

Organization for Security and Co-operation in Europe

ENGLISH only

**Special Representative and Co-ordinator
for Combating Trafficking in Human Beings**

Foreword

On 10-12 September 2018 I had the pleasure of paying an official visit to Cyprus to hold consultations with high-level government officials, including the Chairwoman of the House Standing Committee on Human Rights and on Equal Opportunities for Men and Women, the Police Office for Combating Trafficking in Human Beings, the Ministry of Internal Affairs, the Office of the National Co-ordinator for Combating Trafficking in Human Beings, the Ministry of Justice and Public Order, the Supreme Court, the National Machinery for Women's Rights, the Social Welfare Services, the Labour Inspectorate, the Ministry of Labour, Welfare and Social Insurance, the Financial Intelligence Unit, the Law Office, Cyprus Bar Association, Cyprus Commissioner for Children's Rights, Office for Commissioner for Administration of Human Rights, as well as with representatives of civil society and international organizations involved in the field of anti-trafficking.

The objective of the visit was to promote the full implementation of OSCE commitments in the field of anti-trafficking, notably holistic and comprehensive actions aiming to better prevent and respond to human trafficking, and to protect and support its victims. I appreciated the constructive discussions held and I was pleased to observe the strong political will of the Government of Cyprus and inspiring commitment of practitioners to further anti-trafficking responses in the country

The Report was presented to the Delegation of Cyprus on 6 March 2019. The Delegation submitted its comments on 3 May 2019.

I am delighted to note that the Government of Cyprus, since my visit in September 2019, has already committed to implement some of the recommendations voiced in our meetings, as stated in their comments annexed to this Report.

In particular, I am pleased to learn about the draft amendments to the Anti-trafficking Law which will improve investigation and prosecution of trafficking for sexual exploitation and address the lengthy trials involving particularly foreign victims of human trafficking. Moreover, in line with the new National Action Plan, the Ministry of Justice and Cyprus Police assigned the University of Cyprus to conduct research to identify gaps in the process and procedures of investigating and presenting human trafficking cases before court. The results of the research are expected to contribute to development of new procedures and mechanisms of adjudication of trafficking cases.

By encouraging relevant authorities to implement these critical actions as well as the comprehensive set of recommendations made in this report, I look forward to deepening our established collaboration and to further our future co-operation in the best interest of the most vulnerable and disadvantaged members of society.



Valiant Richey

Acting Co-ordinator for Combating Trafficking in Human Beings

**Report by the OSCE Acting Co-ordinator for Combating
Trafficking in Human Beings following the official visit to Cyprus
10-12 September 2018¹**

1. This Report presents the main findings of the official country visit to Cyprus of the OSCE Acting Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey (hereinafter referred to as the Acting Co-ordinator), which took place from 10-12 September 2018.²
2. The purpose of the visit was to hold consultations with government officials and experts from state institutions and civil society on human trafficking issues. More specifically, the objectives of the visit were to discuss ways to support and advance ongoing efforts to prevent trafficking, assist trafficked persons and protect their rights, as well as bring perpetrators to justice in line with OSCE commitments and relevant international standards.
3. In the course of the visit, the Acting Co-ordinator engaged in direct consultations with high-level government officials, including the Chairwoman of the House Standing Committee on Human Rights and on Equal Opportunities for Men and Women, Stella Kyriakides, and a member of the Committee, Irene Charalambides; the President of the Supreme Court of Cyprus, Myron Nicolatos; Chief Registrar of the Supreme Court, Irene Christodoulou, and the Legal Officer of the Supreme Court of Cyprus, Natassa Papanicolaou; Chief Inspector, Head of Police Office for Combating Trafficking in Human beings, Rita Theodorou-Superman; Director of the Civil Registry and Migration Department of the Ministry of Internal Affairs, Makis Polydorou, Policy Officer, Tania Charalambidou, Administrative officer of the Ministry of Internal Affairs, Natasa Economou, Office of the National Co-ordinator for Combating Trafficking in Human Beings under the Ministry of Interior; Administrative Officer, Anthi Papoutsidou, Nicky Andreaou; officers of the Ministry of Justice and Public Order, Ms. Andri Savva, Office of the Commissioner for Gender Equality, Dora Charambous, Yiannoula Markidou and Kiki Poyiadji, representatives of the National Machinery for Women's Rights, representatives of the Social Welfare Services, Inspectorate Service, Welfare Benefit Service and Department of Labour of the Ministry of Labour, Welfare and Social Insurance, investigators of the Financial Intelligence Unit (MOKAS), Attorney of the of Cyprus, Louiza Christodoulidou and Senior Counsels of the Law Office, Advocates of the Cyprus Bar Association, Cyprus Commissioner for Children's Rights, Leda Koursoumba; the Commissioner for Administration and Human Rights (Ombudsman), Maria Stylianou-Lottides and Officers of the Office for Commissioner for Administration and Human Rights (Ombudsman).

Furthermore, the Acting Co-ordinator held consultations with the anti-trafficking NGOs Mediterranean Institute of Gender Studies, Domestic Workers Association, Cyprus Stop Trafficking, Cyprus Refugee Council, Movement for Equality, Support and Antiracism (KISA), Caritas Cyprus, STIGMA and Hope for Child Hope.

¹ The Report was finalized on 5 March 2019

² The Acting Co-ordinator was accompanied by the Associate Country Visit Officer, Tarana Baghirova and Executive Programme Officer, Claudio Formisano

The Acting Co-ordinator also met with representatives of international organizations and partners based in Nicosia, including the United Nations Peacekeeping Force in Cyprus (UNFICYP), the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the Embassy of the United States of America to Cyprus.

4. Furthermore, the Acting Co-ordinator visited a government-led shelter for victims of human trafficking, as well as the Reception and Accommodation Centre for International Protection in Kofinou (Kofinou Centre) where he also met with representatives of the Asylum Service of Cyprus.
5. The Acting Co-ordinator wishes to thank the Cypriot authorities, and in particular, the Permanent Delegation of Cyprus to the OSCE and the Ministry of Foreign Affairs of Cyprus for their co-operation, commitment and kind assistance in organizing and facilitating the visit. He also wishes to thank all interlocutors for their willingness to share their knowledge and insights, including national authorities, civil society, and international organizations in Cyprus.
6. Consultations during the visit focused on the situation of trafficking in human beings (THB) in the country and the ongoing policy, legislative, and practical responses to it. More specifically, discussions focused on the identification of, and the provision of assistance to, victims of all forms of trafficking, including of child victims of trafficking, the protection of victims' rights, especially among vulnerable migrant workers, on the current efforts in the area of prevention, co-operation with NGOs, as well as on prosecutions and convictions of perpetrators.
7. Over the course of the visit, the Acting Co-ordinator noted with appreciation that government officials and civil society representatives demonstrated significant awareness of human trafficking as a serious violation of fundamental rights, knowledge of new trends in human trafficking in the country, and a commitment to tackle new threats.
8. The Acting Co-ordinator stressed the importance of maintaining prevention of THB as one of the key priorities on the government's agenda. He notes that a decline in political attention to the problem could jeopardize the important results already achieved.

Legal and policy framework

9. The Acting Co-ordinator commends Cyprus for being a party to major international instruments providing high standards in the fight against trafficking in human beings, such as the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, ratified on 21 August 2002, and the Council of Europe Convention on Action against Trafficking in Human Beings, ratified on 24 October 2007.

The country has also ratified a number of Conventions addressing slavery and forced labour such as the ILO Forced Labour Convention No.29, ratified in 1960, the ILO Convention on the Abolition of Forced Labour No.105, ratified in 1960, the ILO

Convention on Worst Forms of Child Labour No.182, ratified in 2000, and the UN Convention on the Elimination of All Forms of Discrimination against Women, ratified in 1985.

Cyprus ratified the UN Convention on the Rights of the Child in 1991. The Optional Protocol on the involvement of children in armed conflict and on the Sale of Children, Child Prostitution and Child Pornography, were ratified in 2010 and 2006, respectively. The Acting Co-ordinator takes note of the declaration issued by Cyprus in ratifying the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict, providing that compulsory military service in times of peace begins as of 1 January of the year the citizen reaches the age of 18 and maintaining the right to deploy members of armed forces regardless of age, and recalls the concerns of the Committee on the Right of the Child on protection of all children from direct involvement in armed conflict.³

The Acting Co-ordinator welcomes Cyprus's ratification of the Protocol of 2014 to the Forced Labour Convention of 1930 on 1 February 2017, which aims to advance prevention, protection and compensation measures against all forms of forced labour.

10. The Acting Co-ordinator recommends that Cyprus signs and ratifies the ILO Convention 189 concerning Decent Work for Domestic Workers, which serves as a powerful instrument for the prevention of THB for labour exploitation, especially in domestic servitude.⁴ The ratification of this Convention will guide Cyprus in preventing and addressing persistent allegations of exploitation of migrant domestic workers in the country.
11. The Acting Co-ordinator further recommends that Cypriot signs and ratifies the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The ratification of this Convention is of particular importance, taking into account the current situation exacerbated by the exceptional numbers of migrants who have been registered in EU countries in recent years.
12. Cyprus is also bound by the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims on combating THB; EU Council Framework Decision 2004/68/JHA of 22 December 2003 on combating the sexual exploitation of children and child pornography; and EU Council Directive 2004/81/EC of 29 April 2004 on the resident permit issued to third-country nationals who are victims of THB or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.
13. Likewise, as a participating State to the OSCE, Cyprus has pledged to implement the commitments it has undertaken in the OSCE framework, in particular the 2003

³ Concluding observations on the report submitted by Cyprus under article 8, para 1 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, Committee on the Rights of the Child, 13 October 2017

⁴ OSCE, Unprotected Work, Invisible Exploitation: Trafficking for the Purpose of Domestic Servitude, Occasional Paper Series No. 4, 2010, available at <http://www.osce.org/cthb/75804>

Action Plan to Combat Trafficking in Human Beings, as well as its 2005⁵ and 2013⁶ Addenda and relevant Ministerial Council Decisions.

14. To align its domestic legal framework with the European Union's (EU) *Acquis* and other international obligations, on 15 April 2014, Cyprus introduced a new comprehensive Law 60(I) on Prevention and Combating of Trafficking and Exploitation of Persons and Protection of Victims (hereinafter referred to as the "Anti-trafficking Law"). The new law repealed and replaced the Law No. 87(I) on Combating Trafficking, Exploitation of Human Beings and for the Protection of Victims of 2007. Comprised of seven parts, Law 60(I) criminalizes human trafficking (Art. 6), trafficking and exploitation of human organs (Art. 7), exploitation of labour (Art. 8) and child trafficking (Articles 10-11), the withholding personal documents (Art. 16), the use of services of victims (Art. 17), and provides for liability and sanction for legal persons (Articles 23-24). The definition provided under article 6 of the Anti-trafficking Law covers all forms of human trafficking and defines means including subtle means of trafficking such as "coercion" and "abuse of a position of vulnerability". The law further provides for the protection of the rights of victims in the context of criminal proceedings – e.g., the victim's right to compensation (Part III), identification and provision of assistance and support to victims (Part IV), prevention and intervention programmes (Part V), the victims support fund, as well as for the establishment of administrative structures for the implementation of the Law (Part VI). The Acting Co-ordinator welcomes the introduction of a broad definition of "exploitation", which among all other forms of exploitation also includes exploitation of child adoption, and the inclusion of special provisions relating to support and protection of child victims of trafficking, including in the context of criminal investigation.
15. Law 91(I)/2014 on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography provides for prevention and criminalization of all forms of sexual violence against children. The Law complements the Anti-Trafficking Law in relation to offenses against minors who are victims of human trafficking. The law provides for, *inter alia*, protection measures and monitoring mechanisms for victims and offenders. Furthermore, the Law provides that unawareness of the child's age and the child's consent (Art. 18) is inadmissible as a means of defence in cases involving sexual abuse and sexual exploitation of children. The law also provides for video recorded statements of children (Art. 43) and in-camera trials (Art. 44) in cases of child sexual abuse and sexual exploitation, subject to provisions of the Protection of Witnesses Law.
16. Other relevant laws also include Law (COP 105) on Aliens and Immigration of Cyprus, which regulates a variety of issues pertaining to the entry, residence, status and general treatment of aliens and immigrants in Cyprus, including EU nationals. Relevant anti-trafficking provisions include, *inter alia*, sanctions on employers who illegally employ undocumented migrants, thus transposing European Directive 2009/52/EU.

