

CYPRUS

Since 1974 the southern part of Cyprus has been under the control of the government of the Republic of Cyprus, while the northern part, administered by Turkish Cypriots, proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC") in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. A substantial number of Turkish troops remained on the island. A buffer zone, or "green line," patrolled by the UN Peacekeeping Force in Cyprus (UNFICYP), separates the two parts.

REPUBLIC OF CYPRUS

The Republic of Cyprus is a constitutional republic and multiparty presidential democracy. The area under control of the government has approximately 803,200 inhabitants. In 2006, 56 representatives were elected to the 80-seat Vouli Antiprosopon (House of Representatives) in free and fair elections, and in 2008 President Demetris Christofias was elected in free and fair elections. Security forces reported to civilian authorities.

Problems were reported in some areas. There were reports of police abuse and degrading treatment of persons in custody and asylum seekers. Violence against women, including spousal abuse, and several incidents of violence against children were reported. There were instances of discrimination and violence against members of minority ethnic and national groups. Trafficking of women to the island, particularly for sexual exploitation, continued to be a problem, and labor trafficking was also reported.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

- a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings during the year.

- b. Disappearance

There were no reports of politically motivated disappearances.

The government participated in the autonomous, tripartite (UN, Greek Cypriot, Turkish Cypriot) UN Committee on Missing Persons (CMP) as part of its efforts since 1996 to account for persons missing as a result of the intercommunal violence in 1963-64 and the conflict in 1974. By year's end, the CMP had exhumed the remains of 767 individuals and had returned the remains of 209 Greek Cypriots to their families. Exhumations continued in different parts of the island. According to the CMP, 1,392 Greek Cypriots and 440 Turkish Cypriots remained missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; there were reports, however, that police abused detainees. There continued to be reports that police engaged in heavy-handed tactics and degrading treatment of suspects. The Independent Authority, an independent committee appointed by the Council of Ministers, investigated complaints of police bribery, corruption, unlawful financial gain, violation of human rights, abuse of power, preferential treatment, and conduct unbecoming of police officers.

There were several allegations of police abuse reported during the year:

- On February 23, a police sergeant allegedly beat a foreign detainee in Nicosia Central Prison Block 10. The Ombudsman's Office investigated the case following a complaint submitted by the nongovernmental organization (NGO) KISA (Movement for Equality, Support, Antiracism) and concluded that police had used excessive violence against the detainee. The ombudsman asked the police leadership to investigate the case further. The detainee was deported on March 11. The Independent Authority investigated the complaint and concluded that no offense was committed. The attorney general endorsed the conclusion.
- On April 15, the press reported that a 70-year-old Cypriot complained that he was beaten at the Anthoupoli police station in Nicosia, where he was transferred following his arrest for drunk driving. The Independent Authority investigated the complaint and concluded that the police officers involved had not committed an offense.

During the year a trial was ongoing of police officers from the Strovolos police station who, in March 2009, allegedly beat and used racist comments against 19-

year-old Henry Taylor, a Zimbabwean national, after accusing him of stealing a moped. Taylor contended he was a victim of mistaken identity, and he was later released without charge. The attorney general ordered the summary trial of the officers involved. The hearing of the case was pending at year's end.

During the year the Appellate Court ordered the retrial of nine of 11 police officers charged in 2005 with beating two students and acquitted by a court in March 2009. The Appellate Court acquitted the remaining two officers. The Appellate Court hearing of the case started on December 8. Eight of the officers pleaded guilty to the charge of causing actual bodily harm while the ninth pleaded guilty to the charge of misconduct. The trial was ongoing at year's end.

In May 2009 the press reported the alleged beating of a young man who was arrested by police in Limassol in 2007 for allegedly making an indecent hand gesture to police. The man claimed that he was taken to the Limassol police station, handcuffed, and beaten by an officer while five or six other officers looked on. As a result of the beating, he allegedly suffered a concussion and other head and neck injuries and was hospitalized for five days. According to police, disciplinary charges were brought against an officer after an investigation by the Independent Authority; the officer's hearing on charges of misconduct and illegal exercise of authority had not been completed at year's end.

Prison and Detention Center Conditions

Conditions in prisons, detention centers, and other government institutions generally met international standards, although there have been reports of overcrowding.

During the year the ombudsman and NGOs received complaints that police subjected inmates to physical abuse and discriminatory treatment. The ombudsman reported that during the year her office received five complaints from prisoners concerning physical violence allegedly committed by prison officials and eight complaints of physical violence allegedly committed by police officers in detention centers. The ombudsman was preparing a report on systemic violence against prisoners by prison officials while the complaints against police officers were being investigated. The ombudsman's investigation of complaints submitted in previous years could not establish whether physical violence had actually occurred against prisoners, and the investigations were terminated.

The ombudsman reported discriminatory treatment of women and Turkish Cypriot inmates regarding their access to facilities at the Central Prison. Inmates in the Central Prison during the year included 296 women, including one juvenile, and 25 male juveniles; juveniles were held separately from adults. The ombudsman reported in April that her office examined a complaint that female inmates were treated unequally because they were not given the option to serve their prison sentences or portions of them in the Open Prison or the Out of Prison Employment Center as is the case with male inmates. The problem was attributed to the lack of separate facilities and overcrowding. The ombudsman recommended that the prison director take immediate measures to safeguard the equal treatment of male and female detainees. A 2008 investigation by the ombudsman showed that prison authorities denied requests by Turkish Cypriot inmates for access to the Open Prison and Out of Prison Employment Center. The ombudsman recommended that the security reasons cited for the rejections be explicitly stated and fully justified on a case-by-case basis.

The ombudsman received two complaints in 2009 from Turkish Cypriots alleging discriminatory treatment in the Central Prison. Both complaints were under investigation at year's end. Prison authorities reported that Turkish Cypriots who lived in the area under government control were granted all rights concerning access to the Open Prison and the Out of Prison Employment Center. Turkish Cypriots who lived in the area under Turkish Cypriot administration were admitted to the Open Prison but were granted exit permits only with an escort. An NGO reported that foreign detainees complained of physical violence in detention centers located in police stations and discrimination in the Central Prison. An NGO reported that foreign inmates were tasked with heavier work and had more restricted visitation rights than local prisoners.

Following the completion of the Independent Authority's investigation, the attorney general ordered a postmortem examination into the March 2009 death of a young Moldovan man who was arrested for drunk driving and a series of traffic violations and found dead in his cell at the Lycavitos police station in Nicosia. The state coroner found no evidence of a crime.

During the year overcrowding remained the Nicosia Central Prison's greatest problem, despite renovation and expansion. Prison authorities acknowledged that many of the prison buildings, constructed prior to 1960, needed renovation. Construction work was underway to increase capacity and improve sanitary conditions. In September 2009 the ombudsman complained via the media that overcrowding created problems for prisoners' health and welfare. The prison's

capacity was 350, but at times it housed up to 737 inmates. Approximately 70 percent of the prisoners were foreigners imprisoned for illegal entry, stay, and employment, as well as theft, burglary, false pretenses, and other offenses.

The ombudsman reported that, due to overcrowding, convicted criminals were not separated from pretrial detainees and that both long- and short-term prisoners were held together. In a 2009 report on drug use in the Central Prison, the ombudsman recommended separate detention for drug users. Prison authorities confirmed that overcrowding prevented separation of prisoners by health condition. In September 2009 the ombudsman also complained via the media that the prison lacked a health center even though her office had requested the creation of one 10 years earlier; at year's end, the Central Prison still lacked a health center.

The government permitted prison visits by independent human rights observers, and such visits, unrestricted and unannounced, occurred during the year. The ombudsman and the prison board visited Central Prison on a regular basis. The Human Rights Committee of the House of Representatives also visited the prison and examined the living conditions of the detainees.

In 2008 the Council of Europe's Committee for the Prevention of Torture (CPT) conducted one of its periodic spot checks; representatives visited several sites, including the Central Prison, the psychiatric unit in Athalassa, and several police stations, and privately interviewed detainees and prisoners. The CPT's report on the visit was not released by year's end.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The police enforce the law and combat criminal activity. The Greek Cypriot National Guard (GCNG), backed by a contingent of Greek military forces, the Elliniki Dhinami Kyprou (Hellenic Force in Cyprus), protects national security. The GCNG reports to the Ministry of Defense, which reports to the president. The police report to the Ministry of Justice and Public Order. The president appoints the chief of police. The police force is composed of a headquarters with six functional departments, six geographic district divisions, including one inactive district for the area administered by Turkish Cypriots, and seven police units that

provide specialized services. One case alleging serious police corruption was before the court.

The Independent Authority appoints independent investigators from a list submitted by the attorney general. From January 1 to September 30, the committee received 92 complaints and appointed investigators for 41 of those cases. The investigators completed 15 cases; in 12 of these they concluded that no criminal offenses had been committed. The attorney general concurred in eight of those cases and his opinion was pending on the remaining four. In three other completed cases, the investigators proposed that the attorney general bring criminal charges against the police officers involved; the attorney general's decision was pending at year's end. Investigators continued to work on 24 cases, suspending their investigation on one case because the complainant failed to respond and on a second after the complaint was withdrawn. Of the 51 cases for which an investigator was not appointed, seven were deemed outside the scope of the committee's responsibility, seven were deemed of minor importance and were referred to the chief of the police for handling, 22 complaints remain pending due to insufficient evidence, and two complaints were withdrawn. The committee conducted preliminary investigations of 13 of the cases and concluded that 12 of them did not merit further investigation, while the remaining one was referred to the chief of police because the committee established negligence on the part of members of the police force. In 2009 the committee received 112 complaints compared with 110 in 2008. Of these, 14 were deemed outside the scope of the committee's responsibility, one was withdrawn by the complainant, seven were sent to the police chief for further investigation, and 13 were pending at the end of 2009, awaiting further evidence from the complainants and other sources. The investigation on one complaint was suspended because the complainant did not show interest in pursuing it. The committee appointed investigators on 41 cases and carried out preliminary investigations of 35 cases.

In January 2009 two Paphos police officers were suspended on suspicion of extorting and blackmailing illegal immigrants. The hearing of their case was ongoing at year's end.

The attorney general suspended the prosecution of three police officers and a civilian whom authorities arrested in February 2009 after a Sri Lankan man complained to Limassol police that the officers had blackmailed him and his two Sri Lankan roommates, who were residing illegally in the country, into paying 700 euros (approximately \$940) each. The alleged victim had identified the three officers, who were arrested together with a 35-year-old mechanic.

In June 2009 the killing of police officer Stavros Stavrou attracted media attention due to Stavrou's alleged involvement in illegal dealings. Prior to his death, police had reportedly investigated Stavrou for involvement in cabarets, drugs, electronic gambling, and an arson attack, although they were reportedly unable to gather enough evidence to make a case against him. An administrative investigation into possible illegal dealings of the deceased officer did not reveal any incriminating evidence. His killing remained under police investigation at year's end.

During the year police investigated 19 criminal cases against members of the force. Of those cases, 11 were still under investigation, seven were pending trial, and one case was withdrawn at the instruction of the attorney general. Also during the year the attorney general ordered the criminal prosecution of one police officer in one of four cases pending from 2008. Court hearings for two other 2008 cases were completed, and the defendants were found to have caused actual bodily harm and injury and fined 1,800 and 850 euros (approximately \$2,400 and \$1,140), respectively. The attorney general suspended the prosecution of the fourth case from 2008 in which a member of the police was investigated for allegedly assaulting a civilian; the investigation concluded that there was no evidence of a criminal offense.

