

Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Cyprus

Danai Angeli

June 2016

DemandAT Country Study No.2

Summary

Domestic work has been of particular significance in the Cypriot labour market and in particular its migrant workforce. Over the past two decades, thousands of migrant women have flown into the country to work as domestic workers for private households. Most of them stay in the country for several years, on a so-called “domestic worker’s” visa, a rather restrictive kind of permit that ties them to specific employers. A standard employment contract, prepared by the Migration Department lays down their wages, duties and rights; one of these being the prohibition to join trade unions. Throughout this process, potential domestic workers are normally aided by private employment agencies that act as intermediates with the employer – often at a very high fee. The overall setting aims to balance diverse and sometimes conflicting interests within a small economy and society, bound by its international commitments. To the external observer, however, Cyprus seems to be contradicting its own efforts. Its migration scheme appears in multiple ways susceptible to misuse. Stories about exploitation and abuse are indeed not uncommon. In many respects however, Cyprus’ case brings to the fore existing gaps and loopholes when the EU common standards are transposed into the national order.



This project has received funding from the European Union’s Seventh Framework Programme for Research, Technological Development and Demonstration under Grant Agreement No. 612869

About the project

Trafficking in human beings covers various forms of coercion and exploitation of women, men and children. Responses to trafficking have traditionally focused on combating the criminal networks involved in it or protecting the human rights of victims. However, European countries are increasingly exploring ways in which to influence the demand for services or products involving the use of trafficked persons or for the trafficked persons themselves. **DemandAT** aims to understand the role of demand in the trafficking of human beings and to assess the impact and potential of demand-side measures to reduce trafficking, drawing on insights on regulating demand from related areas.

DemandAT takes a comprehensive approach to investigating demand and demand-side policies in the context of trafficking. The research includes a strong theoretical and conceptual component through an examination of the concept of demand in trafficking from a historical and economic perspective. Regulatory approaches are studied in policy areas that address demand in illicit markets, in order to develop a better understanding of the impact that the different regulatory approaches can have on demand. Demand-side arguments in different fields of trafficking as well as demand-side policies of selected countries are examined, in order to provide a better understanding of the available policy options and impacts. Finally, the research also involves in-depth case studies both of the particular fields in which trafficking occurs (domestic work, prostitution, the globalised production of goods) and of particular policy approaches (law enforcement and campaigns). The overall goal is to develop a better understanding of demand and demand-factors in the context of designing measures and policies addressing all forms of trafficking in human beings.

The research is structured in three phases:

- Phase 1: Analysis of the theoretical and empirical literature on demand in the context of trafficking and on regulating demand in different disciplines, fields and countries. From January 2014–June 2015.
- Phase 2: Three in-depth empirical case studies of different fields of trafficking – domestic work, prostitution, imported goods – and two studies on different policy approaches: law enforcement actors and campaigns. From September 2014–December 2016.
- Phase 3: Integrating project insights into a coherent framework with a focus on dissemination. From January 2017–June 2017.

Project Facts

Coordinator: International Centre for Migration Policy Development (ICMPD)

Partners: University of Bremen (UBr); University of Edinburgh (UEDIN), International La Strada Association (LSI), University of Lund (ULu), University of Durham (UDUR), European University Institute (EUI); Geneva Centre for the Democratic Control of Armed Forces (DCAF); La Strada Czech Republic (LS Cz)

Duration: 1 January 2014 to 30 June 2017 (42 months)

Funding: 7th Framework Programme, European Commission (DG Research), total volume 3.2 million. EC contribution: 2.5 million.

Website: www.demandat.eu

Table of Contents

INTRODUCTION	1
1 NATIONAL CONTEXT IN REGARD TO TRAFFICKING IN HUMAN BEINGS (THB) IN THE DOMESTIC WORK SECTOR.....	2
1.1 GOVERNMENT APPROACH AND RESPONSES TO THB IN DOMESTIC WORK.....	2
1.1.1 <i>Regulations for domestic work</i>	3
1.1.2 <i>Overview of key legislations related to THB in DW</i>	5
1.1.3 <i>Policies and measures addressing demand-side of THB in domestic work</i>	7
1.1.4 <i>Key debates</i>	9
1.2 THB IN DOMESTIC WORK: GENERAL TRENDS.....	10
1.2.1 <i>Empirical data</i>	10
1.2.2 <i>Main characteristics and features of THB in domestic work</i>	12
1.2.3 <i>Key cases or accounts of cases</i>	13
2 CASE LAW REVIEW.....	14
2.1 KEY EUROPEAN AND NATIONAL CASES.....	14
2.2 OTHER REMEDIES FOR PERSONS WHO HAVE BEEN TRAFFICKED OR EXPLOITED IN DOMESTIC WORK.....	16
3 DISCUSSION OF RESULTS	18
3.1 THB IN DOMESTIC WORK: OBSERVATIONS ON TYPES OF SITUATIONS AND CONDITIONS	18
3.2 KEY MOTIVATION FACTORS AND DEMAND-SIDE DIMENSION.....	19
3.3 KEY GAPS IN LEGISLATIONS AND POLICIES.....	21
4 CONCLUDING REMARKS AND KEY MESSAGES FOR NATIONAL POLICY MAKERS.....	26
REFERENCES	28
ANNEXE	33
ABOUT THE AUTHOR	34

Legal Notice

The views expressed in this publication are the sole responsibility of the authors and do not necessarily reflect the views of the European Commission.

Introduction

Located in the far south-east border of the EU, with a population of less than a million, Cyprus has an impressive rate of migrant workers. It is estimated that foreign nationals, including those who stay in the country irregularly represent 20% of the country's labour force. Their distribution is of a rather narrow scope. The available statistics illustrate that most are concentrated in low skill and low paid jobs, such as tourism, agriculture, construction and manufacturing. Notably, one third of all migrants legally residing in the country are employed in private households as domestic workers. In their overwhelming majority they are women of Asian origin, in particular Nepal, Sri Lanka, Vietnam, Philippines and India. They thereby represent a proportion of 4.4% in total employment; one of the highest in Europe. If we also take into consideration domestic workers employed irregularly, the above figures become even higher (Courteille 2015; Christofides *et al.* 2009; Trimikliniotis & Demetriou 2014).

For many years, trafficking in human beings (THB) in Cyprus was associated with trafficking of women for the purpose of sexual exploitation, the occurrence rate of which was presumed to be quite high (CoE Commissioner for Human Rights, 2003, 2005, 2008; UNODC 2014; MIGS 2007). The majority of the victims would enter Cyprus through a so-called 'artiste' visa, as entertainers, and were forced into prostitution in nightclubs and cabarets. In 2010, a landmark judgment by the European Court of Human Rights led to the abolition of the controversial migration scheme (ECtHR, *Rantsev v. Cyprus and Russia*, Appl. No 25965/04).

Trafficking for the purpose of labour exploitation is a rather recent phenomenon in Cyprus, with the first victim officially detected as late as 2007. Over the past few years, the number of cases identified has rapidly grown eventually outnumbering those of sex trafficking. Cyprus is nowadays considered a destination country of persons trafficked for the purpose of both sexual and labour exploitation (GRETA 2011; GRETA 2015). Nonetheless, THB in domestic work represents to this day only a small fraction in the available statistics. According to the information the authorities provided us with, between 2011 and 2015 a total of five cases were identified, all of which involved domestic servitude in private households.

The apparent low occurrence of THB in domestic work, in particular when compared to the high percentage of migrant domestic workers in the country, is best appreciated in light of Cyprus' migration policy. Under the current scheme, migrant domestic workers may seek employment in the country through lawful channels, namely the so-called "domestic workers" visa; a short-term type of permit, which allows private households to recruit foreign workers. The very high number of visas issued annually arguably demonstrates the success of the scheme. In contradiction to this storyline lies a growing number of human rights reports which have criticized the above-mentioned scheme for virtually harbouring THB. The harsh working conditions attached to the specific permit and the intermediate role played by private employment agencies have arguably provided fertile conditions for the exploitation and abuse of migrant domestic workers by both employers and agents; and in many respects, the overall treatment appears to be meeting the definition of human trafficking. (MIGS 2015; Ombudsman 2013; KISA 2014).

The aim of the paper is two-fold: first, to raise further awareness on a topic that has only recently started receiving attention, namely THB of migrant domestic workers in Cyprus and its linkage to human trafficking. Our main focus will be on the rather under-explored dimension of demand and ways it cuts across Cyprus' anti-trafficking policy. At the same time the paper also aspires to contribute to the emerging debates on THB for labour trafficking in Cyprus by bringing together the different voices and perspectives not only about the situation on the ground but also key concepts. We do so with the belief that next to the general commitment,

implementing a successful anti-trafficking policy also lies in working out bridges of closer collaboration and better communication among stakeholders, victims and public. While our discussion is about the national context, we understand that our research also addresses European policymakers, as Cyprus' approach is embedded within the wider EU framework on THB and thus of shared interest and concern.