⁵ OSCE Permanent Council Decision No. 685 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: Addressing the Special needs of Child Victim of Trafficking for Protection and Assistance](#), PC.DEC/685

⁶ No.1107 [Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later](#), PC.DEC/1107/Corr.11

17. Additionally, Cyprus's Penal Code provides a set of provisions that complement the Anti-trafficking Law. These include the criminalization of forced marriage (Art. 150), illegal retention of a woman including for the purpose of illegal intercourse and in brothels by use of threat and /or force and debt bondage (Art. 162), exploitation of prostitutes and solicitation for unethical purposes (Art. 164), controlling/manipulating a prostitute for profit (Art. 165), abduction of a person for the purpose of restriction and concealing (articles 250 to 252) and illegal forced labour (Art. 254).
18. The Acting Co-ordinator notes the discussions held with the Office of the National Co-ordinator on planned amendments to the Anti-Trafficking Law and other relevant laws regulating reparation and compensation for victims of human trafficking. In this regard he believes that the current legal framework, if enforced and implemented in full, provides a comprehensive and adequate victim-centred framework to combating human trafficking.
19. With regard to the institutional anti-trafficking framework in Cyprus, the Acting Co-ordinator takes note of the establishment, in 2008, of the Multi-disciplinary Co-ordinating Group (MCG) under the Ministry of Internal Affairs as the National Co-ordinator for Combating Trafficking in Human Beings. The MCG comprises members of several government agencies, law enforcement and judicial entities⁷ and representatives from up to four NGOs determined by the National Co-ordinator. According to article 64(n) of the Anti-trafficking Law, qualified NGOs are those providing support to victims of trafficking. Each NGO serves a two-year membership.
20. Pursuant to the Anti-Trafficking Law, the duties and responsibilities of the MCG are to co-ordinate and ensure implementation of the NAP, including its timely revision and amendment, as necessary; effective implementation of the Anti-Trafficking Law's provisions; monitoring and evaluation of the implementation of the NAP; collection of data; and exchange of information among members of the MCG. The MCG is also entrusted with preparing an annual report for submission, through the National Co-ordinator, to the Council of Ministers. While the Anti-Trafficking Law (Art. 65) prescribes that the MCG shall meet at least three times a year and may additionally gather on an *ad-hoc* basis for emergency issues, as well as set up specialized working groups which may meet on a regular basis, the Acting Co-ordinator notes with regret that the MCG reportedly met only once in two years prior to the visit. Moreover, in spite of the inclusion of two additional NGOs and a representative of the Union of Cyprus's municipalities to the MCG in 2017, by 2018 three out of four NGOs in the MCG withdrew their membership citing insignificant and unsubstantial roles given to the NGOs within the Group, and the infrequency of meetings. Meetings with MCG members during the visit also highlighted a lack of clarity regarding the mandate of the MCG and the roles and responsibilities of the members. The result happens to have been that the work of the MCG has stalled. The

⁷ The MCG members include the Attorney General, the Permanent Secretary of the Ministry of Justice and Public Order, the Chief of Police, the Permanent Secretary of the Ministry of Foreign Affairs, the Director of the Department of Labour of the Ministry of Labour and Social Insurance, the Director of the Social Welfare Services, the Permanent Secretary of the Ministry of Health, the Permanent Secretary of the Ministry of Education and Culture, the Civil Registry and Migration Department (Ministry of the Interior), the Head of the Asylum Service of the Ministry of the Interior, representatives from the National Machinery for Women's Rights and the Union of Cyprus municipalities.

Acting Co-ordinator highlights the importance of effective co-ordination to facilitate a comprehensive approach to preventing and combating trafficking in human beings, including protection and support to victims. Such a platform is also necessary to exchange data and develop tailored responses to current and emerging threats of human trafficking in the country. Additionally, he suggests that the establishment of thematic working groups within the Coordination Group would further enhance its work, contribute to effective identification of emerging trends and various forms of human trafficking, and improve the referral of, and assistance to, trafficked persons. Special emphasis should be placed on effective and comprehensive implementation of Cyprus's existing legal framework.

21. At policy level, Cyprus adopted its first National Action Plan on Combating Trafficking in Human Beings and Sexual Exploitation of Children in 2005. The Plan was reviewed and replaced with the new National Action Plan against Trafficking in Human Beings (NAP) for 2010-2012 adopted in 2010. This NAP was in turn renewed and replaced for another three-year term covering the period 2013-2015. Since 2015, Cyprus has been implementing a new three-year NAP led by the National Co-ordinator. The NAP was reportedly developed based on the evaluation of the previous NAP and incorporated the proposals and recommendations provided by the MCG and by international organizations. Reportedly, whilst the development of a new NAP (2018-2021) is currently underway by the Secretariat of the MCG, neither members of the MCG nor civil society organizations have been consulted in the process. The Acting Co-ordinator believes that regular co-ordination and consultation during the preparatory phase is crucial and that closer engagement of all members and civil society into the process is important to ensure that the role of various agencies preventing and tackling human trafficking is recognized. He further takes note of the Cyprus Shadow Report to the Convention for the Elimination of Discrimination against Women (CEDAW), which highlights the lack of a timeline for revision and evaluation of the NAP to ensure its effectiveness, as well as the lack of a clear delineation of responsibilities and tasks amongst government agencies tasked under the NAP.⁸

22. The Acting Co-ordinator also stresses the importance of monitoring and evaluating anti-trafficking measures in the country, and underlines the importance of a National Rapporteur or equivalent national monitoring and reporting mechanisms. This role can serve as a means to obtain the most realistic and evidence-based data on THB at the national level, to assess the scope of trafficking, the effectiveness of the anti-trafficking measures taken by the State, and, drawing from this data collection and analysis, to produce recommendations for the government and the parliament⁹. In this regard, he is pleased to learn about the recent additional human resources assigned within the Cyprus Commissioner for Administration and Human Rights (Ombudsman) to monitor and evaluate anti-trafficking actions in the country and the monitoring of cases of forced returns. This mandate can improve research and the system of data collection and analysis, in order to develop effective and well-targeted

⁸ Cyprus shadow report, Convention for the Elimination of Discrimination against Women, 70th Session, https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CYP/INT_CEDAW_NGO_CYP_31500_E.pdf accessed on 15 November 2018

⁹ OSCE Action Plan for Combating Trafficking in Human Beings, Chapter IV, para 1, p17

policies on trafficking in human beings.¹⁰ Additionally, in 2013, the Ombudsman published a report which highlighted shortcomings observed in the co-ordination of anti-trafficking mechanisms and the lack of co-operation with and engagement of civil society organizations in the implementation of anti-trafficking policies in the country. The report was seen to elevate the impact of front-line officers in combating human trafficking through awareness-raising. The Acting Co-ordinator commends the research work conducted by the Ombudsman, which contributes to enhancing data collection, and recommends that the Ombudsman continues its research and data collection work in light of its expanded mandate to monitor and evaluate anti-trafficking action in the country. Moreover, he further notes the plan of the National Coordinator to involve external evaluators to assess the impact of the implementation of previous NAP, through funding support of the European Union.

23. The OSCE Action Plan to Combat Trafficking in Human Beings stresses the role of parliaments in the enactment, among others, of laws necessary to combat trafficking in human beings.¹¹ Having had the opportunity to address the open hearing held by the Human Rights Committee of the Parliament, the Acting Co-ordinator commends the initiative taken by the Committee to discuss the potential amendments to the Anti-Trafficking Law to address the demand for human trafficking and the use of special investigation techniques, such as accessing electronic communication data and wiretapping as evidence for criminal proceedings.
24. The Acting Co-ordinator notes the lack of comprehensive data collection of trafficking cases including on the number of identified and assisted victims of trafficking. To this end, he recommends that Cypriot authorities establish a unified database system, with due regard to the confidentiality of data, and, where possible, to disaggregate statistics by age, sex, forms of exploitation and other relevant factors and criteria which may be appropriate and compatible. Data collection, analysis and reporting, are critical for the development and review of anti-trafficking policies and measures.

Identification, referral and assistance for victims of trafficking

25. The absence of comprehensive data makes it difficult to assess the exact scope and magnitude of trafficking in human beings in Cyprus. Yet, available data collected and information provided during the visit from both Cypriots authorities and civil society organizations, indicate the existence of various forms of human trafficking in the country. Cyprus is a destination country for trafficking of foreign women for sexual exploitation, thus anti-trafficking efforts have mainly focused on trafficking for sexual exploitation. While in the past the majority of victims in Cyprus were trafficked from countries outside of the EU, however, a change made related to the provisions regulating the so-called *entertainment visa*¹² has reportedly shifted the pattern of origin countries to other EU countries being targeted by traffickers. Nevertheless, international reports suggest that women of Ukrainian nationality

¹⁰ OSCE, Ministerial Council Decision No. 14/06 “Enhancing Efforts to Combat Trafficking in Human Beings, including for Labour Exploitation, through a Comprehensive and Proactive Approach”, MC.DEC/14/06, 5 December 2006

¹¹ MC Decision No. 2/2003 Combating Trafficking in Human Beings, 2 December 2003

¹² Entertainment visa or so called “artiste visa” was abolished on 13 September 2008. Before abolishment the entertainment visa allowed a three-month permit with a possible extension to three more months to enter and work in nightclubs and cabarets in Cyprus.

continue to be trafficked for prostitution purposes on false promises to work as barmaids or hostesses.

