

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2017)12

**Report submitted by the authorities of Cyprus
on measures taken to comply with
Committee of the Parties Recommendation
CP(2015)15 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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RECOMMENDATION CP(2015)15 on the implementation of the Council of Europe Convention on against Trafficking in Human Beings by Cyprus

Report on the measures taken to improve the implementation of the Convention

30 November 2016

In response to the recommendations by GRETA to Cyprus, the following measures have been taken:

Private employment agencies

As mentioned in our previous report, Cyprus adopted in 2012 a new Law (N.126(I)/2012) which regulates the establishment and operation of Private Employment Agencies and provides for stricter provisions / rules in order to prevent the involvement of private employment agencies in labour exploitation.

During 2015, the Department of Labour strengthened the supervision of private employment agencies and inspected 115 out of 134 private employment agencies. Furthermore, the Department revoked the license of 15 agencies (one license was revoked since the responsible person for the operation of the agency was convicted for the offence of trafficking and exploitation of persons).

By October 2016 the Department inspected 96 out of 137 agencies and revoked the license of 9 agencies which violated specific provisions of the Law.

Labour inspections

The Government of the Republic of Cyprus places high priority on ensuring equal treatment for all workers in Cyprus. To this effect, the Ministry of Labour, Welfare and Social Insurance follows a rigorous inspection program, ensuring that labour legislation is followed. Joint inspection units inspect enterprises on a daily basis to combat undeclared and illegal employment, which is important to bring to the surface any possible cases of forced labour.

Regarding the increase of the number of labour inspections, the Department of Labour Relations is currently discussing with other Departments of the Ministry of Labour, Welfare and Social Insurance on the improvement of targeted investigations in vulnerable sectors of the labour market, such as agriculture. In addition, the Ministry of Labour, Welfare and Social Insurance is in the process of implementing a government decision regarding the establishment of a Unified Inspectorate, which will help not only to increase inspections, but also to enhance their efficiency.

The Labour Department, within the procedure of granting approvals to employers for employing foreign labour in the broad agricultural sector, is always taking into consideration the Decisions of the Committee which is responsible for examining the complaints of foreign agricultural

workers against their employers. According to those Decisions, the Labour Department takes appropriate measures to inform and consult properly the employers about their obligations, as defined in employment contracts, before the granting of work approvals.

Support to victims and accommodation

The Government recognizes the extremely vulnerable situation of trafficking victims and for this reason has given directions to its competent departments to provide all necessary support and assistance to recognized victims, promptly and with flexibility.

Instructions have been given to the Welfare Benefits Management Service to give priority to the examination of applications of victims of trafficking for the Guaranteed Minimum Income (GMI), which includes a rent allowance. In addition GMI applicants, whose application is under examination, receive financial assistance from the Social Welfare Services, based on article 11 of the GMI legislation.

As far as the employment of victims is concerned, many of the victims are unable to work, mainly because of the trauma they have suffered, due to a lack of knowledge of the Greek and/or English language and other reasons related to their exploitation. Victims should not in any case lose access to the labour market, as employment is very important for their integration / reintegration into society.

According to Law 60(I)/2014 all victims of trafficking have access to support services. The role of the Social Welfare Services is to inform victims of their rights to services and to provide necessary support to victims for as long as needed (e.g. provision of accommodation in the government shelter, networking with other services). Also an evaluation is performed regarding the needs of each victim and if necessary the victim is referred to the appropriate public service or NGOs for further assistance. Victims receive services based on their needs and in case of victims with disabilities all the necessary arrangements are made to meet their special needs.

Victims are referred to psychological services, health services, employment services, etc by the Social Services Officer, who also accompanies the victim during the first visit to these various services.

Social Welfare Services are also responsible for the operation of the Government Shelter for victims of sexual exploitation which has been operating since November 2007 and has a capacity of 15 persons. Social Services Officers inform any victim about the shelter and the rights and obligations of the victim therein. The victim may remain in the shelter for a period not exceeding four (4) weeks. The victim may prolong her stay in special circumstances if necessary. In the shelter, the victim is provided with all the necessary support and information concerning the services available.

