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**REPORT**  
**BY NILS MUIŽNIEKS**

COMMISSIONER FOR HUMAN RIGHTS  
OF THE COUNCIL OF EUROPE

**FOLLOWING HIS VISIT TO CYPRUS**  
**FROM 7 TO 11 DECEMBER 2015**



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## SUMMARY

The Council of Europe Commissioner for Human Rights, Nils Muižnieks, (the Commissioner) and his delegation visited Cyprus from 7 to 11 December 2015. In the course of his visit the Commissioner held discussions with national authorities, national human rights structures, international organisations and representatives of civil society. This report is based on the subjects dealt with during the Commissioner's visit and focuses on the following issues:

### **1. Human Rights of Asylum Seekers, Refugees and Immigrants**

#### **1.1 Access to asylum**

Whilst the Commissioner welcomes the readiness of Cyprus to receive asylum seekers in the context of the EU emergency relocation scheme, he expresses his deep concern about certain serious shortcomings of the national asylum system. The reported excessive length of asylum procedures, an issue that the authorities are in the process of addressing, has been of particular concern to him. The Commissioner is also concerned about the lack of legal aid for asylum seekers during the administrative stages of the asylum procedure, and the very limited access to legal aid during relevant judicial proceedings. He urges Cyprus to introduce in law and practice effective remedies concerning the detention of migrants, including asylum seekers, and their deportation. The attention of the authorities is drawn in particular to the situation of unaccompanied migrant children whose legal representation system needs to be enhanced. In addition, the age assessment procedures need to become multidisciplinary and governed by the principle of the benefit of the doubt.

#### **1.2 Reception of asylum seekers and social integration**

Having visited the only reception centre for asylum seekers, which is situated in Kofinou, the Commissioner stresses the need for Cyprus to establish long-term and adequate reception policies that must be matched with adequate funding for their implementation. The Commissioner deplores the fact that a 2014 law restricted the right of refugees to family reunification, and that beneficiaries of subsidiary protection are excluded from the enjoyment of this human right. In this context, it is noted with concern that the migrant integration action plan of 2010 has not been implemented. Cyprus is invited to invest more in this area and to enhance all migrants' access to vital social sectors, such as education, employment, health services and political participation. Having noted reports of a number of racist incidents targeting migrants, the Commissioner underlines the importance for Cyprus to draw upon the Council of Europe's expertise and step up its efforts to promote tolerance and eradicate hate speech and other forms of hate crime.

#### **1.3 Detention of migrants**

The Commissioner welcomes the end of the practice of detaining Syrian asylum seekers as well as the reduction by half of the detention capacity of the Mennogeia migrant detention centre, in line with recommendations made by European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Noting with concern that lengthy detention of failed asylum seekers and of other migrants in view of their deportation is widespread, he calls on the authorities to address the problem of insufficient social and psychological support offered to migrant detainees, and to end the practice of prolonged, and sometimes repeated, detention of migrants even in cases where there is no reasonable prospect of removal. Cyprus is also invited to strictly limit the practice of migrant detention and to enhance its law and practice concerning the application of alternatives to detention in order to avoid excessively lengthy deprivations of liberty and the suffering of migrants.

## **1.4 Trafficking in Human Beings**

The Commissioner welcomes the efforts made by Cyprus in the fight against trafficking in human beings (THB). However, he remains concerned about the prevention of THB, especially the lack of supervision of private employment agencies that play an instrumental role as recruiters, and highlights the need to scale up labour inspections. The Commissioner is additionally worried by the fact that the identification of victims of THB is not prompt, thus preventing victims from accessing adequate assistance and protection. The authorities' attention is also drawn to the insufficiency of suitable accommodation and social aid for victims. Cyprus is called on to review the criminal courts' practice in this field and to promote the imposition of deterrent penalties upon persons who exploit victims of THB in order to fully eradicate this phenomenon and prevent recurrence.

## **1.5 Statelessness and Access to Citizenship**

The Commissioner expresses his grave concern about the difficulties faced by refugees in accessing citizenship even when they meet the relevant legal requirements. The authorities are urged to review practice in this area and to examine favourably and promptly all naturalisation applications lodged by refugees. Having noted the non-accession of Cyprus so far to any European or international treaties on statelessness, the authorities are called on to proceed to the accession of Cyprus to all major international and European treaties in order to eradicate statelessness. In addition, particular attention should be given to children of stateless or unknown parents, who in many cases reportedly also remain without nationality.

## **2. Impact of the Economic Crisis on the Enjoyment of Human Rights**

The Commissioner notes that certain social groups, especially children, women and older persons, have been severely impacted by the economic crisis and the measures taken in the context of the European Adjustment Programme. Whilst he welcomes the establishment by Cyprus of the Guaranteed Minimum Income scheme (GMI), he is concerned about its implementation and urges the authorities to redress the reported shortcomings by making it possible for social services to process all GMI applications promptly and adequately. The authorities are also called on to conduct human rights - including gender equality - impact assessments of all austerity measures, as well as to consult with national human rights structures and civil society organisations and experts before embarking upon their implementation.

### **2.1 Impact of the economic crisis on the enjoyment of human rights by children**

The Commissioner observes a worrying trend of increasing child poverty in Cyprus. He is particularly concerned about the consequences of austerity measures on children's right to education and calls on the authorities to carry out impact assessments of the budgetary restrictions in the fields of education, equal opportunities and social inclusion of pupils belonging to vulnerable social groups. No financial measures should lead to the elimination of positive action in favour of disadvantaged children.

### **2.3 Impact of the economic crisis on the enjoyment of human rights by women**

The Commissioner observes the persistence of discrimination suffered by women in Cyprus, in particular in terms of wages and access to full-time employment, and that the economic crisis has actually worsened gender inequalities. Deploring the lack of consideration of the gender aspect while designing and implementing policies, the Commissioner urges Cyprus to conduct systematic gender equality impact assessments of social and economic policies and budgets, and to take positive measures in favour of women in order to safeguard their rights to employment and to an adequate standard of living. The authorities are also urged to safeguard the capacity and efficiency of the national equality body and to give effect to the gender equality action plan 2014-2017.

#### **2.4 Impact of the economic crisis on the enjoyment of human rights by older persons**

The Commissioner observes that austerity measures have seriously affected older persons' right to an adequate standard of living and to health. He urges the authorities to fully ensure older persons' access to public services, especially to healthcare services. Furthermore, whilst welcoming the positive effects of the 2015 GMI reform on older persons' access to the new scheme, he encourages Cyprus to further improve the GMI scheme's accessibility by simplifying the relevant procedures and by diminishing the reported long delays in processing the applications.

#### **2.5 Impact of the economic crisis on the enjoyment of human rights by other vulnerable social groups**

The Commissioner is concerned about the amplified impact of the economic crisis on particularly vulnerable groups, such as single-parent and migrant families. He invites the authorities to adopt positive measures in favour of these disadvantaged groups in order to alleviate the disproportionate effects that the economic crisis and austerity measures had on them. Also concerned about the effects of austerity measures on the mental health of many persons, the Commissioner urges the authorities to resolutely address this issue by ensuring provision of adequate psychological support to all those in need.

The report contains the Commissioner's conclusions and recommendations addressed to the Cypriot authorities, and is published on the Commissioner's website along with the authorities' comments.

## INTRODUCTION

1. This report follows the Commissioner's visit to Cyprus, which took place from 7 to 11 December 2015.<sup>1</sup> The Commissioner's visit focused on the following issues: the protection of human rights of migrants, including asylum seekers; and the impact of the economic crisis on the enjoyment of human rights, in particular by children, women and older persons.
2. In the course of his visit the Commissioner held discussions with the Cypriot authorities, including the President of the Republic, Mr Nicos Anastasiades; the Minister of Foreign Affairs, Mr Ioannis Kasoulides; the Minister of Interior, Mr Socratis Hasikos; the Minister of Justice and Public Order, Mr Ionas Nicolaou; the Minister of Finance, Mr Harris Georgiades; and the Permanent Secretary of the Ministry of Foreign Affairs, Ambassador Alexandros Zenon. In addition, the Commissioner met with the Commissioner for Administration and Human Rights, Ms Eliza Savvidou; and the Commissioner for Children's Rights, Ms Leda Koursoumba.
3. The Commissioner also met with representatives of international organisations, academics, and a number of non-governmental organisations. He carried out visits to the premises of a charity in Nicosia, where he met with victims of the economic crisis; to the reception centre for asylum seekers in Kofinou; and to the migrant detention centre in Mennogeia. Furthermore, the Commissioner gave a lecture on the impact of the economic crisis on the enjoyment of human rights at the University of Cyprus.
4. In addition, the Commissioner went to the UN buffer zone, where he met with members of the Technical Committee on Gender Equality that was established in 2015 under the on-going peace talks. He also met with the members of the Committee on Missing Persons (CMP) as well as with its technical staff, and visited the anthropological laboratory of the CMP. Lastly, he crossed the Green Line and met with the Turkish Cypriot leader, Mr Mustafa Akinci.
5. The Commissioner expresses his sincere thanks to the Cypriot authorities in Strasbourg and Nicosia for the assistance that they provided in organising the visit and facilitating its independent and effective execution. He also thanks all of those to whom he spoke for sharing with him their knowledge and analyses.
6. The Commissioner invites the government to consider the issues studied in this report and step up its efforts to resolve the shortcomings identified. He intends to continue his exchanges with the authorities in order to help them to do so. He would like this report and its recommendations to constitute a fruitful phase of the constructive dialogue he has begun with the Cypriot authorities.

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<sup>1</sup> The Commissioner was accompanied during his visit by Mr Nikolaos Sitaropoulos, Deputy to the Director of his Office and Mr Matthieu Birker, adviser to the Commissioner.

## 1 HUMAN RIGHTS OF ASYLUM SEEKERS, REFUGEES AND IMMIGRANTS

7. In relation to the size of its resident population, Cyprus reported high rates of migrant inflows in recent years.<sup>2</sup> However, the Commissioner notes that despite the context of major migration crisis in the Mediterranean, the number of migrants arriving in Cyprus remains relatively low compared to Greece and Italy, especially considering the island's proximity to Syria. It is estimated that less than 3 000 migrants came to Cyprus in 2015. The island's geographical isolation from the rest of Europe, outside of the Schengen area, difficulties in leaving the country and restrictive asylum policies, especially regarding family reunification, seem to explain these figures.

