



**Nowhere is Safe:**  
Anti-Trafficking Monitoring Report  
in the northern part of Cyprus  
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.

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# EXECUTIVE SUMMARY

During 2022, the local bodies in the northern part of Cyprus were unwilling to prosecute human trafficking cases, to protect the victims or to adopt any anti-trafficking policies. The local 'legal framework' concerning anti-trafficking has been way behind the international and European legal standards. Regardless of the fact that the local bodies adopted Palermo Protocol in 2018, only one obligation concerning human trafficking to be identified as a crime with aggravated circumstances and dissuasive penalties was present in the local 'legal framework'. There was an absence of local 'legal framework' concerning victim identification, protection and assistance. There has been absence of shelter houses, local hotlines and any supportive or protective administrative mechanisms for human trafficking victims implemented by the local bodies. This means that the local bodies have not formally identified any victims and did not provide any sort of support and protection once victims leave their traffickers. Hence, the immediate safety of the victims once they leave their traffickers was identified as a major concern by the Human Rights Platform, as the only CSO that implements an anti-trafficking hotline and provides legal aid to the victims under its EU funded project. Also, there were no 'laws' in place to protect the identities of the victims during the 'court' proceedings and their identities were often disclosed in the local media. Immigration status was not provided (either temporary or permanent), to regularize their stay in the territory and protect them from deportation risks.

A total of 12 petitions with 76 questions were submitted to various local bodies, asking for information on issues such as anti-trafficking policies, trafficking trends, the number of identified victims, their nationalities and ages, the number of investigations and prosecutions, the number of inspections conducted to identify human trafficking or exploitation cases, any prevention efforts, etc. Only 4 of the 12 petitions received responses from the 'authorities' that answered 30 questions. The replies were mostly either incomplete or even incorrect because human trafficking and human smuggling were confused, which was a common mistake made by the local bodies. The number of victims and trafficking trends identified by the local bodies could not be obtained. The only information that could be included in the report came from the Platform's anti-trafficking program, which includes a hotline to reach the victims and provides free legal aid on the ground, since local bodies made no attempt to introduce victim identification procedures or to keep data on the victims.

Overall, the Platform identified 23 human trafficking victims in total; 17 Nigerians, 1 Cameroonian, 2 Iranians, 2 Kazakhstan and 1 Russian. All were subjected to sex trafficking and 18 of them were brought to the island with 'student visas'. The nightclubs that serve as brothels and have been regarded as potential venues for sex trafficking remained open. In addition, another sex trafficking practice was discovered in 2022, which featured the trafficking of Nigerian young women using a 'voodoo ritual' to deceive and recruit the victims. Victims were persuaded to travel to the northern part of Cyprus by false promises of 'university' education and job opportunities. On a daily basis, Nigerian women acting as their 'mamas' (also known as 'madams') controlled them by locking them in privately owned apartments or villas.

Overall, It was observed that the absences in the local 'legal framework' and the practice of the 'authorities' mainly led to the following human rights violations of the victims; the right not to be submitted to slavery, servitude, forced labour or bonded labour, the right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment, the right to be free from gendered violence, the right to just and favourable conditions of work and the right to effective remedy.



# INTRODUCTION

Human trafficking in the northern part of Cyprus has long been identified as a major issue of concern in many international and local reports. Up to date, it has been observed that human trafficking cases occur in the northern part of Cyprus in two forms; sex trafficking and labour trafficking.<sup>1</sup> Due to the legal absences and almost absolute lack of political willingness to punish human traffickers, the US Department of State Trafficking in Persons Report (Hereafter “US TIP Report”) previously identified the northern part of Cyprus as the ‘zone of impunity’.<sup>2</sup> Although the region could not be formally ranked in the report due to the Cyprus problem, it was mentioned that if it could be ranked, it would be in Tier 3<sup>3</sup> which is the lowest form of ranking in the report.<sup>4</sup> On top of this, the UN Secretary-General identified human trafficking across the Green Line as a serious issue that has to be dealt with subsequently in 2005,<sup>5</sup> 2006,<sup>6</sup> 2007,<sup>7</sup> 2017<sup>7</sup> and 2020.<sup>8</sup> The current division in the island feeds human trafficking in various forms, creating multiple human rights violations, as well as security concerns.

This monitoring report aims to assess the ‘legal framework’ and practices of the ‘authorities’, based on the international and regional obligations set by the international law. The report analyses anti-trafficking efforts in 5 headings; 1- Criminalization and Prosecution of Human Trafficking, 2- Identification of the Victims, 3- Victim Protection, 4- Assistance of the Victims and 5- Prevention of Human Trafficking. A set of indicators has been prepared before the monitoring process, based on the international and regional legal standards. The main documents used for this purpose are the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter the “Palermo Protocol”), supplementing the United Nations (UN) Convention against Transnational Organized Crime<sup>9</sup> and the Convention on Action against Trafficking in Human Beings (hereafter the “European Trafficking Convention”) by the Council of Europe (CoE). The Palermo Protocol was adopted by the northern part of Cyprus in 2018, whereas the latter is not adopted and therefore it is not a part of the local ‘legal framework’. Nonetheless, it stands as the most important anti-trafficking convention that sets the standards for the European region and its adoption in the future would serve as an important tool to be used for combating trafficking.<sup>10</sup>

<sup>1</sup> Although there have been assumptions made by some local organisations and activists that other forms may exist, such as involvement in criminal activities, forced surrogacy or begging, no such case could be identified.

<sup>2</sup> United States Department of State, ‘Trafficking in Persons Report’ (2019) p.168, United States Department of State, ‘Trafficking in Persons Report’ (2018) p.161.

<sup>3</sup> Tier 3 is defined as: “Countries whose governments do not fully meet the TVPA’s minimum standards and are not making significant efforts to do so.”; United States Department of State, ‘Trafficking in Persons Report’ (2019) p.168, United States Department of State, ‘Trafficking in Persons Report’ (2018).

<sup>4</sup> In 2022, the northern part of Cyprus was ranked in Tier 3 again, alongside states such as Syria, Turkmenistan, Russia, Iran, Afghanistan; United States Department of State, ‘Trafficking in Persons Report’ (2019) p.168, United States Department of State, ‘Trafficking in Persons Report’ (2018), p. 69.

<sup>5</sup> Report of the Secretary-General on the United Nations operation in Cyprus (27 May 2005, S/2005/353), para. 23.

<sup>6</sup> Report of the Secretary-General on the United Nations operation in Cyprus (23 May 2006, S/2006/315), para. 24.

<sup>7</sup> Report of the Secretary-General on the United Nations operation in Cyprus (10 July 2017, S/2017/586) para 15.

<sup>8</sup> Report of the Secretary-General on the United Nations operation in Cyprus: Report of the Secretary-General (7 January 2020, S/2020/23), para 9.

<sup>9</sup> Palermo Protocol is ratified by 178 states as of December 2022.

<sup>10</sup> European Trafficking Convention is ratified by 48 states as of December 2022.

# METHODOLOGY

The information collected for the purpose of this monitoring report covers the year of 2022 and is based on the following sources:

**Calls received via the hotline:** Calls to the hotline were made either directly by victims or potential victims, their relatives, people they know, or anonymously by someone reporting a trafficking case in a specific place. In cases where the details of the victims or potential victims were not provided, the trafficking cases were reported to the 'police' in order to request investigation.

**Interviews made with the victims and potential victims:** When the victims that were physically restricted by the traffickers or potential victims contacted the hotline, rescue operations were made in cooperation with the 'police'. When the victims or potential victims could be reached directly, interviews were made based on the international standards when there was a safe and convenient environment for communication in order to identify if they have been victims of human trafficking. All the necessary information was collected through a screening form during the interview. The information was only shared with the 'authorities' in accordance with the confidentiality rules and based on the consent of the victims in order to meet their legal needs.

**Petitions submitted based on the 'right to information law' to the relevant 'ministries' and 'departments' to receive information:** Petitions were submitted to the 'police', 'ministry of interior', 'ministry of labour and social security', 'social welfare department', 'nightclubs and similar entertainments department', 'immigration department', 'courts'. The total number of petitions was 12 and they included 76 questions in total. Amongst 12 petitions, only 4 of them were answered by the 'authorities', addressing 30 questions. Some of the answers provided either lacked the required information or did not provide a complete answer to the questions. In one of the responses, it was observed that the relevant local body confused the terminology of human trafficking with human smuggling.

**'Court' decisions:** Information on the 'court' decisions were received through the cases of the Human Rights Platform (hereafter the "Platform") where legal aid was provided, or via the petitions to the 'courts' or news reports published in the local media.

**Experiences and observations of the Platform team on the ground:** The Platform provided free legal assistance, medical support and psychological support to the victims. For this purpose, the team engaged with several 'authorities' - especially the 'police', 'immigration department', 'ministry of interior', 'attorney general's office' and had the opportunity to observe their attitudes towards the victims and the main challenges in practice.

**Meetings with the 'authorities':** The team had several lobbying meetings, especially with the 'police' and the 'ministry of interior' to discuss the challenges with regard to providing support for the victims and notify them about the trends in human trafficking cases.