26. The Acting Co-ordinator takes note of the number of identified victims of trafficking, which has, in general, declined since a high in 2010. According to the statistics provided by international reports, the government identified 159 victims from 2010 to 2013 with the highest number (52) registered in 2010 alone. That figure declined to 42 in 2014 and 2015 and to 44 and 27 victims in 2016 and 2017, respectively. The government, however, reported of having identified 41 victims in 2018. Cypriot authorities explained that the decline was related to more accurate identification in recent years as a result of better knowledge of law enforcement to identify genuine trafficking cases. However, other reports and stakeholder commentaries suggest that the decline in the number of identified victims may also be due to a limited number of personnel and resources allocated to victim outreach and detection of cases of human trafficking. In any case, there is no information to suggest that the decline of identified victims since 2010 is indicative of a decline in the occurrence of trafficking on Cyprus.
27. Cyprus also faces challenges regarding the identification of cases of trafficking for labour exploitation. While the number of identified victims of labour exploitation has grown in the last few years, the overall identification rate for this form of exploitation appears to be low compared to data provided by service providers; the number of labour exploitation cases identified by the police was 6 in 2017 and 7 in the first half of 2018. Migrant workers primarily from South and Southeast Asia are reportedly trafficked to work in agriculture and domestic work in Cyprus. The majority of labour exploitation cases are reportedly treated as labour disputes, and victims remain unidentified and thus deprived of assistance and protection services.
28. Reportedly, sham marriages are an emerging form of exploitation in Cyprus affecting mainly, but not only, EU nationals who are trafficked to marry third country nationals to facilitate acquisition of citizenship. There have been some cases of internal trafficking of Cypriot women for forced marriage with third country nationals. To this end, the Acting Co-ordinator recommends the Cypriot authorities to continue their efforts to identify cases of this form of human trafficking.
29. The Anti-trafficking Law (Law 60(I)/2014) criminalizes trafficking of persons for forced begging. However, whereas trafficking for forced begging and forced criminality reportedly feature as an emerging form of exploitation observed in Cyprus, to date only a few such cases have been identified by the police. In this regard, the Acting Co-ordinator shares the concerns raised by civil society organizations and international partners during the visit that cases of trafficking for forced begging are potentially overlooked. In this regard, he strongly recommends the Cypriot authorities to enhance their efforts to identify victims of forced begging and forced criminality, including through training and outreach.
30. Trafficking for domestic servitude manifests in the exploitation of migrant workers, primarily women from the Philippines, Nepal, Sri Lanka, Vietnam and India who are legally brought into the country through private employment agencies. According to a report published by the project Demand-side Measures against Trafficking, approximately one-third of all migrants legally residing in the country are currently

employed as domestic workers, mainly live-in domestic workers, making Cyprus one of the countries with the highest ratio of domestic workers in Europe.¹³ The report further discusses the role of private employment agencies, whose employees are reported to usually carry the same nationality of potential victims and able to attract migrant women with false promises about high financial profits and decent working conditions. While a large number of complaints have been filed by domestic workers against their employers, the report states that only a limited number of workers have been identified as victims to date. The acting Co-ordinator acknowledges that identifying exploitation and abuse in private households is a challenging process as domestic work is relatively hidden form of employment and takes place behind closed doors. Given the isolated nature of the work and risks of exploitation faced by migrant domestic workers, the Acting-Coordinator encourages Cypriot authorities to further develop information campaigns and measures to raise awareness and facilitate robust outreach and identification of exploitation and abuse of domestic workers.

31. As regards identification procedures mandated by law, articles 44 and 45 of the Anti-trafficking Law designate the Social Welfare Service (SWS) as the first receiving agency to whom relevant agencies and organizations, including the police, refer potential victims of trafficking. The task of the SWS is to provide potential victims with information about their rights and entitlements, including about rights to compensation and asylum. The next step in this procedure is to refer the potential victim to Anti-Trafficking Police Unit for official identification as a victim of trafficking. Nevertheless, this provision has only been formally enforced since early 2018, whereas previously police has been the first contact point for trafficking persons. The Acting Co-ordinator notes that the system of identification and referral still appears to largely remain on an *ad-hoc* basis with the Anti-trafficking Police Unit due to its long-standing role in identification as well as informal systems of communications built on working relationships between practitioners. While the efforts of practitioners to work within practical realities are admirable, the Acting Co-ordinator notes that the full institutionalization of identification procedures mandated by articles 44 and 45 remains unrealized and encourages renewed commitment and engagement of SWS. Following the procedures provided for in statute can improve victim assistance, rehabilitation, realization of rights and, ultimately, cooperation with investigations.
32. Once screened by the Anti-Trafficking Police Unit, the victims receive a “certificate of identification” which provides victims with access to services and rights they are entitled to by law. The issuance of such a certificate is considered to be an effective tool and a good practice by civil society organizations consulted during the visit. The Anti-trafficking Law also provides a comprehensive definition of “victim” which encompasses the physical, psychological harm and/or economic loss caused to adult or a child directly by the commission of offences under this Law.
33. To this end, the Acting Co-ordinator reiterates that identification of and assistance to victims of trafficking remains a primary challenge in the OSCE region, and strongly recommends that Cypriot authorities strengthen their efforts to ensure the early and proactive identification of victims of trafficking, in particular those exploited for

¹³ Trafficking and exploitation in domestic work in Cyprus, Demand AT, June 2016

labour and other forms of human trafficking, including among irregular migrants and asylum seekers.

34. All victims of trafficking are entitled to a reflection and recovery period of 30 days, which is extended to 60 days in case the victim is a child pursuant to Art. 45(5) of the Anti-trafficking Law. The period provides the victims time to take an informed decision whether to co-operate with the authorities and the prosecution services to advance investigations in the case. The Anti-trafficking Law mandates the SWS as the competent agency to provide and co-ordinate assistance to trafficking victims. However, the Acting Co-ordinator notes multiple reports received during the visit that SWS has not adequately fulfilled this mandate, resulting in insufficient response to victims of trafficking. The Acting Co-ordinator notes that the SWS signed a Memorandum of Understanding (MoU) with the NGO Cyprus Stop Trafficking to provide victim assistance. However, in September 2018 the NGO expressed discontent with the lack of engagement of SWS in an official letter to the Minister of Labour¹⁴. The Acting Co-ordinator strongly recommends that Cypriot authorities revisit the statutory directives to SWS, evaluate the status of their implementation, and assess their effectiveness to ensure that victims of trafficking receive the necessary support and services they need. The Acting Co-ordinator further recommends, where appropriate, allocation of necessary resources, both human and financial, to the SWS, including by regularly providing specialized training for the SWS staff on victim identification, trauma-informed treatment, and assistance to trafficking victims.
35. In 2014, Cyprus adopted Law 109(I) on Guaranteed Minimum Income and Generally on Social Provision, which applies to EU citizens who have resided and continue to reside in Cyprus for five years before making an application for support. For third-country nationals, the legislation covers long-term residents (Law 129(I)2014 ‘On Aliens and Immigration’) and people whose legal status is based on the provisions of Law 59(I)/2014 ‘On Refugees’, with the exception of asylum seekers. The legislation also applies to the victims of trafficking and exploitation in accordance with the provisions of Law 60(I)/2014 ‘On Preventing and Combating Trafficking and Exploitation of Human Beings and Protecting Victims Thereof’.¹⁵ Victims of trafficking who receive the “certificate of identification”, upon submitting an application, are entitled to a guaranteed minimum income of 480 euros per month. Trafficking victims are also eligible for accommodation support of up to 154 euros per month. According to officials met during the visit, in 2018, 31 persons received the guaranteed minimum income and 3 applications were pending the review at the time of the visit. A majority of the recipients were third-country nationals. The process of evaluating an application reportedly takes an average of two months. During this period victims should be referred to assistance services. While positively assessing the purpose of the programme, the Acting Co-ordinator notes the concern of the civil society organizations met during the visit that accessing the programme is a complex and time consuming process, and takes longer than the two-month period reported by the officials. In this regard, the Acting Co-ordinator invites the Cypriot

¹⁴ As reported by Cyprus Mail on 10 September 2018 <<https://cyprus-mail.com/2018/09/10/head-of-anti-trafficking-ngo-resigns-blames-welfare-department/>>

¹⁵ Cyprus: Guaranteed Minimum Income, European Foundation for the Improvement of Living and Working Condition <<https://www.eurofound.europa.eu/publications/article/2014/cyprus-guaranteed-minimum-income>> accessed on 2 November 2018

authorities to assess the procedures and improve the access of victims to this entitlement by closely monitoring and evaluating the effectiveness of the provision.

36. In 2007, the Government opened in Nicosia its first shelter for female victims of trafficking with a capacity to host up to 15 persons. The shelter has eight full staff members including a psychologist, sociologist, teachers for children and other assistant personnel. The shelter also co-operates with a network of volunteers who provide music lessons, language and other courses for victims residing in the shelter. To date, the shelter has reportedly accommodated approximately 330 identified and potential victims of trafficking. While the shelter is a secure accommodation for trafficked women, the victims can go outside with the accompanying volunteers. According to information provided by the management of the shelter, the SWS partnered with the health services to provide for victims' counselling with two psychologists visiting the shelter every two weeks.
37. The NGO Cyprus Stop Trafficking has also provided apartments operating as shelters to an average of twelve victims per year who are exiting the government-operated shelter. A shelter for unaccompanied minors is operated by the NGO Hope for Children. Child victims of trafficking are placed in this shelter during identification procedures.
38. Social Welfare Services acts as the legal representative of unaccompanied minors in the asylum process. Reportedly, this competency was previously entrusted to the Commissioner for Children's Rights. Concerns were raised about SWS's specialization in providing legal representation and its skill and knowledge in representing children in court. In this regard, the Acting Co-ordinator encourages appropriate authorities to monitor the legal representation and ensure its adequacy.
39. Cyprus lacks a specialized shelter for male victims of trafficking, reportedly due to the fact that the Cyprus referral and assistance mechanism is tailored to serve female victims. In this regard, the Acting Co-ordinator strongly encourages the Cypriot authorities to establish safe accommodation options for male victims of trafficking and to allocate sustainable financial and human resources to ensure male victims of trafficking also receive assistance and support services.
40. Victims' access to justice and remedies, including compensation, has been a priority for the OSCE both as a preventative and a protective measure, as it empowers victims and deters exploitation. Article 33 of the Anti-trafficking Law stipulates that all victims regardless of their co-operation with the prosecutors have the right to legal advice under the Advocates Law. If a person does not have financial means to hire a lawyer, the Legal Aid Law provides for free legal aid. Pursuant to article 31 of the Anti-Trafficking Law, the police shall, in their first contact with a potential victim, provide them with all the necessary information in a language that they understand, regarding the protection of their interests, including, among other rights, the right to access legal advice or legal aid. The SWS also has an obligation to provide such information to victims. However, according to the Commissioner on the Rights of the Child, legal aid to child victims is of concern as the Anti-trafficking Law is not explicit on the child's right to legal aid. This issue became more visible with the

increased flow of unaccompanied children.¹⁶ According to international organizations, all vulnerable persons, including both adult and child victims of trafficking, have to prove “merit” which is difficult to demonstrate. The Acting Co-ordinator notes that a precondition for access to justice is the provision of free and qualified legal assistance. Ensuring free and specialized legal counselling and representation, as well as making compensation a reality for every trafficked and exploited person, is a critical aspect of an empowerment strategy that enables trafficked persons to move forward with their lives and prevents re-trafficking. In this regard, the Acting Co-ordinator calls on the Cypriot authorities to enhance concrete measures to foster victims’ early access to free legal aid.

41. Regarding compensation and legal redress, the Acting Co-ordinator notes the availability of a legislative framework in Cyprus for victims to claim compensation through criminal proceedings or a civil claim. However, the Acting Co-ordinator was not provided with information regarding the number of claims, or the number of victims who received compensation. Moreover, Article 62 of the Anti-trafficking Law provides for the creation of a Victim’s Support Fund under the Ministry of Interior. All proceeds from confiscation of traffickers’ assets, as well as proceeds from sponsorships, contributions, donations and bequests shall be deposited to the Fund. The Acting Co-ordinator notes that to date no compensation has been awarded to victims from traffickers’ confiscated assets, and notes that guaranteeing effective access to compensation, either from the offender or through State funds, was an overarching recommendation of the GRETA’s first and second reports, something which was also echoed by interlocutors during the visit. If implemented, this recommendation would be in full compliance with the obligations of Cyprus with respect to remedies provided under international laws.

