

HUMAN RIGHTS  
PLATFORM COMPREHENSIVE  
**MONITORING REPORT ON  
HUMAN RIGHTS**

2022



This publication was funded by the European Union. Its contents are the sole responsibility of the Human Rights Platform and do not necessarily reflect the views of the European Union.

COMPREHENSIVE HUMAN RIGHTS  
**MONITORING REPORT IN THE NORTHERN PART OF CYPRUS**  
2022

Anti-Trafficking Monitoring Report Prepared by  
Fezile Osum

Report on Monitoring Human Rights of LGBTI+s Prepared by  
Erman Dolmacı

Freedom of Association and Peacefyl Assembly  
Monitoring Report Prepared by  
Didem Erođlu

Report on Freedom of Expression Prepared by  
Öncel Polili

Refugee Rights Monitoring Report Prepared by  
Aslı Murat

Monitoring Report on the Prohibition of Torture &  
Conditions of Detention Prepared by  
Aslı Murat

Published by  
Human Rights Platform

First Edition  
September 2023, Nicosia

Design  
Cypdes Factory Advertising

 **Girne Cd. 168, Nicosia**

 **info@ihpcy.eu**  **+90 533 831 60 09**

 **www.insanhaklariplatformu.eu**

 **ihp.hrp**  **ihp.hrp**  **ihp\_hrp**

  
**insan  
Hakları**  
Platformu  
Human Rights Platform

# CONTENTS

Introduction _____	4
Anti-Trafficking Monitoring Report _____	5
Report on Monitoring Human Rights of LGBTI+s _____	7
Democratic Rights Monitoring Report; _____	10
Freedom of Association and Right to Peaceful Assembly Freedom of Expression Monitoring Report _____	15
Monitoring Report on Refugee Rights _____	17
Monitoring Report on the Prohibition of Torture & Conditions of Detention _____	20

# INTRODUCTION

Human rights are the most fundamental and universal rights of every society and individual. Ensuring the protection and oversight of human rights is essential to a democratic society. The Human Rights Platform is committed to advocating for a world that is egalitarian, just, democratic, and inclusive, where these rights and freedoms are not just accessible and guaranteed for all but are also protected and continuously expanded upon through effective strategies. The Platform was established in 2021 as a result of the joint efforts of Queer Cyprus Association, Refugee Rights Association, Civil Society Initiative, Turkish Cypriot Human Rights Foundation and Universal Patient Rights Association. Today, it operates with the combined effort of seven organisations, having welcomed the Third Society Forum and Think Positive Initiative. In October 2021, the Platform launched the Human Rights Platform Project, funded by the European Union and implemented by Queer Cyprus, Refugee Rights Association, Turkish Cypriot Human Rights Foundation and Civil Society Initiative, with the mission of contributing to the achievement of a more just, democratic, equitable and inclusive society in the northern part of Cyprus where human rights are not only respected but also cherished. Comprised of seven organisations, each specialised in diverse human rights thematic areas, the Human Rights Platform persists in its united combat categorised into four main pillars: Monitoring, Reporting, and Advocacy; Empowering People; Increasing Knowledge, Awareness, and Capacity Building; and Developing Collaborations and Partnerships. In 2022, the Human Rights Platform compiled detailed reports across five thematic areas to thoroughly examine and assess the state of human rights in the northern part of Cyprus in 2022.

Each of these reports was designed and published to offer a clear insight into the state of human rights in the relevant thematic area. Furthermore, this report, encapsulating summaries and original findings from each thematic report, aims to be a comprehensive resource in the areas of Combating Human Trafficking, Human rights of LGBTI+s, Freedom of Association and Right to Peaceful Assembly, Freedom of Expression, Refugee Rights and Prohibition of Torture and Conditions of Detention in the northern part of Cyprus.

The content of the reports is based on information collected and analysed during the monitoring process, in line with predefined indicators. They serve dual purposes: documenting instances of rights violations and acting as a lobbying tool for engaging both local and international organisations.

These reports reflect our unwavering commitment to the protection and promotion of human rights. They are designed to raise awareness among our community and the international community about these crucial issues, fostering a culture of respect for human rights and advocating for their advancement. Human rights are for everyone and these reports are just one important step towards forging a world that is not only just and equitable but also deeply rooted in the respect for human rights. As you read these reports, we want to emphasise our commitment to the human rights cause and our determination to work together to promote progress in this area.