Arrest Procedures and Treatment While in Detention

The law requires judicially issued arrest warrants, and authorities respected this requirement in practice. Persons may not be detained for more than one day without referral of the case to a court for extension of detention. Most periods of investigative detention did not exceed 10 days before formal charges were filed. The attorney general generally made efforts to minimize pretrial detention, especially in cases of serious crimes. Attorneys generally had access to detainees. Bail was permitted. The government claimed the right to deport foreign nationals for reasons of public interest, regardless of whether they had been charged with, or convicted of, a crime.

While authorities detained aliens without identity documents when they did not know where to deport them, the government's policy was not to hold such persons long term in detention centers. Instead, if deportations could not be executed in a reasonable amount of time--generally six months--the government's policy was to release undocumented migrants and rejected asylum seekers and give them residence permits for a limited period of time, provided they had not been found guilty of a crime. An NGO reported, however, that undocumented aliens were only

released provided they signed a document consenting to the issuance of travel documents by their home country. The NGO reported that at least one undocumented foreigner remained in detention for more than three years. The NGO also reported released detainees did not have access to health care or social benefits and were not entitled to permanent residency permits unless they had a job.

e. Denial of Fair Public Trial

The law and constitution provide for an independent judiciary, and the government generally respected this provision in practice.

Most criminal and civil cases begin in district courts, from which appeals may be made to the Supreme Court. There are no special courts for security or political offenses. There are military tribunals that have jurisdiction over members of the GCNG.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. The constitution provides for public trials, and defendants have the right to be present and to consult with an attorney in a timely manner. Jury trials are not used. An attorney is provided for those who cannot afford one, and defendants have the right to question witnesses against them and present evidence or witnesses on their behalf. The law also provides that defendants and their attorneys have access to government-held evidence related to their cases. Defendants enjoy a presumption of innocence and have a right of appeal. The government generally respected these rights in practice.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

During the year the European Court of Human Rights (ECHR) issued three judgments that found the country in violation of various provisions of the European Convention on Human Rights.

On January 7, the ECHR ruled in *Rantsev v. Cyprus and Russia* that Cyprus failed to protect 20-year-old Russian cabaret artist Oxana Rantseva from human trafficking and failed to conduct an effective investigation into the circumstances of her death in 2001. The court found Cyprus in violation of Article 2 (right to life), Article 4 (prohibition of slavery and forced labor), and Article 5 (right to liberty and security) of the European Convention on Human Rights. The ECHR held that Cyprus had to pay the applicant 40,000 euros (\$53,600) in nonpecuniary damages and 3,150 euros (\$4,220) for costs and expenses. The government made a unilateral declaration before the court acknowledging that it had violated the convention and offered to pay pecuniary and nonpecuniary damages to the applicant. The government informed the court that in February 2009 it appointed three independent experts to investigate the circumstances of Rantseva's death, employment, and stay in Cyprus as well as the possible commission of any unlawful acts against her. The investigators questioned a number of witnesses in Cyprus and, on July 2, applied to Russian authorities for permission to receive testimony from witnesses in Russia. The investigators were waiting for a reply from the Russian authorities at year's end.

In 2009 the ECHR issued three judgments that found a violation by the state of the European Convention on Human Rights; all three violations concerned the length of legal proceedings.

There were no reports that the government failed to comply with ECHR decisions.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, permitting claimants to bring lawsuits seeking damages for or cessation of human rights violations, and citizens successfully availed themselves of it.

Property Restitution

Turkish Cypriots have filed a total of 84 court cases, 15 of them during the year, to reclaim property located in the government-controlled area, and the Supreme Court issued judgments in one case concerning Turkish Cypriot properties that are under the guardianship of the Ministry of Interior. Amendments to the law governing these types of properties, enacted in May, give the minister of interior, as the guardian of Turkish Cypriot properties, authority to return properties to Turkish Cypriot applicants after examining the circumstances of each case. In one case during the year, the Supreme Court upheld the trial court's decision that the

property in question fell within the competence of the guardian of the Turkish Cypriot properties and rejected the appeal of the Turkish Cypriot applicant to be appointed as trustee of some property belonging to the Vakif, the Muslim institution that regulates religious activity for Turkish Cypriots.

On January 19, the British Court of Appeal ruled in favor of the plaintiff in the case of *Apostolides v. Orams* in which the Greek Cypriot plaintiff sought to enforce a Cyprus court order regarding property located in the area administered by Turkish Cypriots by applying the court order against the defendants' assets in the United Kingdom. The Orams asked for permission to appeal, but permission was denied on March 26 by the British Supreme Court of Appeal Panel. In April 2009 the European Court of Justice, to which the British Court of Appeal had referred the case for a ruling on some issues, had also ruled in favor of the plaintiff.

On March 1, the Grand Chamber of the ECHR declared inadmissible eight property cases filed against Turkey by Greek Cypriot applicants. The chamber ruled that the applicants had not pursued their cases through an effective domestic remedy established specifically to deal with such cases, the Immovable Property Commission (IPC).

In September the ombudsman, in her capacity as the authority with oversight in matters involving racism and discrimination, reported that the examination of two complaints submitted by Turkish Cypriots revealed that the state was discriminating against Turkish Cypriot property owners and was restricting their property rights. Both Turkish Cypriots had applied to the Land Registry Department to secure title deeds for their properties in the government-controlled area and were told that they needed the prior approval of the Ministry of Interior. The ombudsman recommended abolition of the 1963 law that restricts the property rights of Turkish Cypriot for reasons of public safety.

In 2008 the ECHR endorsed a friendly settlement brokered by the IPC in 2007 between Greek Cypriot Michael Tymvios and Turkey. The settlement would exchange Tymvios's property in the northern part of the island for Turkish Cypriot property in the government-controlled area plus a payment of one million dollars. Later in 2008 Tymvios complained that the government, citing the guardianship law, refused to transfer ownership of the Turkish Cypriot property in the government-controlled area to him despite the ECHR action. In November 2009 Tymvios filed two actions against the attorney general and the Ministry of Interior, asking the court to order the defendants to turn over to him the Turkish Cypriot property awarded to him by the IPC, to prohibit the defendants from using the

property in question, and to pay him damages. The application was scheduled to be heard by the District Court of Larnaca on December 14.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice.

Individuals could criticize the government publicly or privately without reprisal, and the government did not attempt to impede criticism.

Independent newspapers and periodicals proliferated. Several private television and radio stations competed effectively with government-controlled stations; government-owned stations accounted for approximately 18-20 percent of the viewership for television news and 30 percent of the general radio audience. International broadcasts, including telecasts from Turkey and Greece, were available without interference throughout the island.

As of year's end, the Supreme Court had not ruled on the Attorney General Office's appeal of its 2008 decision that the government should appoint Christoforos Christoforou to head the Cyprus News Agency. In 2006 the Council of Ministers rejected a decision by the board of the Cyprus News Agency to appoint Christoforos Christoforou as its new director. Some newspapers and opposition parties attributed the rejection to Christoforou's authorship of articles criticizing government policies regarding the UN efforts in 2004 to reunify the island. The Cyprus Journalists' Union called on the government to reverse its decision and approve the appointment.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could

engage in the peaceful expression of views via the Internet, including e-mail. The Internet was easily accessible and widely available to the public. According to International Telecommunication Union statistics for 2009, nearly 50 percent of the country's inhabitants were users of the Internet.

Academic Freedom and Cultural Events

There were generally no government restrictions on academic freedom or cultural events, but certain oversight efforts threatened academic independence and activities.

The government continued to exert political pressure on universities to refrain from any contact with universities in the Turkish Cypriot community because the government considered them illegal.

b. Freedom of Peaceful Assembly and Association

The law and constitution provide for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within government-controlled areas, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The government did not restrict Greek Cypriots from traveling to the area administered by Turkish Cypriots, but it generally advised them against spending the night at Greek Cypriot properties, gambling in the area administered by Turkish Cypriots, or buying or developing property there.

The government allowed EU citizens and citizens of other countries not subject to a visa requirement, who entered from ports of entry in the area administered by Turkish Cypriots, to cross the green line into the government-controlled area; the government maintained, however, that all ports of entry in the area administered by Turkish Cypriots are illegal.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Members of each community were required to obtain insurance coverage in the community where they planned to drive their vehicles. Turkish Cypriots flew in and out of Larnaca and Paphos airports without obstruction. The government issued 575 passports to Turkish Cypriots during the year.

The law prohibits forced exile, and the government did not employ it.

Internally Displaced Persons (IDPs)

Although Greek Cypriots displaced as a result of the 1974 division of the island fall under the UN definition of IDPs, the government considered them refugees. At year's end, these individuals and their descendants numbered 208,304. Depending on their income, IDPs and their descendants are eligible for financial assistance from the government. They have been resettled, have access to humanitarian organizations, and are not subject to attack, targeting, or mandatory return under dangerous conditions.

Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

NGOs and refugees reported that the Asylum Service was better staffed and processed applications more quickly than in previous years. Of the 44,287 applicants who filed from 2002 to the end of 2010, 288 were granted full refugee status and 2,408 were granted subsidiary protection status and humanitarian status. During the year the government did not deport any refugees, and authorities granted full refugee status to 31 persons. The law forbids the detention of minor asylum seekers.

In contrast to previous years, refugees and NGOs did not report that any asylum cases were closed without consideration or receiving a government response. NGOs and asylum seekers alleged that the Nicosia District Welfare Office continued to be inconsistent in the delivery of benefits to eligible asylum seekers. The ombudsman examined many such complaints and reported that in many cases the allegations were well founded, in which case her office made suggestions for remedial action.

In practice, the government provided protection against the expulsion or return of refugees and beneficiaries of subsidiary protection to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion.

KISA claimed that authorities detained and deported asylum seekers whose applications were rejected before the Supreme Court undertook a final adjudication of their applications. Moreover, KISA and the ombudsman reported complaints from asylum seekers concerning difficulties in accessing the asylum application procedure and delays in the examination of their applications. The ombudsman reported that she did not receive any complaints from asylum seekers that police physically or psychologically abused them.

The government granted individuals determined to be refugees permission to stay and gave them temporary work permits, but it did not grant permanent resettlement rights. The law allows asylum seekers to be employed in fisheries, the production of animal feed, waste management, gas stations and car washes, freight handling in the wholesale trade, building and outdoor cleaning, distribution of advertising and informational materials, and food delivery. However, KISA reported that the Labor Office refused to approve and renew labor contracts for asylum seekers outside the farming and agriculture sector.

Asylum seekers whose cases were awaiting adjudication were allowed to work after residing six months in the country, but they were limited to the areas permitted by law. During the six-month period, asylum seekers had access to a subsistence allowance and could live in the reception center for refugees located in Kofinou, the sole reception center for asylum seekers. There were complaints regarding the remoteness, limited capacity, and lack of facilities at Kofinou; conditions reportedly improved, however, after the government entered a private-public partnership with a university in 2008 to operate the center.

Asylum seekers who refused an available job could be cut off from state benefits. To obtain welfare benefits, asylum seekers had to have a valid address, which was impossible for many who were homeless. KISA reported delays in the delivery of checks to asylum seekers who were eligible for benefits. According to NGOs, asylum seekers reported discrimination in the provision of state medical care.