In designing our methodology, we set out with the understanding that the studies dealing with our subject matter are very few and recent and that much of the needed data would not be readily available. In order to ensure methodological consistency, we had to limit our research to the southern part of Cyprus, as the policy approach in the north is shaped by laws that are not necessarily related to the EU common standards. To collect the necessary information, we relied on a variety of primary sources. We consulted national case-law, parliamentary discussions, annual reports and statistics kept by the Cyprus Police, the Ministry of Interior, the Ministry of Labour, Welfare and Social Insurance as well as the Labour Institute. Next to this, we studied the reports submitted by the Cypriot authorities before the international and regional monitoring mechanisms including the Group of Experts on Action against Trafficking in Human Beings (GRETA) and the Council of Europe Committee of Ministers. An important reference was the work of the Ombudsman, who has publicly and individually intervened on issues of THB and domestic work on several occasions. For the assistance offered by the Office throughout our research we are particularly grateful. A vital part of our research consisted of a fieldtrip to Cyprus, during which we visited the different establishments, interviewed key stakeholders and collected much of the missing information. In the overall, we conducted twelve semi-structured interviews with key stakeholders. We thereby sought to ensure that as many sides as possible would be represented: administrative and judicial bodies, research institutes, policymakers, independent experts and non-governmental actors (see Annexe). For their collaboration we would like to thank them. Finally, to further corroborate our findings we also consulted secondary sources, such as academic journals, media outlets, human rights reports by both national and international organisations and NGOs.

The present report is divided in three main sections. The first part discusses the national context of THB in the domestic sector in Cyprus. It analyses the legal framework on trafficking and domestic work, defines key concepts and places the subject-matter of THB and its demand-side within the wider national context. The second part essentially examines the application of this framework in practice by analysing the situation on the ground. Empirical findings, key case-law and reported cases of THB in domestic work are discussed here. The third section engages into an in-depth discussion of the role of demand and its different elements, analyses Cyprus' anti-trafficking policy by identifying gaps, explaining its weaknesses and strengths and concludes with recommendations.

1 National context in regard to trafficking in human beings (THB) in the domestic work sector

1.1 Government approach and responses to THB in domestic work

Trafficking for domestic work – or, as a matter of fact, for labour in general – was formally integrated in Cyprus' anti-trafficking agenda as late as 2007. Until then, situations of abuse and exploitation were primarily discussed in terms of labour rights violations; exploitation of labour as a form trafficking was nearly absent from the political discourse. Cyprus' relatively slow response towards the phenomenon of THB for labour trafficking, in particular in the context of domestic work, is best understood in light of the country's overall approach towards migrant domestic work. To this day, migrant domestic workers are treated as a temporary and flexible

workforce, with limited entitlements; a perception that has largely shaped judicial and administrative practices also towards the crime of trafficking itself.

1.1.1 Regulations for domestic work

Migrant domestic work in Cyprus is largely governed by immigration rules that were laid down in the early 1990s (Law on Aliens and Migration 1972; Criteria for the Employment of Aliens 1991). To meet shortages in the labour market at the time, Cyprus designed a migration model based on the assumption that immigration would be short-term and temporary; visas were restricted to specific employers and specific sectors. The basic principle was that of equal treatment; collective agreements and other regulations would be equally applicable to all (Ombudsman 2013; Trimikliniotis & Demetriou, 2014; Ombudsman 2005). Under that model, the residence status of the migrant workers was placed under the responsibility of the Ministry of Interior (Civil Registration and Migration Department, hereafter Migration Department). The Ministry of Labour, Welfare and Social Insurance would be responsible for monitoring and approving of the terms of employment. An exception however was made with regard to domestic work, which was placed in its entirety under the mandate of the Migration Department; the main reason being that “*domestic labour does not influence the market*” and there was thus no need to involve the Ministry of Labour. (Trimikliniotis & Demetriou 2014; Ombudsman 2013; Ombudsman 2005).

Some of the main assumptions underpinning that model have since been disproved by reality. Nonetheless, its basic principles have survived to this day. In 2010, an attempt was made to revise the framework on migrant domestic workers in line with present-day conditions. Among the most important suggestions was to transfer the mandate regarding the terms of employment from the Migration Department to the Ministry of Labour. To this day, however, many of these amendments have not taken place and migration regime for domestic work is still regulated in large by those early immigration rules.

Under the current framework, domestic work is broadly defined. It includes both household and personal care assistance can take place as live-in or live-out work. In the absence of a collective agreement, domestic work is subject to the general labour law provisions on self-employment and salaried employment. When carried out by third country nationals, however, a more specific framework applies, the precise terms of which are primarily determined by the Migration Department (Ombudsman 2013; MIGS 2015). It is noteworthy that in recent years domestic work is in practice offered entirely by migrants, which might also explain the absence of studies on the national workforce (Christofides. et al. 2007; Triklimniotis N. & Pantelidis P. 2006). Nonetheless, to this day Cyprus has not ratified the ILO Convention on Domestic Workers.

The terms and conditions of employment of migrant domestic workers have been laid down in a standard contract that can be downloaded from the website of the Migration Department¹. The nature of this contract does not seem as unequivocal. In the course of our research, the Migration Department informed us that the contract lays down some minimum guarantees, which the parties are free to deviate from. According to many other interviewees, however, this flexible interpretation is not corroborated either by the strict letter of the contract or the instructions provided on the website itself. Independent of its binding nature, the specific contract is in practice widely used by Cypriot households to recruit migrant domestic workers.

¹ Contract available at [http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/5314ED0D3F68CA9EC2257D2C003A4DC2/\\$file/DOME%20STIC%20WORKER%20ContractOfEmploymentEN.pdf](http://www.moi.gov.cy/moi/crmd/crmd.nsf/All/5314ED0D3F68CA9EC2257D2C003A4DC2/$file/DOME%20STIC%20WORKER%20ContractOfEmploymentEN.pdf)

The contract entails detailed provisions about the manner in which domestic work ought to be provided. Even though all forms of domestic work are included, there is an evident underpinning presumption that domestic work takes place within a live-in arrangement. Some of the most important terms are the following:

Minimum wages: The minimum monthly wages are set at 460 EUR (net 309 EUR) and there is no entitlement for a salary increase. In addition, the employer ought to provide daily food and appropriate accommodation for free or else raise the monthly remuneration appropriately.

Working hours and Daily hours: The maximum working limits are set at 42 hours per week (7 hours per day/ 6 days per week). A domestic worker is also entitled to 24 days of paid leave and 9 bank holidays per year.

Social Security and Medical Insurance: Social security contributions must be paid by the employer; medical insurance is borne by both parties equally (50% is paid by the employer 50% by the domestic worker).

Abstention from Civic Participation: Migrant domestic workers are obliged to abstain from all political actions.

Quality of work: A domestic worker is obliged to follow the rules and instructions of the employer and produce work of the highest standards

Termination of Contract: In case of early termination of the contract, the other party must be notified at least one month in advance. Reasons that may justify an early termination from the side of the employer include absence of the domestic worker due to illness for more than a month, consumption of alcohol, gambling, or unjustified absence from work causing damage to the employer according to latter's judgment.

The overall content of the employment contract has attracted heavy criticism from human rights organisations on many grounds: the very low remuneration, the many restrictions placed on the employee compared to the rather flexible approach towards the employer, its paternalistic tone and outdated approach towards domestic work, the limited scope of the medical coverage, the inadequate consideration of gender-specific vulnerabilities including situations of sexual harassment and the silence about motherhood (KISA 2013; MIGS 2015; Ombudsman 2008).

Next to the working conditions, the Migration Department also determines the terms under which domestic workers may enter the country. The current regulations take into account both the dimension of demand and the labour market dynamics (Christofides et al, 2007; Kouta et al 2008). Consequently only specific categories of employers are allowed to recruit domestic workers from abroad and under strictly regulated conditions:

- i. Families with a child under the age of 12 when both parents work and contribute to the Social Insurance Fund.
- ii. Single parent families, when the parent has the custody of a child under the age of 12, works and contributes to the Social Insurance Fund.
- iii. Families with no young children when both spouses work and their annual declared taxable income is more than €52, 000.
- iv. Families with no young children, when only one spouse works and the annual declared taxable income of the family is at least €86,000.
- v. Single persons, provided that they work, their annual declared taxable income is more than €52,000 and that they are contributing to the Social Insurance Fund.
- vi. Elderly people above the age of 75.

viii. People suffering from serious diseases/ health conditions which is medically certified by a specialised doctor (e.g. cancer, multiple sclerosis, myopathy, mental disorders and serious psychological problems, partial or total loss of vision, Alzheimer, overweight persons with mobility problems, etc.).

Hiring a second domestic worker is only exceptionally allowed, in cases where the employer is four-limb deficient, or bed-bound or has an taxable income above €170,000.

Since 2014 the law also requires the domestic worker to meet two requirements (Amending Law on Aliens and Migration No2):

- Basic knowledge of the Greek or English language
- At least one year of relevant professional experience

If the conditions are met, a migrant domestic worker enters the country on a three-month visa and is issued a permit valid for four years. The permit can be renewed for two more years and under certain circumstances even longer. Among the most controversial aspects is the restriction of the permit to a specific employer. During the initial six-year period, a domestic worker is allowed to change employer only twice. After 6 years of employment no change of employer is anymore allowed (KISA, 2014; MIGS, 2015; Ombudsman, 2013).

1.1.2 Overview of key legislations related to THB in DW

Trafficking for the purpose of labour exploitation – including domestic work – was first introduced in the Cypriot legal order as late as 2007 (Law 87(I)2007, which transposed into the Cypriot legal order the Council Framework Decision 2002/629/JHA on combatting trafficking in human beings and Directive 2004/81/EC). Prior to that, THB was associated with sexual exploitation only (Law N. 3(I)2000).

