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TRAFFICKING FOR LABOUR IN CYPRUS

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Trafficking for Labour in Cyprus

0. INTRODUCTION

Trafficking in human beings for labour exploitation is a new concept for Cyprus, and a new offence as well, that has only very recently preoccupied the authorities and the society.

The offence of trafficking for labour was introduced in the legislation of the Republic of Cyprus for the first time through the L. 87(I)/2007. The previous law on trafficking in human beings, L. 3(I)/2000, focused exclusively on trafficking for sexual exploitation aiming in particular at penalizing the organized transnational trafficking for sexual exploitation.

Cases of trafficking for labour appear for the first time in the official statistics in 2007. The recent appearance of cases of trafficking for labour and their small number is not to be interpreted as indicative of the novelty of the phenomenon nor of its limited size, but of the lack of interest towards that phenomenon.

As it is broadly known, trafficking for sexual exploitation has been a big problem for Cyprus for a number of years, which, however, was not properly recognized and was to a large extent tolerated. Under the European and International outcry, Cyprus was forced to recognize the problem and take measures to combat it. For a long time trafficking for sexual exploitation attracted all the attention and to a significant extent this continues to be the case up to now. Trafficking for labour is only slowly being discovered and to a large extent still remains in the dark with the relative information to be scarce.

Given that we have only few cases to report, we have opted to present as a starting point the conditions of vulnerability of workers that set the context in the frame of which trafficking may develop, but remains invisible.

Thus in this report we will present:

The condition of vulnerability of migrant workers in the frame of the overall situation concerning migrant workers

The legislative and institutional framework

Statistical and information about trafficking for labour cases

Discussion of the court prosecution and court procedures

And finally, cases of trafficking for labour that have become public

The sources of information about trafficking in Cyprus are very restricted.

There are no researches or studies referring to labour trafficking. The available research focuses on trafficking for sexual exploitation.

The sources used in this report are the following:

The main source is the Police, that provides also the statistics on trafficking.

Governmental and administrative sources such as official documents, speeches, lectures or information provided to the press by members of the government and the administration

NGO's, actually it is the NGO KISA

The Cyprus Ombudsman

Reports of International and European organizations

The press

Studies, researches, reports that do not directly address trafficking, but issues that may be linked to trafficking.

In addition the following services, public and private have been visited in order to retrieve information:

Ministry of Labour and Social Insurance, Department of Labour Relations

Ministry of Interior, Civil Registry and Migration Department and Social Welfare Services Department

Office of Combating Trafficking in Human Beings of Cyprus Police

The NGO, KISA

The Cyprus Ombudsman

1. IMMIGRANT WORKERS IN CYPRUS

Up to the 1970s, Cyprus was a country of emigration. Economic development that took place in many sectors, tourism being an important one among them, resulted in economic growth and led to a shortage of low-skill labour and an increase of demand for labour in Cyprus in general. This together with the abandonment of restrictive immigration policies in 1990 opened doors for ‘importing’ foreign workers¹.

The model followed for importing foreign labour was that of ‘temporary workers’ coming with a work contract, a model similar to that of “Gastarbeiter” in Germany of the decades of the nineteen-fifties and nineteen-sixties. These workers are not called in Cyprus migrants or migrant workers but either aliens or foreign workers.

Accession of Cyprus to the EU in 2004 has led to a further rise of immigration. Immigrants actually constitute the 10% of the population of Cyprus coming from both EU and third countries and render Cyprus clearly an immigration country². This increase in immigration becomes apparent in the Labour Force Survey 2003-2004, which shows that the number of legal migrants in Cyprus in 1996 was around 16,723 and in 2004 rose to 71,434, as shown in the Table below:

Table 1³

Legal Migrants in Cyprus 1996-2004

	1996	1997	1998	1999	2000	2001	2002	2003	2004
Economically active population	306,000	306,600	311,100	318,200	324,900	329,900	326,133	341,203	354,686

¹ Nikos Trimikliniotis and Corina Demetriou, 'Cyprus', in Anna Triantafyllidou and Ruby Gropas (eds.), *European Immigration: A Sourcebook* (Surrey: Ashgate, 2007), 45-58. - Anna Papasavva, 'Immigration in Cyprus: New Phenomenon or Delayed Responsiveness?', in John Laughland and Michel Korinman (eds.), *The Long March to the West: Twenty-First Century Migration in Europe and the Greater Mediterranean Area 9geopolitical Affairs)* (Edgware: Mitchell Vallentine & Company, 2007), 220-27.

² Trimikliniotis and Demetriou, 'Cyprus'.

Trimicliniotis N. and Demetriou C., (2009) *European immigration: A sourcebook- Cyprus*. On the basis of the following sources: Labour Force Survey 2003 and 2004, Cyprus Statistical Service; Labour Statistics 1999 and 2003, Cyprus Statistical Service; Demographic Report 2004, Cyprus Statistical Service; Industrial Statistics 2004, Cyprus Statistical Service; 2003 Annual Report Ministry of Labour and Social Insurance.

Gain-fully employed population	28,5900	28,6100	28,8800	29,4700	30,1800	30,7800	32,1900	32,5300	33,3100
% of unemployment	3.1	3.4	3.3	3.6	3.4	2.9	3.9	4.1	4.7
Legal migrants	16,723	19,310	20,713	24,059	26,398	30,196	57,504	62,705	71,434
Net migration	5,300	4,800	4,200	4,200	3,960	4,650	6,885	12,342	15,724

According to the data of Ministry of Interior (31.12.10) the immigration population in Cyprus is composed of 100.000 European citizens and 65.000 that have arrived through strategies of employment of foreign citizens⁴ Among the European citizens a large number originate from Greece in the first place and UK. Among the third country citizens there is a significant number of Russians or Russian speaking people employed in overseas companies⁵.

The number of temporary workers from third countries that had arrived through a contract have been mentioned to be 9.704 for the year 2008 and 8.500 for the year 2009⁶.

To those are to be added 25-30.000 undocumented migrants⁷. These are partly from overstayers⁸ and partly migrants that have irregularly arrived in Cyprus. The main en-

⁴ Μαρίνα Σταυρινού Κούκου, 'Εργασιακό Trafficking Στον Βιομηχανικό, Βιοτεχνικό Και Κατασκευαστικό Τομέα Στην Κύπρο', in Κέντρο Συμπαράστασης Παλινοστούτων Μεταναστών (ed.), *Συνάντηση Εργασίας για την «Εμπορία Προσώπων για Εργασιακή Εκμετάλλευση» στην Ελλάδα και την Κύπρο* (Αθήνα, Ξενοδοχείο TITANIA: αδημοσίευτο, 22-02-2011).

⁵ Trimikliniotis and Demetriou, 'Cyprus'.

⁶ Information retrieved from the Department of Labour Relations of the Ministry of Labour and Social insurance.

⁷ Κυπε/Απε, 'Συλικιώτης: «Έχουμε Ολοκληρωμένη Μεταναστευτική Πολιτική»', <http://www.politis-news.com/cgi-bin/h...&-V=latestnews>, 2009.

⁸ The large number of overstayers is due to the paradox of fixed and short-term employment contracts, after the expiration of which many migrant workers remain irregularly in Cyprus and continue to work underground. Also in an irregular way remain in Cyprus some among those refused the 'release' paper (see next paragraph).

try point for irregular migrants is the dividing line between South and North Cyprus. Irregular migrants arriving in the Republic of Cyprus in that way seem to constitute the majority of irregular migrants⁹.

In the last years an increase of migrants from new member states, particularly Rumania and Bulgaria, is to be observed.

Most immigrants work in domestic work, service industry - mainly tourism and trade-, manufacturing industry, agriculture, construction work and, generally, in low-status and low-paid jobs. Especially domestic work and agriculture are almost entirely made up of migrant workers¹⁰ while in the construction industry around 50% are migrants, mainly from EU¹¹.

Immigrants, although playing a major role in the economic development in Cyprus, remain the most vulnerable workers. The ground of vulnerability of migrants that are introduced legally in Cyprus is the model of employment-contract that links the migrant to a specific employer and a specific work position for a specific time period. This renders migrant workers completely dependent on employer and powerless to claim their rights. The employers, very often, taking advantage of this poorness of the migrants and their need for money, as well as their dependency from the employer in order to remain in Cyprus, violate contracts, violate their rights, force them to live in inhuman conditions and may abuse them.

A particularly vulnerable category among those coming in Cyprus in the frame of the temporary model -though through a different type of contract than that of the workers in other industries- are the domestic workers.

Nikos Trimikliniotis and Mihaela Fuias-Souroula, 'Mapping of Policies Affecting Female Migrants and Policy Analysis: The Cyprus Case', in Femipol (ed.), *Integration of Female Immigrants in Labour Market and Society: Policy Assessment and Policy Recommendations. A Specific Targeted Research Project of the 6th Framework Programme of the European Commission* (Nicosia: Intercollege Cyprus, 2006), 1-38.

⁹ Ibid. -Papasavva, 'Immigration in Cyprus: New Phenomenon or Delayed Responsiveness?'

¹⁰ European Commission against Racism and Intolerance, 'Third Report on Cyprus Adopted on 16 December 2005', in Ecri (ed.), *ECRI Reports* (Strasbourg: Council of Europe, 2006), 1-72.

¹¹ Σταυρινού Κούκου, 'Εργασιακό Trafficking Στον Βιομηχανικό, Βιοτεχνικό Και Κατασκευαστικό Τομέα Στην Κύπρο'.

Asylum seekers are pushed to irregular employment, as they are allowed to work only in certain sectors and types of jobs, having to do mainly with agriculture¹².

The most vulnerable of all migrants are nevertheless those of irregular status having overstayed their visa, their employment contract, or having entered the country in an irregular way. These migrants are ready to undertake any job under any conditions in order to survive. Therefore there are many employers who use this ‘illegality’ of the migrant to force them work under humiliating conditions with very low pay, abuse them, sexually abuse them. This is a situation the migrant cannot escape from.

According to the US State Department Trafficking in Persons Report for 2010, the groups vulnerable to forced labour include domestic workers, asylum seekers and foreign migrants working in the farming and agricultural sectors. L. Antoniou mentioned in the workshop organised in the frame of the “Going beyond” project in Greece that in the agricultural sector not only breaches of contracts are frequent, but also slavery like conditions prevail¹³

Due to their vulnerable condition migrants are afraid to report their case of exploitation to the police¹⁴. However, after the passing of new legislation migrants have more power to report their case, sue their employer or change employer. Thus, in the very last years, there are more cases of migrants who address themselves to the labour office and the police for complaints in comparison to the past. It goes without saying that despite this progress and the increased protection by the law, still there are many migrant workers who live under fear without reporting their case of exploitation or trafficking.