Investigation and prosecution of human trafficking

42. Criminal investigations of THB are conducted by the Police Office for Combating Trafficking in Human Beings (Anti-Trafficking Office), which was established under the Ministry of Justice in 2015. The competencies of the Anti-Trafficking Office include investigation of all cases of human trafficking, identification of victims, assistance and guidance to local police departments in regard to issues of human trafficking and exploitation. The role and competences of the Office have expanded further with the addition of six specialized investigators, which increased the number of staff to 12 officers. As stated in paragraph 31, up until very recently, the anti-trafficking police also acted as a first point of contact for front line responders who came into contact with a potential victim of trafficking. However, after observing a decreasing number of victims willing to speak to the police during first contact, the government attempted to better implement the provisions of the Anti-trafficking Law, which designates the SWS as the first point of contact for all victims of trafficking.¹⁷
43. Pursuant to Article 33 of the Anti-trafficking Law, the Attorney General and the Chief of Police shall take the necessary measures to make available to persons, units or services in charge of criminal investigation and prosecution of THB offences,

¹⁶ <https://cyprus-mail.com/2019/03/02/koursoumba-highlights- plight-of-unaccompanied-minors/>

¹⁷ Information provided during the meeting with the Police Office for Combating Trafficking in Human Beings on 11 September 2018

effective investigative tools such as those used against organized crime or other serious crimes. Furthermore, as per Articles 21(1) and 34(7) of the Anti-trafficking Law, prosecution authorities may continue criminal proceedings even if the victim withdraws his or her testimony, or if the victim is repatriated. However, in practice cases are reportedly withdrawn if a victim does not co-operate, or is absent during trials.

44. The Acting Co-ordinator notes a relatively low rate of investigations of human trafficking cases between 2011 and 2014.¹⁸ Whereas, the numbers of investigations under the anti-trafficking legislation subsequently increased and were 31 in 2015, 26 in 2016, 38 in 2017 and 14 in 2018 (until September 2018). While the majority of investigations dealt with cases of sexual exploitation, and to the lesser extent with labour exploitation, the Acting Co-ordinator positively notes that the police also investigated a few cases of trafficking for the purpose of sham marriages and forced begging. The Acting Co-ordinator encourages the consistent deployment of resources to Anti-Trafficking Police Office which operates only with six detectives countrywide. The Acting Co-ordinator recommends that Anti-Trafficking Police Office uses proactive investigations without solely relying on victim testimonies, and to make the best use of special investigative tools, including tapping and surveillance in investigations. Additionally, the Acting Co-ordinator recommends that prosecutors receive additional training on conducting prosecutions without a cooperative victim to enhance the ability of authorities to hold traffickers accountable within the realities of such cases.
45. Nevertheless, the Acting Co-ordinator commends the Anti-trafficking Police Office for a recent police operation conducted against a large anti-trafficking cell, which resulted in the rescue of four trafficking victims and the detention of five offenders, three of whom were police officers complicit in trafficking of women into sexual exploitation in Nicosia.¹⁹ In this regard, the Acting Co-ordinator is pleased to note the enactment of the relevant provision of the Anti-trafficking Law which criminalizes the “abuse of power” including *inter alia* by an officer of any public institution and corruption of public officers (art 18).
46. As regards the prosecution and adjudication of traffickers, at the time of the visit no data was provided on prosecutions and convictions in Cyprus. The Acting Co-ordinator notes the figures provided by available international reports²⁰ which indicate that courts convicted 2 persons in 2013, 9 persons in 2014, 31 persons in 2015, 1 person in 2016, 15 persons in 2017 and 13 persons in 2018. Subsequent to the visit, the Cypriot authorities provided data on convictions which stated the numbers of convictions as follows: 23 in 2013, 18 in 2014, 21 in 2015, 7 in 2016, 23 in 2017 and 18 in 2018. The Acting Co-ordinator further notes that even though the Anti-Trafficking Law provides for severe penalties for human trafficking offences, penalties imposed during the period from 2017 to 2018 show lenient penalties ranging from eight months to five years of imprisonment, which are disproportionate to the gravity of the crime. According to the discussion held in the Supreme Court, acquittals of trafficking offenders are largely a result of the lack of credibility of the

¹⁸ From data available, between 2011-2014 the police investigated 67 cases under anti-trafficking legislation, and 42 under related provisions of the Criminal Code.

¹⁹ <https://cyprus-mail.com/2018/09/11/police-officers-arrested-in-people-trafficking-case/>

²⁰ US TIP Report, GRETA 1st and 2nd round evaluation reports

witnesses and the lack of evidence to prove the act. Furthermore, the length of trials is an issue of concern in criminal proceedings, as trials may last up to two or three years. NGOs mentioned, for instance, the case of a Philippine victim of labour exploitation whose trial has been pending since 2009. While the cases are pending trial, many victims and witnesses return to their countries of origin, which results in the above mentioned acquittals or the withdrawals of cases. In this regard, given that many victims of trafficking are fearful for their safety, uncooperative or transient, the Acting Co-ordinator recommends prioritization of cases and trials involving trafficking in human beings to ensure expeditious resolution of the cases and the optimal presentation of evidence.

47. The UN Convention for Transnational Organized Crime recognizes the fact that victims need assistance and protection beyond their role as witnesses. In other words, there is a requirement to provide support and protection to victims regardless of whether they are witnesses in a case.²¹ Similarly, Article 12 of the CoE Convention on Action against Trafficking in Human Beings requires the adoption of legislative and other measures as may be necessary to ensure that assistance to a victim is not made conditional on his or her willingness to act as a witness. Providing support to victims who do not initially wish to be witnesses may assist in encouraging them to become witnesses at some point during the process. To this end, noting the heavy reliance of criminal proceedings on victim and witness testimony, the Acting Co-ordinator recommends that Cypriot authorities enhance their efforts to effectively prosecute and convict perpetrators of human trafficking by considering other sources of evidence, in addition to the victim testimony, as well as improve victim assistance and protection schemes to secure victim co-operation with the criminal proceedings, including by ensuring residence permits for victims/witnesses.
48. Article 17 of the Anti-trafficking Law criminalizes the use of work or services of trafficking victims if it can be reasonably assumed that the provider is a trafficking victim. The Acting Co-ordinator notes information provided during the meeting with the Law Office that users of the services of victims of trafficked persons are used as witnesses during judicial process. The Acting Co-ordinator notes that this practice can be helpful in cases where victims are uncooperative, however, recommends that authorities, when deciding to prosecute a user or use the person as a witness during court proceedings, take note of the tremendous harm that users can cause to trafficking victims particularly in the context of sexual exploitation. The Acting Co-ordinator also notes that some interlocutors have expressed their concern regarding the difficulty of proving the “reasonable assumption” of a user and have called for a revision of the provision to facilitate more prosecutions. It is therefore crucial to assess the risks associated with such witnesses and assess the credibility of such testimonies.
49. The Acting Co-ordinator is pleased to note that the Parliament of Cyprus, in close consultation with the Government and the civil society organizations, is proceeding to the amendment of Article 17 that criminalizes the users of victim services. The new amendment would criminalize the end-users of services of trafficked persons, the trafficker and also employer of victim, the owner of any establishment where a trafficked person is forced provide services and any person involved in the chain of

²¹ Anti-human trafficking manual for criminal justice practitioners Module 12: Protection and assistance to victim-witnesses in trafficking in persons cases, UNODC, 2009

trafficking, The amendment would further strengthen the protection of victims of trafficking and remove the requirement of a “reasonable assumption” when it comes to sexual exploitation²² This should provide much-needed legal capacity to hold users accountable.

50. While NGOs reported two cases of children identified for labour exploitation and for forced criminality, the authorities reported no cases of trafficking involving children. According to the Anti-Trafficking Police Office, cases of children are primarily investigated under the Law 91(I)/2014 on the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography due to its better protection scheme provided for child victims. The Acting Co-ordinator notes that the Anti-trafficking Law also provides a solid protection scheme, including child friendly interviews (Art 38(2). Video recording and the use of communication technologies for cross examination (Art39 (1)). In this regard, the Acting Co-ordinator notes the findings of the report published by the Hope for Children on “Judicial proceedings in cases of sexual violence against children: the child’s experience”²³, which criticises lengthy judicial proceedings and referral of cases to a police attorney who is not specialized in sexual abuse issues. It also notes courts are not specially designed for children and general preparation of children for trial and conditions remain harmful for children. To this end, the Acting Co-ordinator encourages Cypriot prosecution authorities and judicial bodies to monitor for correct application the relevant provisions of the Anti-trafficking Law in relation to child victim of trafficking, and collect accurate data on cases of trafficking of children, especially for the purposes of sexual and labour exploitation, forced criminality and begging.
51. As regards financial investigation and the confiscation of proceeds of trafficking, the Cyprus Financial Intelligence Unit (MOKAS) was established according to section 54 of the Prevention and Suppression of Money Laundering Activities Law (AML) of 2007. It reports to the Attorney General and is the national agency in charge of receiving, requesting, analysing and disseminating disclosures of Suspicious Transaction Reports (STRs) from entities that are offering financial services. The Agency is composed of financial analysts, police officers, prosecutors and administrative staff. The AML Law provides for mandatory reporting for all financial institutions and liability for no-reporting of STRs. MOKAS interacts with the police regarding the freezing and confiscation of assets. At the time of the visit, MOKAS received information on potential money laundering component of a human trafficking case and will co-operate with the police in investigating the case. According to MOKAS, due to regular training, there is an increase in number of STRs submitted to FIUs. For instance, in the period from January to June 2018, more than 1000 STRs were reported. While the Acting Co-ordinator positively notes the capacity of MOKAS in receiving and analysing the STRs related to AML and financing of terrorism, he notes that MOKAS could not point to any previous collaboration with the police to track financial flows related to human trafficking. He encourages continued efforts to collaborate and is pleased to learn about recent case of human trafficking which will see the first co-operation between MOKAS and police in investigating financial proceeds of traffickers; he kindly requests an update on the progress on the case when available. In this regard, he also recommends that

²² Statement by Cyprus delivered during the General discussion on Trafficking in Women and Girls in the Context of Global Migration, CEDAW, Geneva, 22 February 2019

²³ Judicial Proceedings in cases of sexual violence against children: The Child’s experience”, Cyprus Country Report, June 2016

MOKAS assesses the risks associated with various forms of THB in analysing the STRs as in most predicate offences, which includes money laundering.

52. The Acting Co-ordinator is pleased to note that the “non-punishment principle” is enshrined in Anti trafficking Law (Art 29) which exonerates the trafficked persons from any offences committed as a direct result of being trafficked. The provision specifically refers to offences of illegal entry, illegal residence, illegal employment or employment in breach of conditions of employment as defined in the Aliens and Migration Law. Whereas GRETA reports include examples of the practical application of the principle, the UN Committee on the Elimination of Discrimination against Women reports about instances where victims of trafficking are sometimes arrested, detained and deported for acts committed as a consequence of having been trafficked.²⁴ While positively noting the explicit legal provision on victim’s non-punishment, the Acting Co-ordinator recommends that the Cypriot authorities take appropriate measures, including by training relevant authorities and the judiciary to ensure proper application of the principle in practice.