# ANTI-TRAFFICKING MONITORING REPORT

Overall, the northern part of Cyprus has largely failed to fulfil its legal obligations for anti-trafficking. The criminalization of human trafficking in 2020 March was a cornerstone that led to the first conviction of human trafficking case during 2022, as explained in the report. However, the legal and administrative absences have resulted in victims receiving no sort of protection and support after going through such a traumatising experience. There also have not been any measures in place to identify the victims, investigate the trafficking cases and prevent such cases happening. Although the trafficking trends have been brought to the attention of various 'authorities' and discussed in the media, there was no interest to address this phenomenon. One of the remarkable developments of 2022 has been the increasing number of Nigerian sex trafficking victims that were deceived by the voodoo ritual. Amongst the 23 victims identified, 15 of them have lost contact with the Platform, due to the inabilities of the 'authorities' to protect and support them. Those victims may be re-trafficked or faced with serious violence. Lastly, the limited data provided by the 'authorities', regardless of many petitions shared with them has provided that either they fail to keep data in relation to human trafficking or that they are not willing to share them with public.





### **Following are the set of recommendations for the ‘authorities’:**

- Adopt a comprehensive ‘law’ that will provide the identification, protection and assistance of the victims;
- Introduce preventative measures such as amending or compelling the ‘nightclubs and similar places of entertainment law’, introducing sticker rules on obtaining ‘student visas’, introducing controls over ‘universities’ concerning their student policies, controlling the ‘agents’ that work for the ‘universities’ to recruit students from abroad and ensuring that they are qualified persons that provide trustworthy information, providing information to the migrant communities upon their arrival to the territory through informative brochures or booklets, authorize the ‘labour department’ and ‘nightclubs commission’ to conduct inspections based on the indicators of human trafficking;
- Amend the ‘immigration and aliens law’ to prohibit the deportation of irregular migrants without first screening them for human trafficking and ensuring that they will not be persecuted if they are returned back countries of origin.
- Establish a shelter house for the victims of human trafficking;
- Introduce a specialized department in the ‘police’ on anti-trafficking;
- Train the ‘police’ in regard to investigation methods of human trafficking (both reactive and pro-active investigation methods) and victim-centred approach.


# REPORT ON MONITORING HUMAN RIGHTS OF LGBTI+S

Access to human rights for LGBTI+s in the northern part of Cyprus remains at an alarming level; issues such as hate speech, violence and discrimination remain prevalent. The local 'authorities' do not take significant steps to address these issues and do not conduct effective investigations on issues such as hate speech, which is defined in 'legal texts' and criminalised. Civil society organisations such as QCA and HRP are engaged in rights-based struggle in solidarity with LGBTI+s. The lack of legal recognition of the gender of transgender and non-binaries leads to violations of their rights in areas such as health services and the 'prison' system. While stigmatization prevails in the Turkish Cypriot community, activists and QCA along with various civil society organisations carry out diverse activities in the northern part of Cyprus, particularly the Pride Parades. These activities increase the visibility of the human rights and demands of LGBTI+s in the society. Apart from Pride Parades, the Rainbow Project, which aims to raise awareness and capacity in the fields of education and health, and the Helix Project, which aims to increase the resilience of LGBTI+s, are also of great importance. However, more efforts are needed from both civil society organisations and 'authorities' to address the ongoing issues faced by the LGBTI+ community in the northern part of Cyprus.

## The main conclusions of the monitoring are as follows:

- The legal gender recognition is not defined in accordance with the right to self-determination, which leads to violations of the right to privacy, bodily integrity and many other human rights.
- LGBTI+s are subjected to discrimination based on sexual orientation, gender identity, gender expression and characteristics in education, health, housing, employment and many other areas.
- Medical interventions on intersex people that are not medically necessary and are performed to conform to the norms of the binary gender system violate many human rights, including the right to health, the right to information, the right to privacy, the right to be free from discrimination and the right not to be subjected to torture and other inhuman, cruel and degrading treatment.
- In 2021, although hate speech against sexual orientation and gender identity was effectively regulated as a crime in the 'penal code', the 'police' do not conduct effective investigations into these crimes that are commonly committed in online environment. Although Queer Cyprus Association (QCA) has complained to the 'judiciary' about online hate speech comments, especially regarding Pride Parades, no effective investigation has been carried out for years.





Taking into account the information presented in the analysis section, the following are some possible recommendations for improving the human rights of LGBTI+s in the northern part of Cyprus in the future.