Today, Cyprus is a member of all major international and regional treaties on human trafficking. It has ratified the Council of Europe Convention on Combatting Trafficking of Human Beings (Law 38(III)2007), the Palermo Protocols (Law 11(III)2003), has transposed Directive 2011/36/EU (Law 60(I)2014) and has already undergone two evaluation rounds before the GRETA (GRETA 2011, 2015). Among the biggest innovations in recent years has been the establishment of a multi-disciplinary coordinating group responsible for monitoring Cyprus' anti-trafficking policy, consisting of both governmental and non-governmental representatives (Law 60(I)2014).

a. Criminal Justice

Within contemporary Cypriot law, THB is a felony (Article 6), punishable with up to 10 years imprisonment.

Next to the general prohibition of THB, the law contains also more specific provisions that penalise the different forms of THB according to the exploitation involved and foresee different sentences for each one. Under those more specific provisions, trafficking for the purpose of labour exploitation and/or forced labour is punishable with up to six years imprisonment. Aggravating factors may further increase the sentence.

A person who traffics another person for the purpose of exploiting his or her labour or services, submits him or her to forced labour or services, or to any form of slavery or similar practices or servitude, on his own account or the account of another person and in the work done there is a clear difference in the working conditions with a person performing the same or similar work through:

- 1. threats, and/or*
- 2. the use of force or other forms of coercion, and/or*
- 3. kidnapping, and/or*
- 4. guile or fraud or deception, and/or*
- 5. abuse of power or capacity for the exploitation of a position of vulnerability, and / or*
- 6. giving or receiving payments or benefits to achieve the consent of a person having control over another person, and/or*
- 7. a fictitious debt;*

shall be guilty of a felony and, on conviction, be liable to imprisonment not exceeding six years and, in case the person is a child, to imprisonment not exceeding ten years.

Compared to other forms of trafficking, such as THB for sexual exploitation (up to 10 years imprisonment) or organ removal (up to 25 years imprisonment) labour trafficking appears to correlate to the most lenient sentence, without there being an obvious reason as to why this is the case.

In explaining to GRETA the relationship between the two sets of prohibitions, the Office of the Attorney General stated that a broad approach is adopted; and that the courts decide on the applicability of each provision by considering the most serious offence and by deciding whether the sentences will be consecutive or concurrent. In practice, however, the above-described methodology is not consistently followed by the courts. (GRETA 2015 [6])

Cyprus' penal law further distinguishes conceptually between trafficking committed against a minor and an adult and affords a higher protection threshold to the former category (Article 12; Permanent Criminal Court of Nicosia, *Republic of Cyprus v. Danail Naydenov*, Decision No 23076/13, Judgment of 3 July 2014).

Since 2014, the Cypriot law criminalises also the use of the services that are a product of trafficking. Article 17 of Law 60(I)2014 defines the user as follows:

a person who could reasonably suspect that the labour he is using or any other kind of services provided by a victim are the object of one of the offences foreseen in the present law is criminally liable and in case of a conviction is sentenced to up to three years' imprisonment or a fine up to €15,000 or both.

If the trafficked victim was a child, the sentence increases significantly.

The specific provision has thus far never been applied. Within the national context, of particular interest has been the low evidentiary threshold foreseen to determine the criminal liability of the client. Contrary to mainstream approaches and other jurisdictions, the 'user or client' does not need to have "direct knowledge" that the services offered are the product of trafficking; it suffices he/she had "the ability to reasonably suspect." According to the Ombudsman, the wording is of immense significance and potential, as it arguably reflects a shift away from the notion of criminal intent and associates the use of services with criminal indifference instead (Ombudsman 2014). Despite the lower evidentiary threshold, the applicability of the provision remains challenging. According to the Ombudsman, a wide-scale awareness-raising and education campaign would be required to inform people about this new crime, or else the provision risks to remain dead letter.

b. Social Support to Victims

Next to punishing traffickers and clients, Cyprus' law also foresees the provision of social support to victims of trafficking (e.g. legal aid, accommodation, financial support, medical care, education). The services offered vary depending on the stage of the formal identification process. The police is the sole authority mandated to grant the status of a victim of THB (Article 45 par 1).

Nonetheless, the implementation of the overall spectrum of support is in practice not as smooth (Ombudsman 2013; KISA et al. 2009). Among the most notable omissions is the absence of a State-run shelter for victims of labour trafficking.

Formally identified victims are also entitled to a residence permit valid, as long as they agree to collaborate with the police². Collaboration is defined in a flexible manner and it suffices if the victim is willing to attend the police interviews and describe the crime. In practice, however, the right to residence is not always adequately safeguarded and deportations or attempted deportations of formally identified victims have occasionally been reported (KISA 2011).

The victim may under certain conditions extend his/her stay also after the completion of the criminal proceedings. In practice, however, the relevant provisions have rarely been applied (KISA 2014).

Exceptionally, if none of the above-described conditions are met, the Minister of Interior may also grant temporary residence rights on humanitarian grounds. Between 2009 and 2011 only three such humanitarian permits were issued (GRETA 2015[6]).

1.1.3 Policies and measures addressing demand-side of THB in domestic work

Addressing demand was only recently integrated in Cyprus' anti-trafficking policy. Before the 2010-2012 National Action Plan (NAP), which radically revised Cyprus' older 2005 anti-trafficking strategy, efforts specifically addressing the 'client' originated mainly with civil society organisations. The primary focus was on sex trafficking (KISA, 2007: "*the tolerance and use of services of victims of trafficking is our shared guilt*"; Cyprus STOP Trafficking, 2008: "*what kind of a human are you? real men do not buy women*"). Among the most important State-run initiatives was an awareness-raising campaign which ran between December 2008 and April 2009 with the message "Human trafficking is a serious crime" (GRETA, 2011 [8]). Another notable measure to regulate demand was the abolition of the highly-criticised 'artiste' visa, which had been associated with the sexual exploitation of women from Asian and Eastern European countries (Triklimniotis & Demetriou 2009).

A more targeted national strategy towards tackling demand was laid down in the 2010-2012 NAP, which foresaw 'an information campaign on demand and how this affects the increase in human trafficking' as well as 'lectures in Universities, military camps etc. about trafficking in human beings with the emphasis on demand' (NAP 2010-2012:9). Further guidance on the meaning of demand and the kind of messages that ought to be sent out was not provided. Eventually, the specific campaign was also never carried out (GRETA, 2013).

² According to the information provided for this study by the Civil Registration and Migration Department, 2015 onwards the initial duration of the permits will be extended from 6 months to 1 year.

The notion of demand was further refined in the 2013-2015 NAP, which listed demand as one of the causes of human trafficking and distinguished between the different forms it can take; next to demand for sex services, there was also demand for cheap labour:

*The main causes of trafficking in human beings are rooted in poverty, the inadequate functioning of the democratic institutions, gender inequality and violence against women, wars and armed conflicts, natural disasters in the countries of origin of the victims, financial distress, social exclusion, lack of opportunities and occupation, lack of access to education, child labour and other forms of discrimination. **Other causes of trafficking in human beings include the growing sex industry and the consequent demand of sex services. At the same time demand for cheap labour is also a factor.** The illegal networks of organised crime exploit these situations as well as the vulnerable position of human beings and in particular of migrants” (NAP, 2013-2015:3; author’s translation)*

In line with this understanding, the NAP 2013-2015 foresaw a series of awareness-raising and educational measures, some of which were of a more general scope, while others were specifically addressed at potential clients. The notion of demand was thereby broadly defined encompassing notions of personal attitudes and public awareness. One planned action was for instance the implementation of ‘*an information campaign about demand and how it influences the increase in trafficking in human beings, with the aim of changing social attitudes (via media, public dialogue, roundtable discussions, TV spots, artistic events etc)*’.³ In the same spirit, the NAP 2013-2015 also foresaw the integration of appropriate training material against THB in the school curriculum and via the use of social media. Regarding labour trafficking in particular, there were plans for an information campaign specifically on labour exploitation and the distribution of leaflets with the involvement of labour inspectorates.

As part of implementing its commitment, in 2013, a two-month nationwide radio campaign took place addressing the employers of migrant domestic workers. The radio spots had the form of a testimony, during which the victim would tell her story in a few lines and the message would finish by calling upon the responsibility of employers:⁴

Message: **“I came to Cyprus to work to raise my babies. I work hard from 5 in the morning until 11 at night. I clean and cook for three families. They keep my passport, I don’t know what to do.” Are you an employer? Think like a human. Workers are humans, not commodities. – Message on the sensitisation about Trafficking in Human Beings for the purpose of labour exploitation”**.⁵

In the course of 2014, a series of training seminars were also organised in all labour units including those based in the rural areas of the island aiming amongst others to raise better awareness on victim identification of THB in labour among State officials.

Over the past few years, Cyprus’ policy towards THB has also included market-based interventions, which indirectly sought to curb demand for potentially ‘trafficked’ labour.

Regulations on private employment agencies: In 2012, a new law was adopted setting stricter requirements on the operation of private employment (Law 126(I)2012; GRETA, 2015 [20]). The law banned amongst others the licencing if the manager, the director or a partner had

³ For more on Cyprus’ awareness-raising initiatives see 2015 Reply to Questionnaire of GRETA available at

http://www.coe.int/t/dghl/monitoring/trafficking/Source/Public_R_Q/GRETA_2015_6_RQ_CYP.pdf

⁴ Information provided by Ombudsman

⁵ Ibid.

been convicted of human trafficking. It further prohibited in absolute terms employment agencies from charging fees to migrant workers to help them find employment.

