and the methods employed by criminal groups in Cyprus and beyond. Accordingly, it is crucial to map out the phenomena across the Green Line to get a better understanding of how to prevent, protect and combat organised crime. During the lifespan of the project, it was noticed that victims with specific profiles cross to the SBAs, rather than the Republic of Cyprus from the occupied areas. It is thus vital to understand the whys and hows of what seems to be a very well-targeted division of the island by smugglers and traffickers. In simple words, smugglers and traffickers take advantage of the division of the island. Nonetheless, it is essential to understand where individuals come from, the type of exploitation they were or are exposed to, their age, gender as part of the response to be formed. The literature on smuggling and human trafficking often distinguishes between men, women and children, even though there are many other distinctions and nuances (i.e., personal background, country of origin etc.) that need to be taken into consideration in making up the profile of the victims and the response of the state and of the civil society.

In order to map all the above, there is a crucial need for a trilateral or a quadrilateral cooperation between the different agents. What will be challenging in recommending cooperation, is the fact that generally the Republic of Cyprus is reluctant to cooperate with the 'TRNC'. Although the legal obligations of Cyprus and Turkey are straightforward under international law, including the case of *Güzelyurtlu and Others v Cyprus and Turkey*<sup>25</sup>; politically, the communication between the agents of a recognised and an unrecognised state is understandably controversial. For that reason, there are specific fora for communication in this respect, one of which is the Joint Communications Room, which could facilitate and gather the data from the occupied areas and share them. Thus, one of the recommendations of this Handbook relates to the production of combined data on the basis of the qualitative and quantitative analyses of the information that shall be received from the JCR, UNFICYP, the Republic of Cyprus and the SBAs. The combined data shall be useful in reaching conclusions as to the profiles of the victims according to the factors mentioned above. Nevertheless, in order to keep up with the ever-changing nature of organised crime, data should be transparently and continually collected and updated. The regular data collection will enhance accountability by implementing systems and promote research that monitors and regulates the flow, institutional funding and so on, something that is largely missing today. It will also reinforce the recording which must be included in national referral mechanisms.

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<sup>25</sup> *Güzelyurtlu and others v. Cyprus and Turkey* [GC] Application No 36925/07

## **Recommendation 2: Improving coordination amongst relevant public bodies**

While it seems that especially in the Republic of Cyprus there is a relatively solid legislative and institutional framework, it does not necessarily mean that it translates into concrete actions on the ground. During recent interviews undertaken for the British Institute of International and Comparative Law on the Determinants of Anti-Trafficking Efforts in Cyprus,<sup>26</sup> it was found that there is a lack of coordination between national authorities (i.e., the Social Welfare Services, the police and the Legal Service) in the Republic. Co-ordinated response is a crucial part in combatting human trafficking and efforts should be made for improving coordination through effective steps such as regular meetings, regular and fast exchange of information amongst relevant public bodies, implementation of working groups etc.

## **Recommendation 3: Enhancing the capacities of public bodies, legal professionals and judiciary**

The strengthening of the capacity of the relevant public bodies that come in contact with victims of smuggling and human trafficking should be achieved. Bodies such as the social welfare services should be strengthened and receive periodic training with the aim of ensuring that the victims are treated in compliance with the human rights principles and that they are not re-traumatised.

The capacities of the legal professionals and judiciary should also be raised in regards to the phenomena of smuggling and human trafficking. Unfortunately, to date, there have been only a few publicly available initiatives, such as continuous professional development (CPD) trainings for lawyers through the Cyprus Bar Association, including the ones provided by the present project which relate to strategic litigation in the field of human trafficking and on becoming trauma-informed professionals respectively.<sup>27</sup> Although strictly speaking lawyers are not ‘responsible’ for the rehabilitation of the victims, victims should not be re-traumatised just because legal professionals are not equipped with the adequate tools to deal with them. The same applies to the judiciary, as there was some criticism allegedly around gender-biased decisions and that judges may be insufficiently equipped to understand the trauma in victim-witnesses, which may result in perceived injustices (for example see the case of *Psyllos v Police*).<sup>28</sup>