On September 14, the press reported that a diabetic Congolese asylum seeker died in his Nicosia hostel room after the welfare services cut his benefits, denying him regular meals vital to his health. An autopsy found that the asylum seeker died of a heart attack. The coroner could not conclusively confirm that the heart attack was caused by an irregular diet. The asylum seeker arrived in the country in 2005; although he was able to apply for asylum and received medical treatment, his benefits were cut off three months before his death, allegedly due to bureaucratic red tape. The Ministry of Labor ordered an inquiry, which revealed that the deceased had presented the welfare services with a letter from his doctor stating that he was able to perform only light work, but his benefits were discontinued after he refused to take a suitable job offered by the Labor Department. As a result of this investigation, the Ministry of Labor changed the procedure for handling similar cases. Asylum seekers with a medical condition rendering them unable to work or able to perform only light work are referred to a medical board for assessment and are entitled for public assistance while awaiting a decision.

In January 2009 a 28-year-old asylum seeker died after allegedly waiting two days for treatment, first at a private clinic in Nicosia and later at the Nicosia general hospital, following an accident at the horse farm where he was working. According to press reports, the private clinic did not offer the man treatment during the first 24 hours he was there, despite his having suffered a head injury. Police opened a case against the employer for illegal employment and a second case relating to the death of the asylum seeker. Both cases were presented to court and were pending trial at year's end.

In August 2009 the UNHCR complained through the media that a Kurdish child suffering from a terminal congenital condition was denied government funding to travel abroad for medical treatment because of his refugee status, in contravention of the country's refugee law, which provides refugees access to the same medical treatment as Cypriots and other EU citizens. Although the Health Ministry subsequently agreed to cover the travel costs on humanitarian grounds, the child was never taken for treatment abroad. The child died in November 2009, a week after an operation was performed at a state hospital. KISA reported that asylum

seekers, recognized refugees, and migrant workers were denied government funding for treatment abroad when treatment was not available in the country.

The government provided funding to two local colleges for educational services aimed at helping recognized refugees integrate into society and also to a local NGO to help torture victims.

During the year the government provided temporary protection to 395 individuals who may not qualify as refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law and constitution provide citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage. In national elections, only those Turkish Cypriots who reside permanently in the government-controlled area are permitted to vote and run for office. In elections for the European Parliament, all Cypriot citizens have a right to vote and run for office, including Turkish Cypriots who live in the area administered by the Turkish Cypriots.

Elections and Political Participation

In 2006 free and fair elections were held for the 56 seats assigned to Greek Cypriots in the 80-seat House of Representatives.

Political parties operated without restriction or outside interference.

Women held seven of the 56 seats filled in the House of Representatives and two of 11 ministerial posts. They also held senior positions in the judicial branch.

There were no members of minorities in the House of Representatives, and the 24 seats assigned to Turkish Cypriots went unfilled. The small Armenian Orthodox, Maronite Christian, and Roman Catholic communities elected special nonvoting observer representatives from their respective communities to the House of Representatives.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption, which vary depending on the charges, and the government generally implemented these laws effectively. There were isolated reports of government corruption.

While the government generally investigated and prosecuted cases of corruption, cases usually moved at a slow pace, and the evidence law, which prohibits wiretapping and electronic surveillance, made obtaining convictions difficult.

On May 11, the police charged two employees of the Public Works Department of the Ministry of Communications and Works with abusing their position by using public materials and labor for private purposes.

During the year the attorney general ordered the criminal prosecution of two senior officers of the Ministry of Agriculture following an investigation into allegations that the minister of agriculture had attempted to influence the procedure to appoint personnel in one of the ministry's departments. The complaints were made by a senior agriculture ministry inspector. The case was pending before the court.

In January the attorney general filed two criminal cases against six police officers and the director of the central prison in connection with the 2008 escape of double murderer and rapist Antonis Procopiou Kitas from a Nicosia private hospital where he had stayed for seven months while serving a life sentence. The minister of justice and public order resigned over the escape, and the government appointed independent criminal investigators to investigate the possible involvement of police and government officials. Separate investigations were also ordered into how Kitas acquired a new passport and why he was allowed to stay at the hospital for such an extended period of time. A hearing of the case against the former director of the central prison began in October 2009 and was still in process. The case against the police officers was scheduled for hearing on November 29.

State and public officials are required by law to declare their assets, but asset declarations are not public documents. Officials who fail to submit declarations are subject to a fine. In June 2009 the Supreme Court ruled unconstitutional the law requiring public officials to declare their assets. The attorney general appealed the decision; the appeal was pending at year's end.

The constitution provides citizens the right of access to government information, but there were no specific laws to ensure public access. Civil servants were not allowed to provide access to government documents without first obtaining

permission from the relevant minister. During the year there were no reported cases of the government denying individuals access to government information.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. There is a government ombudsman, whose portfolio includes human rights, and a legislative committee on human rights.

The UN, through the CMP, continued its efforts to account for persons missing after the intercommunal violence in 1963-64 and the conflict of 1974.

During the year the ombudsman received complaints from citizens and foreigners living on the island who believed their rights had been violated by the government. During her independent investigations, the ombudsman generally enjoyed good cooperation with other government bodies. The ombudsman's annual reports focused on police misconduct, treatment of patients at state hospitals, treatment of asylum seekers and foreign workers, and gender equality in the workplace. The Office of the Ombudsman was well respected and considered effective. In 2008 the ombudsman stated that the government had complied with 80 percent of her office's recommendations.

The legislative Committee on Human Rights, which most local NGOs considered effective, is made up of 10 members of the House of Representatives, who serve five-year terms. The committee discussed wide-ranging human rights problems, including trafficking in persons, prison conditions, and the rights of foreign workers. The executive branch did not exercise control over the committee.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government effectively enforced these prohibitions.

Women

The law criminalizes rape, including spousal rape, with a maximum sentence of life in prison. Most convicted offenders received considerably less than the

maximum sentence. Police indicated that 31 cases of sexual assault were reported during the year.

Violence against women, including spousal abuse, was reported, and there has been a sharp increase in recent years in the number of reported cases. The law establishes clear mechanisms for reporting and prosecuting family violence and provides that the testimony of minors and experts, such as psychologists, may be used as evidence to prosecute abusers. The law provides for prison terms for the abuse of family members. Doctors, hospital workers, and education professionals are required to report all suspected cases of domestic violence to police. Many victims refused to testify in court, however, and by law spouses cannot be compelled to testify against each other. Courts were obliged to drop cases of domestic violence if the spousal victim was the only witness and refused to testify.

During the year police received 619 cases of domestic violence. They initiated criminal investigations in 460 of these and filed 197 criminal cases in court. In 78 percent of the cases, the victims were female.

An NGO working with domestic abuse victims reported a slight decrease in the number of telephone calls to its hotline from 2009 to 2010. The NGO reported that 1,151 callers, of whom 77.5 percent were women, 14.4 percent children, and 8.1 percent men, claimed to be victims of domestic violence. The NGO also operated a shelter in Nicosia that served 72 victims of domestic violence during the year.

In September 2009 the media reported that five NGOs accused the government of deliberately minimizing the number of domestic violence victims by failing to collect accurate data using EU definitions. By the NGOs' estimates, 80,000 Greek Cypriot women were directly subjected to domestic violence, and an estimated 4,000 foreign housemaids suffered violence at the hands of their employers.

The law prohibits sexual harassment in the workplace, but there were reports that it was a widespread problem, with most incidents unreported to authorities. In September 2009 a Cyprus University of Technology (TEPAK) report showed that 6 percent of employees in the country had experienced sexual harassment in their workplace and that one in two persons believed that some victims deserved the harassment. During the year the Labor Office received 22 complaints regarding sexual harassment, 21 by foreign housekeepers. The Labor Office's investigation found only two complaints to be valid. The Labor Office reported that 15 of the complaints were either withdrawn or could not be further investigated because the

complainants failed to appear at the scheduled interview. A complaint investigated in 2009 was also found to be valid.

In April the ombudsman issued a report concluding that the career of a female bank employee was put on hold by the bank's management because she had reported the deputy general manager of the bank for sexually harassing her. The ombudsman ruled that the actions of the bank management constituted discrimination in violation of the relevant legislation and invited the bank's chief executive officer to consultations before issuing her final adjudication. In her final recommendation, the ombudsman stated the bank should abolish the current discriminatory treatment of the complainant and ensure that her future professional development would be treated objectively while taking into consideration the difficulties she had encountered.

Couples and individuals were generally able to freely decide the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. There was easy access to contraception, skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men. According to estimates compiled by international organizations, there were approximately 10 maternal deaths per 100,000 live births in the country in 2008.

Women generally have the same legal status as men under family and property law and in the judicial system. The National Mechanism for Women's Rights under the Ministry of Justice and Public Order is tasked with the promotion, protection, and coordination of women's rights. Laws requiring equal pay for men and women performing the same work were enforced effectively at the white-collar level. Despite a strong legal framework, the Ministry of Labor and Social Insurance's enforcement was ineffective at the blue-collar level. Research by one NGO suggested that remuneration for female blue-collar workers was 25 to 30 percent less than for their male counterparts.

During the year an NGO representing divorced mothers worked with police to encourage efforts to collect delinquent child support payments. The courts may garnish wages and assets and ultimately imprison persons to enforce child support payments.

Children

Citizenship is derived from one's parents, and there is universal birth registration at the time of birth.

During 2008 the Ombudsman's Office received a complaint regarding discriminatory treatment of Romani children in public education. The ombudsman's investigation was ongoing at year's end.

Child abuse was a problem. The Welfare Department reported an 8.8 percent increase in cases of child abuse in 2009 compared with 2008. The Welfare Department stated that most cases of abuse were linked to domestic violence. During the year police conducted 155 criminal investigations of child abuse compared with 200 the previous year. Of those cases, 69 were filed in court in 2010 and 139 in 2009.

In 2008 there were two reports that girls were trafficked for commercial sexual exploitation; there were no reports of such trafficking in 2009 or 2010.

The minimum age for consensual sex is 17, and sexual intercourse with a person under the age of 17 is a criminal offense. The penalty for sexual intercourse with a person between 13 and 17 is a maximum of three years' imprisonment. For sexual intercourse with a person under 13, the penalty is up to life in prison. Possession of child pornography is a criminal offense punishable by a maximum of 10 years' imprisonment.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

There were approximately 2,000 persons in the Jewish community, which consists of a very small number of native Jewish Cypriots and a greater number of expatriate Israeli, British, and other European Jews.

On November 30 and December 1, the Jewish community's Hanukkah display in Larnaca was vandalized. Vandals spray-painted the light bulbs of a menorah representation placed at a public location near the community's center and painted targets, swastikas, and the stylized letters "SS" on and near the display. The

community notified police, who collected evidence and opened an investigation. No arrests were made by year's end. There were continued reports of verbal harassment of members of the Jewish community.

Trafficking in Persons

For information on trafficking in persons, please see the State Department's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other state services, and in practice the government generally enforced these provisions. The law mandates that public buildings and tourist facilities built after 1999 be accessible to all; government enforcement of the law was ineffective, however, and older buildings frequently lacked access for persons with disabilities. There were no appropriate institutions for adults suffering from mental disabilities who were in need of long-term care.

The amended People with Disabilities Law, which extended the ombudsman's authority to cover discrimination based on disabilities in both the private and public sectors, had not been fully implemented by year's end. Problems facing persons with disabilities included narrow or nonexistent sidewalks and lack of transport, parking spaces, accessible toilets, and elevators. During the year the ombudsman examined 26 complaints of discrimination against persons with disabilities. While many of the cases were still under investigation, the ombudsman reported full compliance of private and government organizations with her recommendations in the cases that were completed.