Exclusion of high risk nationalities: In 2011, the Ministry of Interior forbade the recruitment of nationals from Vietnam, Myanmar and Ethiopia as domestic workers. Because of the high fees agencies charged them with, they ran a particularly high risk of being exploited and of resorting to prostitution and other illicit activities to pay off their debts (Civil Registration and Migration Department 2011; Kyriakou 2011).

Revision of the migration framework regarding domestic work: Since 2010, Cyprus has introduced some legislative amendments regarding domestic work that aim to diminish the recruitment of potential victims, while also meeting the needs of the labour market. Some of these include the requirement that domestic workers speak Greek or English and that they are in full knowledge of their contract prior to their arrival in the country. Likewise, the procedure to change employer has been simplified (GRETA 2015[20]).

In its 2015 report, GRETA welcomed the initiatives undertaken, but concluded that foreign domestic workers remained a high risk group and that the efforts to discourage demand needed to be strengthened (GRETA 2015[20]).

1.1.4 Key debates

Within the national dialogue, the situation of migrant domestic workers and their vulnerability to exploitation and abuse have attracted some attention. However, the linkage with THB and the role of demand have only very recently been explored.

At the political level, the discourse on domestic work has been primarily led by civil society organisations and independent monitoring bodies that have sought to sensitise the public and policy-makers about the vulnerable situation of foreign domestic workers. A growing number of reports and awareness-raising initiatives have criticised the exploitative terms of employment (salaries, hours, employment contracts, living conditions), the exclusion from basic entitlements (in particular access to health, political participation, protection of private and family life), but also the tolerance displayed by the authorities in the face of abuse (KISA 2014; MIGS 2015; FRA 2014; Ombudsman 2013). Over the past few years, several of these studies have sought to place this discussion within the wider context of labour trafficking by underscoring on the one hand the thin line dividing labour exploitation from the crime of THB; and on the other hand their interconnection (KISA 2014; MIGS 2015).

In the media and within public opinion, the situation of foreign domestic workers has attracted some attention, but the overall debate has been developing along different lines. Cases of exploitation and abuse by Cypriot employers have at times been reported. It is however private employment agencies and in particular their controversial profit-making practices that have attracted most attention. A recurring theme in the local media concerns the high fees they illicitly charge in return for their services. Unable to pay off their debt by means of their fixed salary, domestic workers resort to illicit activities and in particular prostitution or get exploited by criminal gangs that take advantage of their financial distress. Some of these cases are often sensationalised in a manner whereby the domestic worker is rather negatively portrayed; the unsuspecting employer is frequently viewed as a victim.

Demand itself and the reasons that Cypriot households rely on domestic services that are potentially the product of THB have attracted hardly any attention within the national dialogue. When discussed, the notion of demand is mainly debated in connection to sex services and prostitution. Among the most influential spokespersons within this context is the Cypriot Ombudsman, who was also a major advocate of the 2014 criminalisation of the use of services provided by victims of THB. As part of an effort to brainstorm the role of demand within the public dialogue, the Ombudsman organised in 2013 a national roundtable discussion among

governmental and non-governmental representatives which debated, amongst others, on the responsibilities of the client in the context of sex trafficking and prostitution (Ombudsman, AYT 5/2012). At the scholarly level, in recent years some studies have inquired into the demand-side of THB (Agathagelou, 2004; Kiatipis, 2004). Of increased significance has been the work of Triklimniotis and Demetriou, who conducted a study on the demand-side of prostitution and THB by interviewing clients of sex workers. One of their findings was that there was “no demand for *trafficked* women per se, but only of demand for migrant sex workers”; and that a pertinent reference point driving demand was the fact that the State itself, at the time, had legitimised and regulated the whole industry through its employment and immigration policies, namely the *artiste visa* (Triklimniotis and Demetriou, 2009).

As regards demand in domestic services in particular, a highly important study was conducted in 2015 by the MIGS, which researched amongst others the notion of demand on the basis of interviews with domestic workers. The researchers concluded that the State itself was creating conditions that allowed the exploitation of migrant domestic workers, although employers remained responsible for the manner in which they made use of these conditions at their discretion (MIGS 2015).

Most recently, GRETA’s recent recommendation that labour inspections ought to be carried out inside private households caught the attention of the media and breathed new life in the discussion about the responsibilities of employers (GRETA 2015[20]). Its long term impact, however, remains to be seen.

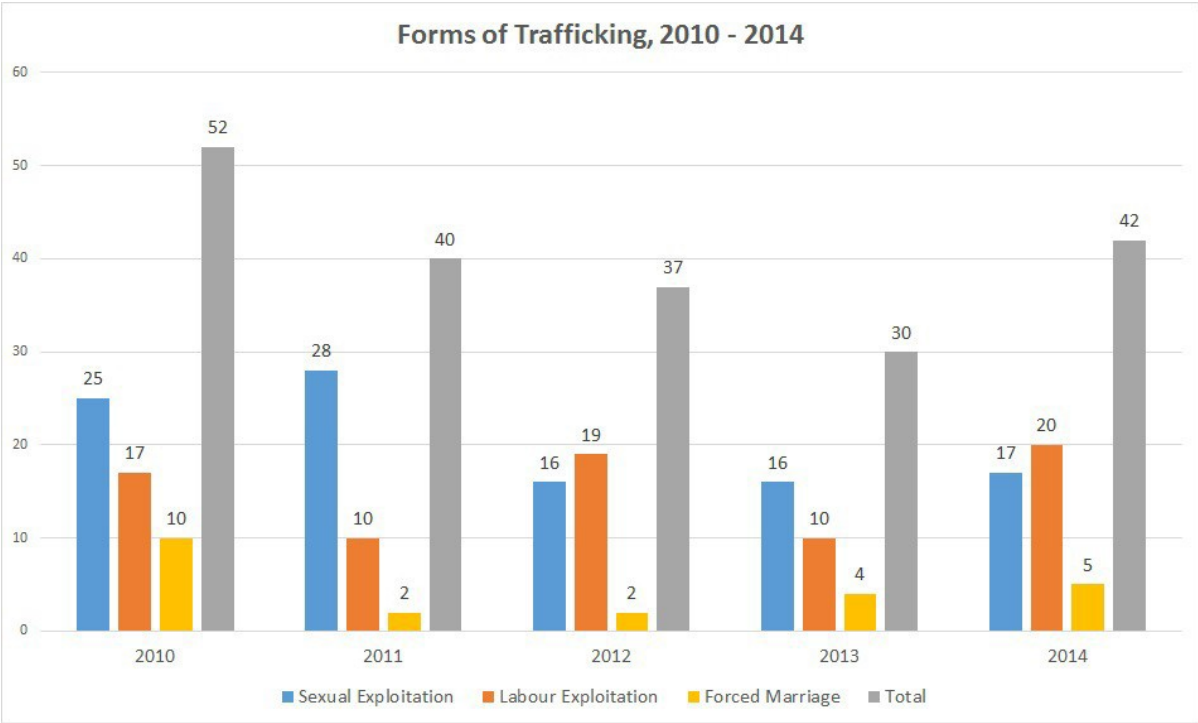
1.2 THB in domestic work: general trends

1.2.1 Empirical data

Predominantly known as a transit and destination country for Eastern European women trafficked for the purpose of sexual exploitation, Cyprus has witnessed in the past years new trends of THB in the country. While sex trafficking remains a major problem, labour trafficking has been on the rise. According to the official data, over the past few years the number of identified victims trafficked for the purpose of labour exploitation have occasionally outnumbered those trafficked for sexual exploitation.

The chart bellow illustrates the annual numbers of identified victims between 2010 and 2015 as well as their division according to the form of exploitation involved. According to the information provided by the police provided for this study, between 2011 and 2015 five cases in total concerned trafficking in domestic work.

Chart 1.



Source: Reply by Cyprus Police, 2015; GRETA 2015.

The main areas of occupation for victims of labour trafficking are agriculture, animal farming and domestic work. In the overall, most identified victims of THB of all forms are women. The police have reported though a growing number of men trafficked for the purpose of labour exploitation. The chart below illustrates the overall number of identified victims per gender.

Chart 2.



Source: GRETA, [2015]6

In the overwhelming majority of cases, trafficking takes place transnationally. In the past five years, most identified victims came from Eastern Europe – in particular Bulgaria and Romania – as well as Philippines, Vietnam and India. The chart below represents the top 10 nationalities since 2010.

Chart 3

Top Ten Nationalities of Trafficking Victims, 2010 - 2014						
	2010	2011	2012	2013	2014	TOTAL
VIETNAM	12	7	2	2	-	23
BULGARIA	11	1	3	5	8	28
ROMANIA	8	8	8	7	7	38
INDIA	-	6	15	9	12	42
PHILIPPINES	5	1	1	-	-	7
CHINA	1	7	-	-	-	8
BELARUS	2	2	-	-	4	8
EGYPT	5	-	-	-	-	5
UKRAINE	2	1	1	-	1	5
CAMEROON	2	2	-	1	-	5
OTHER	4	5	7	6	10	32
TOTAL	52	40	37	30	42	201

Source: Reply by Cyprus Police 2015; GRETA 2015

1.2.2 ain characteristics and features of THB in domestic work

According to the data provided to us by the Cypriot authorities, between 2011 and mid-2015 the police investigated a total of **five (5) cases** related to THB in domestic work. The victims were in all cases women.

In 2011 the police investigated one (1) case involving one (1) victim from Vietnam. The migrant woman was formally recognised by the police as a victim, but she was repatriated and the case has since been archived.