### 1.1 ISSUES CONCERNING THE RIGHT TO SEEK AND ENJOY ASYLUM IN CYPRUS

8. According to UNHCR, as of August 2015, around 1 160 refugees, 4 480 subsidiary protection holders and 2 380 asylum seekers resided in Cyprus. In 2014, the country ranked tenth out of the 28 EU member states in the number of asylum applications: 1 887 asylum applications were recorded, representing an increase of 39% compared to 2013, with 57% of them being Syrians. Approximately 90% of asylum seekers recorded in 2014 entered Cyprus from the north of the island. Although in the last two years Cyprus did not participate in refugee resettlements, the Commissioner welcomes the fact that in the context of the EU emergency relocation scheme adopted in September 2015, the authorities have accepted to receive 274 Syrian refugees from Greece, Hungary, and Italy.
9. The Commissioner welcomes the recent increase in the level of refugee status recognition. In 2014, with 76%, Cyprus had the third highest rate of first instance positive decisions in the EU. In second instance, 11 decisions granting refugee status and 207 granting subsidiary protection were issued that same year. The number of subsidiary protection decisions at first instance increased by 652% in 2014 compared to the previous year and that for refugee status granted at first instance increased by 57% in the same period. In the first six months of 2015, the first instance positive decision rate amounted to 73.12%, and the one on appeal to 53%.
10. However, the Commissioner observes that in 2014, 94.5% of the positive first instance decisions concerned subsidiary protection and only 5.5% concerned refugee status. Several NGOs, with whom the Commissioner met during his visit, consider that the very high rate of subsidiary protection reflects the authorities' will to send the message that there is no long-term perspective in Cyprus for beneficiaries of international protection. The Commissioner notes that the Cypriot authorities reject this criticism, arguing that decisions on asylum claims are taken by independent bodies. However, he is surprised by the extremely low level of recognition of refugee status, especially concerning Syrians.<sup>3</sup> The Commissioner shares UNHCR's view that most people fleeing the conflict in Syria are likely to fulfil the requirements of the refugee definition contained in the UN Refugee Convention. In cases where Syrians cannot be granted refugee status, they should enjoy other forms of international protection, including subsidiary protection.

#### 1.1.1 AN OVERVIEW OF THE CYPRIOT ASYLUM SYSTEM

11. The [Refugee Law](#) of the Republic of Cyprus came into effect in 2000. In January 2001 the Cypriot government started to receive and process applications for international protection in lieu of UNHCR that had been doing so under its mandate and on behalf of the government of Cyprus until then.

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<sup>2</sup> In 2013 (most recent [Eurostat](#) data available), Cyprus reported the arrival of 13 149 migrants, representing the third highest EU rate of migrant inflows in relation to the size of the state's resident population.

<sup>3</sup> In 2014, 1 126 Syrian asylum seekers were granted international protection: 0.4% of them obtained refugee status, 99.6% subsidiary protection.



12. During his visit, the Commissioner received reports about long delays in the processing of applications by the Asylum Service under the regular procedure, with personal interviews taking place one to two years after the application has been submitted. Under an accelerated asylum procedure the Asylum Service must examine the case within 30 days of submission of the asylum application. Although NGOs indicated to the Commissioner that the accelerated procedure is almost never used in practice, it appears that asylum applications from countries considered to be safe or countries facing a humanitarian crisis are prioritised. In addition, since a policy change in September 2014, asylum applications submitted in detention undergo a fast track examination. Under this procedure, deportation orders are suspended and the Asylum Service interviews the applicant and reaches a decision within 30 days.
13. At the time of the Commissioner's visit, rejected refugee applicants had the right either to lodge a suspensive administrative appeal with the Refugee Reviewing Authority (RRA) or to seek judicial review directly before the Supreme Court. Rejected asylum seekers and applicants granted subsidiary protection had the possibility to challenge the decisions of the RRA on points of law before the Supreme Court. The Commissioner has been informed that, further to a constitutional amendment adopted in 2014 and [law \(131\(I\)/2015\)](#) of July 2015, an administrative court was established in January 2016, tasked *inter alia* with examining asylum appeals, in lieu of the RRA, both on their merits and on points of law. The administrative court has become the first instance judicial review authority for asylum decisions in lieu of the Supreme Court, before which the former's decisions can be challenged on points of law.
14. In addition, the Refugee Law provides for a subsequent application procedure, under which an applicant can submit new elements to their asylum application after the delivery of a final decision, or submit a subsequent asylum application. The requests must be submitted before the authority which issued the final decision on the initial asylum application.

#### 1.1.2 LENGTH OF ASYLUM PROCEDURES

15. The Commissioner stresses that states should ensure that all asylum seekers on their territory have effective access to asylum procedures, and that their requests are examined on a case by-case basis, rigorously and fairly.<sup>4</sup> According to Cypriot law, the Asylum Service should ensure the fastest possible examination of applications. However, the Commissioner is concerned about reports indicating that the asylum procedures are very slow in practice, lasting on average two to three years before the issuance of the first instance decision, and sometimes even five to seven years for well-founded cases. At the time of the Commissioner's visit, the average time taken by the RRA to issue a decision ranged from six months to three years. However, NGOs have reported that it was not unusual for the RRA to take three years or more to issue a decision. Regarding the subsequent application procedure, the Commissioner notes with concern that the absence of specific time limits in which the competent authority must issue a decision may lead applicants to remain without regularised status for long periods of time.
16. In September 2014 the Commissioner for Administration and Human Rights submitted a report regarding the excessive delays in asylum procedures. The report resulted from the examination of around 100 cases of Syrian asylum seekers who had complained that their asylum applications had been pending for more than two or even three years. The Commissioner welcomes the fact that, following this report, consultations with the respective asylum authorities took place in July 2015 and led to the implementation by the Asylum Service of several measures in order to accelerate procedures. He further welcomes the fact that both the numbers and the content of the complaints that have been recently received by the Commissioner for Administration and Human Rights confirm an improvement.

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<sup>4</sup> See, *inter alia*, the Commissioner's position paper on the right to seek and enjoy asylum, [CommDH/PositionPaper\(2010\)4](#), 24 June 2010.

### 1.1.3 ACCESS TO LEGAL ASSISTANCE

17. Given the complexity of asylum procedures, access to legal assistance is of key importance. The Commissioner regrets that free legal assistance is not granted by the state at the stage of the analysis of the merits of asylum applications by the Asylum Service and the RRA. In addition, he notes that the Advocates Law prohibits *pro bono* work by lawyers and that the only free legal assistance available to asylum seekers is limited and provided by NGOs in the context of projects funded mainly by UNHCR and the European Refugee Fund.
18. The Commissioner notes that, at the time of his visit, free legal aid was, in theory, accessible only to applicants who could prove that they did not have sufficient resources to hire a lawyer to represent them before the Supreme Court.<sup>5</sup> However, to date, less than ten applications for legal aid have reportedly been granted since the legal aid procedure was set up in 2009. It is also noted that, further to a 2012 amendment to the Legal Aid Act (165(I)/2002), migrants may have access to legal aid when challenging the legality of detention and deportation orders, on condition that they can prove lack of sufficient resources as well as a prospect of success.
19. The Commissioner shares the concerns expressed by the UN Human Rights Committee in its 2015 [concluding observations](#) on Cyprus about the fact that asylum seekers are unable to obtain access to legal advice during all administrative stages of their refugee status determination. He is also concerned about the very limited access to free legal aid during the judicial asylum proceedings.

### 1.1.4 ACCESS TO EFFECTIVE REMEDIES

20. The Commissioner regrets that, in spite of the recommendations of his predecessor, the Refugee Law provides that the right of asylum seekers to remain in the country extends only to the administrative examination of their asylum application and does not include the judicial review procedures. At the time of his visit, judicial review before the Supreme Court did not have an automatic suspensive effect and the Refugee Law had not been amended to give suspensive effect to the procedures before the Administrative Court.
21. Asylum seekers whose claims have been rejected by the administration are automatically declared to be “prohibited migrants” and served with a detention and deportation order. Although this was found to be in violation of the EU [Asylum Procedures Directive](#) by the Supreme Court in 2010,<sup>6</sup> the Commissioner has been informed that this practice persists and no suspensive remedy has been established. In case of ‘obvious illegality’ or ‘irreparable damage’, asylum seekers can request the suspension of their deportation order by the Supreme Court until the case is reviewed, but such suspensions are reportedly rare. As a result, asylum seekers may be at risk of deportation before the final determination of their asylum claim.
22. In this context, the Commissioner recalls that, in its 2013 judgment in the case of [M.A. v. Cyprus](#), the European Court of Human Rights (the Court) found that the detention of a Syrian asylum seeker constituted a violation of Article 5§1 and §4 of the Convention, as there was no mechanism of effective and speedy review by which the applicant could challenge the lawfulness of his detention. The Court concluded that there was a lack of effective remedy to challenge lawfulness of detention as the only recourse in domestic law that would have allowed the applicant to have the lawfulness of his detention

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<sup>5</sup> Legal aid for the Administrative Court is granted under the same conditions as for the Supreme Court.

<sup>6</sup> *Leonie Marlyse Yombia Ngassam v. Republic of Cyprus*, No. 493/2010, judgment of 20 August 2010. In this case the applicant had submitted an asylum request immediately after her entry in Cyprus and was detained for deportation after her request had been rejected. As the judicial review procedure has no suspensive effect on deportation, the Supreme Court found that the principle of non refoulement was violated. She was further characterised as a “prohibited migrant” on the sole basis of being HIV positive which was also found contrary to the principle of equality by the Supreme Court.

examined would have been one brought under Article 146 of the Constitution.<sup>7</sup> The Court held that the average length of such proceedings, standing at eight months, was undoubtedly too long for the purposes of Article 5§4. It also found a violation of Article 13 of the Convention due to lack of effective remedy to challenge the applicant's deportation. The Commissioner also recalls the 2015 judgment of the Court in the case *H.S. and others v. Cyprus* concerning the detention of 17 Syrian nationals of Kurdish origin in view of their deportation, in which violations of Article 5§4 ECHR were again found due to the lack of an effective remedy with automatic suspensive effect to challenge the lawfulness of their detention.

23. The Commissioner has noted that the United Nations Committee against Torture (UNCAT) also expressed concern about the lack of effective remedy in its 2014 [concluding observations](#) on Cyprus, referring to reports indicating that asylum seekers had been deported to their countries of origin despite serious risks of torture or religious persecution, such as persons of the Baha'i faith who had been deported to Iran. UNCAT held that Cyprus should abide by its commitment to provide for an effective judicial remedy with automatic suspensive effect against deportations of asylum seekers through proceedings that satisfy the requirements of due process and a court able to look into the merits of the cases.

