

Human Trafficking in Cyprus:

The Crime, Victims,
Perpetrators, and their
Connection to the Island's
Frozen Conflict

Nasia Hadjigeorgiou

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HUMAN TRAFFICKING IN CYPRUS: THE CRIME, VICTIMS, PERPETRATORS, AND THEIR CONNECTION TO THE ISLAND'S FROZEN CONFLICT

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Report 1/2022

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TRNC: The Turkish Republic of Northern Cyprus (TRNC) is only recognised by the Republic of Turkey. While for Turkey and the Turkish Cypriots, Ersin Tatar serves as President of the TRNC, the international community considers him the communal leader of the Turkish Cypriots. As the government of the Republic of Cyprus remains internationally recognised as the government of the whole of the island, the entire island is now considered to be a member of the European Union. However, the *acquis communautaire* is suspended in northern Cyprus pending a political settlement to the Cyprus problem (see Protocol no. 10 of the Accession Treaty)

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INTRODUCTION

Fhis report is the outcome of research on human trafficking in Cyprus that took place in 2021-2022.¹ It seeks to describe the forms of human trafficking that exist on the island and identify the victims and perpetrators of this crime. It provides evidence that human trafficking for sexual exploitation and labour exploitation purposes is widespread on both sides of the UN-controlled buffer zone. It concludes that while the crime is perpetrated everywhere in the world, the existence of the buffer zone, which signifies the perpetuation of the frozen conflict in Cyprus, exacerbates both the phenomenon and its negative outcomes.

Cyprus is an island in the Mediterranean that is de facto divided in two, between the internationally recognised Republic of Cyprus (RoC) and the non-internationally recognised Turkish Republic of Northern Cyprus (TRNC). The de jure and de facto Cypriot states do not recognise or cooperate with each other and have entirely different laws and institutions.² They are separated by the so-called Green Line, or buffer zone, a 180 km-long line, policed by the United Nations Peacekeeping Force in Cyprus (UNFICYP).³ The Green Line divides the Greek Cypriots, the majority of whom live in the RoC (in the south of the island) from Turkish Cypriots, most of whom live in the TRNC (in the north).⁴ It is semi-permeable in that there are nine checkpoints that individuals can use to cross from one side to the other.⁵ At the same

¹ The research for this report was funded by the Research Centre for Migration, Diaspora and Exile (MIDEX) at UCLan UK (information on MIDEX is available at <https://www.uclan.ac.uk/research/centres/migration-diaspora-and-exile>). The report also builds on insights from previously funded projects, namely (a) 'Exploring the Socio-legal Challenges Faced by Foreign Domestic Workers in Cyprus,' funded in 2020 by the Hellenic Observatory of the London School of Economics (project information and publications are available at <https://www.lse.ac.uk/Hellenic-Observatory/Research/Cyprus-Projects-2019-2020/Exploring-the-Socio-legal-Challenges-Faced-by-Foreign-Domestic-Workers-in-Cyprus>); (b) 'Determinants of Anti-Trafficking Efforts', coordinated by the British Institute of International and Comparative Law and funded by the US Government (project information and deliverables are available at <https://www.biiic.org/projects/determinants-of-anti-trafficking-efforts>); and (c) 'Smuggling and Human Trafficking Across the Green Line', funded in 2021 by the British High Commission in Nicosia (project information and deliverables are available at <https://htsproject.uclancyprus.ac.cy>).

² Nasia Hadjigeorgiou and Dina Kapardis, 'Police Cooperation in Cases of Unrecognised Secessions: The Joint Communications Room in Cyprus' (2022), *Ethnopolitics* (in print, currently available online).

³ Further information on UNFICYP can be found on its official website, available at <https://unficyp.unmissions.org/about>.

⁴ *Cyprus v Turkey* (European Court of Human Rights, App no 25781/94, 10 May 2001).

⁵ A list of the checkpoints in Cyprus is available on the official website of the RoC Customs and Excise Department: <https://www.mof.gov.cy/mof/customs/customs.nsf/All/05AEEF243C9BFC8BC22572BF002D0A28>

time, irregular migrants and human trafficking victims cross through other unpoliced parts of the Green Line in order to avoid detection by the authorities.⁶

The report reaches its conclusions by relying on a recent literature review and empirical research findings. The literature review focused on documents – laws, cases, academic articles and reports – published from 2009 to 2022. These were published in English, Greek or Turkish, by (de jure or de facto) state bodies, academics, civil society, foreign governments, and international organisations. The empirical part of the research consists of interviews with the police and representatives of civil society organisations (CSOs) in the RoC, and CSO representatives in the TRNC. No other information will be provided about the CSO representatives who were interviewed in order to ensure their anonymity and safety.

The findings of this research are structured as follows: Section 1 explains the value of this report and the gaps it intends to address. Sections 2 and 3 summarise the legal and institutional frameworks in both the RoC and the TRNC. Section 4 outlines the ways in which human trafficking for purposes of sexual exploitation takes place in the TRNC, and Section 5 focuses on how it manifests in the RoC. Combined, these two sections (4 and 5) suggest that there are important connections between how human trafficking for sexual exploitation purposes takes place in the TRNC and how the victims of this crime are treated in the RoC. Section 6 focuses on human trafficking for labour exploitation purposes in the whole of Cyprus, and argues that there are very few differences in how the crime is committed on each side of the Green Line. Yet, despite these similarities, there appears to be little interaction between victims and perpetrators based in the RoC and those based in the TRNC.

⁶ For an example of this, see '9 kişiyi, 70'er Euro karşılığında Kıbrıs'ın güneyine geçirmeye çalıştı' ['Tried to transfer 9 people to the south of Cyprus in exchange for 70 Euros'], *Yenidüzen* (21 June 2022), available at <https://www.yeniduzen.com/9-kisiyi-70ser-euro-karsiliginda-kibrisin-guneyine-gecirmeye-calisti-153986h.htm>.

THE VALUE OF THIS REPORT

Article 3(a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, of the UN Convention Against Transnational Organized Crime (also known as the Palermo Protocol) defines human trafficking as consisting of three elements.⁷ These are:

- (a) the act ('the recruitment, transportation, transfer, harboring or receipt of persons');
- (b) the means ('the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person'); and
- (c) the purpose ('exploitation', which includes 'the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs').

Thus, any person who recruits (in the country of origin), receives (in the country of destination), or transfers (in either of the two countries, or anywhere in between) another person with the means and purpose described in the Palermo Protocol is committing the crime of human trafficking.

As the definition suggests, human trafficking consists of a series of well-organised criminal activities undertaken by transnational networks of individuals and organised groups. Its success depends on an inability, or unwillingness, of state authorities to understand how victims are moved and exploited, and to effectively address this problem. While, however, human traffickers operate in the shadows wherever they are based, they are able to do so to a greater extent in Cyprus due to two additional reasons. The first and most important reason relates to the frozen conflict, which has geographically divided the island and made Greek Cypriot and Turkish Cypriot authorities unwilling to communicate and collaborate with each other. As a result, the law enforcement bodies on one side of the Green Line are for the most part in the dark about the ways in which humans are trafficked in the other.⁸ Additionally, because the buffer zone is porous, and due to serious limitations in the TRNC legal framework,

⁷ The Protocol was adopted by the United Nations General Assembly on 15 November 2000.

⁸ Hadjigeorgiou and Kapardis, 'Police Cooperation in Cases of Unrecognised Secessions'.

it often happens that individuals are trafficked in the north but apply for victim status in the south of the island. The inability of the RoC authorities to access information about what happened in the TRNC – either by talking to the alleged perpetrators or searching their premises – hinders efforts in both crime prevention and victim protection. While there is a mechanism in place that, in principle, facilitates cooperation between the RoC and TRNC law enforcement agencies, called the Joint Communications Room,⁹ this has proved unable to respond to, or even shed light on, the crime of human trafficking.¹⁰

The second reason that human trafficking in Cyprus is shrouded in mystery concerns practices that have been adopted by the Turkish Cypriot and, to a lesser extent, the Greek Cypriot authorities. The TRNC only criminalised human trafficking in 2020, and to date there has been just one ongoing prosecution under (new) Article 254B of the Criminal Code (perpetrators are often charged with less serious crimes, such as assisting prosecution).¹¹ Article 254B(1) provides that ‘Any person who enables someone to enter the Trafficking country [...] in order to force them into labour or into prostitution or to serve others or to be subjected into servitude or slavery or removal of organs, commits a serious crime called Human Trafficking and, if convicted, is sentenced with up to 10 (ten) years of imprisonment or punished with a punitive fine or both.’ The law, however, makes no provision for the drafting of national action plans, the creation of specialised bodies to respond to the crime, or the protection of human trafficking victims in any practical way (such as the provision of accommodation or legal aid). The total lack of an institutionalised framework means that human trafficking victims in the TRNC have no way nor real incentive to come forward and complain about the abuses they have suffered. As a result, many either continue being abused, or eventually return to their countries of origin without any recourse.