- **Take anti-discrimination steps:** The ‘parliament’ should enact legal measures’, collaboratively drafted by local ‘authorities’ and the LGBTI+ community, to safeguard the rights of LGBTI+ individuals and to counteract discrimination. A comprehensive anti-discrimination law that prevents discrimination based on sexual orientation and gender identity, for instance, should be adopted. Furthermore, ‘legal regulations’ should be instituted to allow registered partnerships between same-sex couples. All ‘law enforcement bodies’, including the ‘police’, should diligently enforce international conventions and domestic ‘legal regulations’ pertaining to LGBTI+ individuals, including imposing sanctions against discrimination. Independent bodies should be established to prevent discrimination based on sexual orientation and gender identity. Lastly, the local statistical institute should carry out qualitative research and maintain comprehensive statistical data, incorporating information obtained from the relevant ‘authorities’.
- **Online hate speech against LGBTI+s should be effectively investigated:** ‘Authorities’ should take concrete measures to tackle online hate speech directed against LGBTI+s, especially during Pride events. The ‘police’ should demonstrate increased proactivity in investigating these incidents and ensuring that the perpetrators are held accountable. Moreover, these investigations should be completed and justice served in a timely manner.
- **Condemn hate speech:** The ‘leader of the Turkish Cypriot community’, the ‘prime minister’, ‘ministers’ and all ‘mps’ should publicly condemn hate speech and other forms of discrimination against the LGBTI+ community.
- **Protect against violence and ensure access to justice:** The ‘police’ should carry out effective investigations against perpetrators of violence or discrimination against LGBTI+s and bring offenders to justice. An amendment to the ‘regulation’ aimed at preventing medically unnecessary interventions on intersex individuals should be drafted and implemented following collaborative efforts between the ‘ministry of health’, the Turkish Cypriot Medical Association, HRP and QCA. The lack of preventive and protective services for psychological, economic and physical violence against LGBTI+s underscore the critical role of the local social services department in addressing these issues. It is recommended that these services be improved, that the violence prevention and counselling centres (ŞÖDAM) of the gender equality department (TOCED), where these services will be provided, be implemented immediately, and that the ‘police’ violence prevention units, which are actively functioning in every region, be inclusive in a way to protect the rights of LGBTI+s.



- **Human rights violations of LGBTI+s in ‘detention centres’ should be monitored and eliminated:** The ‘ministry of interior’ should take immediate steps to improve conditions in ‘detention centres’ and ensure that the rights of LGBTI+s, especially transgender and non-binary identifying persons, are protected. HRP and QCA should continue to monitor these facilities and advocate for change.
- **Promoting LGBTI+ inclusive education and health services:** Education and health services should be reorganised to be inclusive of LGBTI+s and awareness-raising trainings on this issue should be encouraged.
- **Discrimination in employment must be addressed:** ‘legal regulations’ should be introduced by the ‘parliament’ prohibiting discrimination in the public and private sectors. Furthermore, there should be dedicated centres where victims of workplace discrimination can seek help. These centres should receive regular training from CSOs working in the field, such as QCA.
- **Protect the rights of transgenders:** The ‘parliament’ should recognise the legal gender of transgenders and non-binaries according to the principle of self-determination and ensure equal and free access to health services. Turkish Cypriot military recruitment office (ASAL) should provide exemptions from military service for LGBTI+s upon their request.
- **Support freedom of assembly:** The ‘police’ should continue to protect the right of the LGBTI+ community to organise Pride Parades and other public events. ‘Legal regulations’ restricting the freedom of assembly of foreign nationals should be amended by the ‘parliament’. For detailed evaluations and recommendations on the subject, the Democratic Rights Monitoring Report of the HRP can also be consulted.
- **The human rights of people living with HIV must be protected:** The relevant protocol that leads to the deportation of HIV-positive people who are not citizens should be promptly amended. The ‘ministry of health’ should increase the number of anonymous HIV-testing centres, which should be free, accessible, and safe.
- **International law should be applied:** Protocol No. 12 to the ECHR on general non-discrimination should be ratified. The ‘parliament’ should transpose the Yogyakarta Principles into domestic ‘legislation’ to ensure human rights standards.
- **Organisations and activists defending the human rights of LGBTI+s should be protected, and their work encouraged:** The work of organisations such as QCA and HRP that safeguard LGBTI+s human rights and raise awareness on this issue should receive both financial and moral support from the local ‘authorities’. Considering social discrimination and violence against LGBTI+s, activists working in this field should be provided with enabling environments and their safety should be ensured.