A further ground that renders migrants unprotected from exploitation and abuse is racism and discrimination. With the accession to the EU and the obligation of Cyprus to adhere to EU policies the government has become more careful regarding discriminatory and racist practices, however, still the administration and the police implement

¹²European Commission against Racism and Intolerance, 'Third Report on Cyprus Adopted on 16 December 2005'. - According to Papasavva, asylum applicants are forced to work in agriculture since the labour demand in the sector is high Papasavva, 'Immigration in Cyprus: New Phenomenon or Delayed Responsiveness?'.p221-222

¹³ Λουκάς Αντωνίου, 'Εργασιακό Trafficking Στον Αγροτικό Τομέα Στην Κύπρο', Ibid.

¹⁴ Ibid.

policies in a discriminatory way¹⁵. This places migrants in a weak position and renders them powerless when claiming their rights.

This is also the situation in case of abuse and eventual trafficking. Migrant workers may not be listened to when filing complaints and may instead be deported. Examples that we will bring at a later paragraph of this report illustrate such situations.

Irregular migrants cannot report their case of abuse since they are considered as illegal migrants and they will be deported immediately if they give any signs of existence. The anti-trafficking legislation protects irregular migrants as well, however in practice they might be deported without to be given the chance to expose their case.

1.1. Institutional grounds of vulnerability and the recent policy efforts to overcome them.

1.1.1. Temporary migrant workers from third countries

When Cyprus changed its migration policies and decided to accept foreign workers the principle that was followed was that migrants could come to the Republic of Cyprus to work only as ‘temporary’ workers with a work contract that tied them to a specific work position and a specific employer. This is valid until today concerning the third country citizens.

Following the model of temporary employment, migrant workers from countries outside the EU in order to come in Cyprus to work is required an application to be made to the Department of Labour Relations of the Ministry of Labour for a permit. Such permits are provided for job positions, which cannot be covered by either Cypriot or European citizens. The permit is granted after the Department of Labour Relations has checked that no Cypriot or European citizen is available for that job. Based on law, any third country citizen is allowed to apply for such a permit to work in the island. The permit is issued by the Civil Registry and Migration Department of the Ministry

¹⁵ Key informant interviewed in the frame of Fe.Mi.Pol research mention that among the authorities and many civil servants a negative and xenophobic attitude prevails that results in an unwillingness to fully monitor and implement policies. Trimikliniotis and Fulas-Souroula, 'Mapping of Policies Affecting Female Migrants and Policy Analysis: The Cyprus Case'. - Prodromos Panayiotopoulos, *The Globalisation of Care: Filipina Domestic Workers and Care for the Elderly in Cyprus*, ed. Conference of Socialist Economist (Farmington Hills: Gale Group, 2005).

of Interior and is valid only for a specific job, for a specific employer and for a specific time span (four years). This is applicable for seasonal work for shorter periods.

After the expiration of the contract the migrant worker has to leave Cyprus. If he/she does not, he/she is deported as irregular migrant. The possibilities to change employers are very limited. Only in the case of proof that the employer has severely broken the terms of the contract, the migrant may be granted the permission to change employer.

Employer and worker are bound with a contract from which mutual obligations derive. The employment conditions and the rights of the migrant, as it is the case with Cypriot workers, are set out in the agreement between the government of Cyprus, the employers' organizations (OEV and KEVE) and the trade unions (PEO, SEK, DEOK) known as the 'tripartite' system. The criteria set in 1991 and reaffirmed in 2004 stipulate that migrant workers arriving through contracts enjoy exactly the same rights and working conditions as Cypriot workers¹⁶.

However, the very terms of employment of the migrant workers, particularly the dependency from a specific employer, constitute differential treatment of the foreign worker in relation to the indigenous worker, contravening the principle of equal labour rights between regular foreign workers and indigenous workers. Further, it is being commented that the term of temporality together with other elements allow for 'flexibility' in the interpretation and implementation of the relative policies, resulting that in practice migrant workers have reduced rights and difficulty in implementing their rights¹⁷.

L. Antoniou mentioned that in a research in which he participated conducted in 2010 on the hospitality sector a violation of the terms of contracts was established and this not only for migrants, but also for Cypriot workers¹⁸.

¹⁶ Trimikliniotis and Demetriou, 'Cyprus'.

¹⁷ Ibid., - This had already been foreseen by the study conducted by 'Planning Bureau' in 1989, already before the implementation of the relative policies Trimikliniotis and Fuliar-Souroula, 'Mapping of Policies Affecting Female Migrants and Policy Analysis: The Cyprus Case'.

¹⁸ Λουκάς Αντωνίου, 'Εργασιακό Trafficking Στον Αγροτικό Τομέα Στην Κύπρο', in Κέντρο Συμπαράστασης Παλινοστούτων Μεταναστών (ed.), *Συνάντηση Εργασίας για την «Εμπορία Προσώπων για Εργασιακή Εκμετάλλευση» στην Ελλάδα και την Κύπρο* (Αθήνα, Ξενοδοχείο TITANIA: αδημοσίευτο, 22-02-2011).

Based on law, the employer has to pay to the migrant at least the minimum salary, as stipulated by the above mentioned agreements between the government the trade unions and the employers' organisations, and may provide the migrant with shelter and food. If the employer provides the migrant with shelter he/she has the right to deduct 10% from the salary and if the employer provides food he/she may deduct an extra 15% from the monthly salary. In the case of a farm/estate the employer has to provide salary, shelter, food and transportation costs to the employee. The employer is not allowed to subtract any amount of money from the migrant for any reason not written on the contract. The migrants must have a health insurance and the cost of the insurance is paid 50% by the migrant and 50% by the employer¹⁹.

The vulnerabilities of those workers that are produced through this modality of employment lie on the following three grounds:

In reality each employer interprets the rights of the immigrant deriving from the legislation and the contract differently and at wish. For instance, there are cases that were reported at KISA²⁰ in which the employer provided the immigrant with just one meal per day and believed that this was more than enough in order to comply with what the law foresees. The interpretation of the law by the employer may result in inhuman living and working conditions for the migrant.

The fact that the employer pays to bring in the worker and the subsequent dependency of the worker from the employer makes some employers believe that they "own" the worker and behave to him/her accordingly. This leads to a de facto exploitation of worker and may lead to trafficking for labour practices.

- a. As migrant workers are bound to one employer they are at his/her mercy. In case that the employer breaks the terms of the contract the migrant has the right to make a complaint at the Department of Labour Relations. However, given the dependency of the presence of the migrant in Cyprus from the specific employer and the specific job, migrants rarely dare to report a breach of the terms of the contract or even abuse. The possibility is foreseen to change employer under specific circumstances, but both in theory and practice this

¹⁹ Information retrieved from Ministry of Labour and Social Insurance Department of Labour Relations

²⁰ Information retrieved from KISA interview

possibility is very limited: The employee may apply for a change of employer, if only he/she has serious problems with the employer and can prove them and only after the first six months and before the last six months of the permission period.

- b. After the expiration of the contract some migrants try to remain in the country working irregularly in the black market, under very exploitative conditions. As the executive director of KISA, D. Polykarpou, mentioned in the workshop organised in the frame of the “Going beyond” project in Greece, in order to remain in Cyprus some of them have recourse to circuits that help them marry with a European citizen that the circuits bring for that purpose in Cyprus. Subsequently they are forced to work irregularly and frequently under awful conditions in order to pay back the circuits for the services they offered to them²¹.

The foreseen procedure in case of complaint has as follows:

If there is a labour dispute between the immigrant and the employer, the migrant worker has to prove that there is a severe problem or violation. The worker files a complaint at the Department of Labour. The Department of Labour cannot take legal action and makes only recommendations.

If no agreement is achieved between the worker and the employer and the employer does not accept to sign the ‘release paper’ that would free the worker and allow him/her to find another employer, the case is referred to the Committee of Examination of Labour Disputes. The report compiled by this Committee is brought to the director of Civil Registry and Migration Department (Ministry of Interior), who is responsible for taking the final decision. If the case turns against the worker and if the employer does not sign a release paper the migrant leaves from Cyprus with no further question.

In the case that the worker wins his/her case or the employer agrees to sign the release paper, the migrant has the right to search and find another employment in the

²¹ Δώρος Πολυκάρπου, 'Σχέση Του Μεταναστευτικού Μοντέλου Που Ακολουθεί Η Κυπριακή Δημοκρατία Με Την Εμπορία Προσώπων Για Την Εκμετάλλευση Και Το Εργασιακό Trafficking', in Κέντρο Συμπαραστάσεως Παλινοστούτων Μεταναστών (ed.), *Συνάντηση Εργασίας για την «Εμπορία Προσώπων για Εργασιακή Εκμετάλλευση» στην Ελλάδα και την Κύπρο* (Αθήνα, Ξενοδοχείο TITANIA: αδημοσίευτο, 22-02-2011).

frame of one month. In order to be able to find an employer in the frame of the foreseen deadline they address themselves to employment agencies. This means that they have to pay 500 euro and in addition they run the risk to fall victims of exploitation²².

The whole procedure works as a threat to the worker who is very reluctant to file a complaint because he/she does not want to risk his/her salary and presence in Cyprus in case the employer does not sign the release paper.

The worker has the right to take the case to the Labour Disputes Tribunal, however, this is very difficult and costly for a temporary worker. In case of a penal offence, trafficking for labour included, the Labour Department is expected to refer the case to the Police.

According to the Ombudsman the system of dealing with issues of breaches of the rights of workers has many shortcomings and disfunctioning and leads to a differential treatment of the worker that has arrived with a contract. Most frequently the outcome favours the employer²³.

According to a report of the 'Mechanism of follow up and control of the implementation of the legislation about gender equality in the collective agreements' of the Pancyprian Federation of Labour (PEO)', even in the case of violent breaches of the terms of the contract the worker cannot be certain to obtain a release paper from the employer, the outcome of the case being at the discretionary power of the administration. On the other hand it is very seldom that sanctions are pressed on the employer²⁴.

1.2.2. Domestic workers

In Cyprus the discussion about trafficking for labour is extremely limited. Whenever such discussion takes place, the reference is almost exclusively to the domestic workers, while the situation of migrants working in other sectors is more or less bypassed.

²² Ibid.