#### 1.1.5 SITUATION OF UNACCOMPANIED ASYLUM SEEKING CHILDREN

24. According to UNHCR figures, the number of unaccompanied asylum seeking children has increased since the end of 2013. In 2014, 54 unaccompanied children sought asylum in Cyprus. There were 46 in the first half of 2015. The Refugee Law does not provide for any specific identification procedure of vulnerable persons, including unaccompanied children.
25. As a result, most unaccompanied minors, like vulnerable asylum seekers, are identified on the occasion of their first interview. The Commissioner is concerned about the fact that, due to delays in conducting the interviews, unaccompanied migrant minors can remain without appropriate care and protection for months, if not years. In the course of his visit, he met with a young woman who was 15 years old when she arrived in Cyprus with a fake passport and was jailed for a month and a half before being accommodated in a shelter for minors. There she spent a year and a half before the initiation of the age assessment procedure.
26. The Commissioner has been informed that the age assessment methods used in Cyprus consist primarily of a physical examination, including a sexual maturity assessment, dental observation, anthropometric assessment, radiological tests and practical observation. He notes that both the [Commissioner for Children's Rights](#) and the Commissioner for Administration and Human Rights have stressed that the scientific age assessment procedure is to be used when there are doubts as to the asylum seeker's age and that the age assessment examinations should be of a multidisciplinary and holistic approach with respect to the child's integrity, rights and personal circumstances.
27. The Commissioner shares these views and points to the principles set out in [Resolution 1810 \(2011\)](#) of the Parliamentary Assembly of the Council of Europe (PACE) in relation to the problems associated with the arrival, stay and repatriation of unaccompanied children in Europe. According to these principles, age assessment should be carried out only if there are reasonable doubts about whether a person is a minor. As also stated by the UN Committee on the Rights of the Child in [General Comment No. 6 \(2005\)](#), such assessments should be based on a presumption that the person is a minor, and not based solely on a medical opinion. Furthermore, if a person's minor status is still uncertain, he or she should be given the benefit of the doubt.

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<sup>7</sup> This provision reads as follows: "The Supreme Constitutional Court shall have exclusive jurisdiction to adjudicate finally on a recourse made to it on a complaint that a decision, an act or omission of any organ, authority or person, exercising any executive or administrative authority is contrary to any of the provisions of this Constitution or of any law or is made in excess or in abuse of powers vested in such organ or authority or person."

28. The Commissioner's attention was further drawn to certain difficulties linked to unaccompanied migrant children's legal representation provided by the Director of Social Welfare Services following a 2013 amendment to the Refugee Law.<sup>8</sup> According to the Commissioner for Children's Rights, as well as several NGO representatives, legal representation of unaccompanied migrant children by the Director of the Welfare Services cannot be effectively implemented in practice because the Social Welfare officers, due to the nature of their responsibilities and/or due to the fact that they do not have legal training, cannot provide proper legal advice and thus cannot effectively safeguard the rights of unaccompanied migrant children. The Social Welfare Services can only seek legal assistance in these cases from their legal adviser, the Attorney General. However, the Attorney General in practice also represents state services in these proceedings, such as the Asylum Service or the Refugee Reviewing Authority, which raises a serious issue of independence and impartiality. The Commissioner agrees with the Commissioner for Children's Rights who considers that there is a conflict of interest in such situations and that this leaves unaccompanied minors effectively without proper legal representation in asylum procedures.
29. The Commissioner further notes with interest that discussions have been held between the relevant ministries, the Commissioner for Children's Rights and the Commissioner for Administration and Human Rights and that a protocol of co-operation between the relevant public authorities covering a wide range of issues with emphasis on age assessment procedures is under preparation. He hopes that the consultations, which are still on-going, will lead to the clarification of the procedures applicable as well as of the responsibilities of the different stakeholders in order to safeguard the best interests of all unaccompanied migrant children.

## 1.2 ISSUES CONCERNING RECEPTION OF ASYLUM SEEKERS AND SOCIAL INTEGRATION

30. Asylum seekers are entitled to "material reception conditions" during both the regular and the accelerated procedures, except during proceedings before the Supreme Court. During the subsequent application procedure applicants have no access to any reception conditions. According to the Reception Conditions Regulations, material reception conditions refer to accommodation, food, clothing, and a daily allowance, which can be provided in kind and/or in vouchers and/or "in another way" which is not defined.

### 1.2.1 ACCESS TO HOUSING

31. Asylum seekers are first offered accommodation in a reception centre, except for unaccompanied minors who are referred to state-run shelters for children. Cyprus has only one reception centre, which the Commissioner visited. It is an open centre, located in the municipality of Kofinou, around 25 km from the nearest city, Larnaca. The capacity of the centre has expanded by five times its original size, with its current capacity reaching 400 residents. At the time of the Commissioner's visit there, 280 to 290 asylum seekers, including 87 children, resided in the centre in satisfactory conditions for six months to two years on average.
32. In the course of his visit to the centre, the Commissioner noted that language courses and social and medical assistance were provided to the residents by dedicated staff members and NGO volunteers. In spite of free access to public transportation, several asylum seekers complained about the remoteness of the reception centre, which complicates everyday life, including access to work, public services, etc.
33. The Commissioner has been informed that the functioning of the Kofinou reception centre was funded by UNHCR and by the EU on the basis of specific projects. The lack of a proper, stable budget secured by the state creates difficulties, especially in terms of staff, notably during transition periods between the projects. For instance, at the time of the Commissioner's visit, the management positions were reportedly vacant.

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<sup>8</sup> The same law previously provided that the Commissioner for Children's Rights would provide such legal representation.

34. In addition to the Kofinou reception centre, a temporary camp was established in September 2014 in Kokkinotrimithia to accommodate, in particular, refugees rescued at sea in the context of the “Navkratis programme”, which has been designed to deal with arrivals of large numbers of asylum seekers. Under this programme, upon arrival asylum seekers were registered and then housed temporarily in tents at Kokkinotrimithia before being transferred to Kofinou, while unaccompanied minors were taken to children’s shelters. In January 2015, the government decided to withdraw all its services from the camp where 200 Syrians, who were reluctant to apply for asylum, lived for more than three months. The Minister of Interior urged the migrants to apply either for asylum or for a temporary resident permit and informed the Red Cross, which was operating there, that it could no longer provide humanitarian assistance. However, the Cypriot authorities decided in September 2015 to reuse the Kokkinotrimithia camp following more arrivals by sea. UNHCR and NGOs indicated to the Commissioner that they considered that the conditions in Kokkinotrimithia were inadequate. The Commissioner notes with satisfaction that the camp in Kokkinotrimithia stopped operating after his visit and invites the authorities not to reopen it.
35. The Commissioner is concerned about information he received according to which certain asylum seekers refusing to be accommodated at the reception centre have been denied access to material assistance by social welfare services, even though the reception centre is not adapted to their medical condition. He is also concerned about reports indicating that the reception system is inadequate to cover the basic needs of asylum seekers with families and children. According to a recent [report](#) by Future Worlds Centre, it is all the more difficult for asylum seekers to be included in public aid programmes following a 2013 legislative amendment that led to them receiving nearly 50% less in financial assistance than nationals.<sup>9</sup> In addition, the Commissioner notes that asylum seekers reported a number of problems with the voucher system, since vouchers can be used only in a limited number of shops where the prices are reportedly much higher than in other shops.

### 1.2.2 RIGHT TO FAMILY REUNIFICATION

36. The European Court of Human Rights has stressed that family unity is an essential right for refugees and that family reunification is a fundamental element in enabling persons who have fled persecution to resume a normal life.<sup>10</sup> The Council of Europe Committee of Ministers has also recommended that member states “deal with applications for family reunion from refugees and other persons in need of international protection in a positive, humane and expeditious manner.”<sup>11</sup> However, during his visit, the Commissioner was informed of a number of obstacles which prevent family members from joining beneficiaries of international protection in Cyprus.
37. The Commissioner regrets that, despite concerns expressed by [UNHCR](#) and NGOs, amendments to the Refugee Law were adopted in April 2014 which exclude beneficiaries of subsidiary protection from the right to family reunification. The Commissioner shares the views of UNHCR, according to which the humanitarian needs of persons benefiting from subsidiary protection are not different from those of refugees. He also notes that this exclusion contradicts the European Commission [guidelines](#) on family reunification requiring EU member states to grant similar rights and entitlements to refugees and beneficiaries of subsidiary protection.
38. The Commissioner further deplores the fact that the amendments to the Refugee Law adopted in April 2014 also restricted refugees’ right to family reunification. Only refugees who had their family relationships formed prior to their entry to Cyprus can enjoy this right. In addition, applications for family

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<sup>9</sup> According to Future Worlds Centre, in 2014, the amount to cover basic needs for nationals was set at 452 euros (in cash) per month, while the amount for asylum seekers was 220 euros (in vouchers and cash).

<sup>10</sup> *Tanda-Muzinga v. France*, application no. [2260/10](#), judgment of 10 July 2014, paragraph 75.

<sup>11</sup> [Recommendation N° R \(99\)23](#) of the Committee of Ministers to member states on family reunion for refugees and other persons in need of international protection, 15 December 1999, Rec(99)23, paragraph 4.

reunification must be submitted within three months of the recognition of refugee status. These restrictions, as UNHCR has stressed, do not sufficiently take into account the specific situation of refugees and represent serious obstacles to the effective enjoyment by them of their right to family reunification.