In 2012, another case concerned one (1) women from India. She was granted the status of a victim and still lives in Cyprus. The proceedings before the domestic court are currently pending.

In 2013, the Cypriot police investigated two (2) cases involving a total of seven (7) victims from Vietnam. All victims currently reside in Cyprus. The first case is still under investigation while the second one is currently pending before the penal court.

In 2014 one (1) case involving one national of India was dealt with by the police. The case is currently under investigation.

According to the police, the usual way of recruitment is through private employment agencies in the country of origin. The victims approach these agencies on their own initiative seeking for employment. The latter make normally false promises about high financial profits and excellent working conditions. They then charge their victims with very high fees to make the necessary travel arrangements and secure the job. Upon arrival in Cyprus the victim is collected by an agent based in Cyprus, who collaborates with the office in the country of origin. A major role

within this process is also played by intermediates who are normally from the same nationality as the potential victim.

1.2.3 Key cases or accounts of cases

Next to the official police data, accounts of THB in domestic work have also been reported by human rights organisations, public agencies and the media. Contrary to sex trafficking, where the death of one Russian 'artiste' eventually led to an overhaul of Cyprus' immigration policy, THB in domestic work does not feature an analogous milestone account. What is, however, particularly striking is the reported breadth of the exploitation involved and the homogeneity in the accounts; something we also encountered during our research. On the basis of the available studies (KISA 2014; MIGS 2015; CCME, 2011) but also the interviews we conducted, the key characteristics of THB in domestic work are the following:

Most known victims of THB in domestic work are women from Vietnam, Sri Lanka, Nepal and Philippines, while lately there has also been an increase in women from India. In their overwhelming majority they came to Cyprus on a domestic workers' visa and with the assistance of private employment agencies. Several representatives of both governmental and non-governmental bodies reported in the course of the interviews instances of corruption and specifically the involvement of retired police officials and immigration officers in the operation of such employment agencies.

The employment agencies normally lure potential victims with false promises about high profits and good working conditions. They also charge considerable fees for their services, as a result of which many of the victims are already heavily indebted to the agents upon arrival to Cyprus. According to the information disclosed for this study, Filipino domestic workers may pay as much as €3,500 for the trip; Sri Lankan, Indian and Nepalese €5,000 euros; Vietnamese € 8,000. Given that it is forbidden for employment agencies to receive payment by the domestic worker, the women reportedly carry the cash in envelopes, which they hand in to the agents upon arrival to the country.

While in most cases the employer is a different person than the agent, in one case reported to us, the agent was also the employer.

Most often women domestic workers are hired as live-in workers by families with children or elderly persons. Given, however, that the law sets specific eligibility criteria on who can legally employ a domestic worker, it is also not uncommon for a domestic worker to work for an employer different than the one mentioned in the contract.

As regards the main forms of exploitation and complaints, the following situations were reported:

- Confiscation of travel documents, mainly by the employer
- No payment/ Little payment, in particular compared to the hours worked
- Hard labour
- Assignment of tasks not foreseen in employment agreement
- Occupation in more than one households without additional reimbursement
- Long working hours and absence of fixed working schedule
- Absence of rest days
- Bad living conditions (e.g. not enough food/food not adjusted to religious needs and/or cultural sensitivities/lack of privacy)
- Verbal abuse (e.g. being shouted at)
- Sexual harassment

Mixed cases, entailing elements of different forms of trafficking were not reported to us, but none of the interviewees excluded that this might also be happening.

In most cases, the domestic worker did not proceed with reporting his/her case to the authorities, but would simply abandon the household and seek employment elsewhere, often with the assistance of friends or employment agencies. The NGO representatives we interviewed reported that, in the majority of the cases, by the time their assistance was sought, the domestic worker had already left the house, unaware of the legal consequences of this decision.

2 Case law review

While there is national case law on the crime of THB, there is no known conviction on trafficking for domestic labour. In fact, the overall conviction rate of THB is particularly low (GRETA 2015[6]). In their overwhelming majority, those cases that reach the courts are eventually examined on the basis of other offences provided in the Penal Code (e.g. living on the earnings of prostitution, labour exploitation forgery, procurement) resulting also in lesser sentences (GRETA 2015[6]). For the purposes of this research we will examine in this section two cases. The first is the landmark judgment of *Rantsev v. Cyprus*, passed by the European Court of Human Rights (ECtHR) in 2010. Even though this was a sex trafficking case, the judgment has been of immense legal and political significance, as the Court established amongst others that the rules regulating migration contradicted the country's anti-trafficking policy. The second one is *Strouthos v. the Police*, the first judgement dealing with THB for labour exploitation, in this case agriculture.

2.1 Key European and national cases

Rantsev v. Cyprus and Russia concerned the circumstances of the death of Roxana Rantseva, a Russian woman who had moved to Cyprus to work as an "artiste" in a cabaret. Within a few days after her arrival, Roxana left her place of work. Soon thereafter she was discovered and led to the police in order to be deported. Since she was still in hold of a valid permit, the police did not detain her but called the cabaret manager to collect her from the police station. Shortly afterwards Roxana was found dead on the street below an apartment, where the cabaret manager had brought her. According to the police investigation, Roxana had died in her attempt to escape but no criminal liability was established. The case was brought to the ECtHR by Roxana's father, who invoked amongst others Cyprus' failure under Article 4 ECHR (prohibition of slavery) to adequately protect his daughter from the risk of trafficking. This was the first time Article 4 was applied in the context of THB (Mullaly 2014; Stoyanova 2012; Costello & Freedland 2014; see also ECtHR, *Siliadin v. France*, Application No 73316/01, Judgment of 26 July 2005).

In reviewing Cyprus' obligations under Article 4 ECHR, the Court held that States were expected to lay down the necessary legislative and administrative anti-trafficking framework. However, next to criminal law provisions, labour market regulations and immigration rules also fell within the spectrum of safeguards a State had to put into place to protect potential victims.

284 ... Accordingly, in addition to criminal law measures to punish traffickers, Article 4 requires member States to put in place adequate measures regulating businesses often used as a cover for human trafficking. Furthermore, a State's immigration rules must address relevant concerns relating to encouragement, facilitation or tolerance of trafficking. "

In this case, Cyprus had put into place the necessary criminal legislation. Its immigration system and in particular the 'artiste' visa scheme fell however short of affording practical and effective protection to potential victims. The Court noted amongst others that the extant scheme rendered the artistes dependent on their employers, that it cultivated a troubling sense of personal responsibility among cabaret managers over the conduct of their employees and

that the overall system had reportedly allowed thousands of foreign women to enter the country and be exploited by their employers under cruel working and living conditions.

The Court further noted that next to laying down the necessary framework, Article 4 of the European Convention on Human Rights (ECHR) also required the adoption of operational measures to combat human trafficking. These comprised not only policing activities, but also comprehensive policies and programs to train law enforcement and immigration officials. In this case, the authorities had failed to live up to this duty in multiple ways.

The final conviction heavily impacted on Cyprus' anti-trafficking policy. In the aftermath of the judgment, Cyprus abolished the "artiste" visa and introduced a more generic type of visa, subject to stricter requirements. In addition, new employment contracts were introduced setting down minimum wage requirements, working hours, holidays and granting to employees the right to find their own accommodation.

Cyprus also invested in the training of stakeholders and practitioners other than the police authorities who were the main target group until then. It organized training sessions amongst others for labour inspectors, health care staff and NGOs and circulated the judgment among its Ministries, relevant parliamentary committee and its counsels (Committee of Ministers, DH - DD(2011)336 and DH-DD(2010)376).

By 2012, the Committee of Ministers in charge of reviewing the execution of the judgment by the Cypriot authorities concluded that despite some pending concerns, Cyprus had taken sufficient general measures to avoid a repetition of the violation and was prepared to closely monitor the situation (Committee of Ministers, CM/Inf/DH(2012)14);

Police v. Strouthos (District Court of Nicosia, *Police Director of Nicosia v. Nikos Strouthos*, Decision No 19377/10, Judgment of 25 September 2013), was about a Cypriot farmer who had hired many third country nationals from abroad, mainly Syrians and Egyptians, to work on his land. Even though the migrants had signed an employment contract specifying their working hours and wages, these were not met. They had to work 11 hours per day for 7 days per week, perform hard labour and had to live in an establishment provided by their employer under very poor and unhygienic conditions. In addition, the employer withheld their travel documents and was one to two months late in paying their salaries. Their situation became known following a tip off to the police. The farmer was eventually convicted.

The case was examined through the angle of labour trafficking. Two crucial questions were raised before the court: first, whether the farmer could be held criminally liable, given that the employment contracts had not been signed in his name; and second, whether the victims had consented to their exploitation from a position of vulnerability.

Regarding the first issue, the farmer argued that his name was not mentioned anywhere in the employment contracts. Second, that he was also never directly involved with the migrant workers, as all duties had been delegated to two migrants that were acting as supervisors. The presiding judge however disagreed. He held that the interpretation the farmer was suggesting was not supported by the letter of the law, which did not restrict the exploitation to the contractual employer. In addition, such an interpretation was against the spirit of the law, the aim of which was to protect from labour exploitation. Limiting criminal liability to the contractual employer would effectively allow any person to exploit migrant workers and then escape criminal responsibility by establishing a legal entity. In the specific case, it was proven that the farmer was the *de facto* employer of the migrants. In addition, the contractual employer was in any case affiliated to the farmer as it was a company belonging to his son. It is open to speculation what the court's analysis would have been, had the defendant's line relied on the prohibition of the use of services instead.