**'Parliamentary' discussions:** The discussions in the 'parliament' regarding human trafficking were followed through the minutes of relevant 'parliament debates'.

**Media reports:** An analysis of local and international media reports in regard to human trafficking related subjects which were followed and archived.

## Research reports published by the academicians or Civil Society Organizations (CSOs):

An analysis of research reports published in 2022 on human trafficking in Cyprus prepared by academicians or CSOs were used as secondary sources.

# CONTEXT/ BACKGROUND

The Turkish Cypriot community (TCc) has suffered from major political and economic instabilities during 2022. There was a lack of management, abrupt swings in market prices, and strong political interventions by Turkey. There have been no peace talks this year, and the public has largely lost faith in the possibility of a settlement of the Cyprus issue in near future.<sup>11</sup> Human rights related issues were not one of the priority matters of neither the TCc nor the local politicians. Racial views and racist attitudes, particularly in online platforms, have been on the rise amongst the public and sometimes were triggered by the media. The migrant community has endured the worst effects of the economy's problems as well as the rise of racism. Moreover, some of the CSOs had to face the intervention of local bodies towards their intended activities and efforts for promotion of human rights and peacebuilding.

## Economic Challenges

The Turkish Lira which is the main currency in the northern part of Cyprus continued to lose value, and economic inequalities between the two communities widened. The Turkish Lira lost nearly 30 per cent of value during 2022. In the beginning of 2022, 1 Euro was around 15 Turkish Liras and around the same time in 2023, it was around 20 Turkish Liras. The total inflation for the year 2022 is announced as 94,5%, compared to the last year's rate by the 'statistic department'. Some of the rises in prices according their groups are the following; food and non-alcoholic beverages by 98,73%, housing, water, electricity, gas and other fuels by 105,96% and clothing and shoes by 98,25%.<sup>12</sup>

## Political Instabilities

After the 'government' elections held on 23rd of January 2022, 3 different 'governments' and 'cabinets' were formed. The first two 'governments' were dissolved shortly due to the internal disputes and the interventions from Turkey to local politics.<sup>13</sup> In May, a new authorization to form the new 'government' was given to another politician who was the 'minister of interior affairs' during the time. This decision was heavily criticised by many in the TCc, since according to the democratic practices, the 'government' is established by the presidents of the relevant political parties. Regardless of the criticisms, the new coalition 'government' was formed in May 2022, with the support of the two small political parties. During all these time periods, the CSOs could not find an appropriate environment to establish a consecutive dialogue with the 'government' to discuss their demands for the promotion of human rights. The cooperation that has been continuing in various areas was harmed, since many of the decision making positions were either empty or the decision makers were passivated.

## Protests

Many protests organised in 2022 by the TCc to mostly criticise the interventions from Turkey to the local politics,<sup>14</sup> the rise in the prices and increasing inflation rates,<sup>15</sup> the attempts to limit freedom of expression and freedom of media<sup>16</sup> and the 'legal proposal' to reform 'municipalities'.<sup>17</sup> Moreover, protests were organised against the financial protocol signed by the 'government' in April with the Republic of Turkey.<sup>18</sup>

<sup>12</sup> 'İstatistik Kurumu', '2015=100 Temel Yılı Tüketici Fiyatları Endeksinin 2022 Aralık Ayı Sonuçları' (January 2023), available at: [https://istatistik.gov.ct.tr/Portals/39/Basin\\_Aciklamasi\\_Aralik\\_2022\\_merged\\_.pdf](https://istatistik.gov.ct.tr/Portals/39/Basin_Aciklamasi_Aralik_2022_merged_.pdf)

<sup>13</sup> Euronews 'Cumhurbaşkanı Hükümetin İstifasını Kabul Etti' (April, 2022) available at: <https://tr.euronews.com/2022/04/20/kktc-cumhurbaşkanı-hükümetin-istifası-n-kabul-etti>

<sup>14</sup> Yenidüzen Gazetesi, 'CTP'den İrade Gaspı, Müdahaleler ve Hükümete Hayır Eylemi' (16 May 2022) <https://www.yeniduzen.com/ctpden-irade-gaspi-mudahaleler-ve-hukumete-hayir-eylemi-152740.htm>, Bianet, 'Kıbrıslı Gençler Demokrasi ve İrade Talep Ediyor' (5 May 2022) available at: <https://m.bianet.org/bianet/toplum/261340-kibrisli-gencler-demokrasi-ve-irade-talep-ediyor>

<sup>15</sup> Haber Kıbrıs, 'Yoksulluğa Hayır Eylemi' (1 April 2022) available at: <https://haber.kibris.com/yoksulluğa-hayir-eylemi-1137-2022-04-01.html>, Haber Kıbrıs, 'Toplumsal Varoluş Platformu'nun Eylemi Başladı!' (10 June 2022) available at: <https://haber.kibris.com/toplumsal-varoluş-platformunun-eylemi-basladi-1908-2022-06-10.html>

<sup>16</sup> Yenidüzen Gazetesi, 'Gazetecilerden Özgürlük için 24 Saat!' (12 June 2022) available at: <https://www.yeniduzen.com/gazetecilerden-bu-aksam-baslayacak-eylemine-destek-buyuyor-153661h.htm>, Yenidüzen Gazetesi, 'Gazeteciler Siyah Bantlarla Mecliste' (13 June 2022) available at: <https://www.yeniduzen.com/gazeteciler-siyah-bantlarla-mecliste-153676h.htm>

<sup>17</sup> Yenidüzen Gazetesi, 'Belediye Reformuna Tepki Büyüyor: Dipkarpaz ile Serdarlı Belediyesi'nden Eylem Kararı' (8 April 2022) available at: <https://www.yeniduzen.com/belediye-reformuna-tepki-buyuyor-dipkarpaz-ile-serdarli-belediyesinden-de-eylem-kara-151519h.htm>

<sup>18</sup> KTOEÖS, 'Toplumsal Varoluş Platformu: Para Yok! Benzin Yok!' (9 June 2022) available at: <https://www.ktoeos.org/toplumsal-varoluş-platformundan-eylem-para-yok-benzin-yok.html>, Haber Kıbrıs, 'Toplumsal Varoluş Platformunun Eylemi Başladı' (9 June 2022) available at: <https://haber.kibris.com/toplumsal-varoluş-platformunun-eylemi-basladi-1908-2022-06-10.html>

The UN Good Offices Mission in Cyprus stated that the protocol is related to Turkey's policy of "suppression and curtailment of the Turkish Cypriots and the integration of the occupied part of Cyprus to Turkey."<sup>19</sup> Some TC politicians have also commented that the protocol is a part of the annexation efforts by Turkey.<sup>20</sup> The main criticism by the opponents was that although the protocol was announced as a financial agreement, its clauses moved beyond that. One concerning issue in the protocol was the transfer of the 'religious affairs department' to be a part of the 'state'. This was seen as a threat to secularism, highly criticised since the TCc initially has never designed this 'department' to be a part of the 'state', due to the secularism principle in the 'constitution'. Moreover, the protocol involved curtailing the rights of the workers and the operations of the trade unions, which had long been seen as major threats by the politicians in Turkey. The protocol did not involve clauses on the promotion of human rights however, there was a clause on cooperation between the two sides to combat human trafficking. According to that clause, the 'ministry of interior' was designed to act as the main coordination body for such cooperation. The implementation of this clause was later monitored by the Platform via petitions and the 'ministry of interior' has provided that the coordination duty was later transferred from their 'ministry' to the 'police' however, no information was provided on the nature of the collaboration.<sup>21</sup>

### Increasing Trend of Racism

The rise in the racist attitudes has manifested itself with the racist attack against a black male student at old town Nicosia on the 11st of September, 2022. The student was severely attacked by a group of white locals and later hospitalised.<sup>22</sup> Nine suspects were arrested and later released on bail. CSOs have published several public releases to address the rising racist attitudes that manifested itself on several occasions.

### Interventions to the Operations of the CSOs

Overall, three CSOs that work on human rights related subjects faced obstructions towards their activities during 2022. First, the protocol signed between KAYAD and the 'minister of education', to promote gender equality in schools was later revoked by the 'ministry' without providing any justification.<sup>23</sup> It is assumed that the conservative and nationalist politicians have prevented its implementation.<sup>24</sup> Second, the trainings for peace education that would be provided under the Imagine Project implemented by the Association for Historical Dialogue and Research (AHDR) in the northern part of Cyprus is prevented by the TC leadership, as it is found to be 'dangerous' for their current policy on the two-state solution to the Cyprus problem.<sup>25</sup> The Imagine Project has been providing peace education in schools for both communities since 2017, to promote peace and anti-racism in the island.<sup>26</sup> Lastly, Cyprus Women's Health Research Centre's book on periods that involved information on how to use tampons or pads were forbidden from schools as found inappropriate by the 'ministry of education'.<sup>27</sup> Feminist activists protested against this decision, but it was not reversed at the end.<sup>28</sup>

All of these factors paint an uncomfortable picture of the island's near future given that the conservative and nationalist discourse has gained ground on the island over the reporting period. More CSOs that work for human rights, gender equality, and peacebuilding may be thwarted in the coming months by 'authorities'.