²³ Eliana Nikolaou, 'Εκθεση Της Επιτρόπου Διοικήσεως Αναφορικά Με Τη Διαδικασία Εξέτασης Των Εργατικών Διαφορών Ανάμεσα Σε Αλλοδαπούς Εργαζόμενους Και Τους Εργοδότες Τους', in Επίτροπος Διοικήσεως (ed.), (Λευκωσία: Επίτροπος Διοικήσεως, 2010), 1-18.

²⁴ Anthoula Papadopoulou, 'Μηχανισμός Παρακολούθησης Και Ελάγχου Της Εφαρμογής Της Νομοθεσίας Για Την Ισότητα Μέσα Από Τις Συλλογικές Συμβάσεις Του Γραφείου Γυναίκων Της Πεο', (Λευκωσία: Εθνικός Μηχανισμός για τα Δικαιώματα της Γυναίκας, 2008), 1-90.

From information retrieved from the Department of Labour Relations of the Ministry of Labour and Social Insurance the number of domestic workers was 30,000 for the year 2008²⁵. In a newspaper interview, a functionary of the Civil Registry and Migration Department of the Ministry of Interior mentioned that according to the data of the Civil Registry and Migration Department the number of domestic workers is 35.400 and the number of pending requests is 1.934²⁶. This is an enormous number in comparison to the total number of migrant workers, but also to the population of Cyprus, which is around 860.000.

The crushing majority of complaints filed by migrant workers for breaches of labour legislation and of the terms of the contract originate from domestic workers²⁷.

The vulnerability of the domestic workers is again attributed to the type of labour relations and the terms foreseen by the contract for domestic work, the conditions of which are even more restrictive than those of the other temporary workers.

First of all it should be mentioned that the official name was 'domestic helpers' and not domestic workers, this being indicative of not being considered as 'workers' benefiting from the full rights of workers. This has changed recently as will be mentioned later on.

The contract for domestic workers deviates from the standard type of contract for temporary employment. The principal difference that places them in a position of disadvantage is that they come under the Ministry of Interior instead of the Ministry of Labour (as it was also the case recently with the trafficked women that arrived in Cyprus with an 'artist' visa²⁸) and their employment does not come under the collective

²⁵ Information retrieved from the Department of Labour Relations of the Ministry of Labour and Social Insurance.

²⁶ Νικήτας Κυριακού, '«Αδύναμος Κρίκος» Οι Βιετναμέζες. Επιρρεοείς Στην Προώθηση Στην Πορνεία Ή Την Παράνομη Απασχόληση', *Σημερινή*, 30/01/2011 p. 1-5.

²⁷ Αρίστος Τσιάρτας, 'Εργασιακό Trafficking Στην Κύπρο, Με Ιδιαίτερη Έμφαση Στην Οικιακή Εργασία', in Κέντρο Συμπαράστασας Παλινοστούτων Μεταναστών (ed.), *Συνάντηση Εργασίας για την «Εμπορία Προσώπων για Εργασιακή Εκμετάλλευση» στην Ελλάδα και την Κύπρο* (Αθήνα, Ξενοδοχείο ΤΙΤΑΝΙΑ: δημοσίευτο, 22-02-2011).

²⁸ The extreme dimensions that trafficking for sexual exploitation in women had taken in Cyprus was linked to the existence and abuse of 'artist visa'. Through this type of visa foreign women were introduced to Cyprus and were subsequently exploited sexually, being forced to work in 'cabarets' in the first place. This visa was issued by the Ministry of Interior. In the frame of prevention and combating of trafficking the Council of Ministers in November 2008 took the decision to abolish that type of visa. Thereafter artists came under the Ministry of Labour and conditions were introduced for someone to come to Cyprus to exercise an artist profession. Concerning the problems related to 'artista' visa, see: Antonios Papantoniou and Maria Papantoniou-Frangouli, 'Final Transnational Comparative Report of

agreements. This is linked to the fact that the employment of domestic workers does not affect the labour market.²⁹ Thus the salary of the domestic worker does not come under the collective agreements, nor is defined in the contracts. The Civil Registry and Migration Department in collaboration with the relevant Committee of Ministers in 1990 fixed the salary at £150. This amount was far below the minimum salary and remained stagnant until 2008 that was increased to £165 (€ 282)³⁰. In 2009 the salary reached the € 422. The Civil Registry and Migration Department announced that starting with the 1st January 2010 the gross salary of the domestic worker is increased to € 429, this being valid for both pre-existing contracts and new ones³¹. The level of the salary is justified by the fact that domestic workers are to be provided with free accommodation and meals.

According to their contract the domestic workers are allowed to come in Cyprus for only 2 years, but their employer has the right to ask for the renewal of their visa for an extra 2 years.

For domestic workers the most common modality of arrival is through an agency. It is not required to use an agency but this is the easiest and most efficient way. The agency undertakes all the necessary procedures in order for a domestic worker to get a visa from the Migration Office and be able to come and work in Cyprus. These agencies have the profile of many migrant cleaning women who are interested to find a job in Cyprus so that makes it very easy for a Cypriot household to choose from a number of migrants women and bring one of them in Cyprus to work for them.

The contracts signed by the domestic workers are in Greek and in English language as well, so that they understand the content given that many among them speak English while they are not expected to speak Greek. The paradox, however, is that the English

the Destoli-Agis Project (JIs/2005/Agis/123)', in Antonis Papantoniou and Maria Papantoniou-Frangouli (eds.), *Demand of Stolen Lives: Researching the Demand Side of Trafficking* (Vol. 3; Athens: KSPM, 2008), 1-87.

²⁹ Margarita Zervidou, 'National Report: The Case of Cyprus', in Mediterranean Institut of Gender Studies and University of Nicosia (eds.), *Integration of Female Migrant Domestic Workers: Strategies for Employment and Civic Participation. Final Results of a Programme Undertaken in Five European Countries* (Nicosia: University of Nicosia Press, 2008). -Panayiotopoulos, *The Globalisation of Care: Filipina Domestic Workers and Care for the Elderly in Cyprus*.

³⁰ Papadopoulou, 'Μηχανισμός Παρακολούθησης Και Ελέγχου Της Εφαρμογής Της Νομοθεσίας Για Την Ισότητα Μέσα Από Τις Συλλογικές Συμβάσεις Του Γραφείου Γυναικών Της Πεο'. p. 13

³¹ Ανώνυμος, 'Οικιακές Βοηθοί: Επτά Ευρώ Αύξηση!', *Πολίτης*, 02-03- 2010.

version deviates from the Greek text, the conditions as mentioned in the Greek text being more restrictive. In case of disagreement of the employer with the employee, the employer may and actually does, appeal to the Greek text. An example is that in the English version there is the term that the domestic worker has no right to participate to **political** actions and activities, during the period that the contract is in effect, while in the Greek version the corresponding term prohibits the participation to **any** action or activity³².

As it is evident the inclusion of such a term in the contract constitutes a violation of basic rights as that of the participation to public life and to trade unions.³³ Here again we have a violation of the clause of the legislation that allegedly safeguards the same rights for indigenous and foreign workers. Moreover, the discrepancy between the Greek text (that the domestic worker does not understand) and the English text constitutes an element of deception, promoted by the administration itself.

A very vulnerabilizing term of the contract for domestic workers is that they are accommodated in the house of the employer.

The above-mentioned conditions in conjunction with the absence of controls, given that their workplace is the private house that is protected by the family sanctuary, contribute to the development of a situation of absolute dependency and render the domestic workers 'hostages' of their employers³⁴.

As the head of the authority against racism and xenophobia of the Cyprus Ombudsman, A. Tsiartas, mentioned in the workshop organised in the frame of the "Going beyond" project in Greece, these women are extremely vulnerable and in need of an increased protection on behalf of the state³⁵.

Breaches of terms of the contract, of the rights of the workers and situations of exploitation of domestic workers are mentioned to manifest themselves in the following spheres:

³² Zervidou, 'National Report: The Case of Cyprus'. p. 42

³³ Ibid. p. 42

³⁴ Νικόλαου, 'Εκθεση Της Επιτροπής Διοικήσεως Αναφορικά Με Τη Διαδικασία Εξέτασης Των Εργατικών Διαφορών Ανάμεσα Σε Αλλοδαπούς Εργαζόμενους Και Τους Εργοδότες Τους'. σελ. 8

³⁵ Τσιάρτας, 'Εργασιακό Trafficking Στην Κύπρο, Με Ιδιαίτερη Έμφαση Στην Οικιακή Εργασία'.

According to their contract, domestic workers should work 7 hours for 6 days per week. They are often obliged to work more hours or days than those stipulated in their contract, while not being paid accordingly³⁶.

There is no time schedule for the work with result that the domestic workers must be on call to offer their services 24 hours per day³⁷

Frequent are the complaints by domestic workers that they are requested to offer their services not only at the employers' home, mentioned in the contract, but also in houses of relatives and friends of the employer³⁸

There are also complaints about bad treatment and sexual harassment by employers³⁹. Tsiartas put forward that the issue of sexual harassment of domestic workers has not been sufficiently investigated and that there is a significant number of pregnancies and rapes suffered by domestic workers. From the 102 complaints for sexual harassment, submitted to authorities during the last 4 years, the 101 originated from domestic workers. However, only in one case the permission to change employer was granted⁴⁰.

The freedom of movement of domestic workers may be restricted. In the frame of the study about domestic workers conducted by *P. Panayiotopoulos* an interviewee mentioned that, after some jewellery was missing from the house, she was sequestered in the house and guarded in turns⁴¹.

Improper and inhuman accommodation is mentioned by a number of domestic workers. In a case reported to *KISA*⁴² a cleaning woman did not have a room to stay and was living in the bathroom of the house she was working for. A very similar case was

³⁶ Trimikliniotis and Fulias-Souroula, 'Mapping of Policies Affecting Female Migrants and Policy Analysis: The Cyprus Case'.

³⁷ Zervidou, 'National Report: The Case of Cyprus'.

³⁸ Ηλιάννα Νικολάου, 'Εκθεση Της Επιτρόπου Διοικήσεως Αναφορικά Με Τη Διαδικασία Εξέτασης Των Εργατικών Διαφορών Ανάμεσα Σε Αλλοδαπούς Εργαζομένους Και Τους Εργοδότες Τους', in *Επίτροπος Διοίκησης* (ed.), (Λευκωσία: Επίτροπος Διοίκησης, 2010), 1-18.

³⁹ Trimikliniotis and Fulias-Souroula, 'Mapping of Policies Affecting Female Migrants and Policy Analysis: The Cyprus Case'.

⁴⁰ Τσιάρτας, 'Εργασιακό Trafficking Στην Κύπρο, Με Ιδιαίτερη Έμφαση Στην Οικιακή Εργασία'.