Additionally, the lack of an institutionalised framework of protection means that there are no official records of the number of victims in the TRNC. This has allowed TRNC officials to claim, for example, that any complaints about human trafficking of African students are ‘isolated’ and ‘minor incidents’.¹² Nevertheless, this is not the picture provided by CSOs

⁹ For more information on the Joint Communications Room, see *Ibid.*

¹⁰ The UN first flagged an increasing tendency in human trafficking cases across the Green Line in 2005. See: Report of the Secretary-General on the United Nations operation in Cyprus (27 May 2005, S/2005/353), para. 23; Report of the Secretary-General on the United Nations operation in Cyprus (23 May 2006, S/2006/315), para. 24. Nevertheless, over the years, little to no concrete action has been taken by either of the two communities to address this. See: Report of the Secretary-General on the United Nations operation in Cyprus (10 July 2017, S/2017/586), para. 15; Report of the Secretary-General on the United Nations operation in Cyprus (7 January 2020, S/2020/23), para. 9. All UN Secretary-General Reports on Cyprus can be found at https://www.securitycouncilreport.org/un_documents_type/secretary-generals-reports/?ctype=Cyprus&cbtype=cyprus.

¹¹ Two individuals are currently on trial (a 34-year-old Nigerian woman and a 26-year-old Nigerian man) for the trafficking of a Nigerian girl who was locked up in a private apartment and forced into commercial sex. See: ‘Fuhuş davasında gelişme’ [‘Progress in the Prostitution Case’], Haber Kibris (9 September 2022), available at <https://haberkibris.com/26-yasindaki-kiza-fuhus-yaptirdilar-1323-2022-05-09.html>.

¹² Statement by TRNC Minister of Education, Nazim Çavuşoğlu, in the online video ‘Northern Cyprus Shatters Dreams of African Students’ (17 June 2022), available at <https://www.youtube.com/watch?v=gPhA6UND58&t=527s>.

operating in the TRNC. According to a recent survey of 800 students, 79% of whom were African, half said they had been misled by the university agents that brought them to Cyprus.¹³ This misinformation more often than not results in the student being forced to work as an irregular immigrant, and due to their vulnerable position, to be exploited in the process.¹⁴ Evidence of widespread exploitation is also provided by CSOs in the TRNC which, since December 2019, have been running a hotline for victims. Between December 2019 and December 2020, the hotline received 271 complaints in total. During this period, the most-reported form of trafficking was labour exploitation in the construction sector; only 12 sex trafficking cases were reported. In 2021, there were 52 complaints: two sex trafficking and 50 labour trafficking cases. However, since the beginning of 2022, the hotline has only received complaints relating to sex trafficking cases, 70% of which concern African women brought to the TRNC with the use of student visas.

The situation in the RoC is considerably better than in the TRNC: while in 2022, the TRNC continued to be ranked as a Tier 3 territory in the US 'Trafficking in Persons' report, the Republic improved its ranking from a Tier 2 to a Tier 1 country.¹⁵ The RoC criminalised human trafficking in 2014,¹⁶ and further increased the criminal sanctions levied on convicted persons in 2019.¹⁷ Moreover, the Republic runs a number of shelters for male and female human trafficking victims and has set up an institutional framework that ensures their protection through a national referral mechanism¹⁸ and a national action plan.¹⁹ The progressive provisions of the law notwithstanding, criticisms have been made that these are mostly successes on paper, rather than in practice.²⁰ Additionally, the government does not regularly report on its activities to combat the crime,²¹ does not publish any statistics on victims or perpetrators, and even the (few)²² decisions of criminal courts on human trafficking are often

¹³ The survey is quoted in *Ibid.*

¹⁴ In a recent case, TRNC police arrested a group of suspects who had allegedly brought 322 Bangladeshis to the north of Cyprus. The Bangladeshis had each paid €6000 to be registered in one of five universities, but as soon as they arrived on the island, they were told they had to work in the construction industry. In the same case, the suspects had allegedly promised the Bangladeshis that they could help them reach the RoC for a €150 fee. See: '6 bin euro karşılığında 5 farklı eğitim kurumuna kaydedilen 322 Bangladeşli inşaatta çalıştırıldı' ['322 Bangladeshis enrolled in 5 different educational institutions for 6 thousand euros were employed in construction'], *Havadis Kıbrıs* (19 August 2022), available at <https://www.havadiskibris.com/6-bin-euro-karsiliginda-5-farkli-egitim-kurumuna-kaydedilen-322-bangladesli-insaatta-calistirildi/>.

¹⁵ US Department of State, 'Trafficking in Persons Report July 2022', pp. 197 and 199. In other words, in 2022, the TRNC received the lowest available ranking and the RoC, the highest available one.

¹⁶ (RoC) Prevention and Combatting of Trafficking and Exploitation of Persons and Protection of Victims Law (60(I)/2014).

¹⁷ (RoC) Prevention and Combatting of Trafficking and Exploitation of Persons and Protection of Victims (Amendment) Law (117(I)/2019).

¹⁸ Law 60(I)/2014, Article 44.

¹⁹ *Ibid.*, Article 64(3).

²⁰ Christina Kaili, 'Mind the Gap Report: COALESCE for Support in Cyprus – Needs Analysis for the Integration of Migrant Female Victims of Trafficking for Sexual Exploitation/Abuse' (Mediterranean Institute of Gender Studies, May 2021).

²¹ The National Action Plan for 2016-2018, which was supposed to list actions for change and relevant indicators to assess their implementation, was only approved by the Council of Ministers on 5th January 2017 (RoC Council of Ministers Decision 81.885).

publicly unavailable. Although there are some CSOs that work in the area of anti-trafficking in the Republic, none report the number of those they have helped, thus leaving interested parties unclear about the full extent of the problem.

This lack of transparency on both sides of the Green Line – albeit to different extents – makes the present report valuable in two ways: it provides the authorities with much-needed information that they can use to shape their policies and responses to human trafficking; it raises public awareness about the crime and its victims. In 2017-2018, Cyprus was reported as having 168 presumed trafficking victims per million inhabitants, which was the highest number among all EU member states.²³ The second ranked country on the list (the UK) was estimated as having 91 presumed human trafficking victims per million inhabitants.²⁴ And so while Cyprus has a responsibility to respond to such an acute humanitarian crisis, it has very little understanding of how it came about, who benefits from it, and who is harmed by it. Moreover, any attempts to address the situation are not currently informed by data or even basic accurate information as to what is happening on the ground, making any success a matter of chance, rather than the product of sound strategic decisions. By way of illustration, when the representative of the RoC Police department was asked whether the RoC police could cooperate with the TRNC law enforcement bodies through the Joint Communications Room, s/he replied that this was not an option since human trafficking was not a criminal offence in the TRNC. Almost two years since the change in the law in the TRNC, this had not been communicated to, let alone shaped the strategic decision-making of the RoC authorities.

At the same time, this report can inform the general public about the victims of human trafficking in Cyprus. Both the RoC Ombudsman and CSOs in the TRNC have pointed out that the average Cypriot does not recognise labour exploitation when they see it and might even – inadvertently in some cases – practice it themselves. As the RoC Ombudsman stated, in relation to foreign domestic workers in 2019:

the belief that domestic workers are a “special” and completely distinct category of workers has been cultivated to such an extent that the systematic violation of their labour rights, and many times their fundamental human rights, becomes acceptable – to the point of being invisible – even to those employers who have no such intention.²⁵

²² In 2021, the RoC was listed as a Tier 2 country because for the third consecutive year, RoC Courts had not convicted any perpetrators under the trafficking law (US State Department, ‘Trafficking in Persons 2021 Report’, pp. 202-205.) Nevertheless, in 2022, there was a marked increase in the number of human trafficking cases that were successfully prosecuted in RoC Courts.

²³ Data Collection on Trafficking in Human Beings in the EU (2020), available at <https://op.europa.eu/en/publication-detail/-/publication/5b93c49f-12a0-11eb-9a54-01aa75ed71a1>, Figure 4.2.

²⁴ Ibid.

²⁵ RoC Ombudsman, *Report on the Institutional Framework Regulating Domestic Work in Cyprus* [Αυτεπάγγελτη Τοποθέτηση Της Επιτροπής Διοικήσεως Και Προστασίας Ανθρωπίνων Δικαιωμάτων, Ως Εθνικής Ανεξάρτητης Αρχής Ανθρωπίνων Δικαιωμάτων, Αναφορικά Με Το Θεσμικό Πλαίσιο Που Ρυθμίζει Την Οικιακή Εργασία Στην Κύπρο] (21 Oct 2019), para. 55.

Similarly, CSOs on both sides of the Green Line agree that men or boys who use the services of victims of sexual exploitation typically do not understand that the women they are paying for are there against their will. Shedding light on what human trafficking looks like will present a more accurate picture of the victims and allow members of the general public to perceive them as such, rather than seeing them as workers engaged in voluntary employment. Incidentally, the similarities in how human trafficking is misunderstood on both sides of the buffer zone lend themselves to joint information campaigns run by the Greek Cypriot and Turkish Cypriot communities.²⁶

²⁶ To date, a number of similar initiatives have been implemented by the Technical Committee on Crime and Criminal Matters. These include a joint seminar on the use of illegal drugs (Report of the Secretary-General on the United Nations operation in Cyprus [31 May 2011, S/2011/332], para. 24), a bicomunal festival sensitising youth to the dangers of drugs and alcohol (Report of the Secretary-General on the United Nations operation in Cyprus [29 June 2012, S/2012/507], para. 22) and a seminar on domestic violence (Report of the Secretary-General on the United Nations operation in Cyprus [5 July 2013, S/2013/392], para. 26).