<sup>19</sup> UN Security Council, 'United Nations Operation in Cyprus: Report of the Secretary-General' (3 January 2023) S/2023/6, p.12.

<sup>20</sup> Euronews, 'İlhak ve Laiklik Tartışmaları: Türkiye ile Kıbrıs'ın kuzeyi Arasında İmzalanan Protokol Neden Eleştiriliyor?' (16 June 2022) available at: <https://tr.euronews.com/2022/06/16/ilhak-ve-laiklik-tartismalari-turkiye-ile-kktc-arasinda-imzalanan-protokol-neden-elistiril>

<sup>21</sup> Petition sent by the 'ministry of interior' to the Human Rights Platform on 14th of February 2023.

<sup>22</sup> Press release by Refugee Rights Association, VOIS Cyprus and Liberian Student Union on the Racist Attack in Nicosia available at: <https://mhdkibris.com/tr/jps> (September 2022).

<sup>23</sup> Yenidüzen Gazetesi, 'Amcaoğlu'nu o Protokol mü yaktı?' (22 February 2022) available at: <https://www.yeniduzen.com/amcaoglu-protokol-mu-yakti-149939h.htm>

<sup>24</sup> Kıbrıs Postası, 'YDP Genel Sekreteri Enver Öztürk'ten Protokol Eleştirisi' (30 December 2021) available at: [https://www.kibrispostasi.com/c35-KIBRIS\\_HABERLERI/n405772-ydp-genel-sekreteri-enver-ozturkten-protokol-elistirisi](https://www.kibrispostasi.com/c35-KIBRIS_HABERLERI/n405772-ydp-genel-sekreteri-enver-ozturkten-protokol-elistirisi)

<sup>25</sup> Yenidüzen Gazetesi, 'Gençlerin Eğitimine İki Devletlilik Engeli Sakıncalı Zihniyet' (4 November 2022) available at: <https://www.yeniduzen.com/genclerin-egitimine-iki-devletlilik-engeli-sakincali-zihniyet-15794h.htm>

<sup>26</sup> Imagine Project trained 6117 students and 714 teachers as of 2022.

<sup>27</sup> Özgür Gazete, 'Bakanlık Regl Kitabıma Cinsel İçerikli Dedi, Reddetti' (30 November 2022), available at: <https://www.ozgurgazetekibris.com/gazete-manseti/102944-bakanlik-regl-kitabima-cinsel-icerikli-dedi-reddetti.html>

<sup>28</sup> Özgür Gazete, 'Erçin: Çocuklarımız Okullarda Öğretilmesi Gereken Cinsel Eğitimi Tik-Tok Gibi Mecralardan Öğreniyor' (3 December 2022) available at: <https://www.ozgurgazetekibris.com/kibris/103393-ercin-cocuklarimiz-okullarda-ogretilmesi-gereken-cinsel-egitimi-tik-tok-gibi-mecralardan-ogreniyor.html>

<sup>29</sup> Palermo Protocol is ratified by 178 countries.

<sup>30</sup> United Nations Convention Against Transnational Organized Crime, GA Res. 55/25, 15 November 2000, A/55/383.

<sup>31</sup> Palermo Protocol and European Trafficking Convention have their own monitoring mechanisms. The former has recently introduced a review mechanism of the State Parties that will be based on peer-review, where the latter has established the Group of Experts on Action against Trafficking in Human Beings (GRETA) that is mainly responsible for monitoring and evaluation of the Convention.

<sup>32</sup> UN Human Rights Office of the High Commissioner, 'Human Rights and Human Trafficking' (2014), p.2, available at: [https://www.ohchr.org/sites/default/files/Documents/Publications/FS36\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS36_en.pdf)

<sup>33</sup> Council of Europe, 'Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings' (2005) CETS No.197, para.6.

<sup>34</sup> Ibid, art.10.

<sup>35</sup> Ibid, art.11.

<sup>36</sup> Ibid, art.13.

# INTERNATIONAL LEGAL FRAMEWORK

The most important and dedicated international anti-trafficking document is the Palermo Protocol.<sup>29</sup> It is a part of the UN Convention against Transnational Organized Crime<sup>30</sup> and entered into force on 25 December 2003, three years after its endorsement by the UN. In the local context, the Palermo Protocol was adopted in the northern part of Cyprus on 9 April 2018. According to 'article 90 of the constitution', the international conventions that are adopted by the 'parliament' become a part of the local 'legal framework' and their inconsistencies with the 'constitution' cannot be argued. This means that their place in the legal hierarchy is higher than the domestic 'legislation', since their inconsistencies with the 'constitution' can be argued, whereas the same is not possible for international conventions. However, due to the Cyprus problem, being a party to an international convention cannot be done bilaterally. International conventions are adopted by the 'parliament' unilaterally and none of the 'authorities' can be in a formal relationship with any of the treaty bodies of the UN or CoE. This results in the rights violations happening in the northern part of Cyprus not to be reflected in the periodic monitoring reports of the human rights treaties and thus, receiving recommendations and assistance to improve the human rights standards.<sup>31</sup>

The Palermo Protocol achieved to provide two major developments in international efforts for anti-trafficking: 1) An internationally agreed definition of human trafficking is included for the first time in a binding international legal document;<sup>32</sup> 2) The foundations of international action on anti-trafficking are laid through 3 themes; prevention, protection and prosecution (3P approach).<sup>33</sup> Since human trafficking as a concept is very much related with both criminal justice and human rights, the Palermo Protocol put forward a holistic approach where different dimensions of the issue are addressed. Another dimension of the Palermo Protocol is cooperation, sometimes referred to as the 4th "P" in the paradigm. It sets several obligations for the State Parties to cooperate with each other to prosecute human trafficking, protect the victims and prevent human trafficking. Some of the obligations are information exchange,<sup>34</sup> cooperation among border agencies<sup>35</sup> and cooperation on verification of the legitimacy and validity of documents.<sup>36</sup>

<sup>29</sup> Palermo Protocol is ratified by 178 countries.

<sup>30</sup> United Nations Convention Against Transnational Organized Crime, GA Res. 55/25, 15 November 2000, A/55/383.

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<sup>32</sup> UN Human Rights Office of the High Commissioner, 'Human Rights and Human Trafficking' (2014), p.2, available at: [https://www.ohchr.org/sites/default/files/Documents/Publications/FS36\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/FS36_en.pdf)

<sup>33</sup> Council of Europe, 'Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings' (2005) CETS No.197, para.6.

<sup>34</sup> Ibid, art.10.

<sup>35</sup> Ibid, art.11.

<sup>36</sup> Ibid, art.13.

Apart from the Palermo Protocol, human trafficking cases are also covered by other international and regional human rights instruments. Human rights violations occurring as a result of human trafficking are mainly related to the right to life, the right not to be submitted to slavery, servitude, forced labour or bonded labour, the right not to be subjected to torture and/or cruel, inhuman, degrading treatment or punishment, the right to be free from gendered violence and the right to just and favourable conditions of work.<sup>37</sup>

Amongst those instruments, the European Trafficking Convention of the CoE is particularly important, since it is specifically dedicated to combat human trafficking, has a broader application (it's applicable not only for the EU Member States, but all CoE members), and has provided detailed and binding clauses on the protection and assistance of the victims by primarily focusing on the human rights of the victims.<sup>38</sup> Moreover, it has a monitoring body to oversee State Parties and ensure that the convention is fully applied by all.<sup>39</sup>

Lastly, the European Court of Human Rights (ECtHR) has produced a set of decisions related to human trafficking cases based on the ECtHR<sup>40</sup> measures to prevent such violations (referred as the "positive obligations").<sup>41</sup> The Court held that practices related to human trafficking mainly fall under Article 4 of (prohibition of forced labour and slavery). However, depending on the facts of each case, it has been held by the Court that human trafficking cases may also involve other rights violations such as Article 2 (right to life), Article 6 (right to a fair trial) and Article 13 (right to an effective remedy).