⁴¹ Panayiotopoulos, *The Globalisation of Care: Filipina Domestic Workers and Care for the Elderly in Cyprus*.

⁴² Information retrieved from KISA

that of a cleaning woman who was living in the storeroom of the house she was working for. Moreover there was a complaint to *KISA* from a woman who was working in a farm and she was sleeping with the animals since her employer did not provide her with a decent place appropriate for human beings.

Another case, which was reported to *KISA*⁴³, which shows brutal living conditions, is the one with a cleaning woman working for a house in which there was the father and the children because the parents were divorced. When the children were staying with their father there was food for her, but when they went to their mother there was no food for her in the house. When she asked for food her employer told her that since the children were not in the house there was no need to bring food and that she could just “make diet” for those few days. Moreover, she paid for the heating she used because her employer believed that it was a utility that he was not obliged to offer since she could live without the heating.

We do not have information to what extent such breaches of the contract or abuses of the workers stand alone or are combined with further ones that would allow to refer to trafficking for labour.

In the 2nd and 3rd *ECRI* report on Cyprus the vulnerable position of domestic workers is stressed and is mentioned that there are references that some among them are victims of trafficking for labour.⁴⁴

In the *US Human Rights Report* for the year 2009 is mentioned that NGOs reported that female domestic workers from South and Southeast Asian countries were forced to work long hours, and there were allegations of labour trafficking, especially in the field of elder care⁴⁵. In the *US Human Rights Report* of 2008 it is mentioned that an NGO reported that there were cases of domestic workers whose travel documents were withheld by their employers. In one case, a housemaid who accused her employer of rape was not allowed to change employer until the completion of the trial

⁴³ Information retrieved from *KISA*

⁴⁴ European Commission against Racism and Intolerance, 'Third Report on Cyprus Adopted on 16 December 2005', σελ.36

⁴⁵ U.S. Department State, '2009 Human Rights Report: Cyprus', in Human Rights Bureau of Democracy, and Labor (ed.), (Washington, DC: U.S. Department of State, 2010).

against her employer. In addition, police filed two criminal cases against her for working illegally⁴⁶.

If controls in the case of the other temporary migrant workers are inefficient, in the case of domestic workers, as they reside in the employers' homes, there is complete lack of control mechanisms to ensure the implementation and observance of the terms and conditions of their employment⁴⁷.

The feeling of 'ownership' of the worker by the employer is even more prominent in the case of domestic workers and is enhanced by the clause of the contract that stipulates that "... *the employee shall obey all orders and instructions given by the Employer ...*"⁴⁸

KISA argues that "... if the Cypriot society is 'closed'—a home is even more so, and they (migrant domestic workers) are therefore subject to mistreatment, intense violations of the contracts they have with their employers; extension of their working hours without any benefit, withholding of wages, withholding of documents. They virtually lie in the hands of their employers. Naturally there are a lot of good ones (employers), but the majority (of migrants) live under inhumane conditions."⁴⁹

Domestic workers are the category of temporal workers that submits the largest number of complaints. At the same time it is the most vulnerable one in case of complaints, as a research of the Cyprus Ombudsman has shown: Domestic workers have a greater difficulty to support and prove their complaints, as their employment takes place in the house and is not visible. At the same time very frequently what the employer says is accepted as true without being required to bring proofs, while domestic workers are heard with mistrust⁵⁰.

Further, as in the case of temporary migrant workers in general, it is reported that there is complicity between administration and employers. A discriminatory treatment

⁴⁶ Ibid.

⁴⁷ Zervidou, 'National Report: The Case of Cyprus'.

⁴⁸ Ibid.

⁴⁹ Ibid.

⁵⁰ Nikolaou, 'Έκθεση Της Επιτροπής Διοικήσεως Αναφορικά Με Τη Διαδικασία Εξέτασης Των Εργατικών Διαφορών Ανάμεσα Σε Αλλοδαπούς Εργαζόμενους Και Τους Εργοδότες Τους'.

is observed with result that in case of complaint the worker is frequently not justified and instead is the one that bears the negative consequences⁵¹.

Key informants in interviews conducted in the frame of the research project *Fe.Mi.Pol*⁵² describe the situation of domestic workers wanting to get a release paper as follows:

If the employer does not want to give the release paper most probably authorities will listen to the employer. This is due to the fact that in general employers use their informal connections to influence civil servants'. "*Everybody knows everybody in Cyprus*", and as Cyprus is a small size society is not hard for an employer to find a way to influence official decisions.

Employers will not give a release paper so many girls 'run away' and become irregular and consequently increasingly vulnerable for exploitation.

It is further being described how vulnerable domestic workers are, when, the other way round, it is the employer that wants to get rid of the workers:

Employers, who want to get rid of their domestic worker, tell stories about them, for example that they have stolen. They go to the police and ask to terminate the contract. The police in this case too will not believe the girls and will always be at the side of the employer. Employment agencies that brought the girls will not help because they have interest to bring in a new girl, as they will be paid for that. In this case too and in order to evade deportation the girls may 'run away' and become illegal⁵³.

Given this situation and in order to safeguard the rights of domestic workers *ECRI* urges the authorities to ensure that deportation is not carried out before thorough and fair proceedings in each case have taken place. It also urges the authorities to ensure that means of subsistence – including new employment -- are available for domestic

⁵¹ For example the Ombudsman has reported cases that the domestic worker that had filed complaints for breaches in the labour contract, either was deported or was prosecuted. Panayiotopoulos, *The Globalisation of Care: Filipina Domestic Workers and Care for the Elderly in Cyprus*.

⁵² Nikos Trimikliniotis and Mihaela Fulas-Souroula, 'Conditions of Policy Formation and Policy Implementation Affecting Integration of New Female Immigrants in the Republic of Cyprus', in Femipol (ed.), *Integration of Female Immigrants in Labour Market and Society: Policy Assessment and Policy Recommendations. A Specific Targeted Research Project of the 6th Framework Programme of the European Commission* (Nicosia: Intercollege Cyprus, 2006), 1-38.

⁵³ Ibid.

workers whose contractual or other rights may have been violated by their employer⁵⁴.

The *Minister of Interior* has also expressed his belief that there are cases of exploitation and trafficking among the domestic workers and that more regulation of domestic work was needed to prevent such situations⁵⁵.

In order to improve this situation and to more efficiently protect the rights of domestic workers a revision of the institutional framework of employment of domestic workers has been decided.

The Ministry of Interior has proceeded in December 2009 in the elaboration a comprehensive proposal of regulation of domestic labour from third countries. The relative proposal of the Ministry of Interior was discussed in the meeting of the Council of Ministers on the 13th of May 2010. The most significant changes introduced through the Ministerial Decision (decision no 70.352/13.05.2010) are the following: They are remained from 'domestic helpers' to 'domestic workers'. The responsibility for issuing the permits has been moved from the Ministry of Interior to the Ministry of Labour and Social Insurance, Department of Labour Relations. At a later meeting the Council of Ministers has adopted the proposal to increase the salary of domestic workers at 10%.

Finally of significance is to mention that in the February 2011 the Council of Ministers decided to suspend the issuing of visas to domestic workers from Vietnam. The reason is that it was established that domestic workers from Vietnam paid to employment agencies 6.000-7.000 euro to bring them into Cyprus. This is translated that in order to pay back their debt they had to pay their salaries of at least two or three years out of the four years they were allowed to remain and work in Cyprus. According to journalistic sources this led the girls to work in prostitution to increase their earnings. This phenomenon has been observed during the last two years, but seems to have been intensified during the last months⁵⁶.

⁵⁴ European Commission against Racism and Intolerance, 'Second Report on Cyprus Adopted on 15 December 2000', in Ecri (ed.), *ECRI Reports* (Strasbourg: Council of Europe, 2001), 1-17.

⁵⁵ Stefanos Evripidou, 'Authorities Look Overseas as Modern Slavery Scandal Widens', *Cyprus Mail*, 11-11-2009..

⁵⁶ Κυριακού, '«Αδύναμος Κρίκος» Οι Βιετναμέζες. Επιρρεοείς Στην Προώθηση Στην Πορνεία Ή Την Παράνομη Απασχόληση'.- Ανώνυμος, 'Σοκαριστικές Αποκαλύψεις Για

1.2.3. Irregular labour

There are no studies or researches, nor any kind of valid data concerning the informal labour market. Such data would have been useful in locating the economic sectors and industries, where there are increased chances that trafficking for labour practices are present, as well as in understanding the conditions prevailing in these sectors which may foster trafficking. Undeclared work is defined as «*any paid activities that are lawful as regards their nature but not declared to the public authorities (NAP/employment 2004-2006)*»⁵⁷. According to K. Gouliamos, there is no particular discussion going on in Cyprus on the issue, nor there is any effort to regulate the issue through legislative measures. The reason being that undeclared labour is associated with the labour of migrants and Turkish Cypriots. However, the absence of interest as well as of relative data does not mean that the phenomenon is insignificant or non-existent, particularly among the above-mentioned populations. In Inspections conducted in the period April 2009 – October 2009 has been established that the 54,13% of immigrant workers are working in the irregular market and that undeclared labour is estimated to be around 24,03%⁵⁸.

In Cyprus is the number of workers that are not socially secured is significant (around 30%). The 65% of undeclared labour is to be found in the construction industry and refers mainly to migrants from countries that have recently joined EU⁵⁹.

1.2.4. Control mechanisms

Σκλαβοπάζαρο Με Οικιακές Βοηθούς Από Βιετνάμ Στην Κύπρο', <http://mufonews.blogspot.com/2011/02/blog-post_6357.html>2011.

⁵⁷ Trimikliniotis and Fulias-Souroula, 'Mapping of Policies Affecting Female Migrants and Policy Analysis: The Cyprus Case'.

⁵⁸ Κώστας Γουλιάμος, 'Αδήλωτη Εργασία Στην Κύπρο', in Unpublished (ed.), *Διεθνές Σεμινάριο: Αδήλωτη εργασία, μετανάστευση, κρίση. Πολιτικές αντιμετώπισης και κοινωνικά δικαιώματα* (Αθήνα, Ξενοδοχείο ΤΙΤΑΝΙΑ: Επιστημονική Εταιρεία για την Κοινωνική Συνοχή και Ανάπτυξη, 28.09.2010).

⁵⁹ Σταυρινού Κούκου, 'Εργασιακό Trafficking Στον Βιομηχανικό, Βιοτεχνικό Και Κατασκευαστικό Τομέα Στην Κύπρο'.