These recommendations aim to address the various human rights violations faced by the LGBTI+ community in the northern part of Cyprus and to promote equality, non-discrimination, and respect for the rights of all, regardless of their sexual orientation or gender identity.

# DEMOCRATIC RIGHTS MONITORING REPORT; FREEDOM OF ASSOCIATION AND RIGHT TO PEACEFUL ASSEMBLY

In the northern part of Cyprus, the freedoms of association and peaceful assembly are enshrined as fundamental rights in the 'constitution'. However, while the 'regulations' and practices concerning access to these rights are broadly in line with international standards, they are limited to 'citizens', thus placing substantial restrictions on foreigners. These limitations are found in both the 'constitution' and in domestic 'legislation'. Therefore, a significant distinction exists between foreigners and citizens in terms of fundamental rights and freedoms. This dichotomy contradicts international conventions that have been incorporated into domestic 'legislation', as well as the European Convention on Human Rights (ECHR) and the International Covenant on Civil and Political Rights (ICCPR), which state that these rights apply without discrimination between foreigners and nationals. Furthermore, the wording used to restrict rights, such as 'public morality' and 'for similar reasons' allow for broad interpretation and could result in access to these rights being curtailed. Regarding freedom of association, the 'constitution' does not provide for a general "right and freedom of association" that would encompass various forms of civil society organisation. Different organisational forms such as associations, foundations, and trade unions are regulated separately, and forms of organisation like initiatives that operate without registration are not included. It is crucial that all organisational forms are regulated in a single, inclusive article that guarantees equal rights and that the rights of all civil society organisations are covered by legal protection. The 'constitution' stipulates that "associations may be dissolved by a 'judge's decision in cases provided for by 'law'". The key issue here is the provision that allows "district governorates to suspend the activities of CSOs for an indefinite period until a 'judge' makes a decision". The phrase "in cases where a delay is considered objectionable" is vague and poses a threat to freedom of association by opening the door to arbitrariness.



## Key findings and recommendations in terms of the relevant local 'legislation' and practices concerning the establishment and operation of associations:

- The 'law on associations', amended in 2016, generally facilitates the creation of associations without imposing severe restrictions that could drastically impair the achievement of their goals and activities. However, various 'regulations' on fundraising, tax exemptions, and financial reporting, being 'legislated' under different 'laws' induce complications and inconsistencies in their application by both CSOs and 'authorities', negatively impacting the enabling environment for civil society. The consolidation or reorganisation of all 'regulations' on associations under a single 'law', taking into account the function and structure of civil society along with the presumption of good faith in favour of the legal formation, objectives and activities of associations, and aligning 'regulations' with international standards would eliminate restrictions on access to this right.
- In general, interviews with decision-makers and implementing bodies reveal tendencies towards restricting rights. Decisions and practices are formed under the assumption that associations may harbour malevolent intentions. It is crucial in the context of access to freedom of association that these considerations are evaluated within the premise of good faith towards the legal formation, objectives, and activities of associations, and that corresponding 'laws' and policies are formulated accordingly.
- The right to establish associations and to become a member is only recognised for 'citizens' who have completed the age of 18. As for foundations, the relevant 'law' stipulates the requirement of belonging to a religion. The 'law' on associations incorporates restrictions for foreigners, foreign associations/apex organisations and children. Restrictive provisions should be removed from the relevant 'laws' and 'regulations' based on nationality or religion should be abolished. Similarly, the relevant 'law' must be revised in a way that paves the way for children's freedom of association.
- There are no foreign associations registered in the northern part of Cyprus. For foreign associations, there are substantial restrictions, such as additional bureaucracy and authorisation, on establishing an association, becoming a member, the objectives of the association, reporting and access to funds. This discrimination also applies to freedom of assembly; as it is stated that "foreigners may not organise or participate in peaceful assemblies". Individuals belonging to these disadvantaged groups, who come to the northern part of Cyprus to work or study, or as refugees, and who are considerable in number, have the right to organise, along with other rights. The freedoms of association, peaceful assembly and expression need to be reorganised in the relevant legislation in a holistic manner adhering to the principle of equality.
- The 'legislation' only acknowledges formal associations and does not extend to informal (unregistered) organisations. It is particularly important that such organisations, often formed by socio-economically disadvantaged groups facing difficulties accessing funds, are recognized in a manner that allows their operation without being deemed illegal.
- The documents required for the registration process do not significantly inhibit the freedom of association. However, the information required to be included in the statutes of associations is very broad. In particular, it is objectionable that the residence addresses and occupational information of the founders are mandatory. Furthermore, the obligation to show an address can be challenging for a newly organised group. This practice should be re-evaluated and appropriate adjustments should be made, especially in the digital age where the necessity of a physical location to conduct activities has lost its importance.