The shelter is one of the options available to victims for accommodation. When a victim does not wish to stay at the shelter, financial and other support is provided for alternative arrangements, for as long as needed.

The Social Welfare Services are in the final stage of preparing a procedure manual for handling victims of trafficking according to the new anti – trafficking legislation.

Child victims of trafficking

In cases of a child victim of trafficking, the Social Welfare Services take into account the needs and the best interest of the child victim in cooperation with all the departments and NGOs involved. Additionally an individual care plan for a child Victim is prepared with the participation of the child and all involved Services/NGOs. When the child's/parents' interests are in conflict, legal assistance is provided by the Commissioner for the Rights of the Child.

Special protection measures for children are included in the Revised Legal Framework on Trafficking and Exploitation of Persons and Protection of Victims Law 2014. In every case the Director of Social Welfare Services is appointed as a representative of the minor within the framework of the criminal investigation and procedure, in cooperation with the Commissioner for Protection of the Rights of the Child.

In July 2015 the Council of Ministers approved the creation of an Ad Hoc Committee for the development of a National Strategy for the Prevention and Combating of Sexual Abuse and Sexual Exploitation of Children and Child Pornography. Within the framework of the National Strategy, a Children's House will be developed, where all relevant services will be under one roof, for the handling of cases of sexual abuse and/or exploitation of children. The House is expected to operate in 2017 by an NGO in cooperation and under the supervision of the Social Welfare Services.

According to the Refugees Law 2000-2016, in cases where the victim is an unaccompanied minor, the minor is taken in care of the Director of Social Welfare Services, who acts as a guardian of the minor safeguarding access to all his/her rights based on the best interests of the child.

Domestic workers

With regards to the prevention of exploitation of domestic workers, it should be stressed that according to the Ministerial decision (April 2015) in cases of breach of contract (regarding salary, working hours, days off etc) by the employer, the domestic worker is allowed to change employer irrespective of the period of employment. According to our findings this procedure has reduced cases of exploitation.

Furthermore, the contract of the domestic workers has been reviewed and a new draft contract has been prepared by the Ministry of Interior, which will be applied within the next months. 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 more clear and understandable way. In the new contract a special attention has been paid in listing/clarifying all the ways with which the contract, between the employer and the employee, can be terminated.

Access to compensation for victims

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 currently examining different practices of providing state compensation to victims of trafficking, and will amend the legislation accordingly, should this be deemed necessary.

Training

Frontline officers across the government participate in various international conferences and training seminars abroad throughout the year.

On 12 November 2015 the Ministry of Interior and the International Organisation for Migration co-organised a seminar on trafficking in human beings, which focused on both the prosecution of this offence and on providing support to victims. The seminar was attended by personnel from all the services that are represented in the Multidisciplinary Coordinating Group and several NGOs, representatives from the office of the Ombudsman, representatives from the office of the Commissioners, representatives from the office of the Parliament etc. The conference was also attended by several police officers, two officers and one inspector of the Department of Labour Relations, five Employment Officers of the Department of Labour and 10 Social Welfare Officers, representatives of the Ministry of Foreign Affairs, and was funded by the Ministry of Interior.

On 17 December 2015 personnel from the Cyprus Union of Municipalities and the Civil Registry and Migration Department attended training on the provisions of the relevant anti-trafficking legislation, on ways to identify victims of trafficking, on how to better understand the victims emotional and psychological state so as to better respond to their needs. The training was funded by the Ministry of Interior.

In early December 2015 two members of the Mental Health Services and a Social Welfare Officer visited a shelter for victims of trafficking in human beings in Greece in order to identify possible ways for improving the provided support to victims of trafficking as well as to build further cooperation. The shelter in question specializes in providing support to victims, but also in prevention and prosecution. In addition, it operates a hotline for victims of trafficking. The visit was funded by the Ministry of Interior.