### 1.2.3 SOCIAL INTEGRATION

39. Very much linked to the right to family reunification, the social integration of refugees and beneficiaries of subsidiary protection is another issue of concern in Cyprus. The Commissioner notes that according to Cypriot legislation, refugees enjoy the same socio-economic rights as nationals. However, his attention has been drawn to the fact that refugees are, in practice, often excluded from the benefit of social measures aimed at enhancing social cohesion, such as public housing schemes, student grants, or micro-credit loans for small business development.
40. Other obstacles to effective integration are those related to the limited command of the local language and concomitant difficulties in accessing the labour market. Article 21 of the Law on Refugees provides that refugees have “the right of employment or self-employment, in accordance with the rules generally applicable to the profession and the public administration and in the recognition of degrees and remuneration.” However, according to a 2013 UNHCR [report](#), the labour market mobility in Cyprus is the most unfavourable within the EU. In addition, difficulties in obtaining recognition of their educational and professional qualifications have been reported.
41. Other obstacles have a strong psychological component, such as the reported unreceptive attitudes towards migrants in general, and lack of understanding within Cypriot society of the specific situation of refugees. As regards manifestations of racism, between 2005 and 2014 the yearly racial incidents [recorded by the Cypriot police](#) ranged from two to 34. Reported instances of discrimination<sup>12</sup> and racist violence<sup>13</sup> targeting migrants send them signals that they are unwelcome and dissuade many of them from investing in their integration.
42. The exclusion of beneficiaries of subsidiary protection from the right to family reunification, the serious difficulties in obtaining long-term residence permits<sup>14</sup> and the extremely difficult access to Cypriot citizenship deeply affect the sense of security and stability of beneficiaries of international protection. In the course of his visit, the Commissioner met a Nigerian man who has been residing in Cyprus for 13 years, paying taxes and social contributions, having children born in Cyprus and who still had not managed to obtain a long-term residence permit. The case of this person, who was exhausted by the difficulties he faced and the lack of prospects, illustrates the situation of many migrants in Cyprus. The Commissioner considers that these restrictive policies also discourage migrants as well as local authorities from investing in migrant integration.
43. The Minister of Interior drew the Commissioner’s attention to the existence of an action plan for the integration of migrants, including asylum seekers, refugees and beneficiaries of subsidiary protection. However, to the Commissioner’s knowledge, this document dating back to 2010 was supposed to cover the period 2010-2012 and has not been implemented so far. However, he notes with satisfaction that a programme providing free Greek language lessons to third country nationals was set up in late 2015 under the EU Asylum, Immigration and Integration Fund (AMIF). As regards AMIF, the Commissioner

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<sup>12</sup> In its 2013 Concluding Observations on Cyprus, [CERD](#) expressed concern at the discrimination experienced by immigrants, inter alia, in accessing employment and housing, which has been exacerbated by austerity measures. It also noted increasing discriminatory attitudes and racial stereotypes relating to persons of foreign origin.

<sup>13</sup> In its 2015 [concluding observations](#) on Cyprus the UN Human Rights Committee expressed concern about “reports of a rise in incidents of racially motivated verbal and physical abuse by right-wing extremists and neo-Nazi groups”. The Advisory Committee of the Framework Convention for the Protection of National Minorities also deplored, in its fourth [opinion](#) published in November 2015, an upsurge in racially motivated violence and hate crime directed, inter alia, against migrants and refugees.

<sup>14</sup> According to UNHCR, no refugee has succeeded in obtaining long-term residence status due its criteria: application fee of € 200; obligation to provide statements of social contributions and tax statements of past five years; obligation to provide health insurance coverage certificate; obligation to provide Greek proficiency certificate.

observes that some concerns have been raised by [NGOs](#) stressing that the majority of the beneficiaries are public authorities, municipalities and consulting companies and therefore there is some doubt that the fund will be used in a way that will improve the integration of migrants in Cyprus.

44. The Commissioner notes that, according to the 2015 MIPEX [report](#), far too little targeted support is organised for non-EU citizens' employment, training, health or political participation. This situation makes Cyprus a country that migrants are very hesitant to reach, let alone remain and live in. The Commissioner considers that integration, especially for beneficiaries of international protection, is essential and that the authorities should dedicate more efforts to making it happen in the interest of Cypriot society's social cohesion.

### 1.3 DETENTION OF MIGRANTS

#### 1.3.1 AN OVERVIEW OF THE LEGAL FRAMEWORK OF MIGRANT DETENTION

45. The Refugee Law proscribes the detention of asylum seekers, as well that of asylum seeking children, for the sole reason that they are applying for asylum. However, it provides that a court can issue a detention order targeting an adult asylum seeker in order either to establish his/her nationality or identity in case he/she does not co-operate, or to examine new elements after the rejection of his/her asylum application and the issuance of a deportation order. The Commissioner notes that, until a welcomed shift in practice in September 2014, all asylum seekers who were returned to Cyprus under the Dublin Regulation used to be detained, except for mothers with children. "Dublin returnees" whose final decision is pending are now transferred to the Kofinou reception centre instead of being detained.
46. The Aliens and Immigration Law provides for the detention of "prohibited immigrants", as well as for detention for the purpose of return under the EU Returns Directive. According to the Aliens and Immigration Law, the qualification of "prohibited immigrant" may result from 13 different situations, in particular in case of irregular entry and/or stay on the territory or of rejection of an asylum application. Being a "prohibited immigrant" constitutes a criminal offence which can lead to detention for a maximum of three years.
47. The Aliens and Immigration Law provides that third country nationals who are subject to return procedures may only be detained in order to prepare the return and/or carry out the removal and in particular when there is a risk of absconding or if the third-country national concerned avoids or hampers the preparation of return or the removal process. Therefore, a time period between seven and 30 days for a voluntary departure may be granted. The Establishment and Regulation of Premises of Illegal Migrants Regulations of 2011 proscribes third country national children's detention for the purpose of deportation, unless their detention with their parents is considered to be in their interest for preserving family unity.
48. The law provides detention shall not exceed a period of six months, but may be extended for 12 additional months in cases where, despite the authorities' efforts, the organisation of the deportation requires more time due to a lack of co-operation by the third-country national concerned, or delays in obtaining the necessary documentation from third countries. Detained migrants can challenge the grounds of their detention before the Supreme Court. The duration of their detention may also be challenged through lodging a *habeas corpus* application with the Supreme Court.
49. Since its opening in January 2013, most migrants are held at the Mennogeia detention centre, located a few kilometres away from Larnaca International Airport. However, migrants may also be detained in police stations for short periods of time and in prisons, together with detainees prosecuted or sentenced for criminal acts.



### 1.3.2 HUMAN RIGHTS CONCERNS REGARDING MIGRANT DETENTION

50. The Commissioner observes that, in practice, very few alternatives to detention are implemented.<sup>15</sup> Detention for long periods of time is widely used and reportedly “routine”. He is concerned about the reported prolonged detention of migrants, including Syrian asylum seekers, for the purpose of deportation even when it appears that a reasonable prospect of removal no longer exists.<sup>16</sup> He notes that although she has urged the authorities on several occasions to refrain from detaining migrants when a reasonable prospect of removal no longer exists, the [Commissioner for Administration and Human Rights](#) continues to receive complaints regarding the excessive length of detention prior to deportation.
51. The Commissioner is also concerned about [information](#) indicating that certain Supreme Court judgments ordering the release of migrants following their unlawful, prolonged detention have not been implemented by the administration and the individuals concerned were re-detained upon their release. According to a 2014 [report](#) by the NGO Movement for Equality Support, and Antiracism (KISA), some migrant detainees remain in detention for more than 18 months as a result of this practice. This was confirmed by detainees with whom the Commissioner met at the Mennogeia detention centre. He notes that on 10 February 2014, the Supreme Court [condemned](#) the practice of re-arresting and re-detaining by virtue of a new detention and deportation order.
52. As regards conditions of detention, the Commissioner notes that in recent years, this issue has generated criticism from detainees, NGOs, national human rights structures and international human rights bodies. Several hunger strikes and protests have been initiated by migrants and asylum seekers detained at the Mennogeia detention centre denouncing the conditions and length of their detention. The [Commissioner for Administration and Human Rights](#), acting as National Preventive Mechanism (NPM), has expressed her concerns further to the visits she conducted in 2013. She noted, *inter alia*, a lack of information on the rights of migrant detainees, a lack of medical staff, risks of ill-treatment occurring during the interviews by the Migration police, and difficulties faced by migrants wishing to file an asylum claim while in detention.
53. In 2014, the [CPT](#) and [UNCAT](#) deplored the lack of organised activities offered to migrant detainees, the limited outdoor access and expressed concern about allegations of physical ill-treatment and verbal abuse of detainees by custodial staff at the Mennogeia detention centre. In addition, in a number of cases, migrant women detainees were forcibly separated from their young children, which led to the publication in April 2014 of a [statement](#) by the Commissioner as well as of a joint declaration by the Commissioner for Administration and Human Rights and the Commissioner for Children’s Rights condemning the practice. The Commissioner notes with satisfaction that, according to the Law Commissioner of Cyprus, a policy decision has been issued in order to eradicate this practice.
54. During his visit to the Mennogeia detention centre the Commissioner was informed that, further to 2014 [CPT](#) recommendations, the Minister of Justice and Public Order decided to reduce by half the capacity of the centre, which was initially 256. The Commissioner welcomes this decision. At the time of his visit, 76 migrants were detained in the centre, with the average length of detention being 14 months. The Commissioner noted with satisfaction some significant improvements in the conditions of detention in the centre: detainees did not complain either about custodial staff behaviour, or about food or outdoor access. The Commissioner for Administration and Human Rights has acknowledged these improvements, indicating that upon her recommendation, written guidelines were issued instructing the staff to respect the detainees’ rights and that she no longer receives complaints regarding ill treatment at Mennogeia.

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<sup>15</sup> The Aliens and Immigration Law refers to alternatives to detention without specifying them. However, the Commissioner notes that a draft law aimed at amending the Refugee Law mentions the obligation to stay at an assigned place, such as special accommodation centres, as a possible alternative.

<sup>16</sup> The Commissioner notes, for instance, that, in November 2012, the Supreme Court ordered the release of a rejected asylum-seeker from Iran detained for 14 months, as there was no realistic prospect for his deportation.



55. However, the Commissioner remains concerned about a number of issues. Detainees complained about the lack of activities as well as about the length of their detention, some of them experiencing re-detention. Many detainees deprived of liberty for months without any prospect of either deportation or release do not understand the purpose of their continuous detention and feel treated as criminals. This leads to high levels of stress and psychological disorders. The cases of the seven migrants who were reportedly on hunger strike at the time of the Commissioner's visit illustrate the despair of many immigrants detained in Mennogeia.
56. The Commissioner notes that a psychologist is present in the Mennogeia detention centre once a week and that a programme of psychological support has been implemented in 2014 and 2015 in co-operation with the Cypriot Red Cross Society. He further notes that the Ministry of Justice and Public Order has applied for EU funds in order to offer activities to the detainees. However, the Commissioner considers that these welcomed efforts will remain insufficient as long as Cyprus continues to detain migrants for long periods of time even in the absence of any real prospect of their return.