There were no long-term care facilities specifically for persons with mental disabilities, but many such persons were housed at the Athalassa Psychiatric Hospital. In 2007 an association representing approximately 300 families with children with Down syndrome complained that the government did not respond to its repeated calls for the creation of a specialized center for the treatment of such children, particularly those in need of temporary hospitalization. Some were housed at the hospital, where they allegedly received inadequate care. The parents claimed that the children were left naked, locked in their wards for excessive amounts of time, and placed under the influence of sedative medication. In December 2009 the same association complained that the government rejected its

request for a subsidy to cover its operating expenses, and as a result it had to close its office.

According to a study presented at a meeting of the House Committee on Human Rights in May, one in three patients discharged from Athalassa Psychiatric Hospital were living in retirement homes and were experiencing difficulties integrating into society. Ten percent of these former patients were under the age of 30. Members of the committee noted that there is no infrastructure to support mental health patients with the result that, when they leave the psychiatric hospital, their medication is stopped and there are no programs for their social integration or aftercare in general, a situation that could lead to serious problems.

On August 27, the Paraplegics Association complained that the new public buses, introduced in June as part of the overhaul of the public transport system, did not meet the needs of wheelchair users as they only had space for one wheelchair instead of two. After a meeting with the minister of communications and works on September 2, the Paraplegics Association said that the government agreed to satisfy the demand for two wheelchair spaces in all buses ordered from now on. The government also agreed to modify current buses if demand showed that there was a need for two wheelchair spaces.

In 2008 the president of the Cyprus Mental Health Commission, Christodoulos Mesis, stated that, in order to reduce numbers, patients in the Athalassa psychiatric unit were being released into nursing homes for the elderly regardless of their age, with no plan for their rehabilitation within the community. He criticized the mental health services for not creating appropriate halfway houses and boarding schools to host psychiatric patients wishing to reintegrate into society and return to active employment.

The Ministry of Labor and Social Insurance's Service for the Care and Rehabilitation of the Disabled was responsible for protecting the rights of persons with disabilities. In addition the minister of labor and social insurance chaired the Pancyprian Council for Persons with Disabilities, which included representatives of government services, organizations representing persons with disabilities, and employer and employee organizations. The council monitored actions that affected the protection of the rights of persons with disabilities and served as a forum for persons with disabilities to contribute to public policy.

National/Racial/Ethnic Minorities

There were reported incidents of government and societal discrimination against members of minority national and ethnic groups.

On November 5, clashes broke out in Larnaca between participants in an antiracism NGO event and demonstrators marching against the presence of undocumented migrants. One Turkish Cypriot, a member of a music group participating in the NGO event, was stabbed and several police officers and demonstrators were injured. The mosque in Larnaca was vandalized following the events. Police were investigating the attack on the mosque at year's end.

On November 12, small groups of young persons wearing hoods and holding sticks attacked seven persons in different parts of Nicosia. Victims included a man from Mali, a German student, a 16-year-old British Armenian Cypriot, and four Greek Cypriots, whom the attackers apparently perceived to be foreigners. The police arrested and questioned six persons between the ages of 16 and 18; all were charged. Some were remanded for six days and others released pending the hearing of the case. According to a police report, some of the persons arrested admitted that their motives were racist and that their targets were foreigners. The attacks were condemned by senior government officials and all political parties. A similar incident occurred on November 17, when four young men attacked an Indian student in Nicosia. The four men were arrested, charged, and then released.

During the year there were several reports of violent attacks in the government-controlled area against Turkish Cypriots:

- On March 30, according to press reports, a group of about 200 Greek Cypriot fans of the APOEL soccer club attacked two Turkish Cypriots, lawyer Baris Mamali and businessman Tekin Birinci, in their car after they crossed to the south to watch a soccer match. The attackers pounded on the car with their hands, threw rocks, and shouted that they were going to kill the two Turkish Cypriots. They were saved by a small group of Greek Cypriots who shielded the car until the police arrived and dispersed the crowd. A police investigation did not produce evidence against a specific person, and the case was classified as "undetected."
- On May 4, the Turkish Cypriot press reported that two fans of the same football club attacked Turkish Cypriot Hasan Atik while he was driving from Larnaca to Nicosia. The attackers were riding motorcycles. They reportedly broke the lights and mirrors of Atik's car and hit his arms with sticks. Atik told the media that he reported the incident to the Cypriot police

at the checkpoint in Nicosia without results. Police stated that Atik reported the incident only for insurance purposes but did not file a complaint.

- On September 11, the Turkish Cypriot press reported that a group of five Greek Cypriot men attacked a Turkish Cypriot couple, Nermin Arnavut, 61, and Altay Arnavut, 69, on a visit to Larnaca. They had pulled over to the side of the street when the Greek Cypriots approached them and reportedly called them "filthy Turks" and "dogs." The assailants hit the woman on the arm; when she rolled up the window and locked the door, they then went to the driver's side and hit the husband on the neck and face until he lost consciousness. The couple crossed back to the northern part of the island without reporting the incident to the Republic of Cyprus officials, but made a complaint to the Turkish Cypriot police.

There was also one report of an attack on an African student. On July 20, a group of youth in black T-shirts bearing the logo of the far-right organization ELAM (National Popular Front) beat a 25-year-old Nigerian student in a main Nicosia street. In his effort to escape, the student was nearly hit by a car. The attackers damaged the car as well. The Nigerian was transferred to Nicosia General Hospital and was treated for scratches and bruises. A police investigation did not produce evidence against specific persons, and the case was classified as undetected. An ELAM spokesman denied that the attackers were members of that organization and condemned the incident. The government, political parties, and several youth and human rights organizations issued statements criticizing the attack.

The 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Turkish Cypriots living in the government-controlled area. The government generally effectively enforced the agreement, which provides for the voluntary transfer of populations, free and unhindered access by the UNFICYP to Turkish Cypriots living in the south, and facilities for education, medical care, and religious activities.

In January 2009 the ombudsman complained through the media that foreigners were being subjected to humiliating and discriminatory treatment by authorities at passport control at Larnaca Airport. At the end of 2010, the ombudsman reported that she was not aware of any changes to these practices. However, no new complaints were submitted during the year. The Independent Authority investigated the 2009 complaint and concluded that no offense had been committed by passport control officers. Police reported that, during the year, police officers of the Aliens and Immigration Unit participated in two seminars on multiculturalism

and immigration in addition to the annual training they received as part of the country's cooperation with the European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX).

In August the ombudsman issued a report supporting the Maronite religious group's request that the state increase the amount allocated to members of the Maronite, Armenian, and Latin religious groups for tuition at private secondary schools. In 2009 the Maronite religious community complained to the ombudsman that the government failed to take effective measures to protect the use of the Maronite language. The ombudsman found the complaint to be justified and made recommendations to the government.

On September 13, experts of the European Commission against Racism and Intolerance arrived in the country to evaluate its performance on matters of racism and discrimination and assess progress since the previous report was issued in 2006; the report on their findings had not been released by year's end.

In October 2009 the European Network against Racism Cyprus issued its 2008 "shadow report" on racism in the country. The report noted a significant rise in racist violence and called for the government to adopt and implement an action plan covering all areas where discrimination and racism persist. It also called on the government to develop and enact a comprehensive migration policy that would include an integration policy for migrants.

During a police operation in September 2009, police took 150 individuals to police stations, reportedly to confirm their immigration status. Authorities arrested 36 for "illegal residence" and 12 for involvement in violence that took place earlier at Nicosia's only functioning mosque. The minister of interior was critical of the operation, noting that his ministry was responsible for implementation of immigration policy; the minister of justice defended the operation, stating that police were simply doing their job. The ombudsman, acting as head of the Authority against Racism and Discrimination, stated that such practices fed xenophobic attitudes and racist stereotypes and had nothing to do with the country's immigration policy. The ombudsman opened an investigation which found that the police had violated the detainees' constitutional right to personal freedom and security and that their arrest was based on their ethnic origin rather than evidence that a crime had been committed. The ombudsman's report made a number of recommendations to police for adjusting their practices to safeguard human rights regardless of a person's race or ethnic origin.

Many foreign workers reported that they almost always faced delays in the renewal of work visas despite the fact that they followed proper and timely procedures. In many cases the delays left them vulnerable to detention and deportation by immigration police.

Some Turkish Cypriots living in the government-controlled area reportedly faced difficulties obtaining identification cards and other government documents, particularly if they were born after 1974. Turkish Cypriots made few formal complaints to the UNFICYP about their living conditions in the south. Complaints most often concerned the lack of affordable accommodation.

The ombudsman received complaints that the government denied automatic citizenship to children of Turkish Cypriots married to Turkish citizens who resided in the area administered by Turkish Cypriots. Instead of granting citizenship automatically to such children, the Ministry of Interior routinely sought approval from the Council of Ministers before confirming their citizenship. During the year the Council of Ministers approved 634 cases. The ombudsman's office had no authority to examine the complaints because the Council of Ministers' decision to apply different criteria for granting citizenship to children born to one Turkish parent was a political one. Children of Turkish Cypriots married to Turkish citizens and living outside of Cyprus were automatically granted citizenship, however.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Despite legal protections, gays and lesbians faced significant societal discrimination, and few lesbian, gay, bisexual, or transgender (LGBT) persons were open about their sexual orientation. On May 19, the first LGBT movement, Accept LGBT Cyprus, announced its operation and organized a series of events. The events were covered by the media and there was no negative public reaction.

A 2009 report by the Gay Liberation Movement of Cyprus (AKOK) and the International Lesbian, Gay, Bisexual, Trans- and Intersex Association (ILGA) noted that there was no significant LGBT movement in the country, and a general stigma against homosexuality was present in society. The organization reported that some local religious figures and politicians frequently stated in public that gays and lesbians were "immoral persons, bodily and mentally perverted." The groups also noted that there was no specific LGBT antidiscrimination law and that the lack of awareness-raising efforts and education about LGBT issues significantly contributed to the stigmatization of LGBT persons.

On June 17, a spokesperson for Accept LGBT Cyprus criticized a decision of the state-controlled Cyprus Broadcasting Corporation (CyBC) management to ban a radio advertisement featuring a lesbian woman discussing her relationship with another woman. The advertisement was part of a European Commission-funded tolerance campaign run by the ombudsman's office. The campaign was aired by private stations and did not prompt a negative public reaction.

In January 2009 the ombudsman publicly claimed that authorities at passport control at Larnaca Airport asked some foreign nationals about their sexual orientation.

Other Societal Violence or Discrimination

An NGO reported complaints of discrimination toward persons with HIV/AIDS and asserted that HIV-positive persons faced social exclusion and termination from employment. During the year the ombudsman issued reports on two complaints submitted by HIV-positive persons. In a report issued in June the ombudsman concluded that the deportation order issued against an HIV-positive British citizen, who was arrested and jailed for drunk driving, violated his right as an EU citizen to free movement and settlement in any EU country. The Ministry of Interior had informed the complainant that he would be deported because his personal conduct represented a serious threat to public and legal order and to public health. The ombudsman recommended revocation of the deportation order.

Incitement to Acts of Discrimination

Government-approved textbooks used at the primary and secondary school levels included language that was biased against Turkish Cypriots and Turks or refrained from mentioning the Turkish Cypriot community altogether. In addition, there were anecdotal reports of teachers using handouts or leading classroom discussions that included inflammatory language.