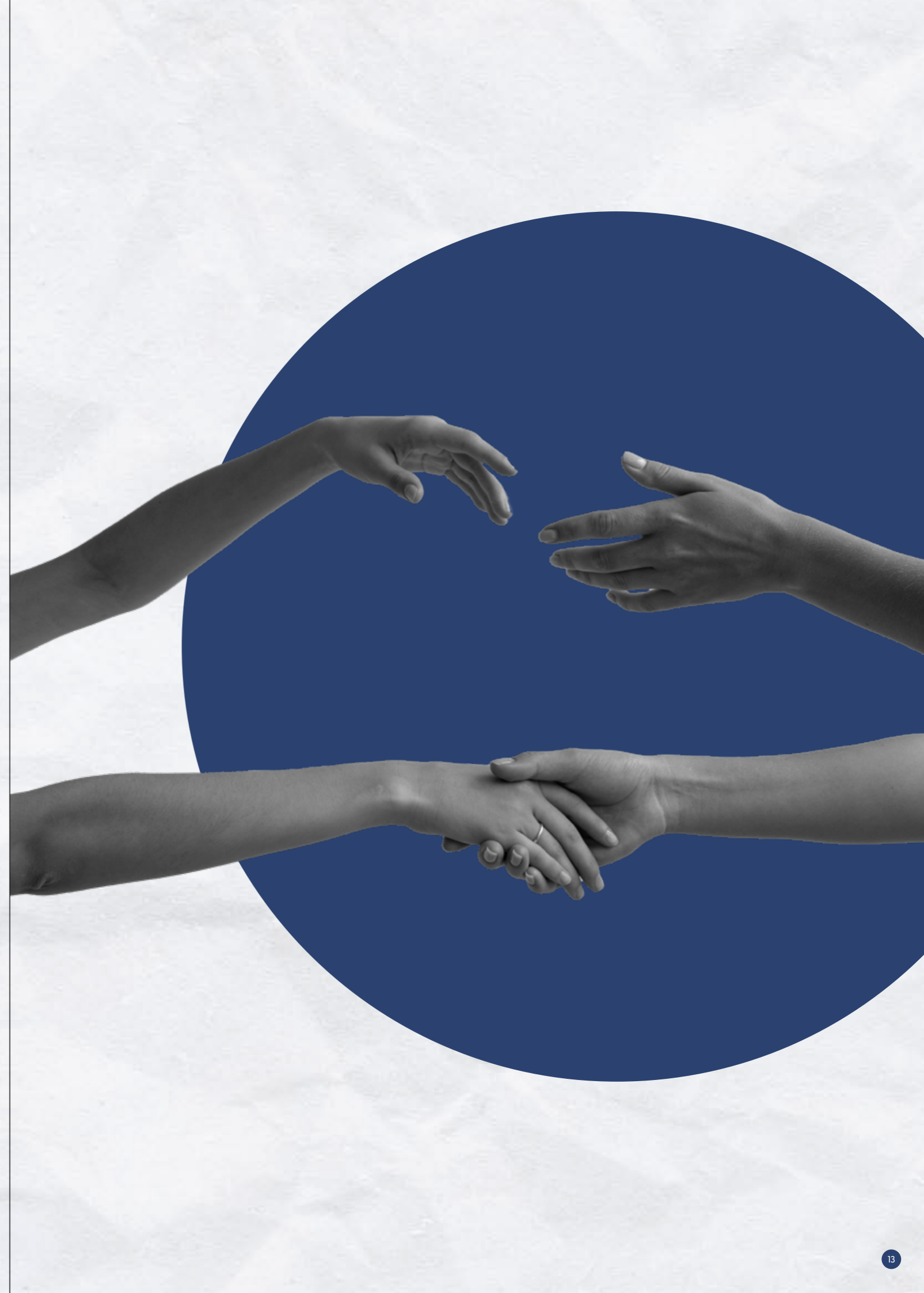
37 International human rights treaties relevant to human trafficking are: UN Convention on the Elimination of All Forms of Discrimination against Women (1979), UN Convention on the Rights of the Child (1989), UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), UN International Covenant on Civil and Political Rights (1966), UN International Covenant on Economic, Social and Cultural Rights (1966). The CoE documents are the European Convention of Human Rights (ECHR) and the Convention on Action against Trafficking in Human Beings (hereafter the "European Trafficking Convention"). The European Union (EU) documents are the Charter of Fundamental Rights in the European Union and the Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims.

38 Council of Europe, 'Explanatory Report to the Council of Europe Convention on Action against Trafficking in Human Beings' (2005) CETS No.197, para.10.

39 The monitoring mechanism GRETA ensures that the states make necessary steps to fully implement their obligations through country reports and visits. For more information please visit: <https://www.coe.int/en/web/anti-human-trafficking/greta>

40 The first ground-breaking case decision of the ECtHR was in relation to a human trafficking case that happened in Cyprus, in the case of *Rantsev v. Cyprus and Russia*. The 20 years old Oxana Rantsev, who was trafficked from Russia to Cyprus and forced to work in a 'cabaret' as a prostitute, was found dead under the balcony of her trafficker's house. The Court found Cyprus in violation of Art.2 right to life, Art. 4 prohibition of slavery, servitude, and forced or compulsory labour and Art.5 right to liberty and security, *Rantsev v. Cyprus and Russia*, no. 25965/04, 7 January 2010, Council of Europe: European Court of Human Rights.

41 Article 1 of the ECHR states that: "The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention".



# ANALYSIS

## CRIMINALIZATION AND PROSECUTION OF HUMAN TRAFFICKING

### Criminalization of trafficking in human beings in the local 'legal framework'

Palermo Protocol and European Trafficking Convention require human trafficking to be introduced as a crime through the elements of methods, means and purposes and with dissuasive penalties.<sup>42</sup> Human trafficking is criminalised in 'chapter 154 criminal code' with dissuasive penalties to punish persons committing trafficking in human beings in the northern part of Cyprus. Overall, the 'article' is in compliance with the international standards. However, there is a legal gap in relation to the aggravated penalties, as shall be explained below.

'Article 254B'<sup>43</sup> involves all methods, means and purposes of human trafficking as required by the Palermo Protocol.<sup>44</sup> 'Article 254B(2)' provides that when all the elements of human trafficking crime is fulfilled, the consent of the victim is irrelevant, which is also in compliance with the Palermo Protocol and European Trafficking Convention.<sup>45</sup> If human trafficking is committed against a child, there is no need to prove the 'means' element is there, to illustrate non-consent. Since the child is not able to give consent to such activities in the first place, 'article 254B(3)' provides that only the methods and purposes of the act would suffice in the cases of minors. 'The article' complies with the Palermo Protocol and European Trafficking Convention because it defines the 'child' as someone under the age of eighteen<sup>46</sup> and provides that the 'means' element is invalid for the cases where the victim is a child.<sup>47</sup>

The maximum sentence for human trafficking crime is stated as 10 years of imprisonment,<sup>48</sup> but aggravated penalties are also provided. When the act is committed against a child, 'the article' provides an aggravated penalty of 14 years imprisonment.<sup>49</sup> When the crime is committed by a public officer, the penalty is 16 years of imprisonment, which constitutes the heaviest penalty under this 'article'.<sup>50</sup> The Palermo Protocol does not explicitly state the amount or severity of the punishment. However, Article 11 paragraph 1 of the UN Convention against Transnational Organized Crime requires States Parties to make the commission of offences under the Convention, including offences under the Protocol, "liable to sanctions that take into account the gravity of that offence".<sup>51</sup> On the other hand, although the article itself does not explicitly state the responsibility of the accomplices, 'Chapter 154 Criminal Code' provides the necessary ground for introducing their liabilities in 'article 371'. 'The article' covers the accomplice to commit a serious crime and states that it can be sentenced up to 7 years.

One legal gap in 'the article' is seen for the aggravated circumstances. The European Trafficking Convention requires the State Parties to introduce penalties in accordance with the aggravated circumstances that are when:

- a. *the offence deliberately or by gross negligence endangered the life of the victim;*
- b. *the offence was committed against a child;*
- c. *the offence was committed by a public official in the performance of her/his duties;*
- d. *the offence was committed within the framework of a criminal organisation.*<sup>52</sup>

'Article 254B' suffices the requirement in (b) and (c), but it fails to provide aggravated penalties for the cases where the life of the victim is endangered or when it is committed by a criminal organisation.

42 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.5; and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 18.

43 'CAP 154 Criminal Code', art. 254(B)(1). The unofficial translation is available at: [https://patcyprus.org/file/criminal-code-amendment-en-31-march\\_250.pdf](https://patcyprus.org/file/criminal-code-amendment-en-31-march_250.pdf)

44 The definition of human trafficking provided in 'article 254B' is: "Any person who enables someone to enter in the country or go abroad or kidnap or transport or transfer or harbour someone by threat, pressure, force or violence, undue influence, deception or abuse of power or of a position of vulnerability in order to force them into labour or to prostitution or to serve for others or to subject into servitude or slavery or removal of organs, commits a serious crime called Human Trafficking and, if convicted, is sentenced up to 10 (ten) years imprisonment or punished with a punitive fine or both."

45 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.3(b); Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 4(b).

46 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.3(d), and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 4(d).

47 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.3(c), Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 4(c).

48 *Ibid.*, art. 254(B)(1).

49 'cap 154 criminal code', art. 254(B)(3).

50 'cap 154 criminal code', art. 254(B)(4).

51 United Nations Convention Against Transnational Organized Crime, GA Res. 55/25, 15 November 2000.

52 Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 24.

### Prosecution of human trafficking cases in practice

'The police' was notified about 18 sex trafficking cases in 2022. Overall, the attitude of the 'police' involved victim blaming and shaming. The victims were subjected to inconvenient questions and were mostly considered not as victims but as women voluntarily engaging in prostitution. Overall, 3 of the victims complained against their traffickers, one of these complaints led to conviction, while in two of the cases, the 'police' preferred to investigate the cases on prostitution-related crimes, which are less serious than human trafficking. The Platform tried to convince the 'police' by providing evidence in regard to human trafficking and showing that the elements of the crime are fulfilled. Still, there was a strong resistance on the side of the 'police' to investigate the cases in regard to human trafficking. Moreover, in two of the cases where the victims were from the nightclubs, women were deported to their countries despite their willingness to complain against their traffickers.