- Although not stipulated in the ‘law’, the ‘district governorate’ sends association statutes to the ‘attorney general’s office for review purposes. Due to the scarcity and inadequacy of the ‘legal’ staff, the review of the association statutes sent to the ‘attorney general’s office could exceed the stipulated 60-day timeframe. In this regard, it would be appropriate to make the necessary amendments in the ‘law’ and to preferably shifting ‘legal’ controls to the ‘ministry’ or to amend the relevant ‘law’ in order to regulate this responsibility assigned to the ‘attorney general’s office.
- Regarding oversight, although the ‘law’ emphasizes the importance of internal supervision, the inspection authority granted to ‘district governorates’ is contentious. This authority extends to accessing all information, documents, and physical premises belonging to the association. While such extensive oversight is not envisioned for private companies, it is imperative to re-evaluate these provisions for CSOs, align them with predetermined and international standards, and implement regulations that respect the autonomy of associations.
- In practice, the competent ‘authorities’ for associations are the ‘ministry of interior’, the ‘central district governorate’ and the relevant regional ‘district governorates’. Interviews with both civil society and the competent ‘authorities’, highlighted problems stemming from the lack of human resources in ‘district governorates’ and underlined regional disparities. Registration and reporting issues, protracted registration processes sometimes surpassing the ‘legal’ period, are due to the lack of clarity in the ‘law’. It is anticipated that the guideline document to be developed with the collaborative work of civil society and decision-makers on the ‘law on associations’ will resolve these disparities in practice.

### **Key findings and recommendations concerning access to finance, a crucial element for the sustainability and effectiveness of associations:**

- Access to financial resources and consequently, the sustainability of CSOs is a significant challenge. There are 1185 registered associations in the northern part of Cyprus. Almost only half of these are active. The ‘legal’ framework is complex as it is regulated in many different ‘laws’ and is not enabling fundraising.
- Public funding for civil society is severely limited. Access to public funds or the scarcity of public support is constrained not just by the variety of funds and funding bodies, but also by the budgetary allotments for such activities. To strengthen civil society, regarded as a key pillar of democracy, ‘state’ budgets should be planned in collaboration with civil society to allocate more resources. Furthermore, these resources should be assigned based on pre-established criteria and should be distributed in a transparent, accountable manner, contrary to current practices.
- International funding is limited due to the de facto situation in the northern part of Cyprus. The EU is the international organisation that regularly provides the largest amount of funding to civil society. Although limited, there are a variety of funding sources provided by non-EU funding organizations, such as the United Nations (UN) High Commissioner for Refugees fund, EEA Grants, the Embassy of the United States, the French Embassy, etc. in varying amounts and for varying purposes. No limitations exist on CSOs’ access to funding, but foreign associations are subject to an approval process.

- The existing ‘regulations’ regarding fundraising, lotteries, and raffles -which are significant income sources for CSOs- apply not just to associations, but also to any individual or legal entity wishing to collect donations. These ‘regulations’ require authorization from ‘institutions’ like ‘district governorates’, the ‘police’, and ‘municipalities’ and include severe penalties such as imprisonment. It is suggested that separate ‘regulations’ be enacted for CSOs which, due to their organizational structure, derive substantial portions of their income from donations, operate as non-profits, and contribute to the overall societal good. Under the proposed ‘regulations’, unlike the current rules, a CSO aiming to collect aid should not be subject to a permit process by relevant ‘authorities’, should not face harsh penalties such as imprisonment, and different types of income should not be subject to the same ‘regulations’. In this context, it should suffice for the ‘district governorate’ to validate the donation receipts of an association, provided the association is registered and includes these donations in its financial reports. Additionally, modern technology and online donation mechanisms should be considered in the new ‘regulations’.