In March the minister of education announced that a special government committee established in 2008 to examine the question of education reform had completed work on a set of curricula on all subjects, including history. Implementation of the history curriculum was scheduled to begin in September 2011. As part of a series of training programs in the new curricula, the Ministry of Education extended the Christmas vacation to allow teachers to attend four days of obligatory training that included a session on avoiding language that might offend

the Turkish Cypriot community and contribute towards the division of the island. In addition, the ministry developed supplementary material for use by teachers that used a factual approach to historical events and excluded language biased against Turkey and the Turkish Cypriots.

Section 7 Worker Rights

a. The Right of Association

All workers, except members of the police and military forces, have the legal right to form and join independent unions of their own choosing without prior authorization, and workers did so in practice. Police officers could form associations that had the right to bargain collectively. More than 70 percent of the workforce belonged to independent unions. The law allows unions to conduct their activities without interference, and the government generally protected this right in practice. With the exception of members of the armed forces, police, and gendarmerie, all workers, including migrant and foreign workers, have the right to strike; authorities have the power to curtail strikes in "essential services," but this power was used rarely in practice. An agreement between the government and essential services personnel provides for dispute resolution and protects workers in the sector.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and workers exercised this right in practice. Although collective bargaining agreements are not legally binding, their terms were effectively observed by employers and employees. Collective bargaining agreements covered approximately 60 percent of workers, both citizen and foreign. Workers covered by such agreements were predominantly in the larger sectors of the economy, including construction, tourism, the health industry, and manufacturing.

Antiunion discrimination is illegal, but union leaders contended that private sector employers were able to discourage union activity because the enforcement of labor regulations prohibiting antiunion discrimination was sporadic and penalties for antiunion practices were minimal.

There are no special laws for or exemptions from regular labor laws in the export processing zone at the port of Larnaca.

c. Prohibition of Forced or Compulsory Labor

The government prohibits forced or compulsory labor, including by children; however, there were reports that women and children were trafficked for domestic labor, and NGOs reported isolated cases of asylum seekers trafficked for forced labor in agriculture. Also, please see the State Department's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

The Ministry of Labor and Social Insurance experienced a substantial increase in the number of complaints of labor exploitation. Foreign workers, primarily from Eastern Europe and East and South Asia, were reportedly forced to work up to 13 hours a day, seven days a week, for very low wages. NGOs and the ombudsman confirmed that employers often retained a portion of foreign workers' salaries as payment for accommodations.

Many domestic workers were reluctant to report contract violations by their employers out of fear of losing their jobs and consequently their work and residency permits. An NGO reported that there were cases of domestic workers whose travel documents were withheld by their employers. On December 4, a Vietnamese housekeeper reported to the police that her employer hit her and then two other men transferred her to another location where they tied her up and beat her. The employer and the two men were arrested and charged with abducting the woman and causing her serious bodily harm. In November a Chinese domestic worker reported to the police that her employer threw her in the swimming pool and ridiculed her because she did not know how to swim. At year's end, police were investigating a possible case of assault and humiliating treatment against the employer; the woman was transferred to the shelter for victims of trafficking.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children, defined as persons under 15, except in specified circumstances, such as combined work-training programs for children who have attained the age of 14 or employment in cultural, artistic, sports, or advertising activities, subject to certain rules limiting work hours. Nighttime work and engagement of children in street trading is prohibited. The law also permits the employment of adolescents, defined as persons between the ages of 15 and 18, provided it is not harmful, damaging, or dangerous, and also subject to rules limiting hours of employment. Employment of adolescents between midnight and 4:00 a.m. is not permitted. The minimum age for employment in an "industrial undertaking" is 16.

The government effectively enforced laws and policies to protect children from exploitation in the workplace. Ministry of Labor and Social Insurance inspectors are responsible for enforcing the child labor laws and did so effectively. There were isolated examples of children under 16 working for family businesses.

e. Acceptable Conditions of Work

Although there is no national minimum wage, there is a minimum wage for certain groups that are deemed vulnerable to exploitation. The minimum wage for shop assistants, nurses' assistants, clerks, hairdressers, and nursery assistants was 835 euros (approximately \$1,120) per month for the first six months and 887 euros (\$1,190) per month thereafter. This amount did not provide a decent standard of living for a worker and family. For asylum seekers working in the agricultural sector, the minimum monthly wage was either 425 euros (\$570) with accommodation and food provided or 767 euros (\$1,030) without accommodation and food. Neither amount provided a decent standard of living for a worker and family.

The minimum starting salary for foreign nationals working as housekeepers was 290 euros (approximately \$390) per month, plus a minimum of 120 euros (\$160) for lodging if the worker was not a live-in and an additional 16 percent for social insurance, which employers were required to pay directly to the government. Medical insurance, visa fees, travel, and repatriation expenses are covered by the employers. Cabaret performers' contracts typically stipulated that they receive at least 205 euros (\$275) per week for 36 hours of work. These wages did not provide a decent standard of living for a worker and family.

Workers in almost all other occupations, including unskilled labor, were covered under collective bargaining agreements. The wages set in these agreements were significantly higher than the minimum wage.

Foreign workers were allowed to claim pensions, and in some cases there were bilateral agreements that allowed workers to claim credit in their home countries. Unions and labor confederations were generally effective in enforcing negotiated wage rates (collectively bargained rates), which were generally much higher than the minimum wage. The Migration Service was responsible for enforcing the minimum wage for foreign workers but did not actively do so.

The legal maximum workweek was 48 hours, including overtime. Unions and employers within the same economic sector collectively determined the actual working hours. In the private sector, white-collar employees typically worked 39 hours a week, and blue-collar employees worked 38 hours a week. In the public sector, the workweek was 38 hours in the winter and 35 hours in the summer. The law does not require premium pay for overtime or mandatory rest periods; however, these benefits were sometimes stipulated in contracts and collective agreements. The law provides that foreign and local workers receive equal treatment. Labor ministry inspectors are responsible for enforcing these laws. Labor unions, however, reported enforcement problems in sectors not covered by collective agreements. They also reported that certain employers, mainly in the building industry, exploited illegal foreign workers by paying them very low wages.

There were reports that foreign domestic workers, primarily from East or South Asia, were mistreated by their employers or fired without cause in violation of their contracts. Some domestic workers, particularly live-in maids, reported working excess hours for employer families at all times, night and day, without additional compensation or time off. Although the law protects domestic workers who file a complaint with the Ministry of Labor and Social Insurance from being deported until their cases have been adjudicated, NGOs reported that many domestic workers did not complain to authorities about mistreatment due to fear of deportation.

Government inspectors of the Ministry of Labor were responsible for enforcing health and safety laws. The Ministry of Labor and labor unions reported that health and safety laws were satisfactorily enforced but there was an increase in work-related accidents during the year. Factory inspectors processed complaints and inspected businesses to ensure that occupational safety laws were observed. Their inspections were supported by close government cooperation with employer and employee organizations. However, inspections did not occur in private households where persons were employed as domestic servants.

Workers have the right to remove themselves from work situations that endanger health or safety without jeopardy to their continued employment, and authorities effectively enforced this right.

THE AREA ADMINISTERED BY TURKISH CYPRIOTS

Since 1974 the northern part of Cyprus, with a population of approximately 265,000 persons according to 2006 data, has been run by a Turkish Cypriot administration that proclaimed itself the "Turkish Republic of Northern Cyprus" ("TRNC") in 1983. The United States does not recognize the "TRNC," nor does any country other than Turkey. Dervish Eroglu was elected "president" in 2010 in free and fair elections. Elections to the "Assembly of the Republic" in April 2009 were also free and fair and resulted in the formation of a single-party "government" of the UBP (National Unity Party). The 2010 municipal elections were generally free and fair. The "TRNC constitution" is the basis for the "laws" that govern the area administered by Turkish Cypriots. Police and security forces were ultimately under the operational command of the Turkish military, per transitional article 10 of the "TRNC constitution," which cedes responsibility for public security and defense "temporarily" to Turkey.

There were problems in some areas, particularly police abuse of detainees and prison conditions. There were restrictions on the rights of asylum seekers and no regulatory infrastructure to handle asylum applications or to protect the rights of asylum seekers. Trafficking in persons continued to be a problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that authorities or their agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

Authorities participated in the autonomous, tripartite (UN, Greek Cypriot, Turkish Cypriot) UN Committee on Missing Persons (CMP) in Cyprus as part of their continuing efforts to account for persons who remained missing after the intercommunal violence in 1963-64 and the conflict of 1974. In 2006 the CMP began its project to exhume, identify, and return remains. As of year's end, the CMP had exhumed the remains of 767 missing persons and returned the remains of 54 Turkish Cypriots to their families. Exhumations continued in different parts of

the island. According to the CMP, 1,392 Greek Cypriots and 440 Turkish Cypriots remained missing.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The "law" prohibits such practices; however, there were reports that police abused detainees. The "law" does not refer to "torture," which falls under the section of the criminal code that deals with assault, violence, and battery.

Prison and Detention Center Conditions

Prison conditions did not meet international standards. Inmates complained of overcrowding at the prison, but the authorities claimed that they addressed the problem.

During the year inmates also raised complaints via the media of unsanitary living conditions, brutality, and prison authorities' negligence, while wardens complained about intimidation and unruliness by certain inmates. In the prison, which had a former capacity of 291 inmates, the introduction of a bunk-bed system in 2009 raised official bed capacity to 427; of the 250 prisoners held there at year's end, 59 percent were foreigners, mostly Turkish citizens. Nine women prisoners and seven juveniles were incarcerated. Approximately 34 percent of the prisoners were awaiting trial.

Some former inmates complained to the press that sanitary conditions were inadequate.

According to the authorities, prisoners and detainees were permitted to both submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. Authorities reported they did not receive any complaints. They stated that all prisoners were allowed religious observance.

Prisoners were permitted access to visitors either once every 10 days or once every 30 days, depending on the prisoner's sentence type. (Detainees and prisoners with light punishment could receive visitors every 30 days while prisoners with "stern penalties" could receive visitors every 10 days). Visits are limited to 30 minutes except during holidays. Convicted inmates are allowed a maximum of 40 minutes

of phone calls four days a week; detainees are given access to phones three days a week.

In August a Cameroonian asylum seeker, who had been arrested and jailed in July for possessing fraudulent travel documents, claimed in a media interview that he was beaten by the police and subjected to racial slurs by other inmates and prison officials. He said he was visited by UNHCR officials both while in prison and afterwards. The Turkish Cypriot Human Rights Foundation filed complaints with the prison authority, but no results were reported. During his detention, the UNHCR's local implementing partner, the Refugee Rights Association (RRA), prevailed upon a court to reverse the individual's deportation order.

On June 4, a Turkish inmate attempted suicide in the Central Prison and died in the Nicosia hospital the next morning. The press alleged that the inmate had complained about brutality by wardens. The head of the Wardens Union strongly denied the allegations and stated that the inmate had psychological problems and had attempted suicide several times before.

On February 25, the human rights NGO Platform for the Prevention of Torture complained via the media that authorities did not permit visits to investigate allegations of mistreatment and violence against prisoners.

In October 2009 inmates went on a hunger strike to protest poor living conditions, corruption, and mistreatment by custodial staff, as well as negligence by the authorities.

In October 2009 an opposition "member of parliament" visited the prison and told the press afterward that prison conditions were unsatisfactory.

In November 2009 a riot broke out in the prison. The media reported that inmates set a section of the prison on fire to protest the failure of the warden and the "government" to improve conditions. One inmate allegedly told his lawyer that the riot police who raided the prison set the mattresses on fire.

