

Ignorance of Refugee Rights in North Cyprus

There are various ways of refugees regarding their arrival methods to North Cyprus. Majority of them come by boats with assistance of human smugglers. Coming through airport is another way they use. The ones who came through airports sometimes have visa and sometimes they have to use fake passports. When direct ferry services started between Famagusta and Syria there was a dramatic increase on the arrival of refugees. Some Palestinians from Gaza Strip who came to North Cyprus could not return to Cyprus and applied for asylum. When we look at the nationalities of the refugees and asylum seekers who come to North Cyprus we can say that majority of them are Palestinians and Iraqis. Furthermore, Iraqis who ask for asylum are generally Palestinian origin. Also big number of Syrians comes with the assistance of human smugglers but there was no asylum application to the best of our knowledge. They do not report any breach of human rights in their country and they usually express that they come to the island for finding better jobs and earning better money. On the other hand in my view it does not show that they have no right to apply for asylum.

Asylum Procedure

1951 Refugee Convention, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention Against Torture, Convention on Elimination of Discrimination Against Women, Convention on the Rights of the Child and European Convention on Human Rights are part of the domestic law in Northern Cyprus. The status of international legislations within the North Cyprus is defined in the Constitution and as per Article 90 (5) of the set constitution, "International treaties which have been duly ratified and gone operational, shall be enforced as laws in North Cyprus. Recourse cannot be made to the Supreme Court sitting as the Constitutional Court in respect of such treaties on the grounds of unconstitutionality reasons being that international treaties once ratified rank above national laws."¹ The Constitutional Courts decision in the landmark case of *UBP v TRNC* held that ECHR is part of domestic laws hence a binding precedence to subsequently ratified treaties.² On the other hand, there is no specific law to protect refugees in North Cyprus and it led to have a legal limbo and most of the time legal and political authorities ignore the international law.

According to the 1951 Convention, no penalties should impose refugees, on account of their illegal entry or presence, however refugees face with imprisonment in North Cyprus. As soon as refugees make illegal entry, they get arrested and put in the cells until the investigation ends where it usually takes between 3 to 7 days. The cells were designed for short period of detention and they hardly meet with minimum standards, such as lack of hygiene, fresh air and sunshine.

Many of those cannot have a lawyer in the court because they can not afford to pay. At the end of investigation they are usually charged with a penalty equal to their detention period. Not only adults, but also children face with the same practice. Although it brought to the attention of the authorities by media and by TCHRF and RRA, no measures were taken neither detention conditions of refugee children nor providing an alternative place in human rights standards.

There is no asylum service in North Cyprus and asylum seekers can apply to UNHCR which is based in UN Buffer Zone through assistance of Turkish Cypriot Human Rights Foundation

¹ TRNC Constitution Article 90(5)

² Constitutional Court 3/2006

and Refugee Rights Association. During the Refugee Status Determination (RSD) period they reside in North Cyprus and successful applicants resettle by UNHCR to another country. However, since the changing of the government in April 2009, Turkish Cypriot authorities particularly Police Immigration unit that it is under the control of Turkish Army under the Transitional Article 4 of the Constitution have been refusing asylum seekers to apply for asylum to the UNHCR. According to Police Authorities Iraqi and Palestinian asylum seekers will cross to south side of the island illegally and for that reason they should not enter the North Cyprus. Although Turkish Cypriot Human Rights Foundation and Refugee Rights Association actively campaigned 19 Iraqis are deported from North Cyprus to Turkey despite the fact that they could not even have opportunity to apply asylum in Turkey

Housing Conditions

Until the end of 2008 UNHCR paid for a flat and board houses when the flat was full. At the moment asylum seekers and refugees get no housing support from any authority.

Employment

Right to work of asylum seekers and refugees has not been regulated by law. On the other hand, Ministry of Labour allow them to work as foreign workers. However, Ministry of Labour does not ask work permit where it is obligatory for other foreign workers. Although, Labour Office assist them to find a job there are limited work opportunities due to language barrier.

Education

Right to education has not been regulated by law for refugees and asylum seekers. However, last year authorities allowed some Iraqi children to enroll the school. Although, these children were happy in the school environment it was difficult to understand the courses due to language barrier. There is not big number of refugee and asylum seeker children because majority of them cross to South. At the moment there is no refugee and asylum seeker children.

Health

Free health service has not been regulated by law for refugees and asylum seekers. However, they can have free health service in emergency cases. On the other hand, last year an Iraqi man had to pay his medicine expenses when he was under detention. Recently, authorities permit a pregnant refugee woman to have free medical service.

Public Awareness

Asylum is a new phenomenon in North Cyprus and there is extreme interest by civil society. Even Red Crescent shows no interest despite the fact that TCHRF and refugees asked for help. Although, Red Crescent organize fund raising activities to donate Gaza they ignore the people from Gaza who live in Cyprus.

Unfortunately, none of the political parties have a policy for refugees and asylum seekers as well. Due to lack of interest by local civil society, international civil society has not informed adequately.

During their imprisonment and detention period, refugee children usually has to stay in prison with their families as there is no sufficient building for them in social service's department.

Government Policy

The policy of the government is to maintain the procedure as it is and having blind eye on refugee matters. Apart from that, even government will have more positive approach, lack of know-how and lack of supervision by international bodies will be other flaws.

International Community

Cyprus, known for its own conflict and relatively refugee issues and many other human rights violations have not been studied adequately. Also, there is limited reporting from local society and not having enough cooperation between local NGOs and international bodies.

Öncel Polili

Turkish Cypriot Human Rights Foundation and Refugee Rights Association