- Registered CSOs are exempt from ‘corporate taxes’, unless they have an economic enterprise of their own. However, VAT, ‘customs’ and ‘withholding taxes’ are also mandatory for CSOs. The ‘law’ only provides exceptions for specific types of organisations established for purposes approved by the ‘council of ministers’. The same issues apply to ‘tax’ incentives for donors. Particularly noteworthy are the exceptions under the ‘law on charities’ for organisations approved by the ‘council of ministers’. Charity status should be either abolished or the criteria and procedures for obtaining such status should be clearly defined. In addition, the approving ‘authority’ should be a more technical ‘authority’ rather than a high-level political body such as the ‘council of ministers’. These ‘regulations’ restrict the development of civil society and create inequalities among different types of civil society organisations. It is essential for the development of civil society to make arrangements to facilitate CSOs’ access to resources by removing obstacles to such access.

### **The findings and recommendations regarding the involvement of civil society in decision-making processes, which is essential for a functional democracy:**

- In practice, the interaction between civil society and public organisations is limited and generally requires initiative and persistence from the civil society.

- Major issues include the prolonged and complex process of ‘legislative’ amendments, frequent changes in ‘public officials’ and ‘authorities’ due to the ‘country’s volatile politics, and the impossibility of effective consultation. In this context, it’s urgent to develop criteria and standards for consultation processes with CSOs and to establish focal points in all decision-making units to build enhanced and sustainable relations with civil society.

- Civil society’s participation in ‘legislative’ processes is stipulated in the ‘parliament’s ‘internal regulations’. However, the time allocated for submitting comments is short and extending this period would facilitate more effective participation. Moreover, as stated in the ‘law’ and observed in practice, the involvement of civil society depends on the initiative of ‘legislators’. This process should be restructured to be more binding and to enable the participation of civil society.

- There is limited local ‘legislation’ regarding participation and only 15 ‘laws’ provide for it. The conditions and content of this cooperation are not specified in any of these ‘laws’. The terminology used is non-committal, such as “encourage” or “ensure cooperation”. Some ‘laws’ include provisions for CSOs to be part of ‘advisory boards’ established under the respective ‘law’. The participation of CSOs in these advisory bodies is not guaranteed, leaving the ‘administration’ with considerable discretion in this matter.

## The key findings and recommendations regarding freedom of peaceful assembly:

- The current ‘legislation’ surrounding the freedom of peaceful assembly is flawed. ‘Chapter 32 the law on assembly and demonstrations’ of 1958 and the article of the ‘criminal law’, entered into force in 1929, which defines the offences of unlawful assembly and rioting, haven’t been substantially amended. The ‘law on assembly and demonstrations’ contains provisions that are backward in democratic terms, such as requiring demonstrations and/or marches to obtain permission from the ‘district governorate’, which can also ban them. The ‘criminal law’, on the other hand, contains broad criteria as to which assemblies can be considered illegal, thereby discouraging the exercise of this right. These ‘laws’ need democratic revision in accordance with international standards. ‘Law enforcement agencies’ can interpret these ‘legal’ articles broadly, potentially leading to activists being subjected to ‘criminal prosecution’ and ‘investigative procedures’, as observed in several cases during 2022. The process of ‘prosecution’, ‘investigation’, and ‘trial’, lasting until the ‘court’ reaches a decision, bears both tangible and intangible repercussions, thus dissuading groups intending to express their freedom through peaceful assembly.
- These shortcomings in the existing legal texts are recognised by the ‘supreme court’, the ‘court of appeal’ and the lower ‘courts’. The ‘supreme court’ has made it clear that parts of the ‘constitution’ that fall outside its framework are not applicable. There are rulings of ‘court of appeal’ stating that although there is no ‘legal regulation’, only written notification is made to the ‘district governorate’. This makes it somewhat easier to exercise this right in practice. However, the fact that the exercise of the right is not protected by ‘laws’ regulated according to international standards poses a serious risk for rights violations.
- According to current practice, there is no need to obtain a permit for any action, street demonstration or protest. Restrictions may vary depending on the nature of the action, the organizing entity, and the location. While organisations with substantial societal standing, such as trade unions and associations, can organize demonstrations without even notifying the ‘authorities’, smaller-scale organizations may need to obtain permission. There have been instances where ‘district governorates’ have refused to grant permissions, particularly for demonstrations and protests organized by foreigners. This right must be regulated by ‘law’ and equally recognized for all individuals and ‘legal entities’. Any restrictions must be ‘legally’ prescribed and deemed necessary in a democratic society.

# FREEDOM OF EXPRESSION MONITORING REPORT

While international human rights treaties and the 'constitution', which are integral parts of domestic 'law', attribute special importance to the protection of freedom of expression, in practice, political authorities often act contrary to the principles of freedom of expression.