The first conviction of a human trafficking case in the northern part of Cyprus was handed down by the Nicosia 'high criminal court' on 30th of December 2022. The case was referred to the 'police' by the lawyers of the Platform in May 2022 and involved sex trafficking of a young Nigerian female, who was brought to the island with a 'student visa'. The victim was recruited by the trafficker through false promises for education and work opportunities. The voodoo ritual<sup>53</sup> was abused to control the victim, a method that has been seen in almost all cases of the Platform involving Nigerian victims. According to this ritual, women are forced to obey their traffickers whom they call as their 'mamas'. Victims most often terrify that they would be cursed if they disobey their "mamas". This was also the situation in this case, and when the victim arrived in the northern part of Cyprus, she was locked in a private apartment and forced into prostitution. The trafficker informed her that the victim owed money for her travel preparations and 'university' enrolment (debt bondage), and that she would repay the debt through prostitution. The trafficker pleaded guilty to human trafficking, and the 'court' sentenced her to four years of imprisonment. Although the punishment of the human trafficker is a positive development for anti-trafficking efforts, the 'police' has not conducted any further investigations to find out whether there had been an organised criminal group behind the trafficker or to identify any persons that have been providing assistance. Moreover, the victim was not protected or assisted during the investigation and prosecution phases.

## IDENTIFICATION OF THE VICTIMS

The 'legal framework' only includes the 'article 254(B)' on human trafficking (explained above) which just provides the definition and penalization of human trafficking. The only protection provided in the 'article' is in clause 5, partial protection from immigration-related offences in the 'chapter 105 immigration and aliens law' for the victims. Either the 'police' or the 'courts' must have a reasonable suspicion that the person is a victim of human trafficking for that protection to be provided. This means that the 'police' and the 'courts' have the authorization to identify victims and provide the partial protection asserted in the local 'legal framework'. However, there are no written procedures or guidelines in place for victim identification. Furthermore, there is an absence of official identification procedure or a local 'legal framework' to provide the rights to appeal the victim status decision. During the monitoring process, petitions were submitted to the 'labour department',<sup>54</sup> 'nightclubs commission',<sup>55</sup> and 'police'<sup>56</sup> to request information on how many victims were identified during 2022. Another petition was submitted to the 'police' to ask whether they have developed any procedures for victim identification. None of the petitions were answered by the 'authorities'.

53 Voodoo ritual (locally regarded as juju) is a traditional religion in West Africa where it has been practised for many years. It is recognised that spirits or gods are ruling the world and every aspect of the existence of individuals. They may protect people or punish them. Many Nigerians believe in the Voodoo ritual. It has been used especially in the context of migration to safeguard individuals from any difficulties. In Nigeria, the voodoo ritual has been one of the main sources of the trafficking industry. After the travel arrangements are made, the victims are immediately taken to voodoo shine to make an oath before their communities. There, the victims promise to obey their 'mamas' or sometimes called 'madams' and that they accept the debt bondage to cover their travel expenses and that they will never reveal the identities of their traffickers. The victims believe that if they go against their oath, they will invoke the voodoo and they will find themselves and their families will face death, illness, misfortune to the victims and their families; Eva Lo Iacono, 'Victims, Sex Workers and Perpetrators: Gray Areas in the Trafficking of Nigerian Women' (2014) 17 Trends in Organized Crime 110.

54 Petition sent by the Human Rights Platform to the 'labour department' under the 'ministry of labour and social security' on 28 October 2022.

55 Petition sent by the Human Rights Platform to the 'nightclubs commission' under the 'ministry of interior' on 10 November 2022.

56 Petition sent by the Human Rights Platform to the 'police' on 5 January 2022.



During 2022, only in one case can it be argued that victim identification took place via the ‘courts’, in which a human trafficking crime was convicted and the perpetrator received a penalty for the first time (explained in ‘prosecution of human trafficking cases in practice’ section above). However, such identification could only take place after when the case was finalised before the ‘court’, which was approximately 6 months later than the initial complaint of the victim. By that point, the victim had voluntarily returned to her country of origin. As a result, even though she was identified as a human trafficking victim six months later, she received no protection or assistance as required by international law.

According to international legal standards that are provided below, victim identification should take place with undue delay and must be formulated in a way that prevents any further traumatization of the victims. The current local framework has gaps since the ‘police’ is not equipped well to identify victims formally and the ‘court’ procedures can take months and will not result in a sort of protection or assistance at the end. Trafficking victims require immediate protection and safety, to protect them from the threats or violence from their traffickers and ensure their physical and psychological well-being.

The Palermo Protocol does not explicitly state how victim identification should take place, but it sets several obligations for the protection and assistance of the victims. Recommendations are listed by the United Nations Office on Drugs and Crime (UNODC) to ensure that the victims are identified promptly, in a way that their needs are met.<sup>57</sup> The Office of the High Commissioner for Human Rights (OHCHR) provides in its Recommended Principles and Guidelines on Human Rights and Human Trafficking that failure to identify human trafficking victims leads to further denial of human rights of the victims.<sup>58</sup> There is a positive obligation to develop guidelines for rapid and accurate identification of victims.<sup>59</sup> The European Trafficking Convention, on the other hand, clearly identifies the obligation to identify the victims, providing that the State Parties must provide competent authorities that are trained on human trafficking to identify and support the victims.<sup>60</sup> In doing so, the State Parties should introduce legal provisions or measures for this procedure<sup>61</sup> and must take into account the special conditions and needs of especially child victims.<sup>62</sup> The positive obligation in regard to victim identification is also affirmed by the ECtHR, as stated in *Chowdury and Others v Greece*<sup>63</sup> and *VCL and A.N. v the United Kingdom*,<sup>64</sup> stating that the responsibility to identify the victims falls into the obligation to protect the victims.

Overall, the local bodies in the northern part of Cyprus have been breaching their obligation during the monitoring period, since no rules were introduced and put in practice for victim identification. The relevant ‘public servants’ lack the specialisation and capacity required for understanding human trafficking and approaching the victims.

57 UNODC, ‘Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’ (2020), para 220, available at: [https://www.unodc.org/documents/human-trafficking/2020/TiP\\_LegislativeGuide\\_Final.pdf](https://www.unodc.org/documents/human-trafficking/2020/TiP_LegislativeGuide_Final.pdf)

58 UN OHCHR, ‘Recommended Principles and Guidelines on Human Rights and Human Trafficking’, E/2002/68/Add., p.4, available at: <https://www.ohchr.org/sites/default/files/Documents/Publications/Traffickingen.pdf>

59 Ibid.

60 Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 10.

61 Ibid, art.10(2).

62 Ibid, art.10(3) and 10(4).

63 *Chowdury and Others v Greece*, Application No 21884/15, 30 March 2017, Council of Europe: European Court of Human Rights, para. 110.

64 *V.C.L. and A.N. v. the United Kingdom*, nos. 77587/12 and 74603/12, 16 February 202, Council of Europe: European Court of Human Rights, para. 153.

## VICTIM PROTECTION

The ‘legal framework’ in the northern part of Cyprus does not provide any of the rights stated above. There is no definition of victims of human trafficking and no victim status provided in the ‘laws’. There are no ‘laws’ in place to protect the identities of the victims during the ‘court’ proceedings and their information is often disclosed in the local media. Moreover, no rules are in place to ensure their safety, provide an immigration status either temporarily or permanently, to provide them a reflection period and to protect them from deportation. Amongst the 23 human trafficking victims identified by the Platform during 2022, none of them had access to protection by the ‘authorities’. Only 3 victims that complained against their traffickers were protected from involuntary deportation. Victims received no information in relation to their rights and no legal counselling or assistance was provided to them by the ‘authorities’.

Two victims, who had been sex trafficked in a nightclub, could be rescued as a result of the Platform’s collaboration with the ‘police’. However, the legal advisor of the Platform was not allowed to interview them properly and provide support afterwards. A ‘police officer’ intimidated the legal advisor, subjecting her to disrespectful behaviour, shouting, and even an attempt to remove her from the ‘police’ where the victim was held. She was not allowed to interview the victim properly and fill the screening form that is used by the Platform to identify the victims. The victims were sent back to their countries within 24 hours, without giving them any chance to complain against traffickers. The ‘authorities’ indicated that this is standard procedure for women from the nightclubs. In another case concerning a Nigerian sex trafficking victim, the ‘police’ believed that the victim was lying about her exploitation within only an hour, without any proof. The victim was subjected to victim blaming and shaming and she was forced to answer inconvenient questions. The ‘police’ later intimidated the lawyer and the Anti-trafficking and Refugee Rights Program Coordinator of the Platform, stating that they will be prosecuted due to public mischief. Lastly, in a case concerning a Nigerian sex trafficking victim, a ‘police officer’ argued with the lawyer of the Platform irreverently, since he did not want to investigate the crime of human trafficking.