A further vulnerabilizing factor for migrant workers is the lack of control mechanisms with regard to the implementation and observance of the terms and conditions of employment⁶⁰. In Cyprus the Department of Labour Inspection is a Department of the Ministry of Labour and Social Insurance dealing with the following issues:

the safety and health at work areas

the machinery sector

the industrial pollution sector

the air quality sector

the radiation protection sector and

the chemical substances sector.

That means that the inspectors only deal with the environment and place of work conditions and not with issues that relate to work contracts. For the control of the implementation of work contracts of foreign workers the Department of Labour Relations had set four inspectors who are responsible to check the working conditions and ensure that the contracts are put in action correctly based on the laws⁶¹. These four inspectors are not enough for efficiently checking the work conditions of immigrants and the lack of efficient controls is stressed by many authors and the Cyprus Ombudsman as well.

In Autumn 2009 an extended police operation has taken place in order to locate cases of irregular migrants and irregularly employed migrants. In the frame of this operation a large number of irregular and irregularly working migrants has been detected. Migrants have been deported, while a certain number of employers have been sanctioned⁶².

⁶⁰ Nikos Trimikliniotis, 'Migrant Workers and Industrial Relations. Cyprus', in Eironline (ed.), (Dublin: EUROFOUND, 2003), 1-4.

⁶¹ Information retrieved from the Ministry of Labour and Social Insurance

⁶² Sigmalive., '42 Αλλοδαποί Συνελήφθησαν Από Την Αστυνομία', <<http://www.sigmalive.com/news/local/189689>> - AndreasI, 'Συνελήφθησαν Και Εργοδ'Δοτεσε', <http://www.philenews.com/main/data/2009/10/06/2009_10_06_09_42_03__9af07bedc8ed4f8d99a98c155aaaadd.jpg>

In 2010 there seems that inspections at work places have been made in which also the anti-trafficking police has participated. In that frame, one case of trafficking, which we present later on has been detected.

In this case one case of trafficking for labour has been detected (The case of 32 farm workers/September 2010).

2. INSTITUTIONAL FRAMEWORK

2.1. Legislation

Very recently Cyprus has proceeded in taking legal measures and measures of social policy to combat trafficking. These are the following:

The passing of the L. 3(I)/2000 '*Trafficking in Persons and Sexual Exploitation of Children*'. This law has been prepared In the light of future membership in the EU. The L. 3(I)/2000 aimed at dealing with the organized sexual exploitation and trafficking in human beings with the purpose of sexual exploitation. What with this law is actually being achieved is combating the organised transnational procurement. In this law no reference is made to trafficking for labour.

Offences under this law include the trafficking and sexual exploitation of women and children, the use of children for pornography and the production, display, showing or transmission of such productions.

The passing of the L. 87(I)/2007 '*Combating of Trafficking and Exploitation of Persons and Protection of Victims*'. This law has replaced the previous one and constitutes a serious effort in dealing with the issue of trafficking and protection of victims.

The ratification through a law of the state of the Council of Europe Convention on Action against Trafficking in Human Beings (L.38(III)/2007). The law was put in effect on the 1st of February 2008.

2.1.1. L. 87(I)/2007 Combating of Trafficking and Exploitation of Persons and Protection of Victims

Through the L. 87(I)/2007 '*Combating of Trafficking and Exploitation of Persons and Protection of Victims*', published in the government Gazette on 13.07.2007, is attempted the harmonization of the domestic legislation with the *acquis communautaire* and the relative International Conventions.

The aims of the L.87(I)/2007, as these are defined in article 3, are the penalization of trafficking in human beings, of the exploitation of persons and of the child pornography, the institution of measures for the protection and support of victims and the institution of a mechanism of control and follow up of the implementation of the measures foreseen by the law. **Through this law is instituted for the first time the offence of trafficking for labour exploitation.**

The legislator recognizes that the offences may or may not be transnational in their nature and may or may not be conducted by an organized criminal group. The offence of trafficking in human beings is characterized, in article 5, as a felony and can be prosecuted ex-officio. It is punishable with imprisonment up to 6 years and in the case that the victim is minor up to 10 years. Moreover, the withholding of personal documents is penalized with imprisonment up to 5 years or with a pecuniary penalty up to 10,000 pounds or with a combination of the two. The responsibility of the carriers is recognized and the penalty foreseen is up to 50.000 Cyprus pounds. The victims have a right to compensation against any responsible for offences under this Law (article 22). In addition the victim has a right of compensation from the Republic of Cyprus under the law concerning the compensation of victims of violent crimes (article 23).

The law stipulates the basic principles of the victims' protection and assistance.

The victims have the right to protection by the police, temporary shelter, medical care and psychiatric support until they have recovered completely from their traumatic experience, legal aid and free interpretation, a pecuniary aid, access to programmes that will help the victim to restore its social life and to professional training courses. Responsible authority for the victims is the Social Welfare Services Department of the Ministry of Interior. The Director of Social Welfare Services is the "Guardian of Victims of Trafficking and Sexual Exploitation" (article 29). Responsibilities related to assistance of the victims may be transferred to NGO's in the frame of a memorandum signed or a special agreement (article 34 para. 4).

2.1.2. Procedures of victim recognition

Any NGO or public service suspecting a case of trafficking may refer the potential victim to the Social Welfare Services Department. The Social Welfare Services Department provides information to the victims and then refers them to the Police that is responsible for the recognition of victims. The police makes an interview on the basis of which decides whether they will recognise the person as a victim of trafficking. Then they compile a report on the case.

If the police decides that it is not a case of trafficking, but of labour dispute, the procedures followed will be those described in previous paragraphs. If a penal offence is involved, such as assault or rape, without however these to be judged to have taken place in the frame of the offence of trafficking, the police refers the case to the district court.

If the person is recognized as a victim of trafficking the case is referred to the Migration Officer (The Head of the Civil Registry and Migration Department -Ministry of Interior) responsible for granting to them a reflection period of 30 days, that can be renewed if needed, and a provisional residence permit. The reflection period is provided for the victim to decide whether he/she will collaborate with the prosecuting authorities. During the reflection period the victims benefit of the right of residing in Cyprus, cannot be deported, are protected and have access to the following:

free medi-care and access to rehabilitation programmes

free legal assistance and interpretation

safe accommodation and an allowance by the state

access to the labour market and to vocational training.

In case that the victims desire to return to the country of origin, safe repatriation is provided.

Upon the expiration of the reflection period, a trafficked person may apply for a temporary residence permit of at least six months, provided that he or she has shown a clear willingness to cooperate with law enforcement officials and has severed ties with his or her trafficker(s). The temporary residence permit may be revoked if the trafficked person re-establishes ties with his or her trafficker(s); if their cooperation in

the investigation of their trafficker(s) is deemed fraudulent; if he or she decides to stop participating in the investigation; if the authorities decide to stop the investigation; or if the public safety and interest is at risk.

Unaccompanied trafficked children are granted residence permits renewable for as long as it takes to repatriate the child to his or her origin State, provided there is someone to care for him or her in residence in the State.

The victim may remain in Cyprus until final ruling.

2.2. Institutional measures and policies

2.2.1. Group of Experts to co-ordinate the various measures and activities to combat trafficking in human beings and the sexual exploitation of minors.

In 2001, after the putting into effect of the L 3(I)/2000, the Council of Ministers as the responsible organ for designing the migration policies, took the decision (Decision No 54.281 of 19-9-2001) to institute the Group of Experts that would have as task the coordination of the actions for the combating of trafficking in human beings. In this group participated representatives of the Legal Service, which chaired it, the Ministry of the Interior, the Ministry of Justice and Public Order, the Unit to Combat Money Laundering (MOKAS), the Ministry of Labour and Social Insurance, the Ministry of Foreign Affairs, the Police and NGOs.

The Group of Experts has submitted to the Council of Ministers an Action Plan for combating trafficking for sexual exploitation and the sexual exploitation of minors in 2005. This Action Plan aimed at securing the protection and support of victims, the prevention and combating of trafficking in human beings and the international collaboration of authorities. The Council of Ministers (2005) has assigned the Ministry of Interior as responsible for the activities aiming at combating trafficking in human beings.

2.2.2. Multidisciplinary Coordinating group on trafficking in human beings

Article 47 of the L. 87(I)/2007 foresees the setting up of a Multidisciplinary Coordinating group on trafficking in human beings. The Group that is presided by the Minis-

ter of Interior, as national coordinator, is composed of representatives of competent Ministries as well as two NGO's. The group is responsible for monitoring and evaluating the implementation of the national referral system, the development of manuals and educational resources on good practices, as well as the organization of seminars and awareness raising campaigns, of making proposals concerning revision of the legislation in effect. The Multidisciplinary Coordinating group submits every year to the Council of Ministers the revised NAP as well as a report concerning the development of the phenomenon of trafficking at the national and International level and a report on the implementation of the L. 87(I)/2007.

2.2.3. National Action Plan 2010-2012

According to what L. 87(I)/2007 stipulates, the Multidisciplinary Group on Trafficking in human beings has prepared the National Action Plan (NAP) for the years 2010-2012⁶³, that has been approved by the Council of Ministers (22.04.2010). This NAP that substitutes the previous one of 2005 attempts a global confrontation of the phenomenon of trafficking inhuman beings with realistic targets and concrete priorities. In the NAP are defined the actions that correspond to the targets set, the bodies responsible for their implementation, the time table for their realization and their financing. The 3 years NAP addresses issues of coordination, awareness raising, prevention, victim detection and identification, victim protection, control, prosecution, data collection, training, international cooperation. It is foreseen to be evaluated at set intervals.

The NAP 2010-2012 makes special mention of **trafficking for labour** and defines specific procedures to combat trafficking that affects workers. More concretely, beyond those measures and procedures that target trafficking in general, it foresees specifically for trafficking for labour: In Chapter II «Prevention» foresees the implementation of an information campaign for the exploitation of labour; the revision of the legislation concerning the operation of private employment offices; preparation of multi-lingual information material concerning the entrance procedures, the issuing of

⁶³ Πολυθεματική Συντονιστική Ομάδα Για Την Εμπορία Προσώπων, 'Σχέδιο Δράσης Κατά Της Εμπορίας Προσώπων 2010-2012', (Λευκωσία, 2010), 1-19.

residence and work permits, their labour rights; foresees the translation of contracts in the mother tongue of workers that are at high risk of falling victims of exploitation.

2.2.3. Office of combating trafficking in human beings of the Cyprus Police.

In order to achieve coordination in the administration by the police of cases of trafficking in human beings the Office of Combating Trafficking in Human Beings of the Cyprus Police was set in 2004. The Office comes under the Criminal Investigation Department and operates at the Police Headquarters.