#### 1.4 TRAFFICKING IN HUMAN BEINGS

57. Cyprus has been associated for many years with trafficking in human beings (THB), in particular the trafficking of women for sexual exploitation mainly in bars, nightclubs and so-called cabarets. Cases of migrants recruited by employment agencies and then subjected to debt bondage and forced labour in agriculture have also been [reported](#). According to the [authorities](#), over the past few years, victims of THB have been mainly nationals from countries of the former Soviet Union, but recently the number of identified victims from Eastern Europe, India, the Philippines, Morocco, and Vietnam has increased. In its 2015 [second evaluation report on Cyprus](#), the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) noted that the number of identified victims of THB was respectively 52 in 2010, 40 in 2011, 37 in 2012, 30 in 2013, 42 in 2014, and 42 as at 26 August 2015. Out of these victims, 70% were women, 26% men, and the rest were children.
58. In this context, the Commissioner recalls that the European Court of Human Rights delivered an important judgment in 2010 in the case of [Rantsev v. Cyprus and Russia](#) concerning the death of a young Russian woman who entered Cyprus in March 2001 on a visitor's visa and was then granted a work permit for the purpose of working in a cabaret. The woman, who had left her employer and was returned to the manager of the club by the police, was found dead in the street below the balcony of an apartment to which the cabaret manager had brought her. The Court found a violation of her right to life (Article 2 ECHR) as a result of the Cypriot authorities' failure to investigate effectively Ms Rantseva's death. In addition, the Court found that there had been a violation by Cyprus of its positive obligations arising under Article 4 of the Convention prohibiting slavery and forced labour on two counts: firstly, its failure to put in place an appropriate legal and administrative framework to combat trafficking as a result of the regime of "artiste" visas, and secondly, the failure of the police to take operational measures to protect Ms Rantseva from trafficking, despite circumstances which had given rise to a credible suspicion that she might have been a victim of trafficking.
59. The Commissioner notes with satisfaction that the Cypriot authorities have taken successive steps to fight against THB. In 2007 a comprehensive anti-trafficking law was adopted, following the ratification of the 2005 Council of Europe Convention on Action against Trafficking in Human Beings. In 2008 the so-called "artiste" visas, which favoured the trafficking of women into Cyprus for the purpose of sexual exploitation, were abolished by ministerial decision. In spite of a subsequent decrease in the number of cabarets resulting from this abolition, the Commissioner regrets that this decision did not lead to an eradication of this phenomenon. Other types of work permits, such as short term work permits, have been reportedly used for the purpose of trafficking.<sup>17</sup>

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<sup>17</sup> See the previous Commissioner's [letter](#) of 29 June 2010 to the Minister of Interior of Cyprus.

60. Another positive step was the adoption of a National Action Plan against Trafficking 2013-2015 covering different aspects of the issue (coordination, prevention, identification of victims, victim protection and assistance, prosecution, training, international co-operation, etc.) and including practical measures and actions to be implemented within specified timeframes. Examples of the actions included the training of public servants, frontline responders, and judges, the production of information material, awareness raising campaigns, seminars in schools, and training of personnel working in the media.
61. In addition, Law 60(I)/2014 on Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims was adopted in April 2014. This law expanded the definition of victim to include persons who are trafficked and/or exploited, irrespective of whether these persons sustain damage or not. It penalises the use of services when there is reasonable suspicion that the service is provided by a victim of trafficking, and provides greater focus on the prosecution of persons exploiting victims of THB. It also offers more support to victims, including through the setting up of a compensation fund to address their needs. The new law contains special provisions for the protection of child victims and allows victims of trafficking to stay in Cyprus, if they so wish.
62. To implement its relevant legislation as well as the national action plan, Cyprus has established an institutional framework which includes a National Coordinator, who is the Minister of Interior, and a “Multidisciplinary Coordinating Group” composed of a wide range of public and civil society actors involved in the fight against THB.<sup>18</sup> Law 60(I)/2014 also provides for an independent external evaluator, who has not been appointed yet and whose mandate could be given to the Commissioner for Administration and Human Rights.<sup>19</sup> The evaluator will examine trends regarding trafficking on a national and international level and will evaluate the results of the action taken by Cyprus to combat THB as well as the implementation of the action plan by, among other things, gathering statistical data in close co-operation with the services involved and relevant NGOs. The independent external evaluator will submit reports with the results of his/her evaluations and suggestions regarding additional or other measures that should be taken.
63. The Commissioner notes that, in its 2015 [second evaluation report on Cyprus](#), GRETA praised, *inter alia*, the adoption of legislation providing for stricter rules to prevent employment agencies’ involvement in human trafficking offences and the strengthening of the capacities of the specialised Police Office for Combating THB as well as the expansion of its mandate. The Commissioner also welcomes these developments as well as the reported significant improvements regarding investigations into THB cases and the prosecution of traffickers: according to the Minister of Interior, the police filed charges against 34 persons in 2013, 50 persons in 2014, and during the first six months of 2015 this number rose to 64. This led to the first convictions for child sex trafficking in 2014.
64. In spite of these welcome efforts and improvements, the Commissioner remains concerned about a number of issues. As regards the prevention of THB, he notes that in 2015 [GRETA](#) deplored the lack of supervision of private employment agencies, some of which play an instrumental role as recruiters, and urged Cyprus to step up labour inspections. In the course of his visit, the Commissioner’s attention was drawn to the situation of many domestic workers who are recruited via these agencies and are subsequently exploited by their employers with almost no possibility to go to court to claim their wages.<sup>20</sup>
65. As regards the identification of victims of THB among asylum seekers, the Commissioner is concerned about the reported failure to properly identify such cases at an early stage. This prevents the authorities from meeting these persons’ specific needs and may also result in erroneous decisions on their

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<sup>18</sup> Members of the Multidisciplinary Coordinating Group include, *inter alia*, the Attorney General of the Republic of Cyprus, the Chief of Police, the General Director of the Ministry of Labour, Welfare and Social Insurance, the Head of the Asylum Service, of the Ministry of Interior, or his/her representative, representatives of NGOs.

<sup>19</sup> However, GRETA was informed that the current staff resources of the Human Rights Department of the Commissioner’s Office are insufficient to take on this additional role.

<sup>20</sup> According to NGO estimates, there are between 35 000 and 40 000 domestic workers in Cyprus, most of them being third-country nationals.

application for international protection. In this context, the Commissioner underlines that in [L.E. v. Greece](#) (January 2016), the European Court of Human Rights considered that the fact that a victim of THB had been required to wait for more than nine months after informing the authorities of her situation in order for the justice system to officially grant her the status of victim of THB was a violation of Article 4 ECHR.

66. As regards assistance provided to victims of THB, the Commissioner deplores that suitable accommodation capacities remain insufficient in Cyprus and that important delays in issuing monthly allowances to victims have been reported. He welcomes the fact that the government maintained financial resources allocated for victims of THB in 2015 despite cuts in other welfare funding. However, he is concerned about reported financial difficulties faced by NGOs specialising in this field. He is also concerned about the unavailability of an effective remedy against decisions of the Office of the Police for Combating Trafficking in Human Beings for persons who have not been recognised as victims of trafficking.<sup>21</sup>
67. As regards the prosecution of trafficking offences, the Commissioner welcomes the convictions secured in THB cases. However, he notes that UNCAT expressed concern in its 2014 [Concluding observations](#) about the fact that most convictions are handed down under non-trafficking statutes that impose more lenient sentences, rather than for the crime of trafficking.

### 1.5 STATELESSNESS AND ACCESS TO CITIZENSHIP

68. Cyprus has not yet acceded to the 1997 European Convention on Nationality or any other international treaty on statelessness, and the rights of stateless people are not adequately protected under domestic law. According to the [Commissioner for Administration and Human Rights](#), the fragmented way in which Cypriot law deals with stateless persons is “unable to afford adequate and effective protection”. In her 2014 [report](#) on statelessness she indicated, in particular, that Law 59(I)/2014 struck out the provision of the Refugee Law which granted a special humanitarian status to stateless persons, without replacing it.
69. The Commissioner’s interlocutors during his visit noted instances of discriminatory application of the nationality laws in relation to certain groups, in particular refugees, who face difficulties in obtaining Cypriot citizenship despite meeting the legal requirements. This alleged discrimination, about which the UN Human Rights Committee also expressed concern in its 2015 [Concluding Observations](#) on Cyprus, has recently been illustrated by several cases of stateless Kurds from Syria whose applications for citizenship were rejected although they fulfilled the required period of uninterrupted stay in Cyprus. It is only after having protested opposite the Ministry of Interior for ten months that these persons were officially granted citizenship in October 2015. According to UNHCR, the government usually requires refugees to complete seven years of stay, instead of the general requirement of five years. Those who file an application often wait up to six years to get a decision. The Commissioner notes that the authorities have admitted the existence of delays and consider that efforts were made to improve the situation, although they are limited by financial constraints.
70. Even more worrying is the fact that Cypriot legislation does not contain any safeguards addressing the situation of stateless children, nor provisions to grant nationality to children of unknown parents. According to the [Commissioner for Children’s Rights](#), in most cases, children whose parents are stateless remain without nationality, even if they were born in Cyprus. The Commissioner is deeply concerned about this situation which prevents migrant children from integrating into society. However, an improvement of the situation can be expected in view of the forthcoming accession by Cyprus to the 1954 UN Convention on the Status of Stateless Persons.

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<sup>21</sup> Amnesty International, [Report](#) 2014/2015 – Cyprus, 25 February 2015.