The protection of human trafficking victims is explicitly provided in Palermo Protocol and the European Trafficking Convention. Both requires the State Parties to protect the privacy and identity of the victims during all legal processes,<sup>65</sup> physical safety of the victims during their time in their own territories,<sup>66</sup> provide immigration status immediately to prevent their removal from the territory during the victim identification processes<sup>67</sup> and protection of the witnesses who give testimonies before the court.<sup>68</sup> The protection of the victim should not be based on their cooperation on the legal proceedings for the prosecution of the crime.<sup>69</sup> Regardless of their willingness to cooperate or not with the authorities, the victims are allowed to access the protection and assistance provided to them.<sup>70</sup> Moreover, the reflection period,<sup>71</sup> that is provided as at least 30 days in the European Trafficking Convention<sup>72</sup> and as ‘temporary’ or ‘permanent’ permission to stay in the territory in Palermo Protocol,<sup>73</sup> is very important for the protection of the victims.

65 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.6; and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 11.

66 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.6; and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 28.

67 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.7; and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 10 & art. 14.

68 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (“Palermo Protocol”) is interpreted together with the Convention against Transnational Crime and witness protection is provided in art. 24 and art. 25 of the Convention.

69 UN OHCHR, ‘Recommended Principles and Guidelines on Human Rights and Human Trafficking – Commentary’ (2010), p.142, Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 12(6).

70 UNODC, ‘Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children’ (2020), para 215, available at: [https://www.unodc.org/documents/human-trafficking/2020/TiP\\_LegislativeGuide\\_Final.pdf](https://www.unodc.org/documents/human-trafficking/2020/TiP_LegislativeGuide_Final.pdf), Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 12(6).

71 The reflection period is the time provided for potential victims and victims, when they apply to the competent authorities for their human trafficking claim. If there are reasonable grounds to believe that the person is a victim of human trafficking, they are immediately provided with at least 30 days of residency, to provide them enough time to escape from the influence of the traffickers and make an informed decision on whether they wish to cooperate with the authorities for the prosecution of the crime. During this period, victims should be allowed to access the assistance programs offered by the state; Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 13.

72 Ibid.

73 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.7.

Although victims are not obliged to cooperate with the authorities for the prosecution of human trafficking cases and act as a witness in the case,<sup>74</sup> their protection and support from the beginning increases the likelihood that they cooperate. The victims mostly reach the authorities after living for some time under major trauma, distress and fear. They are exposed to various forms of violence and threatened in many ways. One of the most common type of threat is to do with reporting to the police and subsequently being deported to their home countries. Many victims believe that their victimisation will not be understood properly by the authorities, as a result of unbearable experiences with trafficking. Thus, they need to feel that they are protected and that they will not be arrested or sent back to their countries when they approach the authorities. This will also assist the criminal proceedings, since the safer the victims feel, the more they are likely to cooperate with the authorities to prosecute trafficking cases.<sup>75</sup>

The obligation to protect the victims of human trafficking is assured by the ECtHR decisions as well. According to the infamous *Rantsev v. Cyprus and Russia*<sup>76</sup> case, the Cypriot authorities breached Article 4 (prohibition of forced labour and slavery) of the ECtHR, since they failed to introduce a legal framework to protect the victims and to take effective measures to protect the victim Ms Rantsev.<sup>77</sup> It is stated when the authorities knew or ought to have known the risk of trafficking, they are under the obligation to identify the victims and remove them from the risky situation.<sup>78</sup> Furthermore, the authorities are under the obligation to investigate potential trafficking cases to protect the rights provided in Article 2,3 and 4 of the Convention.<sup>79</sup> The obligation to protect victims is restated in other cases of ECtHR, such as in the case of *Chowdury and Others v. Greece*, in which the court stated that the effective legal framework should be put in place for the protection of victims.<sup>80</sup>

74 UNODC, 'Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' (2020), para 215, available at: [https://www.unodc.org/documents/human-trafficking/2020/TIP\\_LegislativeGuide\\_Final.pdf](https://www.unodc.org/documents/human-trafficking/2020/TIP_LegislativeGuide_Final.pdf), Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art.12(6).

75 Alline Pedra, 'Human Trafficking in The Courts: The Importance of Victim's Rights and Protection' (2020) 6 The Journal of Migration Studies 194, p.204-205.

76 *Rantsev v. Cyprus and Russia*, no. 25965/04, 7 January 2010, Council of Europe: European Court of Human Rights.

77 *Ibid*, para. 290-293.

78 *Ibid*, para. 287.

79 *Ibid*, para. 288.

80 *Chowdury and Others v Greece*, Application No 21884/15, 30 March 2017, Council of Europe: European Court of Human Rights. para. 87.

## ASSISTANCE OF THE VICTIMS

The local 'legal framework' in the northern part of Cyprus does not provide any type of assistance for the victims in any conditions. There is no 'legal' or administrative framework in place to support victims for their recovery. The 'laws' do not provide a compensation specifically for the victims of human trafficking, only tort cases may be tried before the 'courts' to ask for some type of compensation from their traffickers. However, such cases are general practices of the 'legal' system and mostly require the victim to be accommodated in the northern part of Cyprus during the case proceedings. There is no shelter house for trafficking victims to be referred. Access to medical treatment as well as social welfare assistance, psychological and material assistance are all absent in the legal framework. No rules are in place to ensure adult victims access to the labour market and to provide access to education for child victims. Lastly, there is no free legal assistance for the victims in relation to criminal, civil or other actions against their traffickers. The following section shall explain the human trafficking cases dealt by the Platform throughout 2022, as the only organisation that provides legal assistance for the victims, free of charge, as well as medical and psychological support under its EU funded project. It shall also describe the obligations of the 'authorities' outlined in Palermo Protocol, European Trafficking Convention and ECtHR cases.

In order to meet the accommodation needs of the victims, the Platform has signed a protocol with 'Nicosia turkish municipality' during the reporting period, in which a quota of 3 victims is provided in the domestic violence shelter run by the 'municipality'. None of the 'authorities', except the 'Nicosia turkish municipality', has provided any sort of assistance for the victims and nor they provided any budget to the CSOs working for anti-trafficking. Victims were not able to receive any sort of medical or psychological assistance from the 'authorities' and they could not receive public health services for free. Out of the 23 identified female victims, 8 of them were referred to the domestic violence shelter house to have temporary safe accommodation. None of the identified victims were provided information by the local bodies in relation to their rights and legal proceedings. The Platform has observed that almost all victims need medical or psychological support when they were first identified. 3 of the identified victims were pregnant and some others had gynaecological problems. However, none could be referred to the 'public hospitals' for free and their medical needs were met by the Platform. Moreover, some of the victims' residences were irregular when they first reached the Platform and some others became irregular shortly after. There was no residence permit issued for those victims to regularize their stay, since there is no 'law' to secure renewable residence permits for victims of human trafficking. As a result, with no assistance or support, and no rights to ensure their safe residency, just one victim wanted to remain in the northern part of Cyprus.<sup>81</sup>

81 The victim expressed her willingness to reside her and not to travel her country of origin since she was afraid of being persecuted or re-trafficked.

### The following is information on what happened to the 23 identified victims:

- 2 victims from the nightclubs were immediately removed from the territory within 24 hours;
- 15 have lost contact with the Platform or rejected Platform's further assistance. There is a high possibility that they are re-trafficked or that they have found themselves in other risky situations;
- 1 returned back to her country with her own efforts and money, since the local bodies awaited their deportation request for more than 6 months.<sup>82</sup>
- 1 continues to reside in the northern part of Cyprus as a result of being identified as a person of concern to United Nations High Commissioner for Refugees (UNHCR) Cyprus.
- 2 returned back to their countries of origin voluntarily and their flight costs were covered by the 'authorities' due to the deportation orders against them.<sup>83</sup>
- 1 returned back to her country of origin with the financial support of the Platform.<sup>84</sup>
- 1 still awaits a reply for her deportation request.<sup>85</sup>

The immediate removals from the territory and the high number of victims losing contact or refusing further assistance are identified as serious concerns. The victims are placed in situations in which their basic needs are not provided by local bodies and they are not safeguarded in any way. As a result, traffickers can simply contact them again, threatening and intimidating them. The absences in legal and administrative frameworks stand as a major issue here, and it should be noted that although the relevant 'authorities' have been informed on several occasions of those needs, as of December 2022, they still have not submitted any draft 'laws' to the 'parliament' or have not worked on any 'regulations' that may be adopted by the relevant 'ministries'. Moreover, they even failed to proceed with the deportation requests made by the Platform within a reasonable time to enable the return of the victims to their countries of origin.