THE LEGAL AND INSTITUTIONAL FRAMEWORK IN THE RoC

Over the last six years, the RoC has been oscillating between a Tier 1 and Tier 2 ranking in the US State Department’s ‘Trafficking in Persons’ reports.²⁷ It enacted anti-trafficking legislation criminalising all major trafficking offences in 2014,²⁸ which was amended in 2019 to increase the maximum sentences for these crimes.²⁹ The 2014 legislation also includes provisions on victim protection,³⁰ the establishment of a National Coordinator for anti-trafficking efforts,³¹ and a Multidisciplinary Co-ordination Group to provide more holistic insights into the State’s and civil society’s anti-trafficking initiatives and co-operation.³² The Human Trafficking Unit of the police was established in 2004 and started investigating cases in 2015,³³ while a victims’ hotline was set up and became operational in March 2021. Seeking to increase the ways in which complaints can reach the police, the Human Trafficking Unit also launched an online platform for this purpose in September 2022. In the RoC, there is currently one shelter for male victims of human trafficking and four shelters for female victims (with one being run by the state and the rest by CSOs).

While a person can only be recognised as a human trafficking victim by the police, they can be flagged as a presumed victim through different avenues. The police can be informed about a presumed victim by the Ministry of Labour (which, in turn, has been informed through an inspection or a complaint) or by a CSO – these are often the first points of contact for vulnerable individuals. Nevertheless, by far the most victims in the RoC are found within

²⁷ For a summary of the RoC rankings, see Nasia Hadjigeorgiou et al., ‘Case Study: Cyprus: Determinants of Anti-Trafficking Efforts’ (British Institute of International and Comparative Law, 2022).

²⁸ Law 60(I)/2014.

²⁹ Law 117(I)/2019.

³⁰ For example, Law 60(I)/2014, Article 29(1) provides that victims will not be prosecuted for actions they committed while they were being trafficked; Article 35(1) refers to the right of victims to compensation; Article 36 provides that victims have a right to legal advice that is independent of their decision to cooperate or not cooperate with the prosecuting authorities.

³¹ Ibid., Article 66.

³² Ibid., Article 64(1).

³³ Pre-2015, the Unit’s mandate was more policy based and was focused, for instance, on the modernisation of the legislation.

the large population of asylum seekers. The reason for the significant overlap between these two groups is that almost all trafficking victims in the RoC are irregular migrants.³⁴ Unless irregular migrants apply for asylum, they have no access to free healthcare or basic income, and they run the risk of deportation from the country. As a result, the most common (and logical) decision of irregular migrants in the RoC, including those who were trafficked to the island, is to apply for asylum. Since 2019, asylum seekers in the RoC are sent to reception centres; there, they undergo a vulnerability assessment interview with a member of the Social Welfare Services. If this assessment raises concerns about human trafficking, the case is sent to the police for further investigation.

Irrespective of the process through which someone is identified as a presumed human trafficking victim, when this happens the police become involved. They ask for and receive a report from the State Psychiatric Services and, based on that report and their own interviews with the presumed victim, they reach a conclusion as to whether the individual in question was indeed trafficked.³⁵ Even though the police are responsible both for identifying victims and investigating cases of human trafficking, the two processes are not necessarily connected. The police might indeed be more likely to pay closer attention to a victim they believe would make a reliable witness in a criminal case, but there is no obligation under the law for the victim to cooperate with the police in order to be recognised as such.³⁶ Interviewees mentioned that a suggestion had been made within the Multidisciplinary Co-ordination Group that only those who testified in a criminal trial be recognised as trafficking victims, but this was ultimately rejected. It is, therefore, possible that someone will be recognised as a victim even if their trafficker has died or left the country (and therefore cannot be prosecuted) or if the prosecution decides not to put the victim on the stand (for instance, because they are mentally disabled). Yet, in practice, those victims who are textbook examples of extreme trafficking will most probably be recognised by the RoC, while those who only have some elements of trafficking in their stories are unlikely to receive victim status.

The fact that in the RoC most trafficking victims are identified from the pool of asylum seekers becomes politically significant when one also considers that most asylum seekers reach the RoC by irregularly crossing the Green Line from the TRNC.³⁷ How these victims

³⁴ In all interviews with the RoC authorities and CSOs in the Republic, there was only one reference to a Greek Cypriot human trafficking victim.

³⁵ The RoC police procedures rely on a standard document that reflects international standards and best practices.

³⁶ Law 60(I)/2014, Article 43(2).

³⁷ According to the Government Spokesperson, during the first 10 months of 2021, there were 10,868 irregular entries to the Republic; of these, 9270 entered the RoC irregularly through the Green Line. (Press and Information Office, 'Ο Πρόεδρος της Δημοκρατίας Προήδρευσε Ευρείας Σύσκεψης για το Μεταναστευτικό' [The President of the Republic Presided Over Meeting Relating to Migration], 10 November 2021), available at <https://www.pio.gov.cy/avakoivwθένtr-άpθpo.html?id=23969#flat>. For a critical discussion of the numbers cited by the Government Spokesperson, listen to 'Figure It – Episode 8: Migration in Cpyrus: Unpacking the Numbers with Nasia Hadjigeorgiou' (24 November 2021), available at <https://islandtalks.fm/podcast/figure-it-episode-8-migration-in-cyprus-unpacking-the-numbers-with-nasia-hadjigeorgiou-24-11-2021/>.

reach the Republic is important because the government views asylum seekers arriving in the RoC from the TRNC as tools in ‘a blatant policy of instrumentalization of human pain from Turkey, in accordance to a predetermined and conscious policy’.³⁸ This is the standard narrative of RoC officials, with the Minister of the Interior having claimed in 2020 that ‘bringing migrants of different nationalities to Cyprus takes place in accordance with Turkish plans’,³⁹ and his predecessor alleging the year before that ‘there is a danger that in [the Republic of] Cyprus, a Muslim minority will be created [...] There are settlers in the free areas’.⁴⁰ In turn, perceiving the human trafficking problem in existential terms makes it less likely that asylum seekers, among them human trafficking victims, will be perceived as deserving of the RoC’s protection and resources. As one CSO representative in the RoC put it, ‘trafficking victims are now lost in the sea of asylum seekers and that is unfortunate because [the Greek Cypriot] people are angry at asylum seekers’.

Human trafficking victims are detrimentally affected not only by the public’s negative perceptions of asylum seekers, but also by their sheer numbers, which are, comparative to the overall RoC population, extremely high.⁴¹ This affects human trafficking victims in two ways. First, due to the high number of asylum seekers undergoing the vulnerability assessment interview, the system is stretched too thin. In simple terms, there are too many applicants and not enough people to process their applications. As a result, case workers have reportedly become desensitised to the stories they hear and are less likely to spot genuine human trafficking complaints. Representatives of CSOs in the RoC referred to vulnerability assessment interviews that lasted less than 10 minutes, or instances in which an interview took place where the case worker and presumed victim lacked a common language, and no interpreter was provided. Perhaps the most extreme example was the reported response of one case worker, who upon hearing that the presumed victim was from Cameroon, and before the interview had even started, determined that she was lying and that she could not have been trafficked to Cyprus. The second negative consequence stemming from the high number of asylum seekers is that CSOs, and not just the government, have lowered the quality of care they are providing. Presumed trafficking victims receive accommodation, food, and access to a doctor, but as one CSO representative

³⁸ Press and Information Office, ‘The President of the Republic Presided Over Meeting Relating to Migration’.

³⁹ Vasos Vasiliou, ‘Νουρίς: Μαιμού Φοιτητές και Γαμπροί Αιτητές Ασύλου’ [‘Nouris: Fake Students and Groomed Asylum Seekers’] *Phileleftheros* (24 May 2020), available at <https://www.philenews.com/eidiseis/politiki/article/943328>.

⁴⁰ Michalis Polydorou, ‘Κ. Πετρίδης: Φόβοι ότι Μεταξύ των Μεταναστών που Φθάνουν Είναι και Τζιχαντιστές’ [‘C. Petrides: Fears that among the Migrants Arriving there are Jihadists’], *Reporter* (18 January 2019), available at <https://www.reporter.com.cy/politics/article/445419/k-petridis-foboi-oti-metaxy-ton-metanaston-poy-ftthanoy-n-einai-kai-tzichantistes>.

⁴¹ In 2021, Cyprus, with 1,480 applications per 100,000 inhabitants, had the highest number of first-time asylum applications in the whole of Europe. The second ranked country – Austria – had 411 applications, and the third – Slovenia – had 247 applications per 100,000 inhabitants. (European Commission, ‘Statistics on Migration to Europe, Seeking Asylum in Europe’, available at https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en.)

lamented, 'these are exactly the same services that are being offered in a dog shelter.' The same representative estimated that they receive 350 calls for help from irregular migrants every day, of which only 150 are answered; the rest must simply be ignored. This is different to what was happening even three years ago, when CSOs in the RoC were actively searching for and identifying presumed trafficking victims who could not reach out to them or the authorities.