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<sup>26</sup> Nasia Hadjigeorgiou, Demetra Loizou, Fezile Osum, Andrea Manoli, ‘Determinants of Anti-Trafficking Efforts: Cyprus Case Study’ (forthcoming, 2022, British Institute of International and Comparative Law) <

<https://www.biicl.org/projects/determinants-of-anti-trafficking-efforts> > last accessed on 23/12/2021

<sup>27</sup> UCLAN Cyprus, ‘Smuggling and Trafficking across the Green line - Outputs’ <

<https://htsproject.uclancyprus.ac.cy/> > last accessed 02/02/2022

<sup>28</sup> *Police v. Psyllos* (2008) J.D.C. 14835



#### **Recommendation 4: Raising awareness of the general public on the phenomena of smuggling and human trafficking**

NGOs or public bodies could inform the public about the given phenomena as there is a common misconception about the victims in Cyprus. The misconception concerns the fact that the society may perceive the victims as intruders, the 'strangers' that came to Cyprus to hurt them, criminals who came to steal and/or engage in various illegal activities. This misconception reinforces the cycle of trauma and augments the dark figures as stereotypes prevent reporting. Access to information should also be achieved through a nationwide information campaign on the given phenomena, which will include television advertisements, posters, flyers in targeted places. Information materials should be also disseminated to young individuals (at schools, in youth spaces and so on) informing them of the phenomena but also of the support available.

#### **Recommendation 5: Raising awareness and knowledge level of youth and vulnerable groups towards the risks of smuggling and human trafficking**

Anecdotal evidence shows that young people are largely unaware of the existence of support within the Republic of Cyprus, in the form of legal support, helplines and shelters. Through vocational training and other basic educational courses, young people, educational institutions and teachers can enhance their capacity. They are also largely unaware of the impact of the Green Line and how the dialogue between constituents of the two communities can facilitate building trust and understanding in working together to battle the phenomena. Although currently in schools there is a non-compulsory module on human rights education, at least in the Republic of Cyprus, this should be enhanced through specialised block deliveries in the curriculum of the ongoing human rights module on prominent issues within the society which include human trafficking and smuggling. There is currently no such module in the northern part of Cyprus, but it should be added to the curriculum to address human trafficking and smuggling.

Vocational training and other basic educational courses including targeted campaigns should be also available to vulnerable groups in the community, such as migrants and migrant children. Enhancing their information is another point that is important for prevention purposes, since the marginalisation of migrant minors and youth may lead to human trafficking. It should be reminded that according to the available literature, the vast majority of migrants in Cyprus came to the island with the assistance of criminal groups. That means that they have been already through a very traumatising experience and are even more vulnerable.

All in all, by enhancing the educational system and the right of information through targeted campaigns, harmful perceptions and behaviors such as victim blaming and shaming, or bullying may be mitigated in an allegedly very deeply religious and male dominated system and society, in which, especially female victims, are mostly believed to have 'consented' or 'asked for it'. This enhancement will not eliminate misconception but will help victims or

potential victims to be aware of the indicators of human trafficking and smuggling and know of the available assistance provided under the law (hotlines, shelter, social welfare, etc.)

#### **Recommendation 6: Improving the educational environment**

Regarding the educational environment, it was noticed that a lot of the victims of smuggling and human trafficking, including but not limited to migrants and children, do not have equal opportunities in education mainly for two reasons:

- The language barrier
- Not all of these children or victims are going through or have finished primary education in Cyprus or their home countries
- Xenophobia, misconceptions, victim-shaming and blaming lead to isolation

To provide for the rights of children to, amongst other things, access to education and self-development, tailored classes should be made in all levels of education. Through education, victims of smuggling and human trafficking could also integrate within the society, thus eliminating the risk for their further or future exploitation and victimisation.