Furthermore, the Platform submitted a petition to the 'ministry of interior' in November 2022 and asked whether any victims were granted residencies and if there had been coordination mechanisms established to coordinate anti-trafficking efforts. Another petition was submitted on the same date to the 'nightclubs commission' that works under the 'ministry of interior' and asked how many in the nightclubs were removed from the territory immediately without any screening in relation to their victimisation and how many women in the nightclubs were identified as being subjected to human trafficking and/or exploitation. The latter petition received no response at all, whilst the former received a response three months later, despite the fact that the petition required local bodies to respond within 15 working days. The reply provided by the 'ministry of interior' stated that no residencies were provided to any human trafficking victims in 2022. Moreover, it was also provided that a coordination mechanism shall be established under the 'ministry of interior' to coordinate anti-trafficking efforts.<sup>86</sup>

82 Platform followed all her legal proceedings and made an application to the 'ministry of interior' for deportation order, with her own consent and demand. Her request was followed for more than 6 months but the 'authorities' have failed to make an assessment and reach a conclusion.

83 Platform made their requests for deportation based on poverty, to enable the 'authorities' cover their flight costs through their own budget. This is the only 'legal demand' that could be made under the local 'legal framework', to allow victims return back to their country of origin, free of charge.

84 The victim was in her later stage of pregnancy and she requested to be sent back immediately, to give birth in her own country. If she would stay in the territory, this would result in serious legal and economic challenges for her and her baby. Since the case was very urgent and vulnerable, the Platform made all the flight arrangements and covered the costs.

85 Human Rights Platform submitted the petition to request a deportation order against her based on poverty on the 30th of November 2022. No reply has been received yet.

86 Petition sent by the 'ministry of interior' to the Human Rights Platform on the 14th of February 2023.

For the petition on women in the nightclubs that was left unanswered, the same questions were addressed to the 'ministry of interior' and the 'police' in January 2023. In addition to those, a petition was submitted to the 'social welfare department' on how many victims received any kind of social welfare assistance and another petition to the 'ministry of labour and social security' on whether there is any department or focus point within the 'ministry' to work on anti-trafficking. Again, no response was received from any of the local bodies, although all have the obligation to reply within 15 working days, as mentioned above.<sup>87</sup>

According to the international standards, the minimum assistance that should be provided to the victims are addressed both in Palermo Protocol and European Trafficking Convention.

The main forms of assistance provided in both of the documents are the following; appropriate accommodation, medical, psychological and material assistance, access to the labour market, education, vocational trainings and compensation.<sup>88</sup> In addition to these, the victims have the right to information on court and administrative proceedings in a language that they understand and they also have the right to legal assistance to support them to present their views and concerns in a right manner during all criminal proceedings.<sup>89</sup> The State Parties should consider the special needs of all victims, especially when the concerned victim is a minor, and they are also encouraged to effectively cooperate with CSOs to provide assistance.<sup>90</sup> ECtHR decisions have affirmed the obligation to assist victims in their physical, psychological and social recovery.<sup>91</sup> In order to meet these obligations, states establish shelters for trafficking victims, introduce rehabilitation programs that cover the psychological and social support, introduce educational and vocational programs to help the victims access their rights to education and the labour market and finally, they ensure their access to compensation.

## PREVENTION OF HUMAN TRAFFICKING

The northern part of Cyprus falls short of implementing their obligations in regard to prevention of human trafficking. There are no research, awareness raising or educational programs introduced as required by the Palermo Protocol and European Trafficking Convention. In addition, although the 'authorities' have been made aware of the trafficking trends, potential venues and risky sectors, they have not introduced any measures to prevent human trafficking cases. The following part shall explain the general trends of the human trafficking cases, the responses of the 'authorities' and the list of obligations stated by the Palermo Protocol, European Trafficking Convention and ECtHR decisions.

During 2022, the local bodies were informed on several occasions that the current status quo in relation to higher education, namely the increase in the number of 'universities' in an uncontrolled way, the use of agencies that convince students with false promises and the abuse of the student visa 'regulations'. According to the formal figures, there are 22 registered 'universities' as of December 2022.<sup>92</sup> Receiving a 'student visa' is very easy and it is mostly provided if the person shows their student registration paper in the entry points. When the students arrive to the territory, there is no monitoring mechanism to follow their status here, whether they attend their 'universities' or if they find themselves in other dangerous or illegal situations, such as human trafficking.

87 'Right to information law' no.12/2006.

88 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art.6; and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art.12.

89 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, art. 6(2); and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art. 12(1).

90 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, Article 6(3); and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, art.12(5).

91 V.C.L. and A.N. v. the United Kingdom , nos. 77587/12 and 74603/12, 16 February 202, Council of Europe: European Court of Human Rights, Rantsev v. Cyprus and Russia, no. 25965/04, 7 January 2010, Council of Europe: European Court of Human Rights.

92 'Department of Common Services for Education', '2021-2022 Statistical Yearbook' [http://eohd.mebnet.net/sites/default/files/2021-22\\_MEKB\\_IstatistikYilligi.pdf](http://eohd.mebnet.net/sites/default/files/2021-22_MEKB_IstatistikYilligi.pdf) , p. 58.

According to latest yearly statistic book of the 'ministry of education' covering the academic year of 2021-2022, there are 94.381 foreign students in the northern part of Cyprus, 51.280 are whom from the 3rd countries.<sup>93</sup> The 'ministry of interior' announced that there are 107.000 registered students but only 83.000 are active. This means that 20.000 students are currently registered to any of the 'universities' but they are not attending to their classes.<sup>94</sup>

During the 2022, the 'police' was notified of 18 human trafficking cases that involved the abuse of the 'student visas'. The young African women (17 Nigerians and 1 Cameroonian) were brought to the island with false promises of education and job opportunities and later forced into prostitution. The rise in the trends were also discussed in several meetings with the 'police' and 'ministry of interior' representatives. It has been observed that they were aware of the circumstance to some extent. However, anti-trafficking was not one of their objectives, despite some 'officers' saying that they are interested in reforming the higher education sector.

Sex trafficking cases in nightclubs are more widely known by the public and local bodies, compared to the ones concerning international students that mainly happen in private apartments or hotels. Nightclubs have been operating in the northern part of Cyprus for more than 20 years, and numerous actors in the TCc have recognized them as places where women's passports are confiscated, they have no freedom of movement, and they are forced to engage in prostitution on a daily basis. Many of the women in the nightclubs are put under debt bondage and subjected to various forms of violence.<sup>95</sup> The 'nightclubs and similar entertainment law', that allows the establishment and operation of the nightclubs, is still in place and there had been no efforts by the local bodies to either compel it entirely or make amendments to prevent trafficking of women. The Platform informed the 'police' about 2 human trafficking cases in the nightclubs during 2022. However, as explained in the victim protection section, they were not protected and were both immediately sent back to their countries against their will within 24 hours. In order to collect data on women in the nightclubs, 3 petitions were drafted towards the 'nightclubs commission', 'immigration department'<sup>96</sup> and 'police'<sup>97</sup> addressing the following questions:

**1)** number of women received '*konsomatris* visa'<sup>98</sup> during 2022 **2)** their nationalities and ages **3)** number of women working in each nightclub **4)** presence of any information leaflets **5)** booklets or posters provided at the entry points to provide information on human trafficking **6)** number of inspections made to the nightclubs **7)** number of cases of human trafficking or exploitation or degrading treatment detected during the inspections **8)** number of women sent back to their countries before their contracts finished **9)** number of permissions received to open new nightclubs. None of the petitions were answered by the local bodies.

Please visit the following recently published sources for more information on nightclubs:

93 Ibid.  
94 'Cumhuriyet meclisi tutanak dergisi', 9. birleşim (22 March, 2022), p. 81.  
95 Please visit the following recently published sources for more information on nightclubs: ICLAIM, "Report on Smuggling and Trafficking Across the Green Line" (2022) <<https://htsproject.uclancypus.ac.cy/report-on-smuggling-and-trafficking-of-persons-across-the-green-line-feb-2022/>>; Universal Patient's Rights Association, "In-depth Research to Determine the Condition of Marginalised Groups Regarding Patients' Right in the northern part of Cyprus" (2021), p.55-p.70 <<https://www.ehhd.eu/derinlemesine-rapor/>>; Nasia Hadjigeorgiou, Demetra Loizou, Fezile Osum and Andrea Manoli, "Determinants of Anti-Trafficking Efforts - Case Study: Cyprus" (2022) British Institute of International and Comparative Law <[https://www.bicl.org/documents/11411\\_cyprus.pdf](https://www.bicl.org/documents/11411_cyprus.pdf)>.  
96 Petition submitted by the Human Rights Platform to the 'immigration department' under the 'ministry of interior' on 2nd of January 2023.  
97 Petition sent by the Human Rights Platform to the 'police' on 5th of January 2023.  
98 Nightclubs and pubs are registered places and they are licensed to serve alcohol under the 'nightclubs and similar places of entertainment law'. They recruit foreign women from abroad under 'konsomatris visas', that is defined as women who eat and drink with clients at a nightclub and make an income out of this. Under the same 'law', it is illegal for konsomatris women to engage in prostitution; however in practice, such places are potential venues for sex trafficking.