In November 2009 the head of the Prison Wardens Union alleged that visitors, lawyers, and civilian workers often entered the prison unchecked and supplied inmates with drugs and cell phones.

In 2008 the media reported that a number of inmates were on a hunger strike to protest poor living conditions. Later in 2008 a group of inmates set their beds on fire to protest what they considered to be severe punishment in the prison.

In September 2009 an anonymous 17-year-old former prisoner, who had been convicted of theft and was recently released from the Nicosia prison, told the media that custodial staff and inmates mistreated and physically intimidated inmates convicted of rape. The youth also claimed that police beat him when he was arrested and forced him to sign false police-drafted testimony.

In response to a 2007 riot, prison authorities summoned the special riot police to restore order; the riot police, however, allegedly targeted not only rioters but the general prison population, beating scores of prisoners with truncheons. After obtaining permission from the "Ministry of Interior," the Turkish Cypriot Doctors Association examined prison inmates in 2008; of a random sample of 60 prisoners, 54 had heavy bruising on their legs consistent with blows from truncheons. The "prime minister" subsequently announced that the police intervention would be investigated; however, at year's end, there had been no effective investigation of the events.

Juveniles were not held separately from adults.

During the year authorities permitted prison visits by local journalists. In September a group of journalists from the daily newspaper *Kibris* visited the prison and met with prisoners, subsequently publishing a feature on their lives. In 2007 a group from the Turkish Cypriot Doctors Association visited the prison to observe and investigate. A group from the Turkish Cypriot Bar Association and another from the Turkish Cypriot Human Rights Association visited the prison in 2008. According to authorities, a number of foreign diplomats visited the prison in 2009 to inspect prison conditions and to evaluate the situation of some foreign prisoners.

The scope of the ombudsman's duties does not include advocating for reduced or alternative sentences or addressing the status of juvenile prisoners or improving detention/bail conditions.

d. Arbitrary Arrest or Detention

The "law" prohibits arbitrary arrest and detention, and authorities generally observed these prohibitions.

Role of the Police and Security Apparatus

Police are responsible for law enforcement. The chief of police reports to a Turkish Cypriot general, who is nominally under the supervision of the "Prime Ministry," holding the "security portfolio." The police and security forces are ultimately under the operational command of the Turkish military, however, per transitional article 10 of the "TRNC constitution," which "temporarily" cedes responsibility for public security and defense to Turkey. Security forces were generally cooperative with civilian authorities and effective in matters of law enforcement. The police are divided into eight functional divisions and five geographic divisions.

The "Office of the Attorney General" continued to work with the inspection division (or occasionally the criminal investigative division) to investigate allegations of police misconduct. In contrast to previous years, there were investigations of five officers concerning the abuse of detainees during 2009. Following the investigations, prosecutors dropped two of the cases; three cases were still pending investigation because witnesses in each case were abroad. In 2010, three cases of police misconduct/brutality were filed; one was dropped after the investigation showed the claims were unfounded; investigations in the other two cases were ongoing.

Arrest Procedures and Treatment While in Detention

Judicially issued arrest warrants are required for arrests. No person may be detained longer than 24 hours without referral of the case to the courts for a longer period of detention. Authorities generally respected this right in practice. Detainees were usually informed promptly of charges against them, although individuals believed to have committed a violent offense were often held for longer periods of time without being charged. Judges could order that suspects be held for investigative detention for up to 10 days before formal charges are filed, or up to three months for those accused of serious crimes. According to "legislation," any detained person must be brought before a judge within 24 hours. The person can then be detained in police custody for a period of up to three months, but a judge reviews the detention every eight days. Bail was permitted and routinely used. Detainees were usually allowed prompt access to family members and a lawyer of their choice. The authorities provided lawyers to the destitute for violent offenses only. Particularly at the time of arrest, police sometimes did not observe legal protections. Some suspects were not permitted to have their lawyers present when giving testimony, in contravention of the "law." Suspects who demanded the

presence of a lawyer were sometimes threatened with stiffer charges or physically intimidated.

In September a citizen named Osman Kalkan told the press that he was beaten in front of his son by officers at the Alaykoy police station, where he had gone to make a complaint. Kalkan alleged that he was hospitalized but that the police confiscated the medical report produced by the doctor.

In February the chairwoman of the Turkish Cypriot Human Rights Foundation asserted that there had been several cases of torture in police custody. A lawyer with the organization opined in September that allegations should be investigated by an independent body rather than by police.

In February the lawyer of murder suspect Ferhat Beyoglu repeated his claim that his client continued to be tortured in prison.

In June 2009 the chair of the Turkish Cypriot Bar Association told the media that police commonly mistreated suspects and used violence to coerce suspects to provide testimony.

In June 2009 the lawyer for three defendants in the Yucel Erol murder case alleged that police repeatedly tortured his clients in order to obtain confessions. The lawyer maintained that the defendants, Mustafa Cavga, Hasan Nur, and Emin Ozbeyit, were subjected to severe beating and threats while in detention. The judge ordered the suspects to undergo a medical examination to substantiate the claim. The NGO Torture Prevention Platform lobbied the "attorney general" to investigate the claims but reported at year's end that no effective investigation was conducted. In December 2009 there were media reports that a former detainee claimed to have witnessed Hasan Nur being tortured.

In April the lawyer for the defendants in the Erol case repeated his claim that his clients were tortured in detention. Defendant Mustafa Cavga claimed in court that police examiner Aslan Coskun tortured him at police headquarters four times until he completed and signed his initial statement. His claims were supported by a witness, Rusen Yavuz, a former inmate who said that Cavga had been in the cell next to his and was tied and suspended by his hands. In late April, following statements by his lawyer and two witnesses, the court decided that Cavga was neither tortured nor pressured. In September the case was finalized and Hasan Nur was sentenced to 25 years' imprisonment, while Cavga and Ozbeyit were each sentenced to 30 years.

In 2008 three Iranians arrested in Famagusta for possession of opium complained in court that narcotics police tortured them to force a guilty plea. Lawyers for two of the three suspects complained that their clients were stripped naked and beaten in detention and pressured to sign a statement. The judge ordered the suspects to undergo a medical examination, which did not substantiate the defendants' claims, and the trials proceeded. In June the "Torture Prevention Platform," associated with the Turkish Cypriot Human Rights Foundation, filed an official complaint with authorities related to the case. As of year's end, no results had been reported.

In 2008 the lawyer representing Ferhat Beyoglu and Metin Taskin, both accused murder suspects, claimed in court that police were using torture to pressure his clients to plead guilty. The judge ordered a medical examination, which did not substantiate the defendants' claims, and the trials proceeded.

e. Denial of Fair Public Trial

The "law" provides for an independent judiciary, and authorities generally respected judicial independence in practice.

Most criminal and civil cases begin in district courts, from which appeals are made to the "Supreme Court." There were no special courts for political offenses. In 2007 "legislation" was passed transferring jurisdiction from military to civilian courts in cases where civilians are accused of violating military restrictions, such as filming or photographing military zones.

In January 2009 the ECHR ruled against Turkey and in favor of an applicant, Yasir Amer, who claimed that he had not been provided with a translator and, therefore, had been denied the right to a fair trial as provided under the European Convention on Human Rights. Amer had been sentenced to life in prison for murdering a businessman in the northern part of Cyprus. The ECHR ruled that there had been a violation of the convention on account of the excessive length of the criminal proceedings; the court awarded Amer 5,000 euros (\$6,700) in nonpecuniary damages and 2,000 euros (\$2,680) for costs and expenses.

Trial Procedures

The "law" provides for the right to a fair trial, and an independent judiciary generally enforced this right. The "TRNC constitution" provides for public trials, the defendant's right to be present at those trials, and the defendant's right to

consult with an attorney in a timely manner. Authorities provide lawyers to indigent defendants only in cases involving violent offenses. Defendants are allowed to question witnesses against them and present evidence and witnesses on their behalf. The "law" also requires that defendants and their attorneys have access to evidence held by the "government" related to their cases. Defendants enjoy a presumption of innocence and have a right to appeal. Authorities generally respected these rights in practice.

In 2008 the head of the Nicosia Bar, Baris Mamali, complained via the media that protections of detainees' rights were not sufficiently implemented, contravening articles 16-18 of the "TRNC constitution." Mamali confirmed that legally granted rights, such as the right to remain silent and the right to a lawyer, were not uniformly respected. Mamali also stated that arbitrary and unjust arrests took place at times.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There was generally an independent and impartial judiciary for civil matters, permitting claimants to bring lawsuits seeking damages for human rights violations. There were generally no problems enforcing domestic court orders.

Property Restitution

During the year Greek Cypriots continued to pursue property suits against the Turkish government for the loss since 1974 of property located in the area administered by Turkish Cypriots. Turkish Cypriots pursued claims against the Republic of Cyprus as well. Under ECHR rules, as long as adequate local remedies exist, an appellant does not have standing to bring a case before the ECHR until that appellant exhausts all local remedies. In response to the ECHR's 2005 ruling, in the Xenides-Arestis case, that Turkey's "subordinate local authorities" in Cyprus had not provided an adequate local remedy, a property commission was established to handle claims by Greek Cypriots; in 2006 the ECHR ruled that the commission had satisfied "in principle" the ECHR's requirement for an effective local remedy. In a March 2010 ruling, the ECHR recognized the property commission as a domestic remedy. The Immoveable Property Commission (IPC) reportedly received 840 applications by year's end and completed 202. Five applicants

received restitution of their properties outright (plus compensation), one received restitution pending a future settlement of the Cyprus problem, one accepted partial restitution, another received full restitution, and 130 accepted compensation in lieu of restitution. Two property exchange (plus compensation) decisions were also issued. Two applications were rejected and 60 were revoked. As of year's end, the commission had paid more than \$75 million in compensation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The "law" prohibits such actions; there were reports, however, that police subjected Greek Cypriots and Maronites living in the area administered by Turkish Cypriots to surveillance. Although the authorities reported otherwise, a Maronite representative asserted that 13 houses in the village of Karpasia were occupied by the Turkish military during the year.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The "law" provides for freedom of speech and of the press, and the authorities generally respected these rights in practice, but journalists were at times obstructed in their reporting, fined, and threatened with more serious charges.

Individuals were generally able to publicly criticize the authorities without reprisal. In 2008, however, two youths were arrested for forming a group on Facebook that involved "gross personal insults" against then "TRNC president" Mehmet Ali Talat. The youths were detained for three days and released pending trial. They were tried on defamation charges and in April 2010 were sentenced to two years of probation.

The independent media were active and expressed a wide variety of views without restriction. International media were generally allowed to operate freely. Bayrak Radyo Televizyon Kurumu (BRT) is the only "government"-owned television and radio station.

In February a BRT program featuring an opposition Republican Turkish Party (CTP) member who worked for another television channel was taken off the air by the management. The BRT director claimed to have acted in this manner because

the program host had not informed him about the guest; he asserted that it was an issue of internal management and hierarchy.

In August 2009 a well-known Nicosia independent bookstore, Isik Kitabevi, was damaged by an apparent arson attack. Then "president" Talat, then "prime minister" Dervis Eroglu, several "members of parliament," and NGOs criticized the attack. The bookstore moved shortly after the attack to a new location and continued to operate. At year's end, the bookstore had moved back to its original location, but the case was dropped because no perpetrator was identified, and the investigation did not yield any results.