Until 2007 the Office of Combating Trafficking in Human Beings of the Police dealt exclusively with cases of trafficking for sexual exploitation, of sexual exploitation of minors, of pimping and pandering, of owning and maintaining a brothel and relative offences. After the passing of the new Law on trafficking it processes also cases of trafficking for labour and generally its competence has been enhanced and its structure reinforced.

The office is actually responsible for gathering, processing, analysing and utilizing intelligence regarding trafficking in human beings. It coordinates the actions of other police departments that are involved in the investigation of cases of human trafficking. Its members set up and take part in operations that aim to combat human trafficking, arrest perpetrators, and have direct and continual contact with the victims until a final court decision is reached. Furthermore, the Office maintains a database as well as statistical records, and co-operates with foreign services, governmental or non-governmental organisations on matters relating to human trafficking and / or other related issues. The Office in co-operation with the Cyprus Police Academy organises and runs training programmes for police officers.

More concretely concerning victims the following come under the responsibility of the officers of this Office: conducting interviews with the victims, recognition of victims, their protection until a final court decision is reached, collaboration with NGO's for the assistance of victims⁶⁴.

Initially the Office was staffed with 3 persons and in 2008 an additional staff member was added.

⁶⁴ www.police.gov.cy.

Due to the increased number of cases the Head of the Police decided in the beginning of 2009 the strengthening of the Office. It has been decided that 19 additional police officers would be appointed across all districts, who would take over the investigations in the trafficking cases. Until then investigations came under each district's Criminal Investigation Departments.

Each district office will be answerable to the Office of Combating of Trafficking of Human Beings in Nicosia⁶⁵

The Head of the Office of Combating Trafficking in Human Beings of the Police, R. Superman, mentions in a newspaper interview that the police undertakes also preventing measures, such as conducting interviews with vulnerable groups of the population. She mentions that *'during the last 4 months 50 such interviews have been conducted'* (the interview has been published on the 16th November 2009). She also mentioned that a lot of emphasis is given to the sensitization of police officers and that directions are being given to the policemen concerning how to conduct the interviews with victims, how to treat the victims and how to recognize them⁶⁶.

The police operates a hotline.

2.2.4. Shelter for victims of trafficking

The Ministry of Interior has proceeded in 2007 in the opening of a shelter for victims of trafficking, which operates under the authority of the Social Welfare Services Department. However, this is a shelter for victims of sexual exploitation⁶⁷. Thus, when the need arose to shelter women victims of labour trafficking in the frame of the high profile case of trafficking of Rumanians (which will be presented in a later paragraph), the shelter refused to accept the women putting forward that the shelter is addressed to victims of sexual exploitation and not to victims of labour exploitation.

2.2.5. Awareness raising campaigns

⁶⁵ Manolis Kalatzis, 'Μετεξέλιξη Του Γραφείου Εμπορίας Προσώπων Σε Κλιμάκιο. «Πόλεμος» Με Μαστροπούς', *Πολίτης*, 07-03- 2009.

⁶⁶ Panayiotis Hadjidemetriou, 'Ρίτα Σούπερμαν: Χρειαζόμαστε Εκπαίδευση. Μέτρα Για Το Δουλεμπόριο', *Αλήθεια*, 16-11- 2009.

⁶⁷ Toula Kouloumou, 'Social Welfare Services of the Republic of Cyprus', in Council of Europe (ed.), *Action against trafficking in human beings: prevention, protection and persecution. Proceedings of the regional seminar, Nicosia 15-16 February 2007* (Nicosia: Council of Europe, 2007), 41-42.

Interior Minister announced in July 2010, after the meeting of the Multidisciplinary Group, that awareness raising efforts will be undertaken. This would include the setting up of kiosks in all towns, distribute information pamphlets and hand out emergency cards at the island's airports. In addition an event was planned for the European Day against Trafficking in Persons on October 18.

3. THE ROLE OF OTHER INDEPENDENT ORGANIZATIONS, NGO'S AND THE CYPRUS OMBUDSMAN

In Cyprus there are only few NGO's that would deal with issues that have to do with migrants. Migrant support and solidarity NGO's: offer support to migrants to pursue their rights assist them in their effort to regularize their status, assist them in cases of labour disagreements, send inspectors to check the employment conditions when complaints are filled. In case of trafficked persons they provide information, orient them to which public service they have to address themselves, support them in their complaints, offer assistance in pursuing their trafficking case, may offer shelter.

Two NGO's participate to the Multidisciplinary Coordinating group on trafficking in human beings: *The Mediterranean Institute of Gender Studies* and the Organisation of protection of victims of sexual exploitation «*Stigma*». This means that these two organization participate in policy formation.

The most active non-governmental organization in providing assistance in the case of victims of trafficking, including cases of trafficking for labour, whether they are women or men, is *KISA*.

KISA was established in 1998 in Cyprus due to the lack of comprehensive migration policy, increase of racism, xenophobia, and discrimination in the island especially towards the migrants. The goal of *KISA* is to promote an equal and stable multicultural society without racism and discrimination. *KISA*, in order to achieve its goal, focuses in fields like migration, asylum, racism, discrimination and trafficking. It provides to the migrants free legal and social services, support and advice in order to safeguard their rights and deal with any violations of their human or labour rights both in private

and public sector. KISA has established an Internet and Call Centre, which is a meeting point for individuals with different backgrounds and cultures, with art exhibitions, music, food and cultural events. KISA organizes campaigns, seminars, events and conferences to sensitize the Cypriot society and to put pressure on government to take positive measures. Such an example is the “integration of migrants campaign” which helped to set in Cyprus the “EU Directives 2003/109/EC and 2003/86/EC concerning the status of third country nationals who are long-term residents and the right to family reunification”. Concerning trafficking: KISA cooperates with the responsible governmental services and with other NGO’s in order to promote trafficking cases and in order that victims receive assistance. It has set up an Anti-trafficking Network with other NGO’s⁶⁸.

Of particular significance concerning trafficking in human beings is the role of the *Cyprus Ombudsman*. It has undertaken an active role in many cases of complaints of breaching of human rights, labour rights of migrants and in cases of trafficking complaints.

4. TRAFFICKING FOR LABOUR IN CYPRUS

4.1. Statistical Information

Statistical information concerning trafficking is provided by *Office of Combating Trafficking in Human Beings* of the Cyprus Police. The available statistical evidence refers to the years 2005-2009⁶⁹. To be reminded here that the Office started operating in 2004.

Until the year 2007, these statistics referred exclusively to cases of trafficking for sexual exploitation. Information on cases and victims of labour trafficking is only available since 2007, year of the revision of the anti-trafficking legislation through

⁶⁸ www.kisa.org.cy.

⁶⁹ The statistics elaborated by the Office of Combating Trafficking in Human Beings of the Cyprus Police appear in the yearly reports of the Ministry of Justice and Public Order http://www.mjpo.gov.cy/mjpo/mjpo.nsf/dmlannual_gr/dmlannual_gr?OpenDocument. And in the yearly report of the Police. However, the presentation is unsystematic and the statistics non-comparable.

Law L.87(I)/2007 that set a completely different way of tackling trafficking and introduced the offence of trafficking for labour in the Cyprus legislation.

From the Office of Combating Trafficking in Human Beings the following information is provided concerning the cases of labour trafficking: In 2007 there were 34 cases of trafficking in Cyprus out of which 2 were trafficking for labour with 3 victims. In 2008, there were 35 cases of trafficking and 5 of them were trafficking for labour cases with 18 victims. For 2009 there were 16 trafficking cases and 3 of them concerned trafficking for labour with 92 victims⁷⁰.

Most of the victims of trafficking originate from third countries as well as from Rumania and Bulgaria.

It should be observed here that though the number of detected victims of labour trafficking is significant, the number of cases is particularly small. In 2009 the large number of victims is due to the one case of Rumanian victims of labour, which we will describe later on and which accounts of the 90 out of the 92 victims.

Table 2
Distribution of trafficking cases on the basis of years
and their quality of being sexual or labour trafficking

Year	Total number of reported trafficking cases	Number of cases concerning labour trafficking	Total number of victims of labour trafficking
2007	34	2	3
2008	35	5	18
2009	16	3	92

On the basis of information retrieved from the Office of Combating Trafficking in Human Beings

In Table 3. below appears the distribution of prosecutions and convictions of offenders for the years 2007-2008. To be noted that the prosecutions in Table 3. refer to persons prosecuted not only for the offence of human trafficking, but also for offences related or potentially related to trafficking, such as procuring sexual services, living on the earnings of prostitution, and maintaining a brothel⁷¹. No distinction is made concerning whether the offence was related to trafficking for sexual exploitation or labour.

⁷⁰ Information retrieved from the Office of Combating Trafficking in Human Beings.

⁷¹ Elisabeth Ivana Yuko, 'Theories, Practices and Promises: Human Trafficking Laws and Policies in Destination States of the Council of Europe', LLM (University of Dublin, 2009).

Table 3Prosecution and convictions of offenders⁷²

Year	No of prosecutions	No of convictions
2007	54	7
2008	46	2

What becomes apparent from this table is the small number of convictions in relation to the number of prosecutions. To be noted the convictions may refer to prosecutions of previous years.

According to the US Human Rights Report, «through the end of the year 2009, police arrested 68 individuals involved in cases related to prostitution and trafficking. Of those, 46 individuals involved in 15 cases were arrested specifically on trafficking charges. Of those cases, 11 concerned sexual exploitation, two cases concerned both sexual and labor exploitation, and two cases concerned labor exploitation. Police statistics indicated that 14 cases were prosecuted and pending trial, and one case was otherwise disposed of. Of the 42 trafficking cases pending investigation and trial at the end of 2008, one resulted (in 2009) in a four-year sentence, one case involving four individuals resulted in 15-month sentences for each of the persons accused, one resulted in a five-month sentence, and, in one case, the accused was fined 3,500 euros. Of the remaining cases, 28 were pending trial, five resulted in acquittals, and two were otherwise disposed of. The prosecution of three cases had been suspended by year's end»⁷³.

According to information provided by the Chief of the Police, M. Papageorgiou, at a press conference on the 21st of January 2011, trafficking in human beings for labour exploitation has increased between 2009 and 2010 at 900%, while trafficking for sexual exploitation has decreased at 51,6%.

4.2. Discussing prosecutions and convictions

⁷² Ibid

⁷³ U.S. Department State, '2009 Human Rights Report: Cyprus'.