Five inspectors of the Department of Labour Relations participated in a training seminar organised by the Cyprus Police – Office of Combating Trafficking in Human Beings in January 2016, on identifying and assisting victims of trafficking and/or investigating and prosecuting human trafficking cases.

Human trafficking is incorporated in all recruitment and sergeant courses, as well as in the Crime Investigation Department's courses. Also, specialized trainings are offered to members of the Immigration Department, as well as to members of Community Policing. In addition, a police officer from the Anti-trafficking Police Unit has delivered a training session to members of Private Employment Agencies. Members of the Anti-trafficking Police Unit and an officer from

the Ministry of Interior have also delivered presentations to meetings, conferences and seminars abroad, in the framework of EMPACT THB on financial investigations, Interpol, OSCE, IOM and EU co-funded programmes.

The Ministry of Education and culture has added an optional seminar with the title "Social gender, gender-based violence and trafficking: the role of the school" for teachers.

On 14-18 November 2016, a labour inspector and a member of the Anti-trafficking Police Unit attended a "Simulation-Based Training on Combating Human Trafficking along Migration Routes" organized by OSCE in Italy.

Police operations

In 2016 15 police operations were conducted. As of 1/1/2016 43 victims of trafficking were identified. In total, 14 cases were investigated with a total of 60 accused. The investigations were mainly focused on combating the organized criminal groups acting on sham marriages (*Please see attached document with statistical data*).

2016

VICTIMS OF TRAFFICKING 2016

ORIGIN COUNTRY					NUMBER OF VICTIMS
	MALE		FEMALE		
	CHILD	ADULT	CHILD	ADULT	
BULGARIA	-	-	-	8	8
ROMANIA	-	1	-	14	15
CZECH REPUBLIC	-	-	-	2	2
SYRIA	-	-	-	1	1
VIETNAM	-	1	-	1	2
CAMEROON	-	-	-	4	4
CYPRUS (T/C)	-	-	-	1	1
LATVIA	-	-	1	3	4
TONGO	-	-	-	1	1
GEORGIA	-	-	-	1	1
UKRAINE	-	-	-	3	3
INDIA	-	1	-	-	1
EGYPT	-	1	-	-	1
	-	-	-	-	-
TOTAL	-	4	1	39	44

REFERRAL TO THE POLICE 2016

REFERRED BY NGO	THROUGH POLICE INVESTIGATIONS	APPROACHED THE POLICE THEMSELVES	REFERRED BY OTHER STATE AUTHORITIES	REFERRED BY DIPLOMATIC MISSIONS	REFERRED BY THE SOVERIGN BRITISH MILITARY BASES	TOTAL
5	26	10	1	1	1	44

RESIDENCE STATUS OF VICTIMS 2016

RESIDENCE STATUS	NUMBER OF VICTIMS
LABOURERS	3
ASYLUM APPLICANTS	6
CYPRriot NATIONALS	1
DOMESTIC WORKERS	1
EUROPEAN NATIONALS	27
REFUGEES	1

TOURIST VISA	2
TOTAL	44

CATEGORIES OF VICTIMS 2016

CATEGORY					TOTAL
	MALE		FEMALE		
	CHILD	ADULT	CHILD	ADULT	
THB FOR SEXUAL EXPLOITATION				16	16
THB FOR LABOUR EXPLOITATION		3		1	4
THB FOR THE PURPOSE OF COMMITTING CRIMINAL OFFENCE (SHAM MARRIAGE)		1		21	22
THB FOR THE PURPOSE OF COMMITTING CRIMINAL OFFENCE (TRANSFER OF DUTY FREE TOBACCO PRODUCTS)			1	1	2
TOTAL		4	1	39	44

CASES 2016

THB FOR SEXUAL EXPLOITATION	THB FOR THE PURPOSE OF COMMITTING CRIMINAL OFFENCE (SHAM MARRIAGE)	THB FOR THE PURPOSE OF COMMITTING CRIMINAL OFFENCE (TRANSFER OF DUTY FREE TOBACCO PRODUCTS)
6	7	1