Prevention of human trafficking

53. The Acting Co-ordinator notes that domestic workers represent one of the largest groups of migrant workers in the country working on temporary contracts. According to a comparative study Cyprus is marked by one of the highest adjusted wage gaps between permanent and temporary employees in Europe.²⁵ Furthermore, according to a recent report, the percentage of employees on temporary contracts in Cyprus reached 14.3% in 2016 (compared to 11.2% in 2008), i.e. 3.1 percentage points above the EU28 average.²⁶ Art 18(7) of the Aliens and Immigration Law (Cap.105), as well as Article 4 of the Aliens and Immigration Law regulate the employment criteria and procedures for employing domestic workers. Sample contracts issued by the Ministry of Interior set the precise terms of employment, wages and working hours.²⁷ The Acting Co-ordinator notes that a domestic worker’s right to work and stay in the country is connected to a specific household and that change of employer is only allowed by exception and shares the concerns expressed in international reports that such restrictions place domestic workers at a social disadvantage and can increase their susceptibility to abuse and exploitation.²⁸
54. Notwithstanding the regulatory framework around domestic workers, available data as well as findings of the visit suggest that trafficking for domestic work occurs in Cyprus. Private recruitment agencies play an essential role in bringing foreign women--mainly from Asian countries--to work in domestic households. The operations of labour recruitment and placement agencies are regulated by the Law 126(I)/2012 which prohibits recruitment agencies from charging fees and requires the agencies to register as a commercial businesses. The agency in breach of the Law may be fined in the amount not exceeding 2500 euros and/or its operation may be

²⁴ Concluding observations on the eighth periodic report of Cyprus, Committee on the Elimination of Discrimination against Women (CEDAW), 20 July 2018

²⁵ Precarious and less well-paid? Wage differences between permanent and fixed-term contracts across the EU countries, Antonio Dias da Silva, Alessandro Turrini, European Commission, Economic Papers 544, February 2015

²⁶ Non-standard employment in Cyprus: Trends and policy responses, Christos Koutsampelas, Cyprus Economic Policy Review, Vol. 12, No. 1 pp. 41-48 (2018)

²⁷ Ibid

²⁸ Trafficking and exploitation in domestic work in Cyprus, Demand AT, June 2016

suspended.²⁹ According to the Commissioner for Administration and Human Rights, while the labour department is responsible to ensure that agencies give information to employees and do not take recruitment fees, only a few recruitment agencies were fined or their licences revoked. Reportedly, the recruitment agencies are the first point of contact for domestic workers facing violations and trying to reach out when they have a problem with the employer. However, stakeholders met during the visit stated that agencies do not take the complaints seriously and usually get into contact with the employer to bring new workers or in some cases switch employees. In this regard, the Acting Co-ordinator highlights the ILO's three basic approaches necessary to regulating recruitment agencies, one of which includes prohibition of recruitment agencies from handling certain categories of workers, such as foreign migrant workers.³⁰ Legislative and policy initiatives should be developed in consultation with businesses and workers' organizations and should comply with the ILO's Private Employment Agencies Convention, No. 181, as well as other relevant standards, and take into account the particular vulnerability of migrant workers to abuse, while striving to put in place measures and initiatives to build their resilience.³¹

55. As reported by the Commissioner for Administration and Human Rights, residence permits are linked to a specific employer and employers must give "a release paper" to an employee without which the domestic worker cannot exit the employment. Reportedly, the incentive to give such a "release paper" is related to the employer's wish to withdraw a deposit put into the bank as required by the regulation. Reportedly, the connection of the residence and work permit to one employer also creates a fear of deportation for migrant workers and serves as a deterrent to report any abuse and exploitation. Thus the situation may contribute to forced tolerance and submission of the migrant worker to exploitative labour and abuse. No information was provided regarding prosecutions of employers during the visit. To this end, the Acting Co-ordinator strongly recommends that Cypriot authorities review and amend the legal framework and policies that can create an environment conducive to exploitation of domestic workers; enforce stricter monitoring over operations of the private recruitment agencies to deter any abuse of the recruitment of migrant workers and curb fraudulent recruitment; enforce penalties as per Article 23 of the Anti-trafficking Law criminalizing legal entities committing offences stipulated under the Law; and apply the relevant provisions of the Anti-Trafficking Law against the employers involved in trafficking and exploitation of domestic workers.
56. Numerous legally and politically binding commitments at the international level direct States to take action to address the demand that fosters all forms of trafficking including both Article 9 of the Palermo Protocol and Article 6 of the Council of Europe Convention, which call for State Parties to adopt legislative or other measures including educational, social and cultural measures to discourage demand; Article 18 of the EU Directive 2011/36/EU which tasks Member States to discourage and reduce the demand; and the OSCE Action Plan for Combating Trafficking in Human Beings which urges countries of destination to take measures to effectively address demand as a key element in their strategies.

²⁹ Response of Cyprus to the OSCE Survey in 2015

³⁰ Model Guidelines on Government measures to prevent trafficking for Labour Exploitation in Supply Chains, OSCE 2018, <<https://www.osce.org/secretariat/371771?download=true>>

³¹ European Directive 2008/104/EC on Temporary Agency Work

57. Trafficking in human beings is a crime driven by demand that must be addressed to eradicate the crime. For example, high demand for cheap labour in the construction, tourism and agricultural industries can fuel human trafficking. Additionally, demand plays a strong role in fostering trafficking for sexual exploitation. According to the Comparative Report published by the Immigrant Council of Ireland which examines measures to address demand for the purchase of sex from victims of human trafficking in six EU Member States, notes that cabarets, nightclubs, bars, private apartments and massage parlour owners have become a location for the exploitation of thousands of trafficked women in prostitution.³² In this regard, the Acting Co-ordinator encourages that Cyprus to ensure fulfilment of their international commitments, and to increase and support prevention efforts by addressing on the demand that fosters all forms of trafficking³³, including by adopting legislative, educational, cultural and social measures to discourage demand.
58. The Acting Co-ordinator notes the continued efforts of the authorities of Cyprus to prevent trafficking in human beings, in particular for sexual exploitation. While public awareness activities have mostly targeted prevention of trafficking for sexual exploitation, according to various interlocutors met during the visit, construction, farming and agricultural sectors face a high risk of human trafficking and forced labour, and would benefit from increase awareness efforts. In April 2018, representatives of trade unions in Cyprus called on the government to toughen its response to illegal employment and undeclared work where forced labour and exploitation of migrants is occurring.³⁴ According to information provided during the visit, authorities have recently introduced a new measure that would require foreign labourers to sign a contract before entering Cyprus. The new measure will first be piloted in the agricultural sector, which involves a large number of EU and third country nationals, and is planned to be expanded to other sectors. It is aimed at preventing undeclared work and fraudulent recruitment of migrant workers.³⁵
59. In April 2017, a ministerial decision reorganized the inspection service and established the Labour Inspectorate Service under the Ministry of Labour, Welfare and Social Insurance. The mandate of the labour inspectorate expanded to allow for inspection and monitoring of various work places based on an annual inspection programme developed and approved in advance. In 2009, the government established a hotline to report on undeclared work of violation of labour rights. Labour inspectors can also conduct inspections without notification where complaints are made by an employee. According to the labour inspectorate, in recent years, the inspectorate focused on undeclared work. As a result undeclared work decreased to 14.5% in 2018 from 25% in 2010. The Acting Co-ordinator reiterates the crucial role of labour inspectors in providing regular inspection of work places, as well as the benefits of joint operations and investigations with other relevant agencies and recommends that Cypriot authorities provide regular training to labour inspectors to facilitate identification of labour exploitation.

³² Comparative Report: Disrupt Demand, Immigrant Council of Ireland, 2018 available at <https://www.immigrantcouncil.ie/sites/default/files/2018-11/ICI%20AntiTrafficking%20Report2018-A4-WEBSITE-FA.pdf>

³³ Ministerial Declaration on Combating All Forms of Human Trafficking. MC/DOC/11/Corr.1

³⁴ <https://cyprus-mail.com/2018/04/04/labour-exploitation-now-predominant-form-trafficking-cyprus/> accessed on 27 November 2018

³⁵ Information provided by the Department for Labour Inspection on 11 September 2018

60. According to the IOM World Migration Report 2018, Cyprus is among the countries through which 390,000 people arrived in Europe through the Mediterranean region by both land and sea in 2016. Cyprus has seen an increase of flows to the island in 2018.³⁶ According to the website of the Asylum Service and latest media reports, in 2018 Cyprus received 5096 applications for asylum, which is a 55% increase from 2017. According to the UNHCR, asylum-seekers in Cyprus are allowed and encouraged to access the labour market six months after lodging their asylum application which is a good practice as it may alleviate the risk of this vulnerable group to fall prey to traffickers. However, their access to employment opportunities is limited to certain sectors, based on 2008 administrative regulations. Those sectors are considered unattractive to the local population and often offer low pay.³⁷ In 2013, the government introduced a new asylum support system in the form of a voucher to be provided to asylum seekers in Cyprus as opposed to cash. The vouchers are redeemable in certain stores only. While the system was introduced to cover the “basic needs” of asylum seekers, some interlocutors met during the visit are of the opinion that individuals are more prone to exploitation with those vouchers and many asylum seekers reportedly sell their food vouchers to get cash.
61. The Refugee Law prohibits the detention of all asylum seeking children. However, interlocutors met during the visit expressed concern over lack of an identification mechanism to identify victims among unaccompanied children. In this regard, the Acting Co-ordinator is pleased to share the report of the OSR/CTHB “From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows” which provides useful guidance to facilitate effective identification and referral of adult and child victims of trafficking in mixed migration flows.³⁸
62. The Kofinou Centre has the capacity to accommodate 400 asylum seekers and was hosting 270 residents at the time of the visit. A screening process has been established by the Asylum Service to identify victims of trafficking. Upon entry to the centre, asylum seekers undergo screening to examine vulnerabilities by qualified staff. In the presence of indicators of THB, with the consent of the asylum seeker, a competent asylum officer interviews the person. If, during the interview, there appear reasonable grounds to believe that the asylum seeker may be a victim, the person should be referred to SWS under the enacted laws. However, in practice such cases are usually referred to the Police Office for Combating Trafficking in Human Beings for the reasons mention in paragraph 31.³⁹ The Acting Co-ordinator commends the work of the Kofinou Centre in relation to its anti-trafficking work and welcomes the innovative initiative of the director of the Kofinou Centre in collaborating with the private companies to facilitate employment for asylum seekers. While acknowledging the continuous efforts of Cypriot authorities to address the increasing number of migration to the country, the Acting Co-ordinator recommends that central authorities in Cyprus improve measures to prevent any exploitation and abuse of vulnerable groups including among asylum seekers and persons with irregular status by allowing asylum seekers access to wider labour market and ensuring decent and equal pay.

³⁶ <https://www.euronews.com/2018/09/09/cyprus-struggles-with-increased-influx-of-asylum-seekers>

³⁷ Living Conditions of Asylum Seekers Report, UNCHR, 2018 < <https://www.unhcr.org/cy/wp-content/uploads/sites/41/2018/05/LivingConditionsofAsylumSeekersReport.pdf>>

³⁸ From Reception to Recognition: Identifying and Protecting Human Trafficking Victims in Mixed Migration Flows, OSR/CTHB, 2017

³⁹ Information provided by the Asylum Office on 11 September 2018

63. In conclusion, while positively noting the commitment and numerous steps taken in the prevention and countering of trafficking by the Cyprus Government, the Acting Co-ordinator encourages the authorities to continue their efforts and invites them to consider the following recommendations to enhance the implementation of OSCE anti-trafficking commitments, in particular the OSCE Action Plan to Combat Trafficking in Human Beings and its Addendums⁴⁰. The Acting Co-ordinator and the Office of the OSCE Special Representative for Combating Trafficking in Human Beings stand ready to provide technical assistance, if requested, by national and local authorities, as well as civil society, and welcome further dialogue and co-operation to promote an appropriate follow-up of these recommendations.

Recommendations

1. Enhance legal, policy and institutional framework by:

- Ratifying ILO Convention 189 concerning Decent Work for Domestic Workers.
- Ratifying the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.
- Urgently improving the value and effectiveness of the Multi-disciplinary Co-ordinating Group by ensuring implementation of the MCG's responsibilities, including conducting regular meetings so that it can serve as a platform for co-ordination, exchange of data, and discussion of current and emerging issues of human trafficking in the country.
- Establishing thematic working groups within the MCG to further enhance its work and contribute to better identification of emerging trends and forms of human trafficking and improve referral and assistance to victims of human trafficking.
- Developing annual public reports of the MCG drawing up the progress made and recommendations to strengthen action where necessary agreed by the MCG.
- Developing the next National Action Plan (NAP) in close consultation and co-operation with the members of the MCG and the civil society, based on solid, empirical evidence of THB in Cyprus and the impact of measures previously taken, as well as on an analysis of the specific challenges that must be met in order to enhance the effectiveness of the country's response. The new NAP should also include a clear time-line and responsible agency (agencies) for implementation of each action.
- Improving monitoring and evaluation of anti-trafficking action by further supporting the newly enforced mandate of the Commissioner for Administration and Human Rights (Ombudsman) to act as country's national rapporteur.