LEGAL AND INSTITUTIONAL FRAMEWORK IN THE TRNC

Every year, the US State Department's Trafficking in Persons Report notes that, had the TRNC been an internationally recognised country, it would be ranked as a Tier 3 country. In 2020, human trafficking was criminalised in the TRNC for the first time, yet it remains unclear whether, how, and to what extent this provision will be enforced in practice. This is partly because of the law and partly because of the way it has been applied. On the one hand, the law extends no legal, financial, or psychological support to victims of human trafficking. On the other, irregular migrants who claim they had been trafficked in the TRNC are typically deported before their complaint is investigated by the police. Even if one is not deported, a successful prosecution relies on testimonies by the victims, who must be given a basic income and a safe place to live – otherwise they risk being re-trafficked. None of this is available in the TRNC, which makes the criminalisation of human trafficking, at least for now, primarily a success on paper.

Victims of human trafficking arrive in the TRNC not as asylum seekers like in the RoC, but by working around the loosely applied legal rules that relate to the visa application process (this is discussed in more detail below). Nevertheless, because the populations of asylum seekers and victims of human trafficking in the RoC are so closely intertwined and since most asylum seekers arrive in the RoC by passing through the TRNC, some basic information about how asylum seekers arrive in the north of the island is worth providing. Before 2019, there were no visa requirements to enter the TRNC, so asylum seekers, who were mostly Syrians, would travel to Turkey and fly to the TRNC through Ercan Airport. When they arrived in the TRNC, they were received by the United Nations High Commissioner for Refugees (UNHCR) and anyone who was identified as a potential refugee was sent to the RoC.⁴² Most people who were interviewed by the UNHCR received a protection letter and were sent to the RoC; these individuals were given asylum application forms at the checkpoints and, upon submission, were registered as asylum seekers in the Republic.

⁴² Although there is no written evidence of this process, this is what was described by interviewees in the TRNC.

The introduction of visa restrictions in 2019 by the TRNC has meant that it is now impossible for asylum seekers to arrive in Cyprus through Ercan Airport.⁴³ Those who want to arrive on the island, therefore, now travel by boat with the help of smugglers. A boat, sometimes with four to five asylum seekers and other times with 100, arrives in the TRNC every one or two days. Syrians made up the biggest group of asylum seekers arriving in Cyprus between 2015 and 2021, but in the first quarter of 2022, the top countries of origin were the Democratic Republic of the Congo and Nigeria.⁴⁴ While these people are smuggled to the TRNC, they are typically not trafficked. Therefore, the two groups – those who arrive in Cyprus to apply for asylum and those who arrive as human trafficking victims – are generally separate when they enter the TRNC, but they become mixed as soon as they cross the Green Line. It is the mixing of the two groups and the (politically understandable) inability of the RoC authorities to separate victims of human trafficking from asylum seekers and irregular economic migrants that creates most of the problems in combatting human trafficking. Had the RoC and TRNC authorities been willing to cooperate in their efforts to identify and protect trafficking victims, many of the problems discussed in this report could have been avoided.⁴⁵

⁴³ Persons of all nationalities can enter the TRNC without undertaking any procedures in their country of origin; they simply receive a visa at the gate when their plane lands in the TRNC. There are three exceptions to this: Armenians, Nigerians and Syrians. However, due to the large number of people applying for a pre-visa in Nigeria and the fact that the TRNC office in the country is staffed by a single person, the pre-visa requirement for Nigerians is often skipped in practice and anyone who enrolls in a TRNC university can enter the territory. The pre-visa requirement is strictly implemented for Syrians, who cannot enter the plane without showing the proper documentation. Syrians report that even those who apply for a business or education TRNC visa through proper channels in Turkey are likely to have their application rejected. For the decision to introduce the visa requirement for Syrian refugees, see 'KKTC'nin Suriye Vatandaşlarına Vize Uygulanmasına Yönelik Kararı' ['TRNC's Decision on the Application of a Visa to Syrian Citizens'] (25 July 2019), available at <https://web.shgm.gov.tr/tr/genel-duyurular/6149-kkktc>.

⁴⁴ These are, officially, RoC and not TRNC statistics. However, since most asylum seekers enter the Republic from the TRNC through the buffer zone, there is likely to be a strong correlation between the asylum seeker populations in the two. See: UNHCR, 'Cyprus: Reception Capacity' (31 March 2022), available at https://www.unhcr.org/cy/wp-content/uploads/sites/41/2022/05/UNHCR-Cyprus_Reception_March-2022.pdf.

Further, the smuggling or trafficking of Nigerians into the TRNC has alarmed the Nigerian authorities themselves, with the (Nigerian) National Agency for the Prohibition of Trafficking in Persons having issued a strongly worded warning about the dire situation. See: 'NAPTIP, Turkish Rights Group Raise Alarm on Trafficking of Nigerians to Northern Cyprus' (2 August 2022), available at <https://naptip.gov.ng/naptip-turkish-rights-group-raise-alarm-on-trafficking-of-nigerians-to-northern-cyprus/>.

⁴⁵ In July 2022, Turkish Cypriot leader Ersin Tatar conveyed six proposals for cooperation to the UN Secretary-General to be shared with RoC President Nikos Anastasiades. One of them concerned the establishment of a joint committee that would focus on the causes of irregular migration and carry out studies, including on human trafficking, and share information between RoC and TRNC authorities. See: 'Game-changing Suggestions from the President of the TRNC in Cyprus and the Eastern Mediterranean', *Morning Express* (10 July 2022), available at <https://morningexpress.in/game-changing-suggestions-from-the-president-of-the-trnc-in-cyprus-and-the-eastern-mediterranean/>. It is unlikely that the proposal will lead to any concrete action, especially since it has not been reported in the Greek Cypriot media.

HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION PURPOSES IN THE TRNC

There are two distinct ways in which someone can be trafficked for sexual exploitation purposes in the TRNC. The two are entirely independent of each other, in that they are run by different traffickers, exploit different types of victims, cater to different clienteles, and have different relationships to the law. Both exploit women aged between 18-30, with most of them being in their early 20s.⁴⁶

The most well-known method of sexual exploitation, and the one that has also attracted the most attention in academic literature, is sexual exploitation in nightclubs.⁴⁷ Nightclubs are institutions that are legally established in the TRNC with the objective of providing entertainment – in the form of music, gambling, and drinking – to their well-off male patrons.⁴⁸ Even though officially, in the TRNC, prostitution in nightclubs is a criminal offence,⁴⁹ the key selling point of these institutions is the sexual services they offer to their customers.⁵⁰ These sexual services are provided by women who arrive in the TRNC on a special nightclub visa (also known as a consmatris visa) that has a duration of six months.⁵¹ Upon arrival to the TRNC, women on a consmatris visa are taken to a hospital to be tested for sexually transmitted diseases (STD); anyone who is found positive is automatically and immediately sent back to her home country. At the same time, the women's passports are confiscated, held by the police for the 6-month duration of their visa, and returned only when they leave the TRNC.⁵²

⁴⁶ Nightclubs do not appear to be hiring underage girls. In a 2005 study, the dates of birth provided to the Civil Section of the Immigration Office matched those of the women's passports. See: Fatma Güven-Lisaniler, Sevin Uğural and Leopoldo Rodríguez, 'Human Rights and Women Migrant Workers in North Cyprus' (European University Institute Robert Schuman Centre for Advanced Studies Mediterranean Programme Series), EUI Working Paper RSCAS No. 2005/18, p. 7. No allegations of sexual exploitation of underage girls were made by the CSO representatives either.

⁴⁷ Fatma Güven-Lisaniler, Leopoldo Rodríguez and Sevin Uğural, 'Migrant Sex Workers and State Regulation in North Cyprus' (2005), 28(1) *Women's Studies International Forum* 79; Mustafa Ercakica, 'İnsan Ticaretiyle Mücadele ve Uluslararası Hukuk: Kuzey Kıbrıs Türk Cumhuriyeti Örneğini de İçeren Bir İnceleme' ['Combating Human Trafficking and International Law: An Analysis Including the Example of the Turkish Republic of Northern Cyprus'] (2020) Dokuz Eylül Üniversitesi Hukuk Fakültesi Dergisi; TRNC Ministry of Interior, 'TRNC Workshop on Night Clubs Final Report' (2018).

⁴⁸ Nightclubs and Similar Places of Entertainment Law (Law No. 7/2000).

⁴⁹ CAP 154 Criminal Law.

⁵⁰ Güven-Lisaniler, Uğural and Rodríguez, 'Human Rights and Women Migrant Workers in North Cyprus', p. 6.

⁵¹ Ibid., p. 7. The visa can be renewed if the woman leaves and stays off the island for a period of two months.

⁵² Ibid. The holding of passports by the police has been presented as an improvement to the previous practice where the nightclub owner would take possession of these documents.