Having established that the conditions of work were indeed exploitative, the court then went on to review whether the victims' consent to their treatment was valid within the meaning of the law. The judge concluded that it was not. In his analysis of the law, the judge distinguished between consent that is provided from "a position of vulnerability" and due to "abuse of power". 'The position of vulnerability' reflected a passive situation, whereby a victim succumbs to the exploitation because of the overall power dynamics in his/her relationship to the employer. The 'abuse of power' necessitated an active behaviour from the side of the employer, or any other person who had influence and power over the victims, which resulted in the imposition of abusive working conditions. In the specific case, both grounds were met cumulatively.

First, given the overall context and in particular the victims' extreme poverty and lack of alternatives to find elsewhere employment, they had no other choice than agree to the employer's demands and passively accept the very harsh working and living conditions they were subjected to. Second, the farmer had abused the influence he was exercising over the victims, in his capacity as a person deciding over their work and residence. By taking advantage of Cyprus' immigration law he had recruited the victims from abroad, had transferred them to a remote area, rendering them thereby susceptible to abusive treatment. He had then made use of his power over the victims to impose exploitative conditions of work. He was thus not only in full knowledge of the situation on the farm; but the person who had orchestrated it and who also had the power to stop the abuse.

Seen in the overall, the court concluded that the crime of trafficking had thus been established.

Notwithstanding the court's firm upholding of the victims' rights, the accused was eventually sentenced to just a few months' imprisonment. In calculating the sentence the judge took into account that the farmer had been a good father to his children and most crucially that by maintaining a farm on the buffer zone he was offering a service to the country.

2.2 Other remedies for persons who have been trafficked or exploited in domestic work

Victims of THB in domestic work may pursue one of the following paths to seek protection:

a) Criminal proceedings and compensation

The primary remedy foreseen for victims of THB is their participation in criminal proceedings against their trafficker. In case of a final conviction, victims also have the right to seek compensation from the perpetrator(s) (Article 35, Law 60(I)2014)

In practice, however, either remedy has proven particularly effective. To this day, no victim has ever been awarded compensation; and the conviction-rate of THB is particularly low. On the basis of the interviews we conducted and the available information important weaknesses include:

a. Witness statement and credibility issues: To this day, criminal proceedings rely in large part on the testimony of the witness. If the victim is no longer in the country, as is often the case, proving the allegations in court becomes particularly challenging. Even in cases where victims participate in the hearings, the conviction rate remains small as Cypriot judges are arguably particularly strict when assessing the victims' credibility and pay inadequate consideration to the victims' vulnerabilities and traumatic experiences (Constantinou A., 2013)

b.Complexity of the crime and evidentiary threshold: Connected to the above are the difficulties in collecting evidence in particular when THB, takes place in a transnationally, as is normally the case in domestic work. Gaining access to information in the country of origin can be in practice very difficult for law enforcement. A positive development, the impact of which remains to be seen, has been the recent expansion of the mandate of the Anti-Trafficking Unit, which is now in charge of the whole investigation process.

c.Length of the proceedings: The criminal proceedings can last many years, rendering the remedy ineffective. In one case reported to us, the proceedings were instituted five years after the incident. By that time the trafficker was almost 80 years old and the prosecutor recommended that the charges be dropped.

d.Low conviction rate and leniency of sentences: According to the information submitted before the GRETA, between 2011 and 2014, out of 94 prosecutions only two cases resulted in a conviction on the basis of the anti-trafficking law. In all other cases where an offence was found, the final convictions were based on different provisions of the Penal Code, which foresaw milder sentences of a few months' imprisonment and/or fines.(GRETA [2015]6)

b) Labour disputes procedures

Next to criminal proceedings, victims of THB in domestic work may also seek redress on account of a violation of labour law. To this purpose, two kinds of proceedings have been established that act complementary to one another: a judicial one, before the Court of Labour Disputes; and an administrative one, before the Committee of Labour Disputes.

The Court of Labour Disputes has jurisdiction to decide on all disputes arising from a person's employment, termination of employment, specific civil entitlements related to maternity as well as cases of unequal treatment and sexual harassment at the workplace (Law 8/1967 as amended). At present, there are three such courts operating on the island. A review of the case-law illustrates that only few complaints have been brought by migrant domestic workers. The known cases involved financial disputes and sexual harassment. The scarcity of the jurisprudence and the diversity of the outcomes do not allow us to draw general conclusions about its effectiveness. The high costs, however, and the great length of the proceedings render the specific remedy particularly unattractive and in practice inaccessible to domestic workers. One case for instance, decided in 2013, involved a Filipino domestic worker who had run away from her employer's house due to the bad working conditions (*Helina Montermoso Punsalan v. Republic of Cyprus*, Decision of 23 October 2013). She then sought recourse to the competent administrative authority (Labour Disputes Committee) and was vindicated. In the end, however, she was awarded only a fragment of her overdue salary (€157) and was also served with a deportation order on grounds that she was not allowed to change employer. Before the labour court, she complained both about her overdue salaries as well as the decision to deport her. The court, however, rejected her complaint noting that her financial claims had been duly examined by the administration and that her deportation was in line with existing immigration rules. It also ordered the applicant to pay €1,350 in judicial expenses. The overall proceedings lasted three years.

An alternative to the judicial proceedings is the recourse to the administrative resolution of a labour dispute and in particular the Labour Disputes Committee. It is noteworthy that this extra-judicial remedy is not actually foreseen in the law, but was set up by the authorities to allow migrant workers and Cypriot employers solve their difference in a speedy and cost-free manner. In practice, this remedy has indeed proven more popular among migrant domestic workers compared to the court. Between 2011 and 2013, an average of 82% of all complaints were

lodged by migrant domestic workers. (i.e. in 2011: 989, in 2012: 911 and in 2013: 678; GRETA 2015[6]).

Little information is available about the outcomes of those complaints. The overall procedure, however, has been heavily criticised by both NGOs and the Ombudsman and it appears that the outcomes are more often than not disadvantageous to domestic workers. Some main weaknesses that were also reported to us in the course of our interviews included:

- a. The lack of clarity of the process and the duties of the involved officials: on several occasions, domestic workers who lodged a complaint with the police, were subsequently arrested, detained and deported
- b. The ambiguities and inconsistencies surrounding the examination of the claim
- c. The overall duration of the procedure, as the whole process can take more than six months
- d. The evidential burden borne by each party, which normally places the employee at a disadvantage
- e. The execution of the decision: while the migrant worker gets closely monitored and risks deportation in case of non-compliance, the same scrutiny does not apply to the employer

c) Complaint before the Ombudsman

A major recipient of complaints by migrant domestic workers as well as victims of THB has been the Ombudsman, who has on several occasions effectively intervened and/or issued public statements. The procedure before the Ombudsman is however limited in scope, as complaints cannot be directed against employers but only public authorities.

3 Discussion of results

There is little dispute that migrant domestic workers have a very strong presence in the Cypriot labour market and society. When it comes, however, to disentangling human trafficking from migration and deciphering the main factors that drive demand, the picture becomes rather blurry. On the one hand, Cyprus' immigration policy towards domestic work appears to acknowledge and accommodate an evident need for external and widely accessible household assistance within the society. The high number of permits issued each year reflects the scale of the demand. On the other hand, over the past two decades Cypriot households have made extensive use of the channels offered to them to recruit migrant workers, in particular of Asian origin; often under highly exploitative terms. To the outsider, the demand for migrant domestic workers appears in many respects embedded within a wider national context that in itself further replicates demand and shapes new preferences; and it is somewhere among these lines that the trafficking business appears to also be profiting from.

3.1 THB in domestic work: Observations on types of situations and conditions

According to the available information and the data collected for this study, THB in domestic work in Cyprus mainly affects migrant women, who work as live-in domestic workers in private homes. Social class does not appear to be a defining factor; practically any ordinary middle-class household that can afford a domestic worker might be recruiting a potential victim of THB.

The population running the highest risk seem to be Asian women, in particular from Vietnam, Nepal, Sri Lanka, Philippines and lately also India and Bangladesh.

Most commonly, THB in domestic work takes place in a transnational manner. Most known victims entered the country through the domestic workers visa, often with the assistance of employment agencies based in both country of origin and Cyprus. Several interviewees, however, expressed their concern over THB potentially taking place through irregular border crossings from the northern part of the island. The extent to which this route might also be used for the trafficking of migrant domestic workers is however unknown. Situations entailing elements of re-trafficking or internal trafficking have also been documented, though they were most often associated with the sexual exploitation of the domestic worker. Several interviewees, however, described situations where a domestic worker was convinced by an agent to change employer and was then financially exploited. There was thus strong speculation that internal trafficking in domestic work might also be occurring.

In the overwhelming majority of the known cases the victims were lured through false promises about good working conditions and/or high profits. NGO representatives, however, also described situations where the victims were aware of the terms of the employment as foreseen under the Cypriot law and nonetheless ascribed to it. The deception consisted then in not being treated in accordance with those standards.

The most common forms of exploitation included:

- No payment or little payment
- Hard labour
- Long working hours (.e.g 15 hours a day), no rest days, no schedule
- Work in more than one households
- Bad living conditions
- Inadequate or inappropriate daily food
- Confiscation of travel documents
- Verbal abuse
- Sexual harassment

The majority of the cases do not get reported as most victims tend to abandon the household in the search for better employment, often without knowing that they run a real risk of losing their permit. The risk of re-trafficking and of ending up in an analogous situation becomes then very real.