The 'legislation' falls short of meeting the requirements of the present day, and there are 'regulations' that restrict individuals' freedom of expression and impede the free expression of their thoughts. Moreover, the political 'authorities' seem to be more concerned with enacting 'legislation' that contradicts freedom of expression instead of abolishing problematic 'laws'. In practice, the judgments of the ECtHR are often disregarded when initiating criminal 'cases' related to freedom of expression, and 'cases' are sometimes not concluded within a reasonable time, thereby violating the principle of a fair trial.

A concerning trend observed in 2022 is the initiation of criminal proceedings against individuals who exercise their freedom of expression, particularly when expressing criticism towards political figures.

Regarding the right to information, political 'authorities' do not hesitate to act as if such a right does not exist. The 'access to information assessment board', a body of questionable independence, does not receive sufficient number of applications.

While the 'law' on press labour contains some provisions aimed at protecting media independence, it does not provide sufficient 'legal' safeguards in practice. Many press workers have lost their jobs due to expressing their opinions, and the composition of the 'boards of directors' of public broadcasting organisations and the 'YYK' does not inspire confidence in their independence.



**To address the issues highlighted in this report, the following recommendations are proposed:**

- Reviewing the ‘legislation’ and amending regulations that pose problems for freedom of expression;
- Improving scrutiny of criminal ‘cases’ related to freedom of expression before initiating them, taking into account ECtHR case law;
- Ensuring that ‘cases’ affecting freedom of expression are concluded within a reasonable timeframe;
- Removing the member of ‘attorney general’s office’ in the ‘access to information assessment board’;
- Taking measures to increase the number of applications made to the ‘access to information assessment board’;
- Establishing a ‘national’ human rights institution;
- Introducing more protective measures in the ‘law’ on press labour to protect journalists against censorship by media owners;
- Enforcing stricter regulations for dismissing press workers;
- Ensuring the independence of the ‘boards’ of ‘BRTK’, ‘TAK’ and ‘YYK’;
- Taking necessary measures to ensure representation of diverse groups in ‘public’ broadcasting organisations;
- Amending ‘chapter 79 press law’, which stipulates that those who do not provide declarations and guarantees before newspapers are printed and published may be deprived of their liberty, and abolishing the penalty of deprivation of liberty;
- Introducing ‘legislative’ measures for promoting media diversity;
- Implementing a ‘national’ policy on education for all, including a human rights curriculum and “active learning” in the education system;
- Prohibiting war propaganda;
- Increasing supervision to control the ‘BRTK’s’ public service broadcasting, its independence and impartiality, and whether it broadcasts in accordance with the requirements of democratic, secular and social management principles based on human rights.





# MONITORING REPORT ON REFUGEE RIGHTS

Although our 'legislation' has incorporated international conventions on refugee rights through the ratification of 'laws' enacted by the 'parliament', it is evident that local 'authorities' are not fully adhering to them. To address this issue, it is essential to enact special local 'laws' and amend existing 'legislation', particularly with regard to human rights conventions.

The violation of fundamental principles such as non-refoulement and non-criminalisation is evident in relation to refugee rights, let alone the provision of their economic and social needs. The urgent priority is to establish an asylum system that considers the 'country's' management capacity and planning. The current pre-visa requirement imposed on Syrians does not effectively prevent or regulate their arrival. On the contrary, it further endangers their right to life through irregular arrivals. The case law of the European Court of Human Rights (ECtHR) emphasises the absolute nature of the prohibition of torture and ill-treatment protected under Article 3 of the European Convention on Human Rights (ECHR) and states that a contracting state cannot be immune from its responsibility under this article.<sup>1</sup> Consequently, refugees who are detained, arrested, punished, and deported face violations of their rights in numerous aspects, including torture and ill-treatment, personal liberty and security, right to a fair trial, and access to healthcare.

Furthermore, asylum-seekers who were able to contact UNHCR following a regular entry or who had their stay in the 'country' legalised with a humanitarian residence visa (although the local 'authorities' did not respond to the petition as stated in the report), encountered significant obstacles in accessing the most fundamental human rights such as healthcare, adequate housing, education, and social assistance, throughout 2022.



<sup>1</sup> ECtHR, Aden Ahmet v Malta, Application No: 55352/12, p. 36.