The women employed in nightclubs typically come from Russia, Ukraine, Romania, Moldova, Uzbekistan, and Kazakhstan. They are recruited on Facebook or Instagram through 'Work in Cyprus' posts that promise dancing or waitressing jobs. Most know or suspect that they are coming to the TRNC to work as prostitutes (because they or members of their social circle have previously been on a consmatri visa),⁵³ but CSOs estimate that about one in ten believes the Facebook and Instagram posts. In such instances, women who refuse to work as prostitutes might be returned to their home country, but stories of coerced nightclub workers are also common. Interviewees talked about women who were forced to become drug dependant so they would be more compliant; or were raped, videotaped, and blackmailed with the threat that the video would be sent to their families to force them to cooperate with their traffickers.

Further, while many women on a consmatri visa know that they will work as prostitutes, they are often entirely unprepared for the conditions they will face in the nightclubs. Typically, they are expected to 'entertain' about five customers every night and even those who have worked all night must be back at work by noon. As one CSO representative put it, 'as long as there are customers, the women are expected to be having sex with them for 24 hours a day.' While the employment contract that women on a consmatri visa are asked to sign stipulates a 6-day working week, this is entirely disregarded by employers. Thus, '[c]onsomatrices do not have days off unless their test results appear to be positive for STDs.'⁵⁴ Nightclub workers are kept locked up in their accommodation and are accompanied by private security for weekly STD tests to the hospital. When they are allowed to go to the market they are watched, and if they are seen talking to strangers they reportedly have to pay a €1000 penalty to their traffickers. Finally, when nightclub workers arrive in the TRNC, they are provided with accommodation, food, and clothes and are also usually paid a preliminary sum of €500. They are then told that they must work to repay their traffickers for these costs, and are promised a salary when their debt bondage has been repaid. Often, the €500 they receive when they first arrive in the TRNC is the only amount they are ever paid.

Nightclubs are owned by Turks or Turkish Cypriots, who are allegedly well connected with members of the TRNC government or police. Their customers are Turkish Cypriot men or teenage boys, Turkish soldiers, or rich foreigners who are involved in illegal activities, for example, money laundering. While between 2003 and approximately 2015 many nightclubs were frequented by Greek Cypriot men, recently this trend appears to be in decline (for reasons that are explored in Section 5). CSO representatives in the TRNC were confident that most customers believe that the women are working voluntarily as sex workers for a fair pay.

⁵³ Güven-Lisaniler, Uğural and Rodríguez, 'Human Rights and Women Migrant Workers in North Cyprus', p. 8. This is also mentioned in Roos de Wildt, *Post-War Prostitution: Human Trafficking and Peacekeeping in Kosovo* (Springer, 2019), Chapter 5.

⁵⁴ Güven-Lisaniler, Uğural and Rodríguez, 'Human Rights and Women Migrant Workers in North Cyprus', p. 8.

In fact, some Turkish Cypriots visit the same sex worker so often that instances of friendly relations, or even marriage, between the two are not unheard of. This points to an urgent need to educate Turkish Cypriots about the crime of human trafficking and who its victims are in Cyprus.

The nightclubs' close ties with the Turkish Cypriot community (in terms of their owners and customers) and their financial contribution to the Turkish Cypriot economy through the payment of taxes,⁵⁵ ensure that they are tolerated, or even supported, by the authorities. Although there is a public body responsible for overseeing the nightclubs' operations – the Nightclubs Commission, established under the TRNC Ministry of Interior – its members insist that their mandate is limited to checking that hygiene standards are enforced, rather than ensuring that the workers are not being exploited. And, when the police receive complaints of sexual exploitation in nightclubs, the typical reply is that women on a consmatris visa are in the TRNC to work and that is what they are doing. The public perception is that any complaints are unwarranted since the working and living conditions in their home countries would have been far worse. The complicity of the TRNC authorities in running the nightclubs was starkly encapsulated in the rhetorical question posed by the TRNC Minister of Health during a speech to the TRNC Medical Association in 2013: 'If we close down the nightclubs', he pondered aloud, 'will the soldiers come and fuck us?'⁵⁶ The statement was followed by a number of female medical professionals walking out in protest, but the nightclubs have remained open. At the end of their visa-mandated period in the TRNC, nightclub workers are sent back to their home countries. Very few manage to escape from the nightclubs – often with the help of their customers who come to realise that they are not, in fact, working voluntarily – and many of those that do, make their way to the RoC and apply for asylum and trafficking victim status.

Nevertheless, nightclub workers represent only a small minority of those who apply for victim status in the RoC. Most women who claim they were trafficked in the TRNC describe being sexually exploited in private apartments. Unlike nightclub workers, they come from Africa, particularly Nigeria and Cameroon (and to a lesser extent, Kenya, the Congo, and the Ivory Coast). These women are groomed in their home countries and told that they are going to Cyprus to work in the industry that each of them is interested in, for example, as cleaners, nurses, or hairdressers. They generally have only primary school education or no education at all, and a level of spoken English (except Cameroonians, who speak French). Their common characteristic is their extreme vulnerability in their country of origin, which is

⁵⁵ The TRNC received between 20 and 30 million Turkish Lira (i.e. 2-3 million euros) in nightclub tax payments in 2015 (US State Department, 'Trafficking in Persons 2020 Report', p. 182).

⁵⁶ 'KıTÇ'li bakan Hasipoğlu'ndan tepki çeken anekdot' ['Anecdote that drew reaction from the TRNC Minister Hasipoğlu'], Enson Haber (14 March 2013), available at <https://www.ensonhaber.com/politika/kktcli-bakan-hasipoglundan-tepki-cekten-anektod-2013-03-14>.

what traffickers take advantage of in order to lure them to the TRNC. In this respect, human rights violating conditions in the country of origin, such as poverty, ongoing inter-state or intra-state violence, the practice of polygamy, the inability of women to own property, and a lack of education and job opportunities are factors that significantly increase the likelihood of exploitation abroad.

Unlike nightclub workers, who arrive legally in the TRNC by obtaining a consmatris visa, most of those who are exploited in apartments enter the de facto state on student visas, since traffickers promise them that they will be registered as students, but also have the opportunity to work.⁵⁷ When they arrive in the TRNC, their fate changes depending on the trafficking ring to which they have fallen victim. Some report that they were locked in apartments and coerced into prostitution, either by being turned into drug addicts or through blackmail.⁵⁸ In such instances, signs of serious physical abuse and/or starvation are common among the victims. In other instances, coercion is exercised more indirectly and starts when they are still in their own country. Some women are persuaded to pay large amounts of money to cover their plane ticket and university registration (by borrowing from relatives or selling family property), but when they arrive in the TRNC, they realise that they were duped. Others are told that the person who groomed them will pay for their travel and university expenses, which they can repay as soon as they start working. In both instances, while the university registration fee has been paid, the tuition fees are still owed, so the victims cannot actually become students. At the same time, even though they are not attending university, they are in the TRNC on a student visa, so they are in a vulnerable position. Coupled with the fact that their families might be relying on, or expecting financial support from them, they feel unable to return to their home countries and are left no choice but to become sex workers.

The traffickers in these instances appear to be African criminal groups, while their customers vary depending on the extent of the women's captivity. The customers of those who are locked up tend to be African students or workers. In such instances, the women are brought to the men's attention in two ways: either the traffickers force the girls to post nude pictures of themselves on mobile applications like SnapChat, or, under the threat of violent punishment, they send four or five girls to a club and instruct each of them to pick up at least one customer. Conversely, victims of sexual exploitation who are not physically locked up in apartments tend to find work by soliciting Turkish Cypriots in the street, mostly in rural areas of the TRNC.

⁵⁷ Each year, the TRNC receives 20,000-30,000 African students. This, coupled with the high number of universities in the de facto state (currently more than 20), provides further support for the allegation that the student visa is often abused.

⁵⁸ Typically, the women are blackmailed by the traffickers threatening to tell their families that they came to Cyprus to work as prostitutes.

Unlike women on a consmatris visa who always return to their home countries after a period of six months, those who are exploited in apartments can be victims of human trafficking for much longer. Some victims report managing to escape after a 6-month period of captivity, while others had been trafficked for three or four years. Those who do manage to escape, do so through several avenues. Some use the hotline help number that they learn about through other African girls or through organisations such as VOIS.⁵⁹ Many of those who end up in the RoC claim that they received help from a customer, after he realised that they were not, in fact, working as prostitutes voluntarily. While the RoC authorities and some CSOs in the Republic expressed disbelief about how often the story of the helpful customer was shared by women claiming to have been trafficked, interviewees in the TRNC did not consider this implausible.

The last difference between the two instances of sexual exploitation in the TRNC concerns how each is treated by the authorities. While the authorities appear content to tolerate or even extend support to nightclub owners,⁶⁰ the police do intervene and stop sexual exploitation in apartments, if a complaint is made to them. This willingness to help can partly be explained by CSOs organising public information campaigns and offering training to high-level police officers, but it is most likely due to two additional factors. First, what is happening inside the nightclubs might be illegal, but the institutions' very existence is technically allowed under the law, thus making it much easier for those who want to provide cover to do so. Second, the individuals who are running the human trafficking operations in nightclubs are locals, while those who operate out of apartments are foreigners. CSO representatives in the TRNC suggest that this plays a role in how each is treated by the authorities.