3.2 Key motivation factors and demand-side dimension

When it comes to deconstructing demand, the available data suggest that there is a clear preference for cheap and flexible domestic work, which – combined with other social factors – migrant women and in particular women of Asian origin seem to be providing best. It is also within this category that the risk of falling victim of trafficking for forced domestic labour appears currently the highest.

At the scholarly level, the preference among Cypriot households to recruit migrant women as domestic servants has been traced back to the country's economic restructuring between the mid 70s- mid 80s and the rapid accumulation of wealth among Cypriot households which changed profoundly the social landscape (Triklímiotis & Demetriou, 2011; Triklímiotis 1999; Panayiotopoulos 2005; Triklímiotis & Pantelidis 2006; Hadjipavlou 2004). In the aftermath of the 1974 events, Cyprus experienced an 'economic miracle' which led amongst others to a rapid growth of its tourism and garment industry. Some the most characteristic features of that

period were the rise of the GDP to the level of 'developed' countries and the quick expansion of full-time employment among Cypriot women, who provided the initial labour reserve in both industries. It is estimated that during the period of the 'miracle', women represented over a third of all trade union members. The high levels of economic growth, the exhaustion of domestic labour force market combined with an increasing preference for more desirable employment within the local population soon generated demand for migrant labour and domestic workers. By the early 90s, Cyprus abandoned its restrictive immigration policy allowing the entry of migrant workers to a much larger scale. The above-described developments converged with a wider demographic trend towards an ageing population. The shortages in the number of potential caretakers combined with widely held concerns about the quality of institutional care and the absence of adequate social policies to meet the needs of working women allowed demand for domestic workers to expand (Panayiotopoulos 2005; Kouta *et al* 2008).

Aspects of this wider contextual background were in many respects reflected in the responses of many interviewees when asked about the demand-side of THB in domestic work. The primary reason invoked by several stakeholders of both governmental and non-governmental bodies was the absence of adequate State structures and welfare services, which they juxtaposed to the affordability and competitiveness of the labour force market composed of migrant domestic work. Some interviewees pointed out that some services, such as facilities to care for children throughout the day, were completely absent and that domestic workers filled in those gap. It is noteworthy that certain categories of welfare benefits have been specifically calculated so to also include the costs of hiring a migrant domestic worker (MIGS 2015). Other interviewees pointed to the lower cost and higher quality of life domestic care provides over public or private institutional care. One NGO representative, for instance, argued that if the costs for accommodating an elderly couple in a care home of good standards would cost around €1,500 per month, with €309 the couple can stay in the comfort of their home.

Another NGO representative referred to lack of competitiveness as follows:

But the reality, the social structure of the country does not give a choice to the employer and this gets exploited by the agents who find ways to bring the people. I don't think there is an end to it. [...] In other countries we do not have live-in domestic workers because there are better positions for elderly and for children. It is a simple as that. ((Interview No 2, Caritas, 24 June 2015).

Several interviewees, however, also pointed out that the affordability of migrant domestic workers combined with the quality of the services they provide rendered their recruitment attractive and convenient even to family households that did not really need them.

At the scholarly level, the preference among Cypriot households to recruit specifically migrant women is often associated with the predominant patriarchal character of the Cypriot society on the one hand and the feminisation of certain employment sectors on the other. These deep-rooted social constructions and gender stereotypes are also reflected in the recruitment of foreign workers which takes place in a highly gendered manner; domestic work being such a characteristic case (Panayiotopoulos 2005; Triklímiotis&Demetriou 2011; Triklímiotis & Fullias-Suroulla, 2009; Matsis & Charalambous, 1993). To a large extent, analogous views expressed during the interviews corroborated the scholarly analysis. Most NGO representatives and State officials agreed that notwithstanding the progress made, the Cypriot society remains deeply conservative with clearly assigned gender roles. These stereotypes have prevented a fair allocation of household tasks also between the spouses, which still are largely borne by women; the mother or grandmother remain the primary caretaker. As a result, domestic assistance is particularly requested by Cypriot women to help them manage their personal and professional workload.

In underscoring the role of migrant domestic workers as substitute caretakers within Cypriot families, several interviewees pointed out that it is Cypriot women who are the main employers of domestic workers; and it is also Cypriot women (and not men) who also allocate the tasks and define the workload. One interviewee wondered to what extent the heavy work schedule they frequently impose constituted a way for Cypriot women to channel their own sense of oppression.

Discriminatory and racist attitudes have however also been connected to demand. According to Triklimniotis, the preference for migrant women and in particular Asian women as domestic workers is embedded within a wider social context, where ‘non-Europeans’ are employed in sectors of the economy that Cypriots no longer want to do; and where the colour of skin can further define one’s treatment. In their overwhelming majority, migrant work is associated with low pay and low status. Triklimniotis himself links the preference for Asian women as domestic workers to the stereotypical idea of the docile and unsophisticated “black (or dark) maid” who serves rich houses (Triklimniotis 2005; Triklimniotis 1999). In a another study, MIGS also argued that hiring a migrant housemaid is widely perceived as a symbol of a family’s social status (MIGS 2015). Almost all interviewees expressed similar views. One researcher interviewed for this study, observed that the derogatory term ‘mavrou’ (i.e. black girl) is still used during daily interactions when referring to a migrant domestic worker. One NGO representative was of the opinion that the quality of the services could not in itself justify the high demand for migrant domestic workers; an Asian nanny, she argued cannot for instance communicate with a child or an elderly person. Cypriot households were in her view simply familiar with the idea of assigning all work to a migrant woman. Drawing from her personal experience, one independent expert described how estate agents advertising houses to her would refer to small storage rooms as a “suitable” living space for the live-in domestic worker she would presumably hire.

In discussing the preference for specific nationalities, most interviewees invoked personal and professional attributes that were collectively associated with specific nationalities. Filipinos for instance, were considered to have relevant training and to speak English; Sri Lankans were seen as less organised and offered therefore a safer and less troublesome choice; Nepalese were docile but unreliable.

A minority of interviewees, however, were of the view that demand for migrant domestic workers was largely produced by private employment agencies. According to those views, potential employers did not actually attach so much weight to nationalities; what they truly cared about was that the work gets done. It was mainly private employment agencies that created and maintained specific portrayals about specific nationalities to generate and steer demand according to their own interests.

3.3 Key gaps in legislations and policies

The effects of demand for migrant domestic workers and its role in fostering THB is best appreciated in light of Cyprus’ wider institutional framework on migration policies related to domestic work. The current setting effectively provides for the development of relations of heavy dependence towards the employer, and combined with other key gaps this creates a slippery slope from demand for migrant domestic workers to exploitation and abuse.

Domestic work contract and terms of employment:

Empowering migrant workers and recognising them as equal bearers of rights is an essential first step to combat situations of abuse and reduce their vulnerability (ILO 2006). Even though migrant domestic workers and specifically live-in domestic workers are considered a group particularly susceptible to exploitation, their current terms of employment seem to fall short in

providing safeguards and protection from abuse. Several provisions of the employment that are seemingly neutral arguably obfuscate the power imbalance between domestic worker and employer, while others generate relations of submission (Hadjipavlou 2012; Agathagelou 2004).

A primary concern, also raised by most interviewees, revolves around the salary. The fixed salary of €309 is considered by the independent experts and NGO representatives too low, in particular in relation to the amount of work that is normally expected. Many compared it to the minimum basic salary in Cyprus, currently set at €870 euros (also MIGS, 2015). Some Government officials interviewed for this study, however, were not of the same opinion. They argued that the costs of accommodation and daily food are borne separately by the employer, thus if these are appropriately provided the price of hiring a domestic worker rises significantly.

Next to this, several terms and provisions in the employment contract entail restrictions that effectively disempower the domestic worker vis-à-vis the employer and place the worker in situation of dependence and submission. The overall power structure appears to render the recruitment of migrant domestic workers convenient and appealing. Provisions that were heavily criticised by some of interviewees of this study included: the exclusion of domestic workers from the right to political participation and to form trade unions, the low penalties foreseen in cases where employers violate the contract, the serious repercussions if the employee violates the contract, and the wide discretion granted to the employer to determine the working and living conditions of the employee. In discussing the role of the contract, one NGO representative concluded that “the State has created a framework that renders the purchase of migrant domestic work attractive” (Interview No 4, KISA, 25 June 2015) Another interviewee was of the opinion that the content of the employment contract was in itself so exploitative, that far from curbing demand it effectively legitimised demand for cheap and exploitable hands.

Most of State officials, however, expressed a different opinion. They stated that the contract was in itself not binding and that its formulation was simply in certain respects outdated. According to one independent expert, notwithstanding its binding nature or not, the contract was nonetheless of immense significance, as it generated the idea that this is how domestic work ought to be regulated. It thus made it hard for the average employer to imagine that behaving in certain ways was in fact a violation of labour and human rights.

Domestic worker visa scheme

Under the existing immigration law and policies, the domestic workers’ right to reside in the country is attached to a specific employer and any change of employer is subject to strict limitations. In their report to GRETA, the Cypriot authorities justified these restrictions as necessary safeguards to deter trafficking from happening: “only third country citizens from countries with whom there is established cooperation with identified private employment labour offices are allowed to enter the Republic of Cyprus as domestic workers.”