## 1.6 CONCLUSIONS AND RECOMMENDATIONS

71. The Commissioner welcomes the increase in the recognition rates concerning applications for international protection. He invites the Cypriot authorities to ensure an individualised assessment of all asylum applications. In this context he stresses that people fleeing the conflict in Syria should be granted refugee status and should only be granted lesser forms of protection in exceptional cases justified by specific and concrete elements resulting from the individualised analysis of these applications.
72. Vulnerable asylum seekers, including unaccompanied minors and victims of THB, need specific protection and care. Therefore, the Commissioner urges the authorities to ensure early identification of these persons. He stresses the need to drastically reduce the delays in conducting the first interviews and to adequately train immigration officers and social workers.
73. The Commissioner encourages the authorities to take measures to guarantee that the minor migrant age assessment procedures comply with the principles set out in PACE [Resolution 1810 \(2011\)](#) on “Unaccompanied children in Europe: issues of arrival, stay and return”, in [General Comment No. 6 \(2005\)](#) of the Committee on the Rights of the Child on the treatment of unaccompanied and separated children outside their country of origin, and in the recommendations of the Commissioner for Administration and Human Rights and of the Commissioner for Children’s Rights. The Commissioner therefore invites the authorities to establish an age assessment protocol guaranteeing in particular that all age assessment procedures are multidisciplinary and that if the minor status of the person concerned remains uncertain, he or she should always be given the benefit of the doubt.
74. The Commissioner invites the Cypriot authorities to guarantee full effectiveness of all remedies available to asylum seekers. Pointing out that the effectiveness of a remedy also depends on its availability and accessibility in practice, he calls on the authorities to take all necessary measures to enable asylum seekers to prepare their applications properly, which should include making legal assistance available at all stages of the procedure. He notes with satisfaction the authorities’ intention to ensure the suspensive effect of the procedures before the administrative court. He invites them to secure it by law and to complete the transposition process of the EU asylum package in a manner which ensures the full protection of the human rights of asylum seekers and refugees.
75. The Commissioner stresses that states must provide asylum seekers with adequate material reception conditions. He strongly believes that the reception of asylum seekers cannot rely only on project-based external funding, but requires at least a mid-term policy funded by the ordinary state budget. Therefore, he invites the Cypriot authorities to secure in the ordinary state budget funds aimed at providing adequate material reception conditions to asylum seekers.
76. The Commissioner reiterates that the right to family reunification is essential to beneficiaries of international protection. He urges the Cypriot authorities to grant access to family reunification to beneficiaries of subsidiary protection and to abolish the restrictions to the full enjoyment of this right by refugees.
77. The Commissioner is concerned about the existence of many obstacles to migrants’ integration. He urges the authorities to eradicate these obstacles through the designing and implementation of comprehensive, long-term and adequately-funded integration policies. In this context, he also stresses the importance of resolutely fighting against and effectively sanctioning hate speech and other forms of hate crime targeting migrants. Cyprus is additionally called on to ratify the 1992 Council of Europe [Convention on the Participation of Foreigners in Public Life at Local Level](#), which it signed in 1996.
78. The Commissioner welcomes recent improvements regarding migrants’ detention, including the fact that “Dublin returnees” are no longer detained, and the end put to the practice of detaining nursing mothers, thus separating them from their children. He further welcomes the reduction by half of the capacity of the Mennogeia migrant detention centre. However he remains concerned about the wide use of migrant

detention, often for excessively long periods of time, and the practice of re-arresting and re-detaining immigrants.

79. Cyprus is urged to end the practice of migrant detention, especially of asylum seekers as well as of migrants deprived of liberty when there is no reasonable prospect of deportation. In particular, no migrant child should ever be subject to detention. The fact of having a dependent child must be grounds for an adult not to be detained except in accordance with the lawful order of a criminal court. The Commissioner invites Cyprus to develop alternatives to detention in line with the guidelines contained in [PACE Resolution 1707 \(2010\)](#) on the detention of asylum seekers and irregular migrants in Europe. He stresses that these alternatives, such as registration and reporting or release on bail, have proved effective and less costly than detention.
80. The Commissioner welcomes the efforts and improvements made in combating THB in Cyprus. However, he calls on the authorities to fulfil their positive obligations under Article 4 ECHR through ensuring the early and prompt identification of victims of THB. He also urges them to extend the accommodation capacities for victims of THB and to make sure that perpetrators of THB crimes are effectively prosecuted and sanctioned under trafficking statutes.
81. Lastly, the Commissioner is very concerned about the difficulties faced by a number of migrants in obtaining Cypriot citizenship despite meeting the legal requirements, and the existence of stateless persons in Cyprus. Stressing that Article 34 of the 1951 Refugee Convention requires that state parties make every effort to facilitate the naturalisation of refugees, Cyprus is urged to put an end to the discriminatory application of the nationality law in relation to refugees. In addition, the Commissioner calls on the authorities to adopt legislative measures to ensure the full and effective protection of children against statelessness and to grant nationality to children of unknown parents. In this context, Cyprus is urged to complete the long-pending process of accession to the 1954 UN Convention relating to the Status of Stateless Persons, and to accede to the 1997 [European Convention on Nationality](#).

## 2 IMPACT OF THE ECONOMIC CRISIS ON THE ENJOYMENT OF HUMAN RIGHTS

### 2.1 ECONOMIC CRISIS AND RECOVERY IN CYPRUS

82. Cyprus has experienced a major economic crisis which started in 2012. Within a few months the country, having had a prosperous economy with almost full employment, entered a financial crisis which brought an unemployment rate of over 16%.<sup>22</sup> The GDP growth rate decreased significantly, becoming negative (– 2.4%) in 2012 and further declining to – 5.4% in 2013. In May 2013, the European Commission (EC), the European Central Bank (ECB) and the International Monetary Fund (IMF) agreed an Economic Adjustment Programme with the Cypriot authorities covering the period 2013-2016. The agreement led to a package of international financial assistance for Cyprus of up to €10 billion.<sup>23</sup>
83. The Economic Adjustment Programme, supported by a [Memorandum of Understanding](#) (MoU) prepared by the European Commission in liaison with the European Central Bank and the International Monetary Fund (“Troika”), pursued three main objectives: restoring the soundness of the Cypriot banking sector and rebuilding depositor and market confidence; continuing the process of fiscal consolidation in order to correct the general government deficit; and implementing structural reforms to support competitiveness and sustainable balanced growth. It specified the conditions to be met for the first and subsequent disbursements of European Stability Mechanism (ESM) financial assistance, and included measures related to state revenue and public expenditure, as well as pension and health care reforms, which directly affected the whole population.
84. As a consequence, the number of public sector employees was reduced by at least 4 500 over the period of 2012-16 by, *i.a.*, freezing the hiring of new personnel on first entry posts in the broader public sector until 31 December 2016. A policy was also introduced by which one person would be recruited for every four retirees, while a four-year plan was adopted aiming to abolish at least 1 880 permanent public service posts. At the same time, significant reductions in total outlays for social transfers, as well as scaled reductions in earnings of public and broader public sector pensioners and employees were implemented. The standard and reduced VAT rate was increased by one per cent resulting in 19% and nine per cent accordingly. The fees of all public services increased by 17%, affecting everyone on the island, including members of vulnerable social groups.
85. Besides these measures, the government tried to ease the pressure put on members of vulnerable social groups and to assist them in overcoming their financial difficulties. In 2014, the Cypriot authorities established a guaranteed minimum income (GMI) scheme,<sup>24</sup> replacing the previously existing public assistance scheme. The GMI is a supplementary benefit calculated as the difference between the basic income<sup>25</sup> and the real income of applicants. Its implementation attracted criticism. From its entry into force to February 2016, 202 complaints were filed at the Cypriot Ombudsman’s Office regarding the GMI’s implementation, including delays in examining and reviewing GMI applications, as well as the age, means and residence conditions set by the GMI and Social Benefits Act.
86. In August 2015, the GMI scheme was reformed in order to expand its eligibility scope and to resolve the problems which resulted from its implementation. According to the Ministry of Labour, Welfare and Social Insurance, more than 20 000 households had been approved to benefit from the new GMI at the time of the Commissioner’s visit, while many applications were still pending. In addition to the GMI, a “[Personal repayment plan and debt relief order](#)”, in virtue of which up to € 25 000 can be erased from bank debts

<sup>22</sup> According to statistics communicated to the Commissioner by the Cypriot Ministry of Finance, the unemployment rate was 3.7% in 2008. After three years of progressive increase, it doubled between 2011 (7.9%) and 2013 (15.9%).

<sup>23</sup> The European Stability Mechanism made available € 8.968 billion, and the IMF contributed around €1 billion.

<sup>24</sup> For a detailed description of the GMI scheme, see the [European Social Policy Network](#) (ESPN) thematic report on minimum income schemes Cyprus 2015, by Panos Pashardes and Christos Koutsempelas, forthcoming.

<sup>25</sup> The basic income was set at € 480 for a single-person household in 2015.

and € 2 500 from debts owed to the government and local authorities, as well as a mediation procedure under the auspices of the [Financial Ombudsman](#) were introduced in 2015.

87. Two years after the conclusion of the “bailout”, Cyprus has returned to growth<sup>26</sup> after a period of deep recession. In September 2015, the IMF, considering that public finances had improved considerably, expressed its satisfaction about the evolution of the programme, which is scheduled to end at the end of March 2016, and decided a disbursement of about € 125 million. In its [report](#) on the seventh review of the economic adjustment programme, the European Commission noted that fiscal developments exceeded expectations of the “Troika” and the Eurogroup endorsed the payment of the next tranche of financial support of € 500 million.
88. In spite of these signs of recovery, the Commissioner remains concerned about the long-term effects of the crisis in terms of poverty and social exclusion. According to Eurostat, between 2005 and 2014, long-term (over one year) unemployment increased from 1.3% to 7.7%, this latter rate being 2.6 percentage points higher than the EU average. In 2014, 15.3% of the Cypriot population were considered as severely materially deprived and 27.4% of the population were at risk of poverty or social exclusion, with both rates having slightly decreased compared to 2013 (respectively 16.1% and 27.8%) but remaining higher than in 2012 (respectively 15% and 27.1%), the first year of the crisis.

## 2.2 IMPACT OF THE ECONOMIC CRISIS ON SPECIFIC SOCIAL GROUPS

### 2.2.1 CHILDREN

89. The economic crisis had a particularly negative impact on children in Cyprus. Children’s rights affected by the economic crisis and austerity measures are primarily those concerning an adequate standard of living and education.
90. The [UNICEF 2014 Innocenti Report Card 12](#) ranked Cyprus among the countries most affected by the economic crisis and showed that Cypriot children were among the most severely materially deprived in Europe. According to this report, the child poverty rate increased from 14% in 2008 to 16.7% in 2012. The intensity of poverty also increased, with the relative median poverty risk gap for children growing from 14.6% in 2009 to 20.4% in 2014. The most recent Eurostat data available presents Cyprus as a country where one in four children was at risk of poverty or social exclusion in 2014.
91. As the UNICEF 2014 Innocenti Report Card 12 showed, the global financial shock and ensuing recession turned into a crisis for children as a result of a combination of factors, the most significant being parents’ unemployment and the depleted capacity of states to protect families. In Cyprus, like in other countries hit by the economic crisis, child poverty results from reduced family income due to unemployment, combined with increased taxes and reduced social transfers. Several benefits targeting families with children were reduced and/or subjected to stricter means-testing. For example, in 2012 the government introduced stricter criteria for child benefits. In 2013 the amount of the single parent benefit was reduced and in 2014 stricter income criteria were imposed. According to the observatory of equality in Cyprus, between 2012 and 2013 the number of families that received allowances for their children has dropped by almost 40% due to the introduction of the new criteria.<sup>27</sup>
92. During his visit, the Commissioner’s interlocutors confirmed the trend of increasing child poverty, associated with increased poverty among families. Persistent difficulties faced by many families to meet their needs and buy food for their children were reported by non-governmental organisations. In this

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<sup>26</sup> At the time of the Commissioner’s visit, the Cypriot ministry of finance forecasted a GDP growth rate of 1.5% for 2015.