To be clear, the outcome in both instances of sexual exploitation is the same, with victims receiving no protection under the law. To date, only one human trafficking case has reached the court, as those who complain are usually deported before they can take any concrete action against the perpetrators. Victims who are exploited in apartments are deported because they are in the TRNC irregularly (on student visas, while not actually attending university). Victims who are exploited in nightclubs are deported because, under the law, prostitution in nightclubs is illegal.⁶¹ Nevertheless, the underlying reasons for the failure of the authorities to act in each instance are not the same. While in the case of nightclubs,

⁵⁹ VOIS is the 'Voices of International Students', a non-profit organisation that aims to bring to light the problems faced by international students in the TRNC. For more information on VOIS, see <https://www.voiscyprus.org>.

⁶⁰ It is worth mentioning that support for the nightclub owners has not been wholly universal. The mayor of north Nicosia, Mehmet Harmanci, has successfully shut down four nightclubs in his district. He announced in 2016 that the licences of all nightclubs located in Nicosia district would not be renewed due to the human trafficking taking place in their premises. This decision was later challenged in court by the nightclub owners, but their request to reopen was rejected. See: 'Lefkoşa Mayor Mehmet Harmancı calls for sex work to be legalised after raids on "night clubs"', *T-Vine* (24 February 2018), available at <https://www.t-vine.com/lefkosa-mayor-mehmet-harmanci-calls-for-sex-work-to-be-legalised-after-raids-on-night-clubs/>.

⁶¹ Although prostitution in nightclubs is illegal, prostitution outside of nightclubs is not. Nevertheless, for all instances, assisting prostitution or providing a venue for it constitute illegal activities.

human trafficking still continues because political willingness to close them down and reform the law is entirely absent; in the case of apartments, at least some effort is made to crack down on trafficking operations. What is lacking is the infrastructure – an institutional and legal framework that could protect victims in practice. Financial assistance is non-existent, accommodation for victims of trafficking is unavailable and there is no state-funded legal aid for the victims. As a result, even those who are not deported have little reason or means to stay in the TRNC. Some decide to return to their home countries, while others attempt to cross the Green Line and claim asylum or human trafficking status in the Republic.

HUMAN TRAFFICKING FOR SEXUAL EXPLOITATION PURPOSES IN THE RoC

There are two profiles of women who apply for victim status in the RoC: those who were exclusively exploited in the areas under the effective control of the Republic and those who were exploited in the TRNC but, because of the lack of legal and institutional support there, opted to cross the Green Line and submit an application in the RoC.

Before 2010, the RoC issued ‘artiste visas’, which operated in an almost identical manner to the TRNC consmatris visa. This allowed women, mostly from Eastern Europe and Russia, to travel to the RoC and work as prostitutes in cabarets that operated at the time. A finding from the European Court of Human Rights that the artiste visa contributed to working conditions that were tantamount to modern slavery led to its abolishment and the consequent closing of the cabarets.⁶² Since then, there are far fewer reported sexual exploitation cases in the RoC. This is partly because the closing of cabarets has reduced the number of people who pay for sex, and partly because of the sexual exploitation that continues taking place in private apartments, which is harder to detect and stop. After the closing of the cabarets, one strategy that has been used, especially by Romanian traffickers, is what the RoC police described as ‘the loverboy approach’. In this scenario, a man approaches a vulnerable girl in her home country, pretends to fall in love with her and alienates her from her family. He brings her to the RoC and promises that they will start a family as soon as they can afford to. He suggests that, if she wants to speed things up, he does not mind if she works as a prostitute, as long as she gives him the money. One man might be running this scheme with multiple women, most of them EU nationals, although the police also reported one case of an 18-year-old Greek Cypriot girl falling victim to this scheme.

At the same time, the RoC has seen, over the last decade, increasing numbers of domestic victims. These instances involve the sexual exploitation of women by their families, rather than by criminal organisations. While originally these involved families with sudden financial difficulties – either due to gambling problems of the main income earner⁶³ or the 2013

⁶² *Ratsev v. Cyprus and Russia* (European Court of Human Rights, App. No. 25965/04, 7 January 2020).

⁶³ This, first and very suddenly, became a problem for families after the opening of the checkpoints in 2003, which offered access to gambling facilities in the TRNC at a time when no such facilities existed in the RoC.

financial crisis⁶⁴ – over the last half decade, cases that are directly related to poverty have gone down. What now exists is the surge of a new phenomenon that is connected to social media and the modelling culture. Thus, sometimes girls are groomed into selling sex with the promise that they will be turned into models, while on other occasions they are being blackmailed into offering sex services after they had been approached, befriended, and seduced online. Non-Cypriot victims of trafficking who are brought to the Republic by ‘loverboys’ tend to be in their early 20s, whereas Cypriot victims who were exploited online are reportedly younger, some as young as 16-17 years old.

These schemes notwithstanding, there are currently relatively few recognised victims of trafficking who have been sexually exploited exclusively in the RoC. This might be because human trafficking in the RoC has been largely eradicated, or because it has gone so underground that the authorities and CSOs do not see it at all. A third factor could provide at least part of the explanation: women who are asylum seekers in the RoC are resorting to survival sex (with Greek Cypriot men) because they have no other source of income. The high number of asylum seekers, coupled with the desperate conditions in which they find themselves, has increased the supply of survival sex workers to such an extent that they have effectively cut out the middleman, thus making human trafficking financially unsustainable (this potentially also explains the decreasing number of Greek Cypriot men who visit nightclubs in the TRNC).⁶⁵ Many of the women who are forced to rely on survival sex are among those who escaped human traffickers in the TRNC and crossed into the RoC in hope of greater protection. Thus, the physical division of the island and the inability of the RoC authorities to quickly recognise and protect trafficking victims who were exploited in the TRNC, at least in some cases, directly contribute to their re-exploitation.

This leads to a discussion of the second category of trafficking victims in the RoC: those who were exclusively or primarily exploited in the north, but who apply for legal protection in the south of the island. As already explained above, these women arrive in the Republic by crossing the Green Line and – in the absence of any other avenue that would allow them to legally (albeit temporarily) reside in the RoC – subsequently apply for asylum. In principle, it is entirely possible that someone is recognised as a trafficking victim based almost solely on the psychological evaluation report prepared by the State Psychiatric Services. All is needed is that the police (aided by the psychiatrist’s report) believe their story, even if this cannot be corroborated with hard evidence. Nevertheless, the fact that, in these cases, the trafficking has taken place outside of the RoC’s effective control (and, therefore, jurisdiction) gives rise

⁶⁴ This led to a spike in the unemployment rates in the RoC. See: RoC Ministry of Finance, ‘Economic Indicators: Unemployment’, available at <https://mof.gov.cy/en/economic-indicators/macroeconomics/main-economic-indicators/1-unemployment>.

⁶⁵ If a woman is foreign-looking and young, and is walking on her own in Nicosia, she is likely to be propositioned. A few years ago, a female Ambassador of a European State in the RoC publicly recalled similar experiences of her own, concluding that Nicosia is the only capital in the EU where a woman cannot walk down the street and not be asked for sex, even when she shows no signs that she is interested in that.

to three practical problems: first, because the victims' stories cannot be corroborated, if they are seen to contain any inaccuracies, the women are more likely to be treated as unreliable witnesses (rather than the authorities accepting that inaccuracies may be consequences of trauma). Second, due to the lack of cooperation between the two law enforcement agencies, the RoC police often have incorrect or outdated information about what is happening in the TRNC, which shapes the way they perceive certain victims. A striking example of this was the claim made by the RoC police that African women who claim they were trafficked are often lying because nightclubs in the TRNC only employ Eastern Europeans. While this shows an accurate understanding of the exploitation that takes place in nightclubs, it disregards human trafficking operations that are organised out of apartments, and leads to detrimental and incorrect decision making in relation to the victims.

The third problem arising from the fact that victims were exploited in areas outside the RoC's effective control concerns the story that (alleged) victims often share with the authorities, namely that they were kept captive until a customer helped them escape. When representatives of Turkish Cypriot CSOs were told of this story and asked whether it was true, they were quick to believe it, saying that it was entirely plausible. Yet, when representatives of CSOs in the RoC were asked the same thing, many replied that if one hears the same story again and again, one starts to wonder whether the presumed victims were, in fact, coached in what to say. This is especially true when the women are unable to answer even basic questions, like 'what colour were the walls of the apartment you were held in?', 'did you hear any noises?', 'were there any other persons in the house?', or 'what did you eat?', insisting that they do not remember any of the details. The consensus in the RoC, even among sympathetic stakeholders, is that many of these women are not sharing the truth about what happened to them, even if their actual story would have been more helpful to them in terms of obtaining a victim status. In the absence of any information that corroborates these women's stories, their refusal to cooperate with the authorities by fully disclosing their experiences works against their own best interests.

HUMAN TRAFFICKING FOR LABOUR EXPLOITATION PURPOSES IN CYPRUS

The way that human trafficking for labour exploitation purposes takes place on the island of Cyprus is very similar across the two sides of the Green Line: (mostly irregular) migrants in vulnerable positions are exploited by Cypriot employers, while the authorities remain slow to address the abuse. Two distinct groups of persons are regularly exploited in the Republic: female third-country nationals who are employed as domestic workers, and; (mostly) male third-country nationals who work in the farming, agricultural and construction sectors. The same categories of victims exist in the TRNC, even though the ratio of (female) foreign domestic workers to (male) workers in the farming, agricultural and construction sectors is much lower.