It has been observed by the Platform that the inspections conducted by the 'nightclubs commission' or by the 'labour department' never address human trafficking or exploitation. Women who resist their traffickers and find a way to reach the 'police' are immediately sent back to their countries. Moreover, it has been observed that information leaflets, booklets or posters on human trafficking are not provided in any of the entry points or any other venues where there are potential human trafficking victims. Unfortunately, no further assumptions or observations can be provided in regard to the rest of the questions provided above, since such information can only be received from the local bodies. It is assumed that their unwillingness to respond may be related to the following; either they do not keep proper and updated data in regard to human trafficking or that human trafficking is not considered as a serious issue that needs to be tackled, or both.

Moreover, labour trafficking cases usually happen in the construction, farming, service and domestic work sectors. Most common ways used by the traffickers to control the victims are confiscation of their identification documents, threats concerning their loved ones or by reporting them to the 'police' to ask for deportation and debt bondage. Labour trafficking victims mostly face inhumane living conditions, with little or no salary at all.<sup>99</sup> Petitions were submitted towards the 'labour department' to ask how many inspections were conducted to detect human trafficking or labour exploitation cases but no reply was received.<sup>100</sup>

The prevention aspect of anti-trafficking efforts is an important part of the international and European standards, as well as the ECtHR decisions. Both the Palermo Protocol and European Trafficking Convention requires the introduction of comprehensive policies, programmes and other measures for preventing human trafficking.<sup>101</sup> Also, as part of prevention efforts, reducing the demand that forms the exploitation of persons, especially women and children, should be targeted through measures such as educational programs, awareness raising and research programs.<sup>102</sup> Targeting demand aims to discourage the demand of people in the society for the sectors or workplaces that traffic people. There are many ways to discourage demand, such as addressing the root causes of exploitation related to lack of educational opportunities, economic difficulties and social norms that include discriminatory practices against certain groups.<sup>103</sup>

Prevention is emphasised in several ECtHR decisions as one of the responsibilities of the states under Article 4 (prohibition of forced labour and slavery). In the *Rantsev* decision, ECtHR held that the Republic of Cyprus violated Article 4, due to their failure to take appropriate measures against the artiste visa regime. Such visas have been used to recruit women to work in cabarets (similar to the nightclubs that exist in the northern part of Cyprus, explained above). The decision provided that the government of Republic of Cyprus knew or should have known that women were being forced to prostitution in cabarets, as it was raised in several international and local reports, including the report of the Ombudsperson's office. Still, the authorities failed to introduce any measures to change the situation and therefore, they violated their obligation on the prohibition of forced labour and slavery provided in Article 4 of the Convention.<sup>104</sup> *Chowdury*<sup>105</sup> is another example where the court considered the positive obligation to prevent human trafficking. The case was concerning 42 Bangladeshi nationals recruited in Greece and forcibly worked in the strawberry farms without work permit. The workers were obliged to work under armed guards that restricted their freedom of movement and coerced them to work. Similar to the decision in *Rantsev*, the ECtHR held that the authorities were or should have been aware of the exploitation but they failed to provide a general solution to the issue and hence, failed to fulfil their obligation to prevent human trafficking and protect the victims.

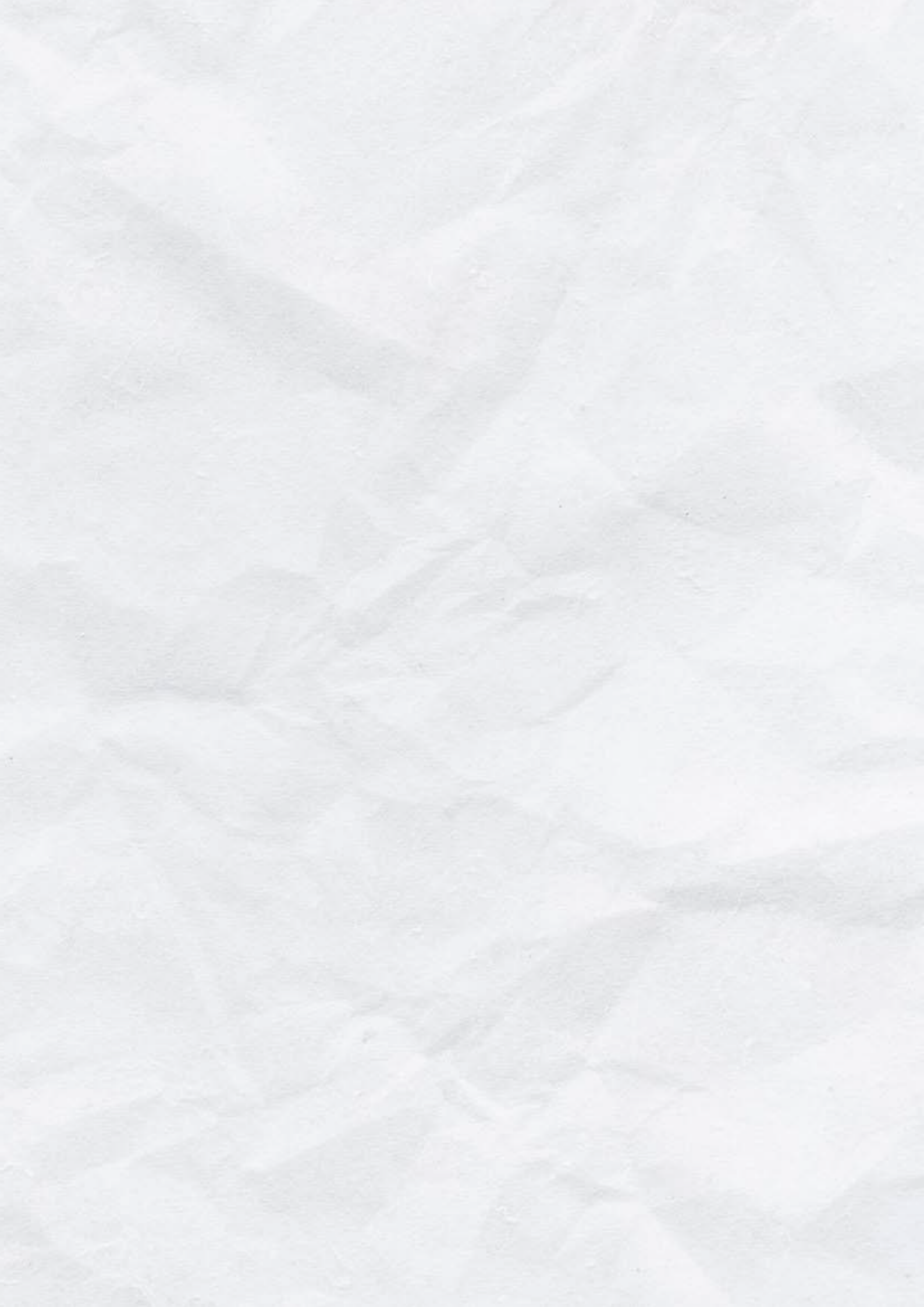
99 ICLAIM, "Report on Smuggling and Trafficking Across the Green Line" (2022) <<https://htsproject.uclancypus.ac.cy/report-on-smuggling-and-trafficking-of-persons-across-the-green-line-feb-2022/>>  
100 Petition submitted by the Human Rights Platform to the 'labour department' under the 'ministry of labour and social security' on 28th of October 2022 and 2nd of January 2023.  
101 Prevention efforts should be done through research, information and media campaigns as well as social and economic initiatives. Such efforts shall include cooperation with civil society organizations and other elements of civil society. The prevention measures should be based on evidence and accurate information in regard to the forms, causes and results of human trafficking. Periodic researches and systematic collection of data should be conducted and evaluated regularly, to understand the trends in a comprehensive way; Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, Article 18.  
102 United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, Article 9(4); and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, Article 6.  
103 These are all factors that make certain groups vulnerable and pave the way for exploitation. As persons get more vulnerable, they become more of a target of the traffickers. Other ways of enforcing preventative measures as suggested by the UNODC is through raising awareness with media and CSOs, creating safe and fair migration rules and policies, penalising those that buy services from victims of human trafficking, strengthening the rights of migrants, increasing labour inspections and measures to establish safe and fair recruitment for migrant workers. The measures for prevention should be designed in a way that fully respects the human rights of the victims and especially their freedom of movement. It is recommended such policies be developed with the victims, to ensure that they do not restrict their rights in any way; United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, GA Res. 55/25, 15 November 2000, A/55/383, Article 9(1); and Council of Europe Convention on Action against Trafficking in Human Beings (2005), CETS No: 197, Article 5(2); UNODC, 'Legislative Guide for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' (2020), para 316 and 290, available at: [https://www.unodc.org/documents/humantrafficking/2020/TIP\\_LegislativeGuide\\_Final.pdf](https://www.unodc.org/documents/humantrafficking/2020/TIP_LegislativeGuide_Final.pdf)  
104 *Rantsev v. Cyprus and Russia*, no. 25965/04, 7 January 2010, Council of Europe: European Court of Human Rights, para. 294.  
105 *Chowdury and Others v Greece*, Application No 21884/15, 30 March 2017, Council of Europe: European Court of Human Rights.



## CONCLUSION AND RECOMMENDATIONS

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.



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