⁴⁰ OSCE Permanent Council, Decision No. 557/Rev.1 *OSCE Action Plan to Combat Trafficking in Human Beings* (Vienna, 7 July 2005); OSCE Permanent Council, Decision No. 1107 *Addendum to the OSCE Action Plan to Combat Trafficking in Human Beings: One Decade Later* (Vienna, 6 December 2013).

- Establishing a unified database with due regard to the confidentiality of data, and where possible, to disaggregate statistics by sex, age, forms of exploitation and other relevant factors as appropriate. In addition, this database should include compatible criteria for data collection, elaboration and reporting, which are critical for the development and review of anti-trafficking policies.

- Ensuring that children identified as trafficked persons are included in human trafficking statistics so as to correctly assess the scale and causes of child trafficking in the country, as well as develop targeted mechanisms and action for prevention and protection purposes.

2. Enhance victim identification, assistance and protection by:

- Urgently improve victim identification, outreach, and referral for assistance and support mechanisms by proper implementation of the mandated tasks and responsibilities of the SWS, and where necessary by allocating increased resources, both human and financial, and by conducting regular and systematic training of all relevant SWS officials competent for identification and assistance of presumed or identified victims of human trafficking.

- Enhancing concrete measures to identify victims of sexual and labour exploitation in brothels, cabarets and entertainment facilities and enhancing the focus on trafficking for forced criminality and forced begging, in particular of children, and trafficking and exploitation of foreign women in domestic work.

- Placing increased attention on child trafficking for various exploitative purposes with a view to developing targeted responses. In line with the relevant OSCE Ministerial Council Decisions and the recommendations proposed in the recently published report of the OSR CTHB on “Child Trafficking and Child Protection”⁴¹, strengthening the current system of child protection and the overall child protection strategy, and tackling all forms of exploitation of children; and prioritizing care and protective measures for children in reception and temporary protection centres.

- Urgently enhancing the focus on trafficking of foreign women for the purpose of domestic work by regulating and monitoring the recruitment mechanisms of domestic workers and their working conditions to prevent abuses and exploitation.⁴²

- Developing formal identification and referral procedure for children in asylum procedure to ensure the child are provided with early intervention and assistance in case of reasonable grounds that child has been the victim of trafficking.

- Assessing the procedures and effectiveness of Guaranteed Minimum Income and enhancing concrete measures to foster victims’ easy access to it.

- Providing equal opportunities for assistance for male and female victims of trafficking and establishing safe accommodation for male victims of trafficking including by allocating

⁴¹ Available at <https://www.osce.org/secretariat/405095>

⁴² [Handbook on how to prevent human trafficking for domestic servitude in diplomatic households and protect private domestic workers](#), OSCE, 2014

sustainable financial resources to civil society organizations which provide assistance and support services to trafficked persons.

- Enhancing concrete measures to foster early access of victims to free legal assistance and representation, as well as developing simple and effective procedures to enable trafficked persons' access to compensation, including by revising the depository Victim Support Fund.

- Providing temporary residence permits to trafficked persons to claim compensation for pecuniary and non-pecuniary damages caused as a direct result of trafficking.

- Supporting the delivery of specific training for lawyers representing victims of trafficking on human trafficking.

3. Enhance the criminal justice response to all forms of human trafficking by:

- Prioritizing proactive investigations and prosecutions without solely relying on victim testimonies, as well as by making the best use of special investigative tools, including wiretapping, surveillance and undercover operations and developing capacity building activities for investigators and prosecutors to advance the victimless investigations.

- Investigating all allegations or suspicions of trafficking of children under Articles 10-11 of the Anti-Trafficking Law (Law 60(I)/2014) including in temporary protection centres and reception facilities with due diligence. It is essential to ensure that the best interests of the child are the primary consideration in all actions, including those urged by immigration policy.⁴³

- Enhancing the efforts to effectively prosecute and convict perpetrators of human trafficking by considering other sources of evidence, in addition to victim testimony, by improving assistance and support to victims to secure victim co-operation with the criminal proceedings.

- Prioritizing cases and trials involving trafficking in human beings to ensure expeditious resolution of the cases and the optimal presentation of evidence.

- Evaluating the practical value of Article 17 of the Anti-Trafficking Law ((Law 60(I)/2014) to hold users of services of trafficked persons accountable and consider adoption of the amendments proposed by Parliament, as appropriate.

- Making the best use of relevant provisions of the Anti-Trafficking Law in examining cases of child trafficking in criminal proceedings which provides for prompt interviewing of a child with a view to the child's best interests.

⁴³ Ministerial Council Decision No. 7/17 Strengthening efforts to combat all forms of child trafficking, including for sexual exploitation, as well as other forms of sexual exploitation of children, MC.DEC/7/17; Ministerial Council Decision No 6./ 18 Strengthening efforts to prevent and combat child trafficking, including of unaccompanied minors, MC DEC/6/18

- Ensuring the principle of non-punishment of victims is effectively implemented in practice in accordance with Article 29 of the Anti-trafficking Law.

- Developing collaborations between MOKAS and anti-trafficking police with a view of conducting financial investigation *inter alia* through assessing the risks associated with various forms of THB in analysing the STRs as in most predicate offences, which includes money laundering.

4. Enhance prevention of human trafficking by:

- Conducting targeted qualitative research to analyse features and trends of the phenomenon of trafficking for forced criminality, forced labour and trafficking of children for the purpose of sexual exploitation, forced marriage and begging.

- Reviewing and consider amending the legal framework and policies that create conducive environment for exploitation of domestic workers, including by enforcing stricter monitoring over operations of private recruitment agencies to deter any abuse of the recruitment of migrants and curb fraudulent recruitment.

- Enforcing the penalties prescribed by Article 23 of the Anti-Trafficking Law criminalizing legal entities committing offences and applying relevant provisions of the Law to hold employers accountable for violating the rights of migrant workers.

- Increasing and supporting prevention efforts by focusing on the demand that fosters all forms of trafficking and the good and services that result from trafficking in persons, including adoption of appropriate legislative, educational, cultural and social measures to discourage demand and by closely monitoring the tourism industry to prevent exploitation of foreign women in entertainment industry.

- Take preventive measures aimed at eradicating deceptive and exploitative practices regarding the recruitment of migrant workers in sectors which are prone to exploitation through providing regular inspection of work places as well as using joint operations and investigations with other relevant agencies.

- Conducting training for the staff of temporary protection centres and reception facilities, in particular, social workers and law enforcement officials working in these facilities on how to detect indicators of abuse and exploitation and to refer presumed victims for assistance to service providers.

- Developing policies, in complementarity with national legislation, that take into account whether businesses are taking appropriate and effective steps to address the risks of human trafficking in their supply chains, including with regards to their subcontractors and employees.

- Enhancing public procurement provisions consistent with OSCE MC Decision 06/17 Strengthening efforts to prevent trafficking in human beings⁴⁴ and OSCE Model Guidelines on Government Measures to Prevent Trafficking for Labour Exploitation in Supply Chains.⁴⁵

⁴⁴ Decision No,6/2017, MC.DEC/6/17

⁴⁵ <https://www.osce.org/secretariat/371771>

APPENDIX I

Programme of the visit	
Monday, 10 September	
09:00-09:30	Meeting with the UN Special Representative of the Secretary General on Cyprus
09:30-11:00	Participation in the parliamentary hearing on human trafficking, Committee on Human Rights
11:00-13:00	Meeting with anti-trafficking NGOs <i>Mediterranean Institute of Gender Studies</i> <i>Domestic Workers Association</i> <i>Cyprus Stop Trafficking</i> <i>Cyprus Refugee Council</i> <i>Movement for Equality, Support and Antiracism (KISA)</i> <i>Caritas Cyprus</i>
13:00-13:30	<i>Lunch</i>
13:30-15:00	Meeting with the Ministry of Interior – National Co-ordinator for Combating Trafficking in Persons
15:30-16:45	Meeting with the US Embassy (short courtesy call with Ambassador Doherty followed with the discussions with Political officers)
17:00-18:00	Meeting with International organizations UNFICYP, Heads of IOM and UNHCR
Tuesday, 11 September	
08:00-09:00	Meeting with the Anti-trafficking unit, Ministry of Justice and Public Order
09:00-09:30	Meeting with the Commissioner for Equality, Equality Unit and the National Machinery for Women’s Rights
09:45-10:30	Meeting with the Department of Labour and Department of Labour Relations, Ministry of Labour, Welfare and of Social Insurances
10:30-11:30	Meeting with the Social Welfare Services, Ministry of Labour, Welfare and of Social Insurances
11:45-12:30	Visit to the Shelter for women victims of sexual exploitation (TBC)
12:30-13:00	<i>Lunch</i>
13:15-14:30	Meeting with the Asylum Service and visit to the Kofinou Reception Centre

15:00-16:00	Meeting with the Commissioner for Rights of the Child
17:00-18:00	Meeting with the Bar Association
Wednesday, 12 September	
08:30-09:30	Meeting with the Law Office and Prosecutor's Office
09:30-10:30	Meeting with the Financial Intelligence Unit
11:00-12:00	Meeting with the High Court
12:30-13:30	Meeting with the Commissioner for Administration and Human Rights (Ombudsman)

APPENDIX II

Comments of Cyprus to the Report of the OSCE Acting Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey, following his visit to Cyprus 10-12 September 2019 (received on 3 May 2019)

Comment to para 20

Regarding the comment that the Acting Coordinator noted with regret that the MCG reportedly met only once in two years prior to the visit, it is noted that, while indeed the Anti-Trafficking Law (Art. 65) prescribes that the MCG shall meet at least three times a year, the last three years the Group has met four times. This, however, has not impeded the work of the Group, as its members have been in regular and continuous communication/ collaboration on trafficking related matters.

Furthermore, in the Report it is noted that, “in spite of the inclusion of two additional NGOs and a representative of the Union of Cyprus’s municipalities to the MCG in 2017, by 2018 three out of four NGOs in the MCG withdrew their membership citing insignificant and unsubstantial roles given to the NGOs within the Group, and the infrequency of meetings”. On this point it must be noted that, regarding the specific period, the Multidisciplinary Coordinating Group (MCG) was working toward the evaluation of the National Action Plan 2016-2018. In this context, it was evident that the contribution of the NGOs was rather limited, given the implemented actions. Thus, the MCG proposed a legislative amendment for the redefinition of the role and competencies of the MCG, so as to ensure that all involved authorities would bear the core responsibility of implementing actions related to their competencies. This proposed amendment had taken into account the objections and strong reactions of the NGOs that participated in the Multidisciplinary Coordinating Group, for the difficulty in actually implementing actions by the Group. According to the NGOs, the main reason that led to the withdrawal of certain NGOs from the Group was their insignificant and unsubstantial role. It should, however, be noted that the two of the three NGOs that left the MCG did not actually meet the conditions to re-apply as members of the Group. Furthermore, the National Coordinator met with the third NGO and discussed its concerns and, as a result, the specific NGO is again a member of the MCG.

Also, it must be noted that, during the last meeting of the MCG in 2018, the Multidisciplinary Coordinating Group, following a call for interest, welcomed four NGOs as its new members for a period of two years.