#### **Recommendation 7: Empowering the victims to reach the goal of self-sufficiency and reintegration**

The goal is to enable the residents of any shelters or the victims of domestic violence, or victims of smuggling and human trafficking who do not reside temporarily in a shelter to attain self-sufficiency. The latter though cannot be attained without financial independence as many victims are forced to return to criminality because of economic reasons. This is especially prominent for victims of human trafficking, whose ability, or lack thereof, to seek and find employment is directly linked with their status in Cyprus which is a further complication in itself that may enhance their vulnerability. For these reasons, NGOs alongside the Social Welfare Services and the relevant ministries should assist victims by providing them with the opportunity to find employment or start their own business initiatives while at the same time support them with their psychological trauma. This can also be done by providing information and training on market opportunities, and short courses. These initiatives will not only advance their possibilities of employment but also give the sense to the victims of rebuilding their lives, a hope of being members of a caring community. We acknowledge that especially with regards to human trafficking victims, it is very unlikely for them to start their own business shortly after they have stopped being trafficked due to the personal trauma and the transition period they are going through. This is why psychological support should be present for as long as a health professional deems necessary, in order to assist the psychological transition from 'darkness to light'. To achieve the goals of reintegration, the role of the state in supporting NGOs financially and thus encouraging them to introduce reintegration and rehabilitation programmes is of vital importance since most victims or potential victims do not trust the authorities for various reasons (e.g., personal experiences) and rather wish to engage in mid-term or long-term programmes with NGOs.

#### **Recommendation 8: Strengthening cooperation between civil society and the authorities**

Civil society can have a dual role in the fight against smuggling and human trafficking, that of representation and consultation. During a series of interviews that were undertaken for the purposes of the project entitled 'Determinants of Anti-Trafficking Efforts: Cyprus Case Study', but also during the activities of the current project, it was shown that the cooperation between the civil society and the government efforts was theoretically present but practically minimal in the Republic. The project highlighted the problematic cooperation between the authorities of the Republic of Cyprus and the NGOs, a problematic relationship which was also discussed before the House of Representatives as well covered in the news. Although government agencies perceived NGOs as their 'eyes on the ground' there was reluctance in co-operation and coordination, an observation that has also been made by academics.<sup>29</sup>

One suggestion to improve the coordination and cooperation between governmental agencies and civil society is to promote the efficient operation of the existing inter-agency body, the Multidisciplinary Coordinating Group. The authorities and NGOs should discuss the working principles of the existing body, determine the challenges faced in the past clearly and introduce ways to overcome them. In addition, guidelines could be drafted to assign the roles and responsibilities of each agent involved in the inter-agency body. This will provide the first step in creating a functional relationship between various agencies, including the civil society, and the state. The vital role and impact of a working and functional relationship between the NGOs and the authorities are of the essence. It is thus of the utmost importance to create the means by which this body will work effectively.

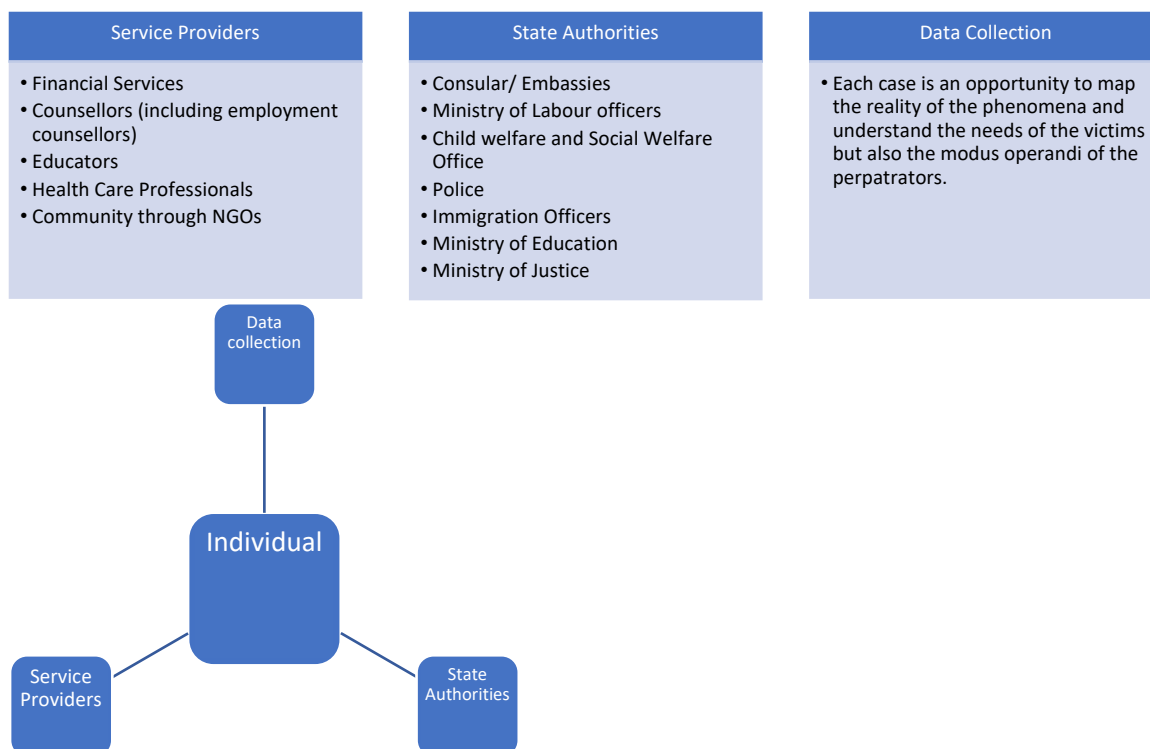
#### **Recommendation 9: Receiving consultation from NGOs**