Like the victims of sexual exploitation in nightclubs in the TRNC, the foreign domestic workers in the RoC are victims of a legal regime that has been designed to ensure their vulnerability and compliance with their employers' whims and wishes. Foreign domestic workers, aged between 20-50 years old (their average age is 34),⁶⁶ arrive from five main countries: the Philippines (making up 30% of all foreign domestic workers in the RoC); Sri Lanka (24% of the total); Nepal (21% of the total); India (15% of the total) and Vietnam (9% of the total).⁶⁷ They enter the RoC on a special foreign domestic worker visa, which allows them to work only as domestics, forces them to sign a government-drafted employment contract, binds them to the employer who sponsored their entry to the Republic, restricts the number of employers they can change in the six years they are allowed to stay in the RoC to a maximum of three, and pre-emptively prevents them from applying for permanent residency.⁶⁸

The real-life conditions that most foreign domestic workers are forced to accept have been recorded and condemned by the RoC Ombudsman in a series of reports.⁶⁹ A 2020

⁶⁶ Nasia Hadjigeorgiou, 'Helping those that Help Us: Challenges Faced by Foreign Domestic Workers in the Republic of Cyprus', LSE Hellenic Observatory & Peace Research Institute Oslo (Cyprus Centre), PCC Report (2/2020), p. 15.

⁶⁷ Ibid., p. 4.

⁶⁸ Ibid.

⁶⁹ RoC Ombudsman and Nasia Hadjigeorgiou, *The Status of Foreign Domestic Workers in Cyprus* (December 2020); RoC Ombudsman, *Τοποθέτηση Επιτρόπου Διοικήσεως Ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων Αναφορικά Με Το Καθεστώς Των Οικιακών Εργαζομένων Στην Κύπρο* [Report on the Status of Domestic Workers in Cyprus] (2 July 2013); RoC Ombudsman, *Αυτεπάγγελτη Τοποθέτηση Της Επιτρόπου Διοικήσεως Και Προστασίας Ανθρωπίνων Δικαιωμάτων, Ως Εθνικής Ανεξάρτητης Αρχής Ανθρωπίνων Δικαιωμάτων, Αναφορικά Με Το Θεσμικό Πλαίσιο Που Ρυθμίζει Την Οικιακή Εργασία Στην Κύπρο* [Report on the Institutional Framework Regulating Domestic Work in Cyprus] (21 October 2019).

study of 150 foreign domestic workers noted that they were working, on average, 58 hours per week, which is 40% more than what their contract stipulates.⁷⁰ A third of them were working seven days per week, instead of the six days stipulated in their contract.⁷¹ More than one in five worked over 70 hours per week, which is close to – or even more than – twice what they are contractually obligated to work.⁷² Of the foreign domestic workers who participated in the study, 38% responded that working into the night, including past midnight, was a regular feature of their work.⁷³ For this, foreign domestic workers reported earning an average net monthly salary of €337, with employers also expected to provide accommodation and subsistence.⁷⁴ This is significantly lower than the minimum wage reserved for cleaners who are Cypriot or EU nationals.⁷⁵ However, even this amount is regularly not paid: 32% of foreign domestic workers reported that there was at least one time when they were not paid for their work, or were paid less, while 33% reported not being paid on time.⁷⁶

Labour exploitation of foreign domestic workers in the Republic is socially accepted. The common perception among Greek Cypriot employers is that foreign domestic workers are in the RoC because they are looking to earn money. They believe that despite the harsh working and living conditions the workers might be experiencing in Cyprus, they are, in general, significantly better off than what they would have been in their home countries and should, therefore, be grateful for what they get. The exploitation of these workers also becomes necessary, and therefore more socially palatable, in the absence of social welfare support by the State. This lack of social welfare support shifts caretaking responsibilities (of children, the elderly or disabled persons) to family members, usually the women, who also tend to have full time jobs. In order to manage this, many of these caretaking responsibilities are outsourced to foreign domestic workers, who must complete these to their employers' satisfaction and for a low wage. While there are no equivalent up-to-date studies of foreign domestic workers in the TRNC, perceptions about the work they are expected to perform and the hours they are expected to work, as well as the reasons for these, are, according to CSOs, similar to the ones in the RoC.

The belief that foreign domestic workers somehow deserve less protection of their rights is also reflected in the practices of RoC state bodies. Specifically, the procedures for someone to bring a complaint against their employer are such that they effectively prevent this from

⁷⁰ RoC Ombudsman and Hadjigeorgiou, *The Status of Foreign Domestic Workers in Cyprus*, para. 24.

⁷¹ Ibid., para. 25.

⁷² Ibid., para. 24.

⁷³ Hadjigeorgiou, 'Helping those that Help Us', p. 11.

⁷⁴ RoC Ombudsman and Hadjigeorgiou, *The Status of Foreign Domestic Workers in Cyprus*, para. 27.

⁷⁵ At present (2022), cleaners receive €4.55 (gross) per hour, which increases to €4.84 (gross) per hour after six months of continuous employment with the same employer. (Ministry of Labour, '1. What is the level of the minimum wage, which occupations are covered, and how often is it revised?', available at <http://www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/All/1BC7DC1FA85737B9C22586870039FD04?OpenDocument>).

⁷⁶ RoC Ombudsman and Hadjigeorgiou, *The Status of Foreign Domestic Workers in Cyprus*, para. 27.

ever happening. Thus, for a foreign domestic worker to instigate a complaint about a labour dispute she must first inform the District Aliens and Immigration Unit of the Police.⁷⁷ In light of the fact that the Ombudsman has reported that, in some cases, the authorities deport the foreign domestic worker before the labour dispute is investigated,⁷⁸ it is unsurprising that workers are hesitant to alert the authorities of possible breaches of the law by their employers. This is most jarringly illustrated by the fact that, according to the 2020 survey cited above, three out of four foreign domestic workers would not report to the authorities instances in which they were the victims of physical or sexual abuse.⁷⁹

The second type of labour exploitation taking place in the Republic relates to workers in the farming, agricultural, and construction sectors. These sectors employ men between the ages of 18 and 35 from third countries, most from India, Nepal, Vietnam and Egypt. Common ways that employers exploit these workers include: confiscation of their passports, extremely long working hours, inadequate living accommodation, significant restrictions on liberty, and very low pay, or even none at all. Victims of labour exploitation are usually irregular migrants (because they are on a student visa, their work visa has expired, or they crossed from the TRNC and applied for asylum), which makes them particularly vulnerable and prone to exploitation. On the one hand, those who are in the RoC on student or expired work visas are not legally allowed to work at all, even though, in practice, they often do. Employers know that even if these workers are exploited, they will not be able to complain to the authorities lest they are immediately deported. On the other hand, under the law and irrespective of their academic or professional qualifications, asylum seekers can only work in industries that require unskilled labour (for example, farming, agriculture, waste management).⁸⁰ This allows employers to offer lower salaries or substandard working conditions, since they know that the men do not have alternative employment opportunities.

These power dynamics and working relationships are well known to the RoC authorities, who have done little to address them in practice. One CSO representative alleged that the RoC Ministry of Labour avoids conducting farm inspections (and, therefore, in practice turns the other way in the face of exploitation) because of a belief that the State should be understanding of the farmers' needs. Further, while inspections do take place in construction sites,

⁷⁷ Contract for Employment for Domestic Workers, Article 4(e). The contract is available on the Civil Registry and Migration Department website, [http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/F16DFEEA3AF1715FC2257D6D0042D6B6/\\$file/DOMESTIC%20WORKERS_CONTRACT_DEC%202021.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/F16DFEEA3AF1715FC2257D6D0042D6B6/$file/DOMESTIC%20WORKERS_CONTRACT_DEC%202021.pdf).

⁷⁸ RoC Ombudsman, *Εκθεση Της Επιτροπής Διοικήσεως Αναφορικά Με Τη Διαδικασία Εξέτασης Των Εργατικών Διαφορών Ανάμεσα Σε Αλλοδαπούς Εργαζόμενους Και Τους Εργοδότες Τους* [Report on the Procedure for Investigation of Labour Disputes between Migrant Workers and Their Employers] (Nicosia, 12 Mar 2010), para. 17.

⁷⁹ RoC Ombudsman and Hadjigeorgiou, *The Status of Foreign Domestic Workers in Cyprus*, para. 36.