The judgement of the *US Human Rights Report* is that despite the right legislation in place and the improvement in prosecutions, the conviction rate for trafficking offences remains low⁷⁴.

In a newspaper article is commented that the number of convictions is small and that the penalties are extremely lenient. In 2010 until April, no conviction had taken place. In 2009, according to the article, one offender was convicted to 6 months prison sentence for illegal entry and another to 7 months prison sentence for living off the profits of prostitution⁷⁵ (Most probably the article refers to cases of 2009 that have been tried during the same year, while the US report referred to cases pending by the end of 2008 and tried during 2009). These convictions are revelatory of the fact that many trafficking cases are being reduced to lesser offences.

In the *US Human Rights Report* is mentioned that there are allegations that the Attorney General's Office downgrades trafficking cases and systematically places them in lower courts rather than the assize courts, which are reserved for more serious crimes and penalties. Further it is mentioned that NGOs alleged that the district courts to which trafficking cases were referred are not as well equipped to deal with trafficking cases, leading to a lack of convictions on trafficking charges and more lenient sentences. The government, however, maintained that all pending trafficking cases were before the assize courts⁷⁶.

According to the *US Human Rights Report* NGO's put forward that trafficking victims that testify in court are not provided with the foreseen protection. This weakens anti-trafficking cases and constitutes a disincentive for future witnesses to testify. The government maintained that protection was available, but there was no request of it⁷⁷. As it is well known, a major obstacle in achieving convictions in court cases concerning the offence of trafficking is the absence of testimonies of victims in court.

⁷⁴ U.S. Department State, '2008 Human Rights Report: Cyprus', in Human Rights Bureau of Democracy, and Labor (ed.), (Washington, DC: U.S. Department of State, 2009).

⁷⁵ Σόφη Ορφανίδου, 'Στροφή Προς Την Ευρωπαϊκή «Αγορά» Κάνουν Οι Σωματέμποροι', *Πολίτης*, 10-05-2010.

⁷⁶ U.S. Department State, '2008 Human Rights Report: Cyprus'. U.S. Department State, '2009 Human Rights Report: Cyprus'.

⁷⁷ U.S. Department State, '2008 Human Rights Report: Cyprus'.

In a newspaper article it is mentioned that there are great delays until penal cases are tried. In the mean time the victims have returned home «*given that they have nothing to gain in the case that their employer is found guilty*». As a result victims are not present in Cyprus to testify when the case comes to trial. A reference is made to the Piripitsis case (to be presented in the next paragraph) in which the offender after being prosecuted for trafficking in 2008, his case was still pending after 20 months. In the mean time, as he was set free, he continued his trafficking activities, until arrested for a second time⁷⁸.

Further the *US Human Rights Report* mentions that there were allegations of corruption and xenophobia in the police force, the Ministry of Interior and the Attorney General's Office, related to trafficking. In April (2008) four bishops from the Greek Orthodox Church alleged during parliamentary hearings that "certain government officials" were collaborating with traffickers. During the hearings the newspaper *Alithia* reported that police submitted a confidential report to a parliamentary committee stating that individuals dealing with trafficking in persons "*have influence on government officials, which makes the arrest and prosecution of traffickers more difficult.*"

4.3. Cases of trafficking.

4.4.1. The case of massive trafficking of Rumanian workers

The most high profile case of trafficking for labour is the case of the Cypriot citizen, "I. Piripitsi" who was arrested charged with exploitation and trafficking of more than 150 Rumanians workers in 2009. The police investigated the case after a complaint filed by the Rumanian Embassy that had received in its turn the complaints of Rumanian citizens working in Cyprus.⁷⁹

It is of significance to note that the same person was involved in a similar case of trafficking for labour in 2008, with 90 Rumanian as victims. The police investigating the case of 2008 found in possession of I. Piripitsis 200 European passports and 78 iden-

⁷⁸ Αλέξης Παπαγεωργίου, '«Σκλαβοπάζαρο» Η Κύπρος', *Σημερινή*, 05-09- 2010.

⁷⁹ Panayiotis Hadjidemetriou, 'Τα Μεγάλα Πλοκάμια Του Δουλεμπορίου', *Αλήθεια*, 10-11- 2009.

tity cards⁸⁰. The case at that time did not take any publicity. The offender was charged with different charges, however he was set free until trial.

In 2009 when the police investigated the new case, the offender was imprisoned and detained waiting trial. He was accused of trafficking in human beings and of participating to an organized crime group.

The trafficking of Rumanian workers was organized as follows:

According to the police sources, the offender cooperated with agencies in Rumania and together organized and brought Rumanians in Cyprus for work. Agencies in Rumania provided these Rumanians with fake work contracts. The agencies gained more than a thousand Euros from each worker they sent to Cyprus. The prospective migrants were lured with a salary of 1.000 euros, social insurance, 8 hours work and contracts.

O I. Piripitsis was running an employment office under the name “*Y.P. Trade and Service Ltd*”, which, according to the Ministry of Labour, did not have a license. The application for a license that I. Piripitsis submitted in 2007 had been rejected by the Ministry. Co-offender in this case was a Rumanian woman, working as director and accountant in Piripitsis’s business.

When the migrant workers arrived at the airport, there was nobody to wait for them, the agencies in Rumania did not answer to their phone calls. After a few days I. Piripitsis and his collaborator “by chance” found them and offered to them work, of course under different conditions much worse than those with which they were lured. Allegedly they made them sign a paper that they owed to them 800 euros as commission for finding work for them.⁸¹

The 156 Rumanians that the police was able to locate worked at different work sites, among which in works in the airport and other big technical works. The work conditions were inhuman. The salaries were cashed directly by the offender and his collaborator under the excuse that they had to be paid back the

⁸⁰ Γιώργος Μιχαηλίδης, 'Εμπορία Προσώπων. Ένταλμα Σύλληψης Κυπρίου. Ξηλώνεται Κύκλωμα Εκμετάλλευσης Ρουμάνων', *Η Σημερινή*, 12-12-2008 2008.- Sigmalive., 'Κύκλωμα Εμπορίας Προσώπων Εξιχνίασε Η Αστυνομία', (updated 11-12-2008) <<http://www.sigmalive.com/news/local/189689>>

⁸¹ U.S. Department State, '2008 Human Rights Report: Cyprus'.

800 euro that they had charged the workers for finding them work. Some of the workers have declared to the police that the offender gave them only a small amount of money, 20 euros per week that did not even cover their basic needs for food⁸².

I. Piripitsis housed these workers in a “camp” run by him and administered by his Rumanian collaborator, as well as in various sheds at the different work sites at different parts of Cyprus, which he rented or belonged to the employers⁸³. That type of accommodation did not cover the basic requirements such as, shower, they sufficient toilets (in the camp they had only two toilets), provision of sheets and blankets etc. Workers were living in crowded rooms, dirty with rodents. They were undernourished, as the little money they received was not sufficient for buying food. The unhealthy living conditions resulted in infections. Many of those victims who went to the police had infections on their bodies from the rodents and the dirt in the places they were accommodated⁸⁴.

When the workers asked for their salary the offender threatened them and told them that he could kill them, cut their necks, send them back to their country and find new “idiots”, as he called them, to come and work for him. He and his collaborator used abusive and rude language and called them “slaves” and “pigs”, as the migrants have reported to the police. The migrants had no rights at all, they lived under terror and abuse, they suffered from work accidents, they were scared about what would happen to them and for their lives, they were provided no food and as a result they were eating from the garbage, as they have reported to the police⁸⁵. In newspaper articles and in the media their situation was described as that of slaves and government officials expressed similar views.

⁸² Hadjidemetriou, 'Τα Μεγάλα Πλοκάμια Του Δουλεμπορίου'.

⁸³ Ibid.

⁸⁴ Γιώργος Μιχαηλίδης, 'Τρέφονταν Από Τα Σκουπίδια. Συγκλονιστικές Καταθέσεις Στο Δικαστήριο Για Τους Ρουμάνους Εργάτες', *Ημερησία*, 14-11-2009 2009.

⁸⁵ Σόφη Ορφανίδου, '«Γαϊδούρια», «Άχρηστους» Και «Γουρούνια» Αποκαλούσαν Τα Εξαθλιωμένα Θύματά Τους', *Πολίτης*, 14-11- 2009. -Σόφη Ορφανίδου, 'Οι Κυπριακές Αρχές Επενέβησαν Μόνο Μετά Από Αγγελία Της Πρεσβείας Της Ρουμανίας', *Πολίτης*, 06-11-2009 2009. - Ανώνυμος, 'Κατέρρεαν Από Την Πείνα. Η Υπόθεση Περιπίτση Ξεσκεπάζει Κυπριακό «Μεσαίωνα» Για Εργάτες', *Ο Φιλελεύθερος*, 14-11-2009 2009.

The Police spokesman said the 110 people were “effectively herded” into their dwellings, bringing to mind images of “slavery”⁸⁶.

The head of the Criminal Investigation Department of Nicosia said that “*You could say they were living in terror*”, as the offender had hired men to check and control them. In certain newspaper articles too was mentioned that the movements of the workers were restricted⁸⁷.

Labour Minister, Sotiroulla Charalambous likened the set-up to “modern-day slavery”⁸⁸.

The exact number of victims is not known. As the case developed Rumanians kept coming complaining that Piripitsis deceived and exploited them. It is highly probable that there were more than those identified.

This case is judged to be a case on transnational organised crime rings. In the ring are involved both Cypriot and Rumanian citizens and agencies in both countries. It is investigated with the assistance of the Rumanian Police forces, Europol and Interpol in an effort to completely dismantle the ring and proceed to further arrests. The Minister of Justice deplored that the Rumanian authorities were not responsive when these were asked to cooperate in investigating the first case that appeared in 2008⁸⁹.

In the press appear controversial statements concerning the assistance offered to victims.

In certain articles is reported that victims received all assistance foreseen. The Minister of Labour announced that they offered them all assistance foreseen by the law, accommodation, food, allowance and helped them register at the Labour Office in order to find a new job. Further, on the occasion of this case the Minister made an appeal to the public to look out for cases of informal and exploitative labour and report anonymously⁹⁰. In a statement the Rumanian Embassy in Nicosia expressed its gratitude and thankfulness for the way that Labour Ministry support the victims by offering

⁸⁶ Stefanos Evripidou, 'European Workers Kept in Squalor', *Cyprus Mail*, 06-11- 2009.

⁸⁷ Ibid.

⁸⁸ Stefanos Evripidou, 'Second Arrest in Human Trafficking Case', *Cyprus Mail*, 13-11- 2009.

⁸⁹ Ibid.