Regarding the establishment of thematic working groups within the Coordination Group, this is a practice that is already being implemented with the establishment of the sub-group/thematic group for the support and housing of victims, where the members meet to discuss the measures to be taken for the solution of the recorded problems.

Comment to para 21

Regarding the above comment that “whilst the development of a new NAP (2018-2021) is currently underway by the Secretariat of the MCG, neither members of the MCG nor civil society organizations have been consulted in the process”, it has to be noted that the members of the MCG, at the meeting held on 19.9.2018, evaluated the current Action Plan and were asked to submit proposals for actions to be included in the new Action Plan 2019-2021 to the National Coordinator.

In relevance to the Interim Evaluation of Action Plan 2016-2018, the Ministry of Interior informed the members of the MCG about the progress of the actions, on the basis of the information provided by the Services involved, on the meeting of the MCG held on 20.9.2017. Regarding the final evaluation of the NAP (2016-2018), it was discussed at the MCG meeting on 19.9.2018.

Comment to para 24

General comment: The lack of statistics is mentioned in many parts of the report. In particular, paragraph 24 states that there is a lack of comprehensive data collection of trafficking cases including the number of identified and assisted victims of trafficking. Although it is a fact that there is not a unified data collection system in the Republic, most of the required data is available by the competent Departments.

A comprehensive database has been installed at the Office of Combating Trafficking in Human Beings of the Police (OOCTHB), where statistical data is recorded and analyzed. The statistical data refers to criminal cases and in particular, cases under investigation, prosecution or under trial. Moreover, the data refers to the classification of the cases, the outcome of the criminal proceedings, as well as information about the number of the persons involved.

Data on victims is also maintained. This data includes the number of possible victims, the number of interviews carried out with each of the victims and the number of identified victims. This data is disaggregated by nationality, age and type of exploitation.

Moreover, the data includes the residence address, the employment address and other relevant information, as well as the residence permits granted to the victims. The OOCTHB provided the representatives of OSCE with statistical data for the years 2016 and 2017, during the meeting at the Ministry of Justice and Public Order, in the framework of their visit in Cyprus.

Comment to para 26

The number of victims for the year 2016 is 44 and not 21 as mentioned in the report and for the year 2018, 41. This information shows that there is no reduction in the identification numbers as mentioned. On the contrary, the numbers remain stable over the years.

Comment to para 27

As regards to labor exploitation, the number of the identified victims for the year 2017 was not 4 as mentioned in the report, but 6. In 2018 the overall number of the victims of labour exploitation was 15. As regards the year 2016, which is not mentioned in the report, the identified victims of labour exploitation were 4. The reason that this number is low is that in year 2016 there was an upsurge in the cases of trafficking for criminal activities (forced marriages) out of which 22 victims were identified.

Comment to para 29

The phenomenon of forced begging is not so widespread in Cyprus. It occurs during the Christmas and Easter holidays or rarely. The victims belong to a specific community of EU nationals from Romania and Bulgaria and they are transported to Cyprus during these periods of the year. Two cases of forced begging were investigated in 2015, 1 in 2017 and 1 in 2018. As regards the cases which fall under the forced criminality, 1 was investigated in 2014, 1 in 2015, 8 in 2016, 1 in 2017 and 1 in 2018.

Comment to para 30

The identification of trafficked victims in domestic work is indeed difficult, because this crime is committed behind closed doors. However, over the years relevant expertise has developed and officials are able to identify the existence of indications of victimization. The identified victims of labour exploitation in 2010 were 18, 11 in 2011, 19 in 2012, 11 in 2013, 22 in 2014, 30 in 2015, 4 in 2016, 6 in 2017 and 15 in 2018.

It should be noted that the Republic of Cyprus, in its efforts to strengthen protection for domestic workers, set into force, in 2018, a new contract for domestic workers. In the new contract, any outdated references were eliminated and all the rights as well as the obligations of the domestic workers and the employers are written in a clearer and more understandable way. In the new contract, special attention has been paid in listing/ clarifying all the ways with which the employment contract can be terminated, both by the employer and the employee. Also, a new release paper has been set into force, which reflects the provisions of the revised contract.

Also, during the same period, certain policy changes took place upon decisions of the competent Ministerial Committee for Employment of third country nationals. The revised policy provides domestic workers greater flexibility to change employers and lifts restrictions as to the duration of employment with the same employer. This decreases the employment insecurity and contributes to the overall empowerment of the domestic workers.

Comment to para 31

The finding that “the full institutionalization of identification procedures mandated by articles 44 and 45 remains unrealized” does not find the Republic in agreement. The National Referral Mechanism that was established in 2016 provides appropriate guidance and standard operating procedures for handling victims and potential victims of human trafficking (including identifying and referring victims to services), so that victims and potential victims have access to their rights. All authorities and organizations involved with dealing with (presumed) victims have been informed and trained on the Mechanism for a more effective outcome.

According to the National legislation and the National Referral Mechanism, the initial briefing on their rights as victims is given by the Social Welfare Services, such as the organizations that can provide support to them, the kind of support they are entitled to, the identification process, the conditions and procedure of protection measures, the conditions for legal advice and who provides that advice, the option of applying for international protection, and the compensation procedure. More specifically, the Social Welfare Services provide information to victims concerning their rights and access to services and the necessary support as long as required (e.g. government shelter, networking with other services, etc.). Also, an evaluation assessment is performed to identify their needs in order to refer them to the appropriate departments/services and/or NGOs for further assistance.

The Police and specifically the Office of Combating Trafficking in Human Beings (OCTHB) informs the victims of their rights in regards to the relevant judicial and administrative proceedings upon the first contact they have with the (presumed) victim, after being referred from the Social Welfare Services. The information is given orally, in the native language of the victim, by using the services of interpreters.

Moreover, the Social Welfare Services, as a first responded authority, in consultation and cooperation with other members of the Multidisciplinary Coordinating Group, have developed a standard referral form, which has been introduced in early 2019, to improve the identification and referral procedures of potential victims of trafficking and exploitation into the National Referral Mechanism.

Comment to para 34

The Social Welfare Services as a first respondent authority adequately fulfil their obligations to provide and co-ordinate assistance to trafficking victims under the relevant Law. In 2018 the Social Welfare Services received 111 referrals of (presumed) victims by governmental and non-governmental organizations, of which 69 victims were accommodated at the government shelter. In addition, 58 victims were discharged from the shelter and, in cooperation with NGOs, a number of victims were referred to care facilities operated by NGOs and others were provided with a rent allowance to cover the cost of accommodation of their choice. Also, all victims of trafficking were assisted and supported by the Social Welfare Services in learning their rights and referred to the Ministry of Health for mental and psychological assessment, to the Public Employment Services for access to their labour market, as well as to NGOs for housing and other support services.

Victims receive the services and benefits as specified in the anti-trafficking Law. They receive immediate financial support, psychological and social care and assistance, including housing if it's required, during working hours or outside the business hours. It is important to mention that the Social Welfare Services are operating an on-call system after the business hours and during the weekend. Social Welfare Officers who are in stand-by duty manage effectively any referral involving victim of trafficking or exploitation, provide immediate support and accommodation as a standard procedure. In 2018, the Social Welfare Services granted the total amount of €25.000 to victims of trafficking for immediate financial support (Article 11 of the Guaranteed Minimum Income Law) and the Welfare Benefits Administration Service granted the total amount of €213.424 in guaranteed minimum income to (40) families of victims of trafficking.

Moreover, the Memorandum of Understanding with the NGO "Cyprus Stop Trafficking" has not been terminated. The Social Welfare Services continue to cooperate with "Cyprus Stop Trafficking" in the context of the Memorandum. Within this framework, financial support of €55.000 for 2018 was granted to "Cyprus Stop Trafficking" for the run-shelter and to accommodate victims in apartments. As a result of this cooperation, the NGO "Cyprus Stop Trafficking" has recently (January 2019) started to operate a counselling centre for young mothers who are victims of trafficking.

The Social Welfare Officers are adequately trained to provide the necessary assistance, support and counselling to victims of trafficking. First-line officers are trained for early detection and referral of cases of trafficking and exploitation of persons.

During 2018, Social Welfare Officers have attended the following seminars related to victims of trafficking:

- Within the framework of the collaboration between the Social Welfare Services and the Mental Health Services of the Ministry of Health, which began in February 2017, two Clinical Psychologists carry out meetings with the staff working in the Shelter (approximately seven people), on a monthly basis. During the meetings, guidance is provided to the staff, enabling them to support and deal effectively with crisis incidents.
- 08/10/2018-10/10/2018: A Principal Officer attended a two-day study seminar in Barcelona on the support for victims of crime: Transnational Exchange of strategies and approaches.
- 30/10/2018-31/10/2018: One Social Welfare Officer attended a seminar in Spain on the issue of combatting trafficking in women and girls for the purpose of sexual exploitation.

- 13/11/2018-14/11/2018: The Social Welfare Services in cooperation with the voluntary Organization A21 of Greece organized a two-day seminar in Cyprus for trafficking and exploitation of persons for front line officers and institutional (shelter) officers in order to be proactive in recognizing and assisting victims.

Comment to para 35

It should be mentioned that the Ministry of Labour, Welfare and Social Service has instructed the Welfare Benefits Administration Service to proceed with the examination of the applications of victims of trafficking for guaranteed minimum income promptly and without unnecessary delays.

Upon submitting an application for Guaranteed Minimum Income and during the process of evaluating the application, the Social Welfare Services provide emergency financial assistance to victims to cover their basic needs.

Comment to para 37

The Director of the Social Welfare Services acts as a guardian of the unaccompanied minors, in order to safeguard access to their rights. The Director assigns Social Services Officers to be responsible for unaccompanied minors. During the interview of an unaccompanied minor in the Asylum Service, within the framework of the asylum examination procedure, the Social Services Officer accompanies the unaccompanied minor and safeguards the rights of the child during the interview. In cases where the minor should need legal representation (i.e. during court proceedings) the Social Welfare Services cooperates with the Commissioner of the Rights of the Child, in order for the Commissioner to legally represent the minor.

Comment to para 38

The Director of the Social Welfare Services acts as a guardian of the unaccompanied minors, in order to safeguard access to their rights. The Director assigns Social Services Officers to be responsible for unaccompanied minors. During the interview of an unaccompanied minor in the Asylum Service, within the framework of the asylum examination procedure, the Social Services Officer accompanies the unaccompanied minor and safeguards the rights of the child during the interview. In cases where the minor should need legal representation (i.e. during court proceedings) the Social Welfare Services cooperates with the Commissioner of the Rights of the Child, in order for the Commissioner to legally represent the minor.

Comment to para 39

The Social Welfare Services ensure that safe and suitable accommodation is provided for all victims of trafficking.

There is no difference to the services provided to male and female victims of trafficking, except the temporary accommodation to the Governmental shelter for female victims of trafficking for sexual exploitation.

The Government provides a rent subsidy and a monthly allowance for female sex trafficking victims who choose not to stay at the shelter, as well as to female labour trafficking victims and all male victims. Also the Government partnered with NGOs to provide apartments to all victims.

Trafficking victims have the right to apply for Guaranteed Minimum Income which includes rent allowance. Social Welfare Services also provide emergency financial assistance to cover basic needs and accommodation if needed.

Comment to para 40

In cases where there is a conflict of interest between the minor and his/her parents or legal guardian or he/she is an unaccompanied minor, the minor is represented by the Social Welfare Services in cooperation with the Commissioner of the Rights of the Child, who undertakes the legal representation of the minor [articles 41, 46, 49 and 50 of the L. 61(I)/2014].