⁸⁰ Refugee (Amendment) Law of 2016, Decision 5608 of 4 October 2021 issued in accordance to Article 9Θ 2(a) and (β). The Decision is available (in Greek) at [http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/76e9ef5cadba76dfc225809f002ac669/47e9a38e774d6884c225809f002c0d2f/\\$FILE/Κ.Δ.Π.ε%20413%202021.pdf](http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/76e9ef5cadba76dfc225809f002ac669/47e9a38e774d6884c225809f002c0d2f/$FILE/Κ.Δ.Π.ε%20413%202021.pdf).

they have not successfully identified victims of trafficking because poor working conditions tend to be treated as labour disputes instead of instances of exploitation. More often than not, the result of the inspections is to locate irregular workers (and deport them) rather than to investigate their working conditions. Even when labour exploitation is reported to the police or the Ministry of Labour (usually by neighbours of the employer), reactions tend to be very slow. Cases take years to be processed after the complaint has been made and by the time the police become involved, all evidence of a crime might be gone. In one example provided by a CSO representative, an employee died as a result of a work accident, and when the police tried to investigate the accident three years later, no one remembered the death. Finally, in 2013-2015, the RoC recognised a large group of men from India and Bangladesh as victims of labour exploitation, but a few months later, their victim status was revoked. It is unclear why this nullifying decision was taken, but one imagines that the mass recognition of victims could have given rise to 'opening the floodgates' concerns in terms of the hundreds or thousands of others in the RoC who are living and working in similar conditions.

Labour exploitation of men in the TRNC looks and operates much like in the RoC: it involves young men, aged between 18 and 35 years old, most employed in the construction, farming and agricultural sectors. The countries from which they arrive (Bangladesh, India, Turkey, Pakistan, Turkmenistan, Senegal, Kazakstan, and Uzbekistan) are slightly different than in the RoC, possibly because of the different trafficking or smuggling rings that operate on the two sides of the Green Line. They arrive in the TRNC either on student visas, expecting that they will be able to work and study at the same time, or on worker visas. Those in the first category are registered as students but do not attend university, because although the registration fee has been paid they cannot afford the tuition fees; they thus become irregular migrants, which in turn increases their vulnerability and likelihood of exploitation. Those in the second category often become vulnerable because their employers fail to comply with the letter of the law. Specifically, when someone arrives as a worker in the TRNC, their employer must ensure that they have the necessary working permit. Since this requires that employers present the employees' passports to the authorities, some employers collect these passports and then refuse to return them to their owners. Other employers either just pretend to get the working permits or allow them to expire, which makes the workers irregular migrants and, therefore, at risk of deportation if/when they contact the authorities to complain about their working conditions.

Both categories of workers, whether on a student or worker visa, are also exploited through debt bondage to job agencies: the agency arranges flights from the home country, accommodation in the TRNC, and finds the worker an employer; in the process, the worker incurs a financial debt to them. This debt is paid back from the first salaries of the employee, who works on the expectation that when the financial obligation has been satisfied, he will start receiving the salary he had been promised in full. In cases of human trafficking, the full salary never arrives. In addition to the lack of payment, victims of labour exploitation work extremely long hours, often seven days per week, reside in very poor accommodation and receive inade-

quate subsistence. Unsurprisingly, inhumane living conditions are among the most visible and common indicators of labour exploitation in both the RoC and the TRNC.

A representative illustration of the experiences of labour exploitation victims in the TRNC is provided by the case of 203 workers (199 from Bangladesh and 4 from Pakistan), who, in November 2020, walked into a TRNC police station and demanded that their employer return their passports and pay them for work they had done over a period of four months. The workers arrived in the TRNC after being hired to do specialised construction work (for example, as carpenters or painters) and promised that they would be paid in euros.⁸¹ Upon arrival, their employer took their passports, claiming that he needed them to arrange their working visas and asked them to start working as unskilled construction workers. He never returned the passports, and soon after, stopped paying them altogether. The workers were only fed rice and potatoes and were residing on the construction site itself. The 203 workers were sharing three toilets and two showers and 60 of them were sleeping in an area that could fit 20 persons. Upon receiving the complaint, the police asked the employer to return the passports and pay the workers what they were due. Since the workers were considered to be irregular migrants – their working visas, which the employer should have renewed, had been left to expire – they were deported. No criminal case was brought against the employer since, at the time the exploitation had taken place, human trafficking was still not a criminal offence in the TRNC.

⁸¹ The construction sector has been booming in the TRNC. By way of illustration, in 1990 there were 50,457 residences connected to the electricity grid. By 2005, this number had risen to 85,722 residences and by 2019, it had jumped to 141,849 residences. Much of this boom has been supported by immigrant workers. (Statistics of the TRNC Electricity Authority, available at <https://www.kibtek.com/wp-content/uploads/Statistikler/toplam%20tüketici%20adetleri%202007-2022.pdf>.)

CONCLUSION

Human traffickers operate everywhere in the world. Nevertheless, the frozen conflict in Cyprus exacerbates both the negative consequences of the crime and the inability of the authorities to respond to it. In this respect, the existence of two states (de jure and de facto) separated by a semi-permeable buffer zone has three detrimental consequences. First, the division of the island makes it easier for human traffickers to trick their victims into coming to Cyprus. A typical story of both sexual and labour exploitation victims in the TRNC is that they were promised that they would be taken to Cyprus, a 'European country', where they would have ample opportunities to work.⁸² There was no understanding among the victims that they would, in fact, be taken to a non-internationally recognised state. Unsurprisingly, victims were also unaware of the fact that although Cyprus as a whole acceded to the EU in 2004, EU law remains suspended in the areas not under the effective control of the RoC (i.e., the TRNC) until a comprehensive settlement to the Cyprus problem is reached.⁸³ Similarly, they were not aware that although the currency in the RoC is the euro, the TRNC uses the Turkish lira.

Second, the division of the island makes it harder to arrest and convict human traffickers, especially in sexual exploitation cases. While most sexual exploitation takes place in the TRNC, the de facto state has adopted no mechanisms for protecting, or even recognising, victims of human trafficking. This creates incentives for the victims to cross to the RoC, which is, however, ill-suited to respond to crimes that have taken place exclusively outside its effective control and jurisdiction. In practice, this means that the RoC police are often in possession of victims' testimonies that they cannot corroborate, while the TRNC police have access to the perpetrators, whom they nevertheless refuse to arrest in the absence of any evidence of a

⁸² These are the facts of a recent TRNC case, currently in Court, in which 322 Bangladeshi victims had been promised by their traffickers that they could get them to 'Europe'. See: '6 bin euro karşılığında 5 farklı eğitim kurumuna kaydedilen 322 Bangladeşli inşaatta çalıştırıldı' ['322 Bangladeshis enrolled in 5 different educational institutions for 6 thousand euros were employed in construction'], *Havadis Kıbrıs* (19 August 2022), available at <https://www.havadiskibris.com/6-bin-euro-karsiliginda-5-farkli-egitim-kurumuna-kaydedilen-322-bangladesli-insaatta-calistirildi/>.

⁸³ 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 (OJ L 236, 23.9.2003, p. 955–955).

crime.⁸⁴ The Joint Communications Room, consisting of Greek Cypriot and Turkish Cypriot members and operating under the auspices of UNFICYP, could in principle act as a vehicle of collaboration between the two law enforcement agencies.⁸⁵ Nevertheless, for reasons that remain unclear, no such collaboration with respect to anti-trafficking efforts appears to have taken place.⁸⁶

Third, the division of the island hinders efforts to protect and identify the victims themselves. Precisely because it is impossible to corroborate the stories of those who have been trafficked in the TRNC, many victims of human trafficking are often not recognised as such by the RoC authorities. What exacerbates the problem is that in order for human trafficking victims to acquire any legal status in the RoC, they must apply for asylum. This mixes them with large numbers of asylum seekers who were not, in fact, exploited (but often claim they were), which makes it even harder for the authorities to provide support to those who genuinely need it. Further, in order for this support to be provided, the victims must explain to the authorities in the RoC what they went through in the TRNC. The absence of real evidence that would help support their story, coupled with the fact that the authorities in the RoC have never seen the conditions that trafficking victims in the TRNC endure, means that they are often not believed and they do not receive the protection they are entitled to.

⁸⁴ This is what happened in *Güzelyurtlu and Others v. Cyprus and Turkey* (European Court of Human Rights, App. No. 36925/07, 29 January 2019), in which the Court created an obligation on the RoC and TRNC law enforcement authorities to cooperate in the investigation of a murder.

⁸⁵ Hadjigeorgiou and Kapardis, 'Police Cooperation in Cases of Unrecognised Secessions'.

⁸⁶ The Secretary-General suggested in his July 2022 report the involvement of the relevant Technical Committees in order to help with the effective handling of irregular migration on the island. See: Mission of Good Offices in Cyprus: Report of the Secretary-General' (5 July 2022, S/2022/534), paras. 29 and 40. The failure of the authorities to effectively respond to trafficking and irregular migration has been a recurring theme in these reports over the years. See: Report of the Secretary-General on the United Nations operation in Cyprus (27 May 2005, S/2005/353), para. 23; 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 (10 July 2017, S/2017/586), para. 15; United Nations operation in Cyprus: Report of the Secretary-General (7 January 2020, S/2020/23), para. 9.

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The report advances the debate on how best to combat the crime of human trafficking in Cyprus by providing much-needed information about the phenomenon and how it manifests on both sides of the Green Line. Arguing that human trafficking takes place in Cyprus for purposes of sexual and labour exploitation, the report provides insights about the profiles of victims and perpetrators of this crime. It concludes with an explanation of how the perpetuation of the frozen conflict makes it harder to both punish the perpetrators and adequately protect the victims of human trafficking.

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