⁹⁰ Evripidou, 'Authorities Look Overseas as Modern Slavery Scandal Widens'.

them food, accommodation, medical care, assistance to find a new job and Greek language courses⁹¹.

According to other journalistic sources the assistance offered was soon stopped. KISA denounced that only those whose testimonies the police will use are considered as trafficking victims and are eligible of the benefit the law foresees⁹². Representative of KISA, reported that the official shelter for trafficked refused to accommodate them because the shelter accept only trafficked victims of sexual exploitation.

4.4.2. Another case with Rumanian workers: the case of workers recruited to work in manufactures of metal products

Two months before the arrest of I. Piripitsis a case in which similar modalities of trafficking were put in place, appeared in the press⁹³.

A recruiting agency in Rumania lured Rumanians with work contracts for work at manufactures of metal products (aluminum mainly). They provided the immigrants with fake contracts. On the contract appears the name of the factory, which is, however, fictitious and there is a stamp of a tourist office in Cyprus. This stamp had been stolen some years ago from the tourist office. The agency cashes from each immigrant 300 euro plus the airfare. They promise a salary of 1000 euro, 8 hours of work and health insurance.

When the Rumanians arrive at the airport no one is waiting for them and at the telephones of the Rumanian agency no one replies. The tourist office to which the stamp belonged receives many telephone calls from Rumanian workers and has complained to the police. The same happens with a pensioned Cypriot, whom Rumanians call asking for the aluminum company. As in the case of Piripitsis, at a certain point some one approaches them and offers them work. For this service a commission is being asked. The workers are driven to precarious employment and part of their salary is retained.

⁹¹ Stefanos Evripidou, 'Trafficking Victims Dumped by the State', *Cyprus Mail*, 06-12- 2009.

⁹² Ibid.

⁹³ Γιάννης Κωατακόπουλος, 'Κύκλωμα Εκμετάλλευσης Εργατών Για Την Κύπρο, Στήθηκε Στη Ρουμανία. Αόρατα Συμβόλαια Στα Χέρια Ρουμάνων', *Πολίτης*, 28-10- 2009.

A Rumanian worker in Cyprus said to the journalists that work in factories of aluminum products are very much advertised in Rumania, giving the impression that Cyprus is an important industrial country.

We do not have further information about this case, nor we know whether the police has intervened.

4.4.4. The case of 32 farm workers

In the beginning of September 2010 a 50-year-old farmer was arrested on charge of exploitation of 32 foreign workers, at two locations in Nicosia area⁹⁴. Among them 14 were illegally on the island and came from Sri Lanka, Pakistan, India and Egypt. The workers reported that their employer withheld their travel documents, retained their pay and forced them to work long hours. The farmer forced them to reside in squalid, rundown shacks. 12 persons had to share a single sleeping quarters and others had to sleep in the fields due to lack of space. Labour Minister said that the operation through which they located this case was part of a broader campaign to crack down on illegal employment on the island. The police spokesman noted that five of the workers has been identified as victims of trafficking and that the 14 others would be deported as illegal migrants⁹⁵.

4.4.5. The case of the woman from Bangladesh

A Bangladeshi woman was brought to Cyprus as a cleaning woman to work in a confectionery store⁹⁶. At the airport someone waited for her and took her to a dog hotel. She was paid less than the minimum salary and she was forced to share the same room with a man from Bangladesh who sexually abused her. This woman left from her job and went to KISA in June. She made another appointment on the 6th of July in order to file a complaint. By the 4th of July her employer found her, hit her and took her to the police. She claimed that the police used violence and threatened her. The

⁹⁴ Elias Hazou, 'Police Raid Slave Labour Farm', *Cyprus Mail*, 01-09- 2010.

⁹⁵ George Psyllides, 'Five Day Remand after Farm Arrest', *Ibid.*02-09-2010.

⁹⁶ Information retrieved from KISA

police decided that she had to be deported. On the 5th of July 2009 she was forced to return to her country without being able to submit her complaint since her appointment with KISA was on the 6th of July. KISA is asking for the permission to bring this woman back so that her complaints are heard. This case is considered to be under investigation and the KISA and the Ombudsman demand a detailed examination of the case.

4.4.6. The case of Vietnamese woman

According⁹⁷ to the immigrant support group KISA a Vietnamese woman was forced by her employer, a Limassol school teacher, to work for 14-hours per day, seven days a week and was locked in a garage when she was not working. The woman also claimed that she was fed only by bread and water. The employer has confiscated the woman's travel documents and mobile phone since her arrival.

The woman came to Cyprus through an Agency in Vietnam that collaborated with an agency in Cyprus. She paid to the agency 5.000 euros. The amount is exuberant given the low salary that domestic workers receive and the fact that they have only 4 years to work in Cyprus and collect some money.

KISA insisted that Limassol police didn't recognise the woman as victim of labour trafficking, as it should have, and as a consequence police didn't inform the Social Welfare Services about her case. The Police Spokesman responded that police inspected the house of the employer but no evidence of the woman's allegation that she was locked in the garage was found. He noted that the woman in her complaint to police didn't make any allegations against her employer so the police didn't have the right to prosecute the employer.

Finally, according KISA, instead of processing the case as a case of labour trafficking and offer protection and assistance to the woman, the Migration Department saw the case as one of labour dispute and simply offered to the woman to find her another employment. Further, the head of KISA observed that although the Migration Department had dealt with the same employer in several incidents in the past, did not

⁹⁷ Helen Christophi, "Vietnamese Woman "Locked up, Fed Only Bread and Water"", *Cyprus Mail*, 03-03-2010.

bring charges against that employer. He commented that in general there is a reluctance to charge and convict an employer.⁹⁸

4.4.7. Organised beggary

Organized beggary of imported beggars is increasing during the last years in Cyprus. A member of the Parliament of the party AKEL mentioned that these migrants may be forced to beg⁹⁹.

4.4.8. Discussing the cases of Trafficking

The established and the suspected cases of trafficking for labour that have become publicity known are very few. However, there are serious reasons to believe that these cases are indicative of the existence of further cases that have not been detected or recognized as cases of trafficking.

If we take the ‘Piripitsis case’ and the case of workers lured with work in manufactures of metal products together, the following are to be observed:

The number of Rumanian workers involved is very important and is expected to be much larger than the known number. It has been observed that there are further agencies that trade Rumanian workers to those related to these two cases¹⁰⁰ and consequently it may be expected that there are further victims and further undetected cases. It seems that, as in the case of Greece, the accession to EU of countries, such as Rumania, has given rise to new opportunities for deceitful exploitation and trafficking of workers, given that these workers benefit now from free movement. There are allegations that there are also Bulgarian citizens exploited and trafficked.

A common pattern in the modalities of trafficking is to be observed. In both cases it seems that we have to do with extended networks, collaborating agencies and intermediaries in both countries, Rumania and Cyprus. In both cases workers were lured

⁹⁸ Ibid.

⁹⁹ Κυπε/Απε, 'Στα Σκαριά Νομοσχέδιο Για Πάταξη Του Φαινομένου', (updated 27-04-2010) <<http://www.philenews.com/main/1,1,22,0,35153-.aspx>>

¹⁰⁰ Σόφη Ορφανίδου, 'Δούλοι Για Ένα Πιάτο Φαΐ . Μεσαίωναξ Στην Ευρωπαϊκή Κύπρο', *Πολίτης*, 06-11-2010.

with lawful work under good conditions. When they arrived those that had offered them work disappeared and were not to be found. Instead some one else found them 'by chance' and offered them work under precarious conditions. Subsequently they were exploited and made to live and work under trafficking for labour conditions.

The case of farm workers shows, that beyond citizens of countries that have newly joined EU, third country workers among whom also irregular migrants are also victims of trafficking, It is reported in general that there is a lot of exploitation of migrants working in agriculture, but unfortunately we do not have more concrete information. Very precarious is also the employment of asylum seekers in agriculture, who work there, as beyond agriculture there are very few other employments they are allowed to undertake. Again, however, we do not have anything beyond some general statements.

The two cases of the Bangladeshi and the Vietnamese women are revelatory of problems in the procedures. Further, as the head of KISA said commenting the case of the Vietnamese woman, there is a tendency to reduce the cases of trafficking to labour disputes and solve them as such. Concerning domestic workers, as we have already mentioned, NGO's believe that there are several cases of abuse and trafficking that are never recognized as such.

5. SOME CONCLUDING REMARKS

Cyprus was particularly late in recognizing the problem of labour trafficking. Now it has a good legislation and has ratified the Council of Europe Convention. An observation that can be made in relation to the legislation is that penalties are rather low. According to US State Department Report on Trafficking in Human Beings the Government of Cyprus does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so¹⁰¹.

In a short period of time Cyprus has made great progress also in the administrative practices put in place. Problems, however, remain in the implementation of the legis-

¹⁰¹ U.S. Department State, 'Trafficking in Persons Report 2010. Country Narratives, Cyprus', in Office to Monitor and Combat Trafficking in Persons (ed.), (Washington, DC: U.S. Department of State, 2010).

lation. Such problems, have been mentioned by various sources and bodies to be the following:

Migrant workers seem to be discriminated through the procedures of processing of complaints. It seems that employers have an advantage against migrant workers in making their allegations believed.

Migrants in effect are not sufficiently protected against deportation while a case is being processed.

There is a reluctance to charge employers, who might be respectable citizens, with charges of exploitation and trafficking.

There is a tendency to reduce cases to labour disputes or press charges for offenses lesser than trafficking for labour.

Victims may not receive the required protection and so they might be reluctant and afraid to testify in court.

Traffickers end up with low penalties, lower than what the law allows.

There are allegations of corruption of officials who protect traffickers.

Victims of trafficking for labour may not receive the necessary protection and assistance, as available structures are addressed mainly to victims of sexual exploitation.

Further, there is much vulnerability in the employment of migrants in Cyprus that creates conditions favouring or allowing the development of trafficking for labour practices to develop.

In the frame of the workshop organised by the “Going beyond” project in Greece, it has been mentioned among others that: work permits should not be linked to a specific employer; awareness raising of the positive contribution in the economy and actions against xenophobia should be undertaken; migrants should be informed about their rights; the role of trade unions and NGO’s in combating trafficking should be reinforced; co-operation between various actors should be promoted in order to combat trafficking.

A final remark is that the landscape concerning trafficking for labour in Cyprus remains particularly blurred. There is a need to locate the areas, sectors and types of employment where conditions favourable for the emergence of trafficking for labour

are present and to take more seriously conditions of exploitation and breaches of rights that might hatch trafficking.

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