<sup>27</sup> [Report](#) of the Observatory of Equality in Cyprus, “Η Οικονομική κρίση –προκλήσεις για την Ισότητα των Φύλων στα αποτελέσματα της κοινωνικής και δημοσιονομικής πολιτικής της Κύπρου (undated).



context, the Ministry of Education set up a programme co-financed by the private sector to provide free breakfasts at school to around 14 000 destitute children.

93. Increased child poverty has a potentially devastating long-term effect as it is known to be one of the root causes of poverty and social exclusion in adulthood. Additionally, child poverty usually leads to a number of infringements of the human rights enshrined in the UN Convention on the Rights of the Child, including the right to adequate living standards, and the right to education. In this regard, the Commissioner noted that public education has also been affected by the measures taken in the context of the Economic Adjustment Programme. Education did not remain unaffected by the general freezing in recruitments in the public sector. Although a 2014 [study](#) of the European Parliament considers that this freezing has not affected the general quality of education as teachers continued to be hired to fill in the gaps of those who retire, the filling of the gaps has been slow, on a contract basis. It has been considered inadequate by some of the Commissioner's interlocutors who also deplore that less time is devoted to teaching support and to services for students belonging to vulnerable social groups.
94. As regards the financing of the education system, the budget of the school secretariat covering, *i.a.*, equipment and books, consumables, and building maintenance decreased by 20% in 2013-2014 compared to the previous year.<sup>28</sup> As of the budget year 2014, structural reform measures were introduced, notably a reduction in the number of teachers seconded to the Ministry of Education and Culture, the elimination of mentoring components for pre-service and in-service training for newly appointed teachers and the reduction of the costs of afternoon and evening programmes. In addition, a fee on monthly transportation cards for the use of public transportation services by students was introduced.<sup>29</sup>
95. Although the impact of budget cuts on school infrastructure is difficult to assess at this stage, their impact on school activities and staff can be identified. A 2015 [study](#) of the European Parliament showed that, due to the crisis, migrant children now have fewer opportunities to learn the Greek language. During his visit, the Commissioner's attention was drawn by teachers and NGO representatives to the fact that schools have been invited to limit extracurricular activities in order to avoid burdening parents with additional costs. They also underlined that, due to the economic constraints, teachers have no other incentive but self-motivation, which is not always sufficient, especially for newly recruited teachers with precarious contracts. Furthermore school psychologists are not available to all pupils while the demand for their services has increased since the beginning of the crisis because of the pressure under which many children find themselves due to the economic difficulties faced by their parents.

## 2.2.2 WOMEN

96. In 2014, 28.8% of women, compared to 26% of men, were at risk of poverty or social exclusion in Cyprus. According to the experts with whom the Commissioner met during his visit, this risk differential partly results from wage gaps between the genders based on gender discrimination in the workplace and the lack of sufficient policies to reconcile work and family obligations.<sup>30</sup> The 2015 World Economic Forum Gender Gap [report](#) confirmed the wage inequality: the estimated earned income was of € 22 661 per year for women compared to € 34 926 for men on average. Although the situation has improved, in 2015 women still earned € 1 000 less than men did in 2006.
97. The economic crisis has worsened gender inequalities. According to [Eurostat](#), unemployment has affected men more than women since the beginning of the economic crisis: in 2014, 17.1% of men and 15.1% of

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<sup>28</sup> European Parliament, The impact of the crisis on fundamental rights across Member States of the EU, comparative analysis, [study](#) for the LIBE Committee, 2015, p. 45.

<sup>29</sup> In its 2015 [study](#), the European Parliament noted that this measure has caused "some children to have to walk miles to school every day and some parents to take turns in order to transport children to school." Although several interlocutors of the Commissioner confirmed this finding, it has been disputed as erroneous by the House of Representatives' Human Rights Committee.

<sup>30</sup> L. Christofides, A. Polycarpou, K. Vrachimis, Gender wage gaps, 'sticky floors' and 'glass ceilings' in Europe, Labour Economics, 2013, pp. 86-102.



women were unemployed. But this should not be interpreted as an indication of a lower impact of the crisis on women. As highlighted in the above 2015 study of the European Parliament, this is likely to be an indication of the fact that women are prepared to work under worse working conditions and for lower salaries. Also, the higher unemployment level amongst men is the result of certain economic sectors which were predominantly staffed by men, such as construction, shutting down completely as a result of the economic crisis.

98. The reform of the public sector, especially the freezing of salaries, resulting from the implementation of the Economic Adjustment Programme inflicted more damage on women than on men since women are generally lower on the pay scale in this sector. In addition, women in Cyprus remain the primary family caretakers and reportedly many of them only take on paid work in times of hardship.<sup>31</sup> Despite improvements in the last decade as regards women's opportunities in the labour market, experts met during the Commissioner's visit consider that the crisis risks resulting in backsliding. According to them, the combination of relatively expensive child/elderly care and low salaries increases the opportunity cost of female labour-force participation, thus affecting women's choice between unpaid family responsibilities and paid occupations. As a result, the resurgence of the former traditional family model, with men working and women staying home and taking care of the family cannot be excluded. This is likely to have repercussions in terms of widening wage gaps and inadequate pensions for women in the future.
99. Even before the crisis women made up 70% of part-time employees, with the crisis worsening the situation. The reduction in welfare benefits for housing has also affected women more than men since women have more trouble in finding full time work to pay for their residence. Drastic cuts in funding for the promotion of women in employment as well as for NGOs working on gender equality related issues have also been reported.<sup>32</sup> This risks increasing the impact of the economic crisis on women's rights to decent work and to a decent standard of living enshrined notably in the Convention on the Elimination of all Forms of Discrimination against Women and the European Social Charter, by which Cyprus is bound.
100. During his visit, the Commissioner's interlocutors drew his attention to the risk of increased violence against women as a result of the economic crisis. Studies indeed show that economic constraints put families under pressure and have led to more violence against women in a number of European countries.<sup>33</sup> According to a 2013 European Parliament [resolution](#) on the impact of the economic crisis on gender equality and women's rights, violence against women intensifies when men experience displacement and dispossession as a result of an economic crisis.
101. In view of the above, the Commissioner welcomes the signature by Cyprus in 2015 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). He also notes with satisfaction that the government contributes to the construction of a new NGO-run [shelter](#) for victims of domestic violence. However, the Commissioner has been informed that the financial resources of this NGO, which also operates a hotline for victims of domestic violence,<sup>34</sup> have been reduced while its needs will increase following the opening of the new shelter and the entry into force of the Istanbul convention which requires round-the-clock availability of telephone helplines. The Commissioner stresses that the protection of victims of violence against women goes beyond ensuring availability of shelters and requires a full set of measures, including inter alia psychological support, training and assistance in finding employment. He calls on Cyprus to take all measures necessary in order to ensure effective support services for all victims of violence against women.

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<sup>31</sup> See Stop Gender Stereotypes in Jobs, [Study](#) published by the Cypriot Gender Equality Committee, 2014.

<sup>32</sup> [Report](#) of the Observatory of Equality in Cyprus, cited above.

<sup>33</sup> See, *i.a.*, Oxfam International, European Women's Lobby (EWL), Women's Poverty and Social Exclusion in the European Union at a Time of Recession. [An Invisible Crisis?](#), 2010; EWL, [The price of austerity impact of the austerity measures on women's rights and gender equality in Europe](#), 2012.

<sup>34</sup> The [Association for the Prevention and Handling of Violence in the Family](#) runs the country's two existing shelters and operates a telephone helpline for victims of domestic violence which is available 14 hours a day on weekdays, and 12 hours a day on weekends and holidays.

102. The Commissioner notes that Cyprus has a number of institutions in charge of promoting gender equality which could contribute to limiting the disproportionate effects of the economic crisis on women. In 1994, Cyprus established a National Mechanism for Women's Rights (NMWR) under the Ministry of Justice and Public Order, which is the main coordinating body for the promotion of gender equality in Cyprus. Among other tasks, the NMWR advises the Council of Ministers on policies, programmes and laws promoting women's rights. However, the Commissioner regrets that according to a report of the [Observatory of equality in Cyprus](#), the measures taken by the government in the context of the Economic Adjustment Programme have been designed and implemented without consideration for their impact on gender equality. He further shares the CEDAW's concerns expressed in its 2013 [Concluding observations](#), about the fragmented nature of the NMWR and its lack of authority and visibility.
103. In addition to the NMWR, Cyprus established an equality body in 2004, which is part of the Commissioner for Administration and Human Rights and investigates complaints on the grounds of sex in the area of employment and vocational training, including sexual harassment, maternity protection rights, discrimination in access to employment and working conditions. During his visit, the Commissioner was informed that the Commissioner for Administration and Human Rights' budget decreased due to the economic crisis, leading to three job cuts. He is concerned about the lack of adequate human and financial resources of the Commissioner for Administration and Human Rights as well as about its limited financial autonomy.
104. Finally, in December 2014 Cyprus adopted a [Strategic Action Plan on Gender Equality 2014-2017](#) focusing on six priority areas, including the promotion of women's economic empowerment.<sup>35</sup> The National Action Plan was developed in collaboration with all government departments and local authorities as well as women's organisations and NGOs and was welcomed by the UN Human Rights Committee in its 2015 [concluding observations](#) on Cyprus. However, given the important budget cuts of which the Commissioner was informed during his visit, it remains unclear whether sufficient financial resources will be allocated to this plan and if and when concrete measures will be implemented to promote women's economic empowerment.