In March 2009, in the run-up to the April 19 general elections, the "Ministry of Finance," then controlled by the ruling CTP, demanded that the highest-circulation newspaper, *Kibris*, immediately pay its tax debt of 11 million Turkish lira (\$7.3 million) to the "government." According to the *Kibris* editor in chief, Resat Akar, the "government" also demanded that he resign or take a leave of absence until after the elections. After negotiations with the "ministry," the management of *Kibris* agreed to pay the debt in several installments. Eventually, Akar did leave his position during the elections; it is unclear whether this was in response to the "government's" alleged demands.

Internet Freedom

The authorities did not restrict access to the Internet, and there were no reports that they monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The Internet was easily accessible and widely available to the public. According to a study conducted by the KADEM polling and research company in November, 58 percent of the population used the Internet.

Academic Freedom and Cultural Events

The authorities did not restrict academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The "law" provides for freedom of assembly and association, and the authorities generally respected this right in practice.

In November 2009 riot police used pepper spray to disperse a group of trade unionists protesting against the "government" and arrested 16 of the demonstrators. The Turkish Cypriot Human Rights Foundation issued a statement condemning the "government" and the police for using brutality to suppress the demonstration, for wrongful arrests, and for subsequent abuse of some of those arrested. At year's end, the trials were ongoing, and the number of defendants had fallen to eight. Prosecutors reviewed investigations of police use of disproportional or extreme force and found them to be groundless.

c. Freedom of Religion

For a complete description of religious freedom, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The "law" provides for freedom of movement within the area administered by Turkish Cypriots, foreign travel, emigration, and repatriation, and authorities generally respected these rights in practice.

Cooperation between the Office of the UN High Commissioner for Refugees (UNHCR) and the Turkish Cypriot authorities was handled through an intermediary NGO, due at least in part to complications arising from the unrecognized status of the "TRNC." No law exists regarding the handling of asylum applications; therefore, the UNHCR representative in Cyprus adjudicated asylum claims.

Greek Cypriots and Turkish Cypriots were required to show identification cards when crossing the green line. Greek Cypriots and foreigners crossing into the area administered by Turkish Cypriots were also required to fill out a "visa" form.

In September 2009 confusion surrounding procedures to allow worshipers to pass through the normally unused Limnitis/Yesilirmak crossing to attend a mass at St. Mamas Church in the Turkish Cypriot-administered area prevented some Greek Cypriot worshipers from attending. Nevertheless, the mass took place, and hundreds of Greek Cypriots who had entered through other crossing points participated.

In 2006 the immigration "law" was amended, and authorities reported that all illegal immigrant workers were registered. According to the new "law," all employers who wish to import foreign workers need official permission from the "Department of Labor" to register them. As a result of the new "law," the number of illegal workers, and thus illegal immigrants, in the area administered by Turkish Cypriots decreased dramatically. Authorities deported illegal immigrants found without work permits. All illegal immigrants without work permits were prohibited from entering the "TRNC" at the ports of entry. Asylum seekers were generally treated as illegal immigrants and were either deported or denied entry.

In March the "labor minister" announced that 2,000 illegal workers had been deported in the previous four months.

Turkish Cypriots had difficulty traveling to most countries because only Turkey recognizes travel documents issued by the "TRNC." Some Turkish Cypriots used Turkish travel documents, but many obtained travel documents issued by the Republic of Cyprus. Turkish Cypriots born after 1974 to parents who were both Republic of Cyprus citizens before 1974 obtained passports relatively easily, compared with Turkish Cypriots born after 1974 to only one Cypriot parent. Children of Turkish Cypriot mothers and Turkish fathers were reportedly usually denied citizenship by Republic of Cyprus authorities. Children of Turkish Cypriot fathers and Turkish mothers reportedly also faced some obstacles. According to a 2008 interview with the *Kibris* newspaper, a Republic of Cyprus official stated that non-Cypriot spouses of Turkish Cypriots would not be eligible for passports if their marriage ceremony took place in the "TRNC" and that any children resulting from such marriages would also be ineligible to receive Republic of Cyprus passports.

The "law" prohibits forced exile, and the authorities did not employ it.

Internally Displaced Persons (IDPs)

Although they would fall under the UN definition of IDPs, Turkish Cypriots considered persons displaced as a result of the division of the island to be refugees. These persons and their descendants numbered approximately 90,000 to 100,000 in the north. They were resettled, had access to humanitarian organizations, and were not subject to attack, targeting, or return under dangerous conditions.

Protection of Refugees

The 1951 Convention relating to the Status of Refugees is incorporated into Turkish Cypriot domestic "law," as were all other laws adopted during pre-1963 British colonial rule and later "ratified" by the Turkish Cypriot administration. Authorities admitted that they had no "law" or system in place for dealing with asylum seekers or the protection of refugees and stated that asylum applications were systematically rejected. Potential asylum seekers who attempted to enter the area administered by Turkish Cypriots illegally were almost always arrested, taken to court, and deported after serving their sentence. During the year, however, authorities facilitated the access of 33 asylum seekers and five refugees to the UNHCR representatives in the UN-buffer zone.

In practice authorities did not provide protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. Individuals who requested asylum were supposed to be directed to the UNHCR or its local implementing partner, the Refugee Rights Association (RRA). However, authorities often refused to grant asylum seekers access to the RRA, refused their entry, treated them as illegal immigrants, and denied them the opportunity to apply for asylum through the UNHCR.

The RRA was affiliated with the Turkish Cypriot Human Rights Foundation in the area administered by Turkish Cypriots. Only the UNHCR representative can consider applicability of the 1951 convention; the RRA's mission was to monitor and identify individuals who want to apply for asylum, to refer them to the UNHCR, to advocate to the Turkish Cypriot administration not to deport such individuals but instead to provide protection for the prospective applicants, and to facilitate their accommodation and employment. According to the RRA, at year's end, 24 asylum seekers and five refugees were residing and working (for below-minimum wages and sometimes in exchange for food) or attending school in the area administered by Turkish Cypriots. They could not travel abroad because they would be unable to return due to their lack of status, which rendered them illegal according to Turkish Cypriot immigration rules. The UNHCR did not provide financial assistance to asylum seekers except in exceptional cases. There were no reliable estimates of the number of asylum seekers crossing into the government-controlled areas, since irregular crossings go unrecorded.

In February the chairwoman of the Turkish Cypriot Human Rights Foundation asserted to the media that several immigrants had been given jail sentences although the "law" clearly stated that immigrants should not be imprisoned.

In August a number of asylum seekers and refugees interviewed by a local daily recounted stories of mistreatment and poor living conditions in the north. According to the article, five refugees and 11 asylum seekers present in the north at time of reporting were neglected, some of them jailed for "illegal entry" and at times separated from their children.

In February 2009 Kivanc Aktug, the head of the NGO Human Relief Mission, the former implementing partner of the UNHCR in the area administered by the Turkish Cypriots, was arrested by Turkish Cypriot "police" for smuggling asylum seekers into the government-controlled area. According to media reports, Aktug was working as part of a ring of human smugglers. Following the arrest, the UNHCR Representative's Office publicly stated that it had stopped working with the NGO as its implementing partner at the end of 2008. Aktug was detained for three days and released on bail pending trial. The investigation has been completed, and a number of cases against Aktug were still pending in the Nicosia court.

The RRA stated that, despite its efforts, authorities at ports often denied entry to asylum seekers, and those trying to enter the "TRNC" illegally were usually detained and subsequently deported. The RRA complained that authorities usually denied asylum seekers access to the RRA's lawyers and vice versa.

During the year several Iraqis and Palestinians were denied entry and deported. However, the RRA reported that several deportation orders were successfully canceled. Five women--four Palestinian and one Nigerian--sought asylum during the year, but authorities in the area administered by Turkish Cypriots declared them prohibited migrants due to migration offenses and issued deportation orders. The women were subsequently assisted by the RRA and the UNHCR and permitted to seek asylum with the Republic of Cyprus. The cases of eight other Iraqi asylum seekers were still pending in the "TRNC courts" at year's end.

Four asylum seekers were deported during the year despite their status. At year's end, 24 asylum seekers (eight Palestinians, three Nigerians, one Cameroonian, one Iranian, nine Iraqi, one Turkmen and one Bangladeshi) continued to reside in the north, working or attending school. At year's end, there were one Afghan and four Palestinian refugees present in the area administered by Turkish Cypriots.

In September 2009 the chair of the Turkish Cypriot Human Rights Foundation complained through the media about systematic deportation of asylum seekers and refugees despite laws against such treatment in the Turkish Cypriot "legislation"

and accused authorities of negligence and using the unrecognized status of the "TRNC" as an excuse for not abiding by international rules and practices.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The "law" provides Turkish Cypriots the right to change their "government" peacefully, and they exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

Turkish Cypriots choose a leader and a representative body every five years or less. The 2009 "parliamentary" elections, which were free and fair, resulted in the formation of a single-party "government" of the National Unity Party (UBP).

Greek Cypriots and Maronite residents were prohibited from participating in Turkish Cypriot "national" elections; they were eligible to vote in Greek Cypriot elections but had to travel to the government-controlled area to exercise that right. Greek Cypriot and Maronite enclave communities in the area administered by Turkish Cypriots directly elected municipal officials. Turkish Cypriot authorities did not recognize these officials.

Authorities did not restrict the political opposition, and membership or nonmembership in the dominant party did not confer formal advantages or disadvantages; there were widespread allegations, however, of societal cronyism and nepotism.

There were four women in the 50-seat "parliament." There were no minorities represented in the "parliament."

Section 4 Official Corruption and Government Transparency

The "law" provides criminal penalties for official corruption; however, authorities did not implement the "law" effectively, and officials sometimes engaged in corrupt practices with impunity. Corruption, cronyism, and lack of transparency were generally perceived to be serious problems in the legislative and executive branches.

The "government" stated several times since April 2009 that once it formed a regulatory board for corruption matters, it would investigate corruption allegations regarding the Evkaf Foundation, the Electricity Authority, the "ministries" of finance and health, and the cooperative central bank. In August 2009 the "government" drafted and passed "legislation" to create a "regulatory commission" to investigate corruption allegations; in October 2009 the law was referred to the "Constitutional Court" by then "president" Talat and found "unconstitutional." Some lawyers criticized the "government" through the media for stalling necessary investigations and waiting for the board to be established instead of tasking the "Attorney General's Office" to investigate corruption allegations.

In 2008, after a lengthy trial, a public servant was sentenced to four years in prison for defrauding the state electricity authority in 1998-2000. During the year, six additional public servants from the Electricity Authority were convicted and sentenced to various prison terms in the same case. Several of them appealed, and in September 2009 the appeals court overturned the conviction of Senel Ortan, who had been sentenced to six years in prison.

Also in 2008 the media reported that 116 corruption and abuse cases documented by the Court of the Exchequer since 1986 were still awaiting review by the "parliament."

Opposition parties continued to claim that the "government" primarily hired supporters of the ruling party for public sector jobs during the year. In September several newspapers received and published complaints from villagers in Iskele and Karpaz who accused the ruling UBP "government" of firing members or supporters of opposition parties from local public jobs and replacing them with UBP members and supporters and relatives of local UBP "members of parliament," mayors, and branch chiefs.

The "constitution" provides for the right of free access to "government" information, and the "Right of Access to Information Law" provides for public access. In practice, however, civil servants were not allowed to provide access to "government" documents without first obtaining permission from their directors or "minister." There were some complaints by NGO representatives about being denied access to "government" information during the year. "Member of parliament" Mehmet Cakici unsuccessfully attempted to follow the steps prescribed by the "law" to gain access to information and statistics regarding alleged mismanagement of the public employees' retirement fund. In 2009, he took the case to the "Attorney General's Office," where it was pending at year's end.

Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups operated in the area administered by Turkish Cypriots; one NGO asserted that it faced restrictions when investigating human rights cases. The international NGO Minority Rights Group International was also active in the area administered by Turkish Cypriots, conducting research, capacity-building, and implementing advocacy campaigns under an EU grant. Authorities' cooperation with NGOs was inconsistent.

Many local human rights groups were concerned with improving human rights conditions in the area administered by Turkish Cypriots. NGOs included groups promoting awareness of domestic violence; women's rights; rights of asylum seekers, refugees, and immigrants; trafficking in persons; torture; and lesbian, gay, bisexual, and transgender persons' rights. These groups were numerous but had little impact on specific "legislation." A few international NGOs were active in the area administered by Turkish Cypriots, but many were hesitant to operate there due to political sensitivities related to working in an unrecognized area.

The UN, through the CMP, continued its efforts to account for persons missing after the intercommunal violence beginning in 1963-64 and the conflict of 1974.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The "law" prohibits discrimination based on race, gender, disability, language, or social status. Authorities generally enforced these prohibitions.

Women

The "law" provides no minimum sentence for individuals convicted of rape, including spousal rape; the maximum sentence is life imprisonment. The authorities and police effectively handled and prosecuted rape cases, including cases of spousal rape. There were no NGOs whose specific mission was to support rape victims.

Violence against women, including spousal abuse, was a problem. The "law" prohibits domestic violence under a general assault/violence/battery clause in the criminal code. Even though allegations of domestic violence were usually considered a family matter and settled out of court, 29 domestic violence cases

were tried during 2009; all of these were completed during the year and all resulted in various fines and bail but no prison sentences. During the year prosecutors brought nine cases of domestic violence, and all were in the trial process at year's end. Authorities considered a case more credible if there was at least one witness in addition to the victim.

In December 2009 an academic expert complained that domestic violence was not defined specifically in the "law" and that certain requirements for the protection of women's rights--such as rights to education, rehabilitation services, and special units in police and health departments--were not met.

The "law" does not specifically prohibit sexual harassment, but victims could pursue such cases under other sections of the "law." Sexual harassment was not discussed widely, and any such incidents largely went unreported.

Couples and individuals were able to freely decide the number, spacing, and timing of their children, and had access to contraception, skilled attendance during childbirth, and obstetric and postpartum care.

Women generally have the same legal status as men under property "law," family "law," and in the "judicial system." "Laws" requiring equal pay for men and women performing the same work were generally enforced at the white-collar level; however, women working in the agricultural and textile sectors were routinely paid less than their male counterparts. Several NGOs worked to protect women's rights but there was no specific "government" agency that had this responsibility.

Children

"Citizenship" is derived from one's parents, and there is universal birth registration at the time of birth.

Turkish Cypriot "authorities" continued to screen all textbooks sent to the Rizokarpasso Gymnasium, a Greek Cypriot school, but did not send textbooks deemed derogatory back to the government-controlled area.

One NGO and the media reported that child labor was a growing problem. According to reports, exploited children were mostly from mainland Turkey.

There were some media reports of child abuse, most commonly in the form of sexual battery or rape. As with domestic violence, there were social and cultural disincentives to seek legal remedies for such problems, which observers believe were underreported.

In December the NGO Social Risks Prevention Foundation established a 24-hour hotline for reporting child abuse.

The "criminal code" penalizes sexual relations with underage girls. The maximum penalty for sex with a girl under the age of 13 is life imprisonment. The maximum penalty for sex with girls older than 13 but younger than 16 is three years' imprisonment. There are no "laws" regarding child pornography.

Anti-Semitism

The Jewish community was very small and composed primarily of nonresident businesspersons. A synagogue that opened in 2008 in Kyrenia held services regularly. There were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the State Department's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The "law" prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, access to health care, or in the provision of other "state" services, and in practice the authorities effectively enforced these provisions. The "government" employed 605 persons with disabilities and provided financial aid to the other 3,444 of the 4,049 known persons with disabilities in the area administered by Turkish Cypriots. The "law" does not mandate access to public buildings and other facilities for persons with disabilities.

National/Racial/Ethnic Minorities

The "law" prohibits discrimination, and the 1975 Vienna III Agreement remains the legal source of authority regarding the treatment of Greek Cypriots and Maronites; however, authorities' noncompliance with some of the agreement's

provisions made life difficult for the 342 Greek Cypriot and 110 Maronite residents.

Under the Vienna III Agreement, the UNFICYP visited the Greek Cypriot residents of the enclave weekly and the Maronites twice a month; any additional visits had to be preapproved by the authorities. Although the Vienna III Agreement provides for medical care by a doctor from the Greek Cypriot community, the authorities only permitted such care by registered Turkish Cypriot doctors; enclaved persons also traveled to the government-controlled area for medical care.

Greek Cypriots and Maronites were able to take possession of some of their properties but were unable to leave any of their properties to heirs residing in the government-controlled area. A Maronite representative asserted that Maronites were not allowed to bequeath property to their heirs who do not reside in the area administered by Turkish Cypriots and possess "TRNC" identification cards. The authorities allowed the enclaved residents to make improvements to their homes and to apply for permission to build new structures on their properties. Maronites living in the government-controlled area could use their properties only if those properties were not under the control of the Turkish military or allocated to Turkish Cypriots.

A majority of foreign workers in the area administered by Turkish Cypriots were Turkish. One NGO reported that Turkish workers were often targeted by police investigations during the year. The same NGO also reported that many Turkish workers lived in derelict buildings in Nicosia, with up to 20 persons sleeping in one room. Those working in the agricultural and construction sectors were reportedly forced to sleep on the ground, and those working in restaurants were seen sleeping after hours on chairs in the establishments where they worked.

During the year many Turkish women were employed as cleaners without being registered for social insurance. A growing number of families employed women from Turkmenistan and the Philippines as domestic workers and for child care.

In February three sisters of Kurdish origin who were working at a duty-free shop at Ercan Airport were fired. The media reported that the young women were fired because they were Kurdish. The airport security manager claimed that the police did not approve the renewal of the women's airport identity credentials.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Male homosexual activity is criminalized in the area administered by Turkish Cypriots under a general sodomy statute that excludes female homosexual activity. The maximum penalty is 14 years' imprisonment. Homosexuality remained highly proscribed socially and rarely discussed. Very few lesbian, gay, bisexual, or transgender (LGBT) persons were publicly open about their sexual orientation.

In 2008 members of the LGBT community, including some NGOs, started a group, the Initiative Against Homophobia, aimed at legal reform and reducing homophobia. There were no reported impediments to its operation or free association, and it was officially accepted and registered as an association in March 2009. An informal LGBT group, the Short Bus Movement, organized cultural activities, such as film screenings. During the year neither police nor "government" representatives engaged in or condoned violence against the LGBT community.

While there were no recorded cases of official or societal discrimination based on sexual orientation in employment, housing, statelessness, access to education, or health care, some members of the LGBT community explained that an overwhelming majority of LGBT persons hide their sexual orientation to avoid such problems. They also complained that there is no specific antidiscrimination law for LGBT persons.

Other Societal Violence or Discrimination

There were no reports of discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

All workers except members of the police and military forces have the legal right to form and join independent unions of their own choosing without prior authorization, and workers did so in practice. Fewer than 10 percent of private sector workers and more than 65 percent of semipublic and public sector workers belonged to labor unions. The "law" allows unions to conduct their activities without interference, and the authorities generally protected this right in practice.

Although the "law" provides for the right to strike, employers have an unrestricted right to hire replacement workers in the event of a strike, which limited the effectiveness of this right in practice. The "law" does not permit essential service

workers, namely judges and members of the police and armed forces, to strike. Authorities have the power to curtail strikes in "essential services."

In June the "government" prohibited a strike by the "parliament's" employees union (Mec-Sen), postponing it for 60 days. In February the "government" also prohibited a strike by Cyprus Turkish Airlines employees, postponing it for 60 days. The strikes did not take place 60 days later.

Some companies pressured workers to join unions led or approved by the company. Officials of independent unions claimed that the authorities created rival public sector unions to weaken the independent unions.

b. The Right to Organize and Bargain Collectively

The "law" provides for collective bargaining, and workers exercised this right in practice. The 26,000 public and semipublic employees who made up approximately 30 percent of the work force benefited from collective bargaining agreements.

The "law" does not prohibit antiunion discrimination, and union leaders claimed that private sector employers were able to discourage union activity because the enforcement of labor regulations was sporadic and penalties for antiunion practices were nominal.

There are no special "laws" for or exemptions from regular labor "laws" in the export processing zone at the port of Famagusta.

c. Prohibition of Forced or Compulsory Labor

The authorities prohibited forced or compulsory labor, including by children, but there were reports that such practices occurred. Migrant workers in the construction and agricultural sectors were subjected to reduced wages and nonpayment of wages, beatings, and threats of deportation. One NGO asserted that there were cases of forced labor in the agricultural and domestic service sectors.

Also, please see the State Department's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

d. Prohibition of Child Labor and Minimum Age for Employment

The "laws" generally provide protection for children from exploitation in the workplace. In contrast to previous years, NGOs alleged that authorities did not always effectively enforce these "laws" and that children, mainly from Turkey, were being used for labor, primarily in the agricultural sector along with their families and in manufacturing.

According to accounts by the Turkish Cypriot Human Rights Foundation, child labor in the urban informal economy was also a problem, albeit to a lesser extent than in the agriculture and in manufacturing sectors.

The minimum age for employment in an "industrial undertaking" is 15, the last year for which education is compulsory, and children may be employed in apprentice positions between the ages of 15 and 18 under a special status. Labor inspectors generally enforced the "law" effectively. It was common in family-run shops for children to work after school, and children as young as 11 worked in orchards during school holidays.

The "Ministry of Labor" is responsible for enforcing child labor "laws" and policies, and they were generally enforced in practice. The "ministry" held monthly inspections and kept statistics of its findings. In 2009 inspectors identified 425 workers without work permits. The authorities fined 182 employers and companies for failures to comply with the "law," but their enforcement of the rules and requirements was generally perceived to be inadequate.

In August the "Ministry of Labor" established a "street support team" to prevent child labor and other abuse of children. The team is responsible for identifying child abuse; it urged the public to report any such abuse.

e. Acceptable Conditions of Work

In December the minimum wage was raised to 1,300 lira (\$837) per month, which did not provide a decent standard of living for a worker and family. Migrant workers often were offered substandard accommodations as part of their compensation or were made to pay for accommodation. The "Ministry of Labor and Social Security" is responsible for enforcing the minimum wage; however, it was widely reported that illegal foreign workers were generally paid below the minimum wage.

In July the "government" changed the legal maximum workweek from 38 hours in the winter and 36 hours in the summer to 39 hours at all times of the year as part of

an austerity measures package. The new workweek went into effect in November despite trade union protests asserting that according to the ILO, the maximum workweek cannot exceed 37.5 hours. Labor inspectors generally enforced these "laws," except in the case of migrant workers, who worked irregular hours and at times were reportedly required by their employers to work up to 14 hours per day, seven days a week. The "law" requires overtime pay, but it was not uniformly enforced.

Authorities sporadically enforced occupational safety and health regulations. Although factory inspectors processed complaints and inspected businesses to ensure that occupational safety "laws" were observed, workers who filed complaints did not receive satisfactory legal protection and could face dismissal. Workers did not have the legal right to remove themselves from situations that endangered health or safety without risking their continued employment.