Comment to para 41

The anti-trafficking legislation [L.60(I)/2014] provides for the setting up of a Victim's support fund, which shall be under the control and supervision of the Ministry of the Interior. To this end, the Ministry of Interior has created a budget line dedicated for this purpose, in which it has allocated state funds. The Ministry is still examining different practices of providing state compensation to victims of trafficking and will amend the legislation accordingly, should this be deemed necessary. For this purpose, practises of other EU Member States will be examined. So far, compensation has been provided in the form of purchasing airfare tickets for returning to Cyprus, for victims who wished to return and had already departed for their country of origin.

Comment to para 42

It has to be clarified that the OoCTHB was established in 2004 as a coordinating office. In 2015 the role of the Office was upgraded by a decision of the Chief of the Police. At that time, 4 experienced investigators were transferred to the office so as to undertake the investigation of the trafficking cases throughout the country. The Ministry of Justice and Public Order, in order to facilitate the documentation of cases of sexual exploitation, prepared a draft bill for the amendment of the Law 60 (I)/2014. The draft bill provides for specific presumptions which can be used for the documentation of cases of sexual exploitation and which can be refuted only by different testimony. In addition, this bill amends article 31 of the above mentioned Law, so that the examination and cross-examination of a foreign victim who intends to leave the Republic permanently is carried out and completed before the Court, as a matter of priority and, in any case, prior to his/ her departure from Cyprus.

Comment to para 44

In order to facilitate the documentation of cases of sexual exploitation, a draft bill for the amendment of the Law 60 (I)/2014 has been recently prepared and submitted to the Legal Service for legal vetting. The draft bill provides for specific presumptions which can be used for the documentation of cases of sexual exploitation and which can be refuted only by different testimony. In addition, this bill amends article 31 of the above mentioned Law, so that the examination and cross-examination of a foreign victim who intends to leave the Republic permanently is carried out and completed before the Court, as a matter of priority and, in any case, prior to his/ her departure from Cyprus.

Recently, the Ministry of Justice and Public Order, in cooperation with the Cyprus Police, assigned to the University of Cyprus, through the procedure of tender, the conduct of a research to identify gaps in the process of investigating and presenting cases of human trafficking before the Court. This was one of the actions included in the National Action Plan against Trafficking in Human Beings. The University of Cyprus conducted the research and submitted it to the Ministry of Justice and Public Order at the end of December 2018. The Ministry of Justice and Public Order intends to use the results of the research and the suggestions of the University of Cyprus, in order to elaborate new procedures and mechanisms with the aim of significantly improving the results of presenting cases before Courts.

Comment to para 46

As it has been already mentioned, the statistical data concerning the prosecutions and convictions are also kept by the OOC THB of the Police. The figures presented in the report do not fully comply with the data kept by the OOC THB. In 2013 - 23 persons were convicted, in 2014 - 18 persons, in 2015 - 21 persons, in 2016 - 7 persons, in 2017 - 23 persons and in 2018 - 18 persons.

As regards the case referring to a victim from the Philippines, no case is currently pending before the court with this description. All cases involving victims of labour exploitation from the Philippines have been completed before the court.

Concerning the length of trials, as it is mentioned above, a draft bill, which has been submitted to the Legal Service for legal vetting, provides, among others, that the examination and cross-examination of a foreign victim who intends to leave the Republic permanently is carried out and completed before the Court, as a matter of priority and, in any case, prior to his/ her departure from Cyprus.

Comment to para 47

It should be clarified that residence permits are granted to all identified victims of trafficking.

Comment to para 52

The non-punishment clause is widely used by the Authorities in Cyprus, a fact that has been noted by GRETA. No victim has been detained, or deported. Identified victims of trafficking are protected from deportation, according to the anti-trafficking legislation. On the contrary, illegal immigrants who are arrested and detained for deportation are released when there are reasonable grounds to believe that they are victims of trafficking.

Upon release, the Migration Department settles their residence status, granting them special residence and employment permits, renewable annually, until the completion of the trial proceedings.

Every person in detention receives the information and details of organizations that can come in contact with, thus they can get in contact with an NGO requesting assistance, or they can report their case or complaint to any Government authority.

The national legislation ensures that victims are protected from penalization for any unlawful activities that were result of their victimization in the THB process and were compelled by the traffickers to engage in those activities. The same article of the legislation provides that third country nationals who unlawfully enter, and/or reside, and/or work in the country are not prosecuted for those unlawful acts if they were the result of their victimization. In addition, if it is revealed during the trial of the case against a victim for an offence that the actions were related to the state of victimization, the proceedings are either suspended or concluded with no penalty imposed on the victim of trafficking even if found guilty. In the period of 2015 -2018, nine cases of victims of trafficking were not prosecuted for offences they had committed as a result of their victimization.

The first example is a woman, an EU national, who was forced to perform a fictitious marriage with a third country national after she was deceived on the purpose of her arrival in Cyprus. She was told at first that she would come to work and then they revealed to her that the real reason was to get married in exchange for money. She agreed to perform the marriage because of her difficult economic situation, therefore violating articles of the criminal code. The marriage was performed and she was given a certain amount of money but her personal documents were withheld by the supposed husband until he was able to obtain a residence visa. She reported the case to the police, she was recognised as a victim of trafficking, the case has been brought before the court, and there was a conviction for both of the defendants.

Another example is a man, who was a third country national, brought to Cyprus to work. The employer did not arrange for his working visa, and neither gave him a contract to sign. The third country national went to the immigration department to file a complaint against his employer, and after conducting a preliminary check was found that he overstayed his entry visa without ever having a residence and working visa. Instead of arresting him for those offences, he was referred to the OoCTHB, he was recognised as a victim of trafficking, he filed an official complaint against his employer, and the case is pending trial before the court.

A third example is a woman who was arrested for concealing giving birth to a dead child and was referred to the OoCTHB after being detained. Following the referral, she was interviewed and was transferred to the governmental shelter as a victim of trafficking for the purpose of sexual exploitation. The case that was pending against her was suspended. Moreover, previous cases concerning domestic violence that she was involved in, have been reviewed by the OoCTHB and was suggested that she would not be prosecuted for those offences either, due to the fact that her passive behaviour towards her children was a result of the exploitation and abuse she was experiencing by her spouse and father of her children.

Comment to para 53

Change of employer is not only allowed by exception. The matter was regularized by decisions of the competent Ministerial Committee for Employment of third country nationals. Additionally, as already mentioned in §30, the competent Ministerial Committee has recently revised the policy for domestic workers, providing domestic workers greater flexibility in changing employers and lifting restrictions as to the duration of employment with the same employer. This decreases the employment insecurity and contributes to the overall empowerment of the domestic workers.

Comment to para 54

In Cyprus, the establishment and operation of Private Employment Agencies is regulated by the Private Employment Agency Laws 2012-2013. The said Laws apart from regulating the operation of Private Employment Agencies, aim to protect foreign workers (including domestic workers) who are placed to work through these agencies and prevent trafficking and labour exploitation. More specifically, the Law sets the conditions and qualifications that need to be fulfilled in relation to natural or legal persons operating such agencies. The criminal record of the applicant is examined, in order to safeguard that the persons involved in the operation of such agencies, have not been convicted for offences such as sexual exploitation, trafficking, or any other serious criminal offence. In case the person responsible for the operation of an existing agency has been convicted for a serious offense including an offence in violation of the Anti-Trafficking and Exploitation of Persons and the Protection of Victims Law, the license of the specific agency is revoked. Moreover, the said Law, prohibits private employment agencies from providing wrong information regarding the terms and conditions of employment and the qualifications of the applicants, provides for control mechanisms which may lead to the withdrawal of an agency's operating license and the imposition of administrative and penal sanctions for the infringement of the Law. Furthermore, the said Law prohibits private employment agencies from imposing any direct or indirect charge/fee on employees for the purpose of job, search, placement and maintenance of employment.

According to the Private Employment Agencies (Amended) Law N. 150(I)/2013, the Department of Labour of the Ministry of Labour, Welfare and Social Insurance inspects the private employment agencies at least once a year.

During 2018, the Department inspected 128 private employment agencies, revoked the license of 6 agencies, mainly because they did not provide the information / documents requested within the time set by the competent authority and imposed administrative fine to one (1) agency, because it

did not keep correct records, including Invoices and Receipts, according to Regulation 13. Moreover, the competent authority examined 12 complaints and sent 14 cases to the Police that concerned illegal operation of private employment agencies, for further investigation and prosecution of the persons involved.

Finally, it is noted that the ratification of ILO's Private Employment Agencies Convention, No. 181, is currently under consideration.

Comment to para 55

The temporary residence and work permit (issued by the Civil Registry and Migration Department according to the provisions of the Aliens and Immigration law) grants the right to a third country national to work in a predefined, specific occupation or duties for a limited, defined period of time. The Department of Labour issues a preliminary permit (a prerequisite for the issuance of the work permit) to an employer in order to employ foreign workers on a temporary basis, in a specific predefined occupation, following a labour market test. That is, the permit is issued only where the employer cannot find suitable employees for a specific job or position from the Cypriot or EU labour market. It is noted that, domestic workers are excluded from this market test.

Again, it should be noted that, even if an employee is connected to one specific employer at a time, change of employer is feasible.

Comment to para 57

First, it should be noted that, based on the anti-trafficking legislation, demand is already penalized in Cyprus. An amendment concerning a more effective implementation of the relevant provision is currently pending at the House of Representatives to be voted into law.

Please also note Cyprus' most recent action towards discouraging demand - During the EU Anti-Trafficking Coordinator's visit to Cyprus and on the occasion of the EU anti-trafficking day, a media lunch was held on 31.10.2018, in cooperation with the Mediterranean Institute of Gender Studies (MIGS), within the framework of the project "Disrupt Demand", which examines campaign strategies in Member States. The media lunch aimed at informing the press on trafficking issues and ways of portraying these issues in the media.

Comment to para 58

According to the current policy and the provisions of the Aliens and Immigration law, for the category of workers with a temporary work permit, a contract is always signed between the employer and the worker which is ratified by the Department of Labour in order to ensure the basic rights of the third country nationals based on the employment laws and the collective agreements (where they exist). Where there is evidence that an employer violates the working conditions regulations, reported by either the Labour Inspections Service or the Police, appropriate measures are taken against the employer including cancellation of the (employer) permit. In this context, a new measure that requires foreign workers to sign a contract before entering Cyprus was introduced on a pilot basis (agricultural sector) and is planned to be expanded to other sectors, in order to prevent undeclared work and fraudulent recruitment.

Comment to para 59

In the second line of this paragraph where the following is mentioned «...established the Department for Labour Inspectorate under the», it should be noted that the correct name of the new Service is Labour Inspectorate.

The 10th line of this paragraph mentions «decreased to 25% in 2017 from 15% in 2010.» , but the correct percentage is «decreased to 14.5% in 2018 from 25% in 2010.»

Comment to para 60

Following a recent policy change, asylum seekers have now access to the labour market one month after the date of the submission of their application for international protection (with the previous policy the waiting period for labour market access was six months). Asylum seekers are granted access to the labour market with a Decree issued by the Minister of Labour, Welfare and Social Insurance in accordance with the provisions of the Refugee law, that limits the number of sectors, economic activities and occupations for Asylum Seekers taking into account the state of the labour market (i.e size, unemployment, required skills etc).

Comment to para 61

Through the cooperation and the interviews with the unaccompanied minors, information is gathered in order to determine the needs of the minor, so as to create a care plan for each minor. Through this cooperation and interviews and in close cooperation with the Asylum Service, who undertakes the interviews within the framework of the asylum application process, a minor may be identified as a victim of trafficking and all the necessary procedures are in place in order to provide the minor with all the services required.