### 2.2.3 OLDER PERSONS

105. According to Eurostat, in 2014 13.9% of the population of Cyprus was over the age of 65, and 3.1% was over the age of 80. Although indicators tend to show that the income of older persons is less sensitive to the effects of recession compared to other groups,<sup>36</sup> this should not be interpreted as a sign of limited impact of the economic crisis on the enjoyment of human rights by older persons. On the contrary, in spite of their apparent limited impact on the income of the elderly, the measures adopted in the context of the Economic Adjustment Programme seriously affected their rights to a decent standard of living and to health.
106. The Commissioner welcomes the existence of social pensions<sup>37</sup> as well as a cash benefit scheme addressed to pensioners' households whose total annual income is below the poverty threshold. As underlined by several experts, these measures have certainly contributed to strengthening the adequacy of pensions.<sup>38</sup> However, a series of measures concerning pensions risks jeopardising this strengthening. The statutory retirement age was increased by two years and an automatic adjustment of statutory

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<sup>35</sup> Other areas being: balancing participation of women and men in public and political life; combating all forms of violence against women; eliminating gender stereotypes; institutional reform for the effective implementation of gender equality; legal reform and improvement of the legislative framework.

<sup>36</sup> According to Eurostat, between 2009 and 2014 the percentage of persons over 65 living below the poverty line decreased from 46.4% to 22.4%, while the percentage of this category of persons at risk of poverty or social exclusion decreased from 48.6% to 27.2%.

<sup>37</sup> Social pensions are provided to persons residing in Cyprus on reaching the age of 65 if they are not entitled to a pension from any other source which exceeds the amount of the social pension.

<sup>38</sup> G. Amitsis, C. Phellas, Analytical Support on Social Protection Reforms and their Socio-economic Impact (ASISP) [country document update 2014 Cyprus](#).

retirement age was introduced based on life expectancy rates. A scale reduction in emoluments of public and broader public sector pensioners was also put into effect. In addition, income tax exemptions for certain pension schemes were abolished in 2014 and pension entitlements accrued after 1 January 2013 are now considered as personal income, thus becoming fully taxable.

107. Other measures have complicated the access of older persons to a range of services. In 2014, a fee on monthly transportation cards for the use of public transportation services by pensioners was introduced. The elderly also face considerable problems as regards access to healthcare services. As the crisis has evolved, private healthcare services have become unaffordable for many Cypriots and the flow towards public health has increased, resulting in long queues in public hospitals. Shortages in personnel and the reduction of hospital consumables budgets have further contributed to this phenomenon. These measures along with the €10 fee on every hospital visit, regardless of the patients' income or health situation, burdens older persons particularly since they face health problems more often than any other group. The Commissioner is concerned about serious incidents linked to long queues, including the death of an 87-year old woman with a fractured femur who died in February 2016 after having reportedly waited for 10 hours at Nicosia general hospital.
108. Furthermore, the Commissioner's attention was drawn to serious difficulties surrounding the implementation of the GMI scheme. The initial version of the GMI enabled the loss of the social pension for those who failed to apply for it within the set deadline. The 2014 GMI law did not obligate pensioners to file an application in order to be included in the scheme. However, not filing would cause their exclusion from all welfare schemes since they were all unified under the GMI. It is estimated that around 30% of low income pensioners did not apply by the deadline and therefore ceased to be eligible either for the guaranteed minimum income or for the social pension. A number of the Commissioner's interlocutors also criticised the asset criteria set by the 2014 GMI law as being too restrictive, especially regarding immovable property.
109. The Commissioner welcomes the fact that the GMI reform adopted in August 2015 allowed persons whose applications had been rejected to file an appeal and submit another application and to loosen the asset criteria. He notes that 5 700 of the 45 000 GMI beneficiaries reported by the Ministry of Labour in February 2016 were pensioners with low income. The Commissioner also notes with satisfaction that, as a result of the same GMI reform, home ownership is not taken into account in the means testing if the house does not exceed 300 square metres and that the immovable property's maximum value of € 100 000 can be disregarded from means testing when the property in question cannot be transferred or sold due to mortgages or usufructs placed on the property.<sup>39</sup> Nevertheless, the Commissioner remains concerned about the complexity of the GMI scheme which makes its access difficult to the most isolated and least educated older persons as well as about the reported delays in processing the GMI applications.

#### 2.2.4 OTHER VULNERABLE SOCIAL GROUPS

110. Authorities, National Human Rights Structures, representatives of civil society and experts have all indicated to the Commissioner that single-parent families and migrant families have been particularly affected by the economic crisis. In a context of tax increases and reductions in social transfers, many single parents have either lost their jobs or been confronted with an extension of their working hours without any increase in wages, thus affecting their income due to the relatively high cost of child care. The limitation of access to most benefits to Cypriot and EU citizens has also amplified the effects of the crisis on migrant families whose parents are non-EU citizens. In addition to those groups, former middle-class Cypriot families, having loans to repay and student children to support and whose one or both parents have lost their jobs are also among the victims of the economic crisis. In the course of this visit, the

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<sup>39</sup> See the [European Social Policy Network](#) (ESPN) thematic report on minimum income schemes Cyprus 2015, by Panos Pashardes and Christos Koutsempelas, forthcoming.

Commissioner met with some of these families, who related their difficulties to meet their needs, to access health care services and to support their children's activities.

111. The Commissioner further notes people who kept their jobs often have to support relatives who lost theirs and/or parents whose pensions have been reduced while taxes have increased. The Commissioner's attention was drawn to increased tensions within families, higher incidences of depression, dependence and loneliness resulting from these economic difficulties. For instance, the upsurge in mental health emergencies noticed among its beneficiaries led the Cyprus Red Cross to put in place a reference system to psychologists, especially for persons and families who could not otherwise afford it. Several interlocutors of the Commissioner deplored the lack of consideration of the impact of the economic crisis on mental health, considering that the economic crisis caused both collective and individual traumas which constitute "time bombs" for Cypriot society.

## 2.3 CONCLUSIONS AND RECOMMENDATIONS

112. Periods of financial dire straits, such as the one currently affecting Cyprus and other European states, should not be seen as emergency situations that automatically entail the curtailment of social and economic rights and the deterioration of the situation of vulnerable social groups. On the contrary, such periods of time should be viewed by states as windows of opportunity to overhaul their national human rights protection systems and reorganise their administration in order to build or reinforce the efficiency of national social security systems, including social safety nets that should be operational when necessary.
113. The Commissioner draws the attention of the Cypriot authorities to the need to ensure that members of social groups that are particularly vulnerable to and affected by budgetary and fiscal measures are identified and effectively protected by the state on the basis of impact assessments.
114. As stressed in his [Issue Paper](#) on Safeguarding human rights in times of economic crisis, the Commissioner believes that it would be particularly important to conduct a systematic human rights impact assessment of the budgetary and fiscal measures in Cyprus, in a transparent and inclusive manner, in close co-operation with civil society and existing National Human Rights Structures. In this context, the Commissioner expresses concern about the fact that the budgets of these institutions have been significantly reduced. He urges the authorities to reconsider this approach and to refrain from curtailing their capacity to act as mechanisms able to provide effective remedies for or prevent human rights violations. He further invites the authorities to guarantee the financial autonomy of the National Human Rights Structures.
115. The Commissioner stresses that in times of economic crisis it is of the utmost importance that states ensure a social protection minimum for all through a solid legal and institutional framework for social protection in accordance with international and Council of Europe standards, such as those contained in the [European Code of Social Security](#). In this context, the Commissioner welcomes the establishment of the General Minimum Income scheme and invites the Cypriot authorities to take measures to facilitate its smooth implementation.

### 2.3.1 CHILDREN

116. The Commissioner urges the authorities to ensure that both economic recovery measures and anti-poverty policies and programmes pay specific attention to the rights of the child, especially the rights to adequate living standards, to education and to health.
117. Cyprus is urged to carry out an impact assessment of the budgetary restrictions in the field of education and equal opportunities, and inclusion of pupils belonging to vulnerable social groups. No measure should lead to the elimination of positive action in favour of disadvantaged children, whether in formal or informal education, nor deprive them of their right to quality, inclusive education.

118. The Commissioner welcomes the adoption of a programme aiming to provide free breakfasts at school to destitute children. Noting that this measure reportedly failed to be implemented correctly in some instances due to the fact that children did not accept this free meal because of the embarrassment of openly admitting that their family faces financial problems, the Commissioner invites the authorities to ensure that this programme is implemented in such a way that it is neither discriminatory nor stigmatising.

### 2.3.2 WOMEN

119. The Commissioner deplores the lack of consideration of the gender aspect while designing and implementing policies, including those aimed at tackling the economic crisis. He urges the Cypriot authorities to conduct systematic gender equality impact assessments of social and economic policies and budgets.
120. The Cypriot authorities are invited to take positive measures in favour of women in order to ensure their rights to decent work and to a decent standard of living. In this context, he calls on the authorities to take concrete steps against wage inequalities and to promote women's employment.
121. The Commissioner is concerned about the risk of increased violence against women as a result of the economic crisis. He encourages the Cypriot authorities to ratify and fully implement the Istanbul Convention. The authorities are also called on to allocate sufficient resources in order to ensure effective protection and support for all victims of violence against women.
122. Welcoming the adoption of a Strategic Action Plan on Gender Equality 2014-2017, the Commissioner encourages the authorities to allocate sufficient financial resources to its implementation and to take, in this context, concrete measures to promote women's economic empowerment. The authorities are also urged to provide adequate support for and to ensure the efficiency and effectiveness of the national equality body that plays a crucial role in the fight against discrimination.

### 2.3.3 OLDER PERSONS

123. Access to public services is of the utmost importance for older persons. Given the difficulties associated with old age, this is a prerequisite for the full enjoyment of their human rights, especially the rights to a decent standard of living and to health. It is also essential to their inclusion in society.
124. Therefore, the Commissioner urges the Cypriot authorities to ensure older persons' access to public services, especially to healthcare services. While having taken note of the recently announced unfreezing of 185 nursing positions at state hospitals, he stresses the need to take further measures to solve the problem of long queues in public hospitals.
125. The Commissioner also welcomes the positive effects of the 2015 GMI reform on older persons' access to the new scheme. He encourages the authorities to further improve its accessibility through lightening the procedure and diminishing the delays in processing applications.

### 2.3.4 RIGHTS OF OTHER VULNERABLE SOCIAL GROUPS

126. The Commissioner is concerned about the amplified and disproportionate impact of the economic crisis on particularly vulnerable groups such as single-parent families and migrant families. He invites the authorities to take positive measures in favour of disadvantaged groups to address disproportionate and compound effects of the economic crisis and austerity measures.
127. The Commissioner is also concerned about the consequences of the economic crisis and austerity measures on mental health, and urges the authorities to resolutely address this problem by providing adequate psychological support to all persons affected.