The representative role should not be confused with the consultative role of NGOs. Currently, the legal framework allows for representatives of NGOs to engage with government entities through public consultations during the legislative process. Even though the consultation capacity of the NGOs and other stakeholders should be reinforced by having more regular meetings; the NGOs themselves should also, after being consulted by the governmental bodies, collect information and implement policies. This is because civil society usually has a better understanding of the needs and the profiles of the victims. This collection will allow them to become more engaged in the legislative process (i.e., in proposing new legislation/amendments).

In simple words, this Handbook suggests that prevention, protection and rehabilitation should go hand in hand through a holistic approach with the individual at its core.

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<sup>29</sup> Carole Beth Cox, Sex Trafficking in Cyprus: An in-depth study of policy, services, and social work involvement, Sage Journals, Volume: 61 issue: 6, page(s): 867-883. Article first published online: January 4, 2017; Issue published: November 1, 2018. Available here: <https://journals.sagepub.com/doi/pdf/10.1177/0020872816681657>



### Recommendation 10: The role of the Legislature

The House of Representative can enhance awareness through;

- Increased public debate and discussion of the issues at hand, including before the relevant Parliamentary Committees;
- Through consultation with the civil society in hearings and other oversight forums;
- Hold public hearings;
- Engage survivors of trafficking in persons in formulating policy frameworks for victim identification and protection

### Recommendation 11: Improving judicial proceedings:

**The need to overcome chronic delays in justice.** One of the most prominent findings of any research relating to the Cypriot justice system is the fact that there are chronic delays in its operation. In the interviews undertaken for the BIICL project, one evidence was that, due to the chronic delays, many victims wished to leave the Republic and return to their countries. In practice, this usually meant that without their testimonies the case was unsuccessful and many perpetrators went unpunished. It is thus of vital importance to create a mechanism that will deal with the cases in a timely and efficient way.

**The need to overcome other key obstacles which have direct effect on justice.** Another key obstacle that was identified related to the perceived cruelty of cross-examination proceedings. Whereby video-recorded statements are not submissible before a competent court except in the case of a child, yet even in these cases the victim or alleged victim is obliged to stand before the court for cross-examination often in the plain sight of the perpetrator. This is highly intimidating and adds extra stress to victims, who are on many

occasions, sole witnesses in a case, thus hindering such investigations, prosecutions and ultimately convictions. To balance both the rights of the accused and the accuser, a simple solution would have been for the victim to be physically present at the court either in another room or via technological means connected to the court room where the judge, and the prosecution is, or through the simple use of dividers.

**NGOs in their representation role can also play a crucial part during the judicial proceedings.** The victims should be able to receive physical, psychological, social assistance but also legal representation and information on their rights. Such assistance is often very difficult to be given by the police or the office of the Attorney General which are two of the bodies which the victims get in touch with extensively in case of an official complaint. During this period, victims are particularly vulnerable and need to be aware of the developments at any given time in a clear, simple language that prevents re-victimisation. Consequently, state agencies such as the social welfare office alongside the civil society could cooperate to assist the victims from the time of the initial complaint until the end of the judicial proceedings and beyond that.