## Our main recommendations for solving the issues described in this report are as follows:

- Establish a fair and efficient refugee identification procedure by drafting and enacting local ‘laws’ on the asylum system to be applied within the jurisdiction of the northern part of Cyprus, specifically for asylum seekers and refugees in need of international protection.
- Detention of persons in need of international protection should be exceptional and not automatic, under all circumstances.
- As a result of the amendments to ‘cap. 105 law on aliens and immigration’, exceptions should be made for asylum seekers and refugees who enter the ‘country’ irregularly. Detention of asylum seekers and refugees should be avoided and considered only as a last resort. Alternatives to detention should be recognised in the ‘law’ and implemented. If detention is deemed necessary, places of detention should comply with international standards. However, children should not be detained under any circumstances.
- Ensure the availability of free, competent and impartial interpreters at ‘police stations’, ‘prisons’, and ‘detention centres’.
- Clarify the standards for the Humanitarian Residence Permit based on legal provisions and determine the public services (such as free healthcare, education and social assistance) to be provided in connection with the visa. The criteria for the permit should be regulated in line with international human rights obligations, and the 1-year validity period should be extendable.
- Establish a risk assessment system to prevent the return of asylum-seekers to their country of origin or to countries where they have indicated that they are at risk of persecution. If a risk is identified, they shall never be returned to their country of origin.
- Ensure that asylum-seekers and refugees can benefit from public social assistance services.
- Provide legal aid to asylum seekers and refugees.
- Ratify the Optional Protocol to the Convention against Torture and the 1967 Additional Protocol relating to the Status of Refugees. Include legal provisions to establish local independent committees that can conduct regular and unannounced visits to places of detention (such as ‘police stations’, ‘prisons’ or dormitories), where asylum seekers and refugees are held.





## MONITORING REPORT ON THE PROHIBITION OF TORTURE & CONDITIONS OF DETENTION

The 'administration' should undertake several key steps to address the prevention of torture and ill-treatment, eradicate impunity, and establish a fair punishment system. These steps include prohibiting torture in the legal framework, ensuring effective investigation of all complaints and reports of torture and ill-treatment, as well as prosecuting and holding accountable those responsible, and compensating individuals who have been subjected to rights violations. The 'administration' must actively engage with existing international conventions and monitoring mechanisms in the field of law.

- The act of torture and ill-treatment should be criminalised in ‘chapter 154 criminal law’.
- The ‘law’ on juvenile offenders should be promptly amended to incorporate a contemporary legislative framework that ensures child-friendly criminal justice within the existing ‘legislation’.
- Ensure that ‘police’ and ‘prison’ guards who come into contact with vulnerable groups receive regular training on human rights, in particular on the prohibition of torture and ill-treatment.
- A juvenile police unit should be established within the ‘police’ organisation, staffed by specialised ‘police officers’ trained in child rights.
- An asylum system should be established to ensure the rights of people in need of international protection.
- Asylum-seekers and refugees should not be treated as criminals on the grounds of irregular entry and should not be returned to their countries of origin.
- Efforts should be made to enhance the effectiveness of the ‘legislation’ concerning free legal assistance, and if required, a separate ‘law’ on legal assistance should be developed for better ‘regulation’.
- Free, competent and impartial interpreters should be available in all ‘centres of detention’.
- The Istanbul Protocol procedures and methods should be used for mandatory and systematic health checks of persons in custody, detainees, and convicts.
- An amendment to ‘Chapter 155 law’ on criminal procedures should be made to ensure that statements obtained without the presence of a lawyer and in camera cannot be admitted as evidence in ‘court’.
- Alternative measures to ‘pre-trial’ detention and imprisonment should be developed and the relevant provisions of ‘chapter 155 the law’ on criminal procedures should be diversified in this respect.
- ‘Detention centres’ such as ‘police stations’, ‘prisons’ etc. should be reorganised in accordance with the standards set by the European Committee for the Prevention of Torture in terms of accommodation, provision of special needs, health and hygiene.
- The Optional Protocol to CAT should be incorporated into domestic ‘law’ through ratification ‘legislation’.
- A “local Prevention Mechanism” should be established to inspect ‘detention centres’ such as ‘police stations’ and ‘prisons’, inspections should be carried out at routine intervals and the reports prepared should be made accessible to the ‘public’.





 **Girne Cd. 168, Nicosia**

 **info@ihpcy.eu**  **+90 533 831 60 09**  **www.insanhaklariplatformu.eu**

 **ihp.hrp**  **ihp.hrp**  **ihp\_hrp**



This publication was funded by the European Union. Its contents are the sole responsibility of the Human Rights Platform and do not necessarily reflect the views of the European Union.

  
**insan  
Hakları  
Platformu**  
Human Rights Platform