**Recommendation 12: Improving the legal framework in the northern part of Cyprus:**

The recommendations above are also applicable for the northern part of Cyprus however, there are significant differences with the Republic in regards to the legal framework on the protection of the victims that need to be addressed. The current local legal framework only criminalises human trafficking and smuggling,<sup>30</sup> but it fails to provide a comprehensive legal framework that would include identification of the victims, protection measures and assistance mechanisms. The legal framework fails to provide victims' rights such as residency, accommodation, health, access to labour market etc. and it does not establish an assistance mechanism that would cover social welfare assistance, psychological and legal aid. This makes the victims vulnerable and they refrain from reporting trafficking cases to the local bodies due to a lack of trust and uncertainty. In addition, especially the traffickers target the northern part of Cyprus since they are aware of the legal absences and political unwillingness to tackle the phenomenon.<sup>31</sup> Therefore, a comprehensive legal text that would establish the protection and assistance mechanisms for the victims and effectively provide their rights defined under international law should be adopted immediately. In addition, an effective coordination mechanism needs to be provided to ensure a coordinated response between the relevant actors in the northern part of the island.

**Other Recommendations:**

**More efficient use of the Joint Communication Room:** One of the major problems that were identified is the minimum cooperation between the *de facto* and *de jure* administrative jurisdictions on the island. Although there is a forum for cooperation

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<sup>30</sup> Kıbrıs Gazetesi, 'İnsan ticareti ile mücadelede en başarısız ülkelerdeniz' (30 July 2020) <<https://www.kibrisgazetesi.com/kibris/insan-ticareti-ile-mucadelede-en-basarisiz-ulkelerdeniz-h93673.html>> accessed on 02/02/2022.

<sup>31</sup> To reach the human trafficking and human smuggling articles in the northern part of Cyprus please visit: <[https://patcyprus.org/file/criminal-code-amendment-en-31-march\\_250.pdf](https://patcyprus.org/file/criminal-code-amendment-en-31-march_250.pdf)> last accessed on 02/02/2022



between the 'TRNC' and the Republic of Cyprus through the JCR, this cooperation has been limited in issues of human trafficking and smuggling. Various initiatives in Asia, between various law enforcement bodies showed an increased number of prosecutions before repatriation through a solidified formalised channel for the sharing of information, including providing the opportunity to repatriate victims and ensure that they get home safe without compromising their security or any ongoing investigations or prosecutions of traffickers, wherever possible.<sup>32</sup> In Cyprus this can be achieved through a 6-month monitoring and evaluation scheme which will designate specific indicators as to which civil society organisation could be approached in order to improve the flow of information and augment the reporting cycle.

**Cooperation between *de jure* bodies:** Although especially when it comes to human smuggling, the SBAs hand over the asylum seekers to the Republic of Cyprus, there is a general lack of co-operation among authorities especially with regards to court proceedings and investigations. A forum with representatives of the SBAs and the Republic of Cyprus could also help to improve the cooperation. One could inform the other about the ongoing challenges as those arise with respect to the unpoliced Green Line and organise and co-ordinate police investigations. Since both the SBAs and the Republic of Cyprus started taking initiatives to combat the phenomena of smuggling through the Green Line by the implementation of bolstering police measures, representatives of each administrative jurisdiction could come together and share intelligence. Throughout the lifespan of the project, the extensive training of the SBA police was also noted. As the challenges the two law enforcement bodies face are usually similar within the island, common trainings could also assist cooperation, communication and skill development.

**Main Author:** Andrea Manoli **Second Author:** Fezile Osum, **Reviewers:** Dr Nasia Hadjigeorgiou, Dr Demetra Loizou, **Quality Lead:** Prof Stephanie Laulhe Shaelou

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<sup>32</sup> Australian Aid, AFPPD and IPPF South Asian Region, 'Parliamentary Good Practices for Effective Implementation of Laws and Policies for Prevention of Trafficking' (2021) < <https://reliefweb.int/sites/reliefweb.int/files/resources/29-parliamentary-good-practices-for-effective-implementation-of-laws-and-policies-for-prevention-of-trafficking.pdf> > last accessed on 08/01/2022