Most interviewees considered however that the attachment of the permit to specific employers generated a regime of heavy dependence on the employer and laid down the conditions for a relationship of fear and submission. Most State officials also expressed their concern that the specific regime had indeed adverse effects on the relationship between domestic worker and employer. Notably, one State official considered that Cyprus had however little flexibility to change this rule. Attaching residence to employment, he argued, was in fact a European standard, upon which Cyprus’ migration system had been built.

Social exclusion and exclusion from integration processes

According to the United Nations, social disempowerment, chronic exclusion and policies that marginalize entire groups of people are considered to enhance the risk of exploitation and THB (UNODC 2008). Even though domestic workers currently represent one third of Cyprus' migrant population, they hardly have any integration prospects.

As mentioned earlier, under the current regime domestic workers are granted with residence permits of a maximum duration of six years that can be further extended. In practice, many domestic workers make use of this option and live and work in Cyprus for many years. Nonetheless their migration status is formally classified as "temporary residence". The legal consequence thereof is that they cannot bring their families to the country and they are not eligible to apply for long term residence permit, even after many years of stay in the country. In a landmark judgment in 2008, Cyprus' Supreme Court upheld the validity of this policy on the following grounds:

The decision to temporarily limit their residence permits reflects the perception of the Republic that the nature and purpose of the stay of migrant domestic workers, whose permit is attached to specific employers, entails a specialisation and a temporariness that justifies their exclusion from the general rule. (Supreme Court, *Cresencia Cabotaje Motilla v. The Republic of Cyprus*, No 673/2006, Decision of 21 January 2008)

In the course of the interviews, NGO representatives and independent experts criticized this policy for aggravating the vulnerable position of domestic workers and reinforcing negative social stereotypes. It is noteworthy that one of the State officials interviewed explained that Cyprus' marginalization policy towards its domestic workers was in fact embedded within the overall EU framework. The official stated amongst others that:

There is a firmly-rooted belief that migrants are not part of the society, which shapes all policies. All the rest is defined according to this position. Migrants are here to serve a specific purpose. They are a separate world – a view that the EU supports when it distinguishes on the basis of citizenship. (Interview No 7, Civil Registration and Migration Department, 25 June 2015)

Lack of an effective system to uphold labour rights

Cyprus' extant system does not provide adequate safeguards to effectively protect migrant domestic workers from exploitation and uphold their rights. As noted earlier, to facilitate the resolution of labour disputes between employers and migrant workers, the authorities have established an administrative remedy that is meant to be more accessible compared to the judicial path. To lodge, however, a complaint before the committee, a migrant is expected to submit the complaint to the police. This requirement acts by itself as a deterrent. According to one independent expert we interviewed:

We consider the fact that the front-line service is the same that will eventually proceed with your deportation is discouraging and acts as a deterrent. It generates conditions in which a potential victim will not feel safe, in particular if the person is on a vulnerable migration status. (Interview No 10, Ombudsman, 24 June 2015)

Second, for the reasons analysed already earlier, even in cases where the domestic worker does eventually lodge a complaint, the current examination procedure does not meet the necessary procedural safeguards that take into account the vulnerable position of a domestic worker.

Most crucially however, the ways out of a situation of exploitation are poor. First, because the remedy does not have an automatic suspending effect. This means that the domestic worker is *prima facie* obliged to continue working for the same household until the complaint has been examined. According to Civil Registration and Migration Department officials we interviewed, a change of employer is possible if the situation has become intolerable and under the

condition that a new employer has been found. In practice, however, most employers are not eager to hire a domestic worker who is involved in a labour disputes procedure. Second, in case of a positive decision, victory means obtaining a release letter from the employer. For the letter to be issued, however, the domestic worker must also resign from any claims against her employer. Faced with these options, very often domestic workers, including potential victims of THB, will opt to continue working for the same employer or try to reach a private agreement rather than lodge a formal complaint. One of the interviewees described the situation as follows:

This really is a very painful experience for many reasons. One is that if there is a legitimate case of abuse, by negotiating a release letter we are actually wiping out the whole complaint. So this complaint of this woman will never be heard, will never be reported to the immigration office. [...] She had a complaint but she had to give up because of the way the system works (Interview No 2, Caritas, 24 June 2015).

Taking also into consideration that labour inspectors are not mandated to conduct on-site visits in private houses, the current scheme allows much leeway for employers to potentially exploit their domestic workers without facing penalties.

Lack of adequate information and cultural awareness

Even though raising awareness and disseminating information holds a central position within Cyprus' anti-trafficking policy, in practice the initiatives undertaken have been of a limited scope and not sufficiently tailored to the situation of migrant domestic workers.

Almost all interviewees agreed that raising awareness and sensitizing the public was key in combatting THB. Most NGO representatives were however of the opinion that the measures undertaken were too few and inadequate to change a deeply-rooted social perception of domestic workers as commodities. Several also raised concerns about the unwillingness of the State to support initiatives, if they were unpopular with the public. According to one interviewee, the 2013 radio campaign on THB in domestic work was arguably prematurely paused because of the amounts of complaints and negative feedbacks the Ministry had received. For many interviewees, awareness-raising had to reach a much deeper level and start already from the level of primary education to shape social perceptions both about gender and migration.

Most interviewees, including several State officials, were also concerned about the lack of training among the judiciary. There was a shared feeling that the sentences imposed were too lenient and that there was little awareness among the judicial authorities about the situation on the ground.

The non-governmental representatives interviewed for this study, were also concerned that the measures taken to inform domestic workers about the risk of exploitation were still inadequate; a concern that was not necessarily shared by some State officials. One recurring theme was the distribution of informative leaflets at the airport. Several non-governmental agents felt that the leaflets were not handed out as required; according to the State officials, however, the leaflets were not distributed to everybody but only to high-risk groups, the assessment of which was carried out by the government official on duty. One NGO representative was of the opinion that the distribution of informative leaflets at the airport was in itself ineffective as many migrant women cannot read or are not in the right mindset to pay attention.

They don't speak the language, so how can they understand their rights? but even if they do, upon arrival, you don't think oh how do I exit from employer if he is bad, you hope that it is a good employer (Interview No 2, Caritas, 24 June 2015).

Other interviewees were concerned that domestic workers are excluded from information as they only have Sunday as a day off, which is when most offices and NGOs are closed.

When asked specifically about the role of the client and the notion of demand in the context of domestic work, there was a great degree of disparity in the answers we received, in particular compared to other forms of THB. A majority, including State officials, were unsure whether the notion of the 'client' and consequently the criminalization of the use of services could apply to labour trafficking at all, having only made that association with sex trafficking. A minority was of the opinion that in the context of THB in domestic work, the 'client' was the family household employing the domestic worker.

For different reasons each, most interviewees agreed that awareness-raising and education could in any case achieve better and more far-reaching results compared to criminal prosecution.

Role of employment agencies

In the course of almost all interviews we conducted, the role of private employment agencies in the exploitation of migrant domestic workers and THB was raised. There was a general agreement that many private employment agencies were making high profits from the demand for migrant domestic workers in the Cypriot labour market and that some even engaged in illicit activities to this purpose. One State official argued that private agencies had an interest in 'poisoning' the relationship between migrant worker and employer as they could charge additional commissions.

Despite the negative views expressed, the majority were of the opinion that the involvement of private employment agencies was in principle necessary but that their operation ought to be better regulated and monitored. According to one State official, focusing on the operation of employment agencies offered a more effective and viable solution to identify potential victims and combat THB, as it was virtually impossible to inspect all 30,000 households across the country. In addition, given that in most cases the employers of domestic workers are elderly people, it would be hard to convincingly present them as traffickers and pursue criminal proceedings against them.

A small number of interviewees were however in favour of an overhaul of the system that would reduce the current role of private employment agencies in addressing demand. One NGO representative argued that under the current system, Cyprus' overall migration management is effectively placed in private hands; it is employment agencies that decide who will enter the country, who make all arrangements and who bring the people. What is completely missing, are public structures to regulate legal migration in an open and transparent manner.

4 Concluding Remarks and key messages for national policy makers

In recent years Cyprus has heavily invested in designing and implementing a successful anti-trafficking strategy. It was among the first ten countries to ratify the Council of Europe Convention against Trafficking, it has radically revised its legislation to bring it in line with human rights standards and it has formally included civil society organisations as formal partners in this effort. At the same time, however, it has often contradicted its own efforts mainly by designing a migration scheme that has proven susceptible to misuse. It is nonetheless crucial to retain that Cyprus' policy approach is by large a transposition of EU standards into the domestic order. In this sense, any national failures ought to be viewed also as the result of gaps and loopholes within the existing EU framework that come to the fore when the common standards are applied within the national context.

Recommendations

Domestic workers visa: There is ample indication that the domestic workers' visa is subject to misuse. Cyprus ought to revise its immigration rules. It could follow to this purpose the example of the safeguards put into place when revising the artiste visa such as revising the requirement of the bank deposit payment, monitor the maximum number of visas issued and integrate the domestic workers visa into a more general category of paid employment visa.

Change of employer: Cyprus should revise the attachment of the work permit to a specific employer and consider lifting the current restrictions on the maximum allowed number of changes of employer. The current regime places migrant domestic workers in a situation of heavy dependence that renders them particularly vulnerable to abuse and exploitation.

Terms of domestic work employment: The content of the employment contract, in its current form, falls short of adequately upholding the labour and human rights of migrant domestic workers. The authorities are advised to set clearer obligations between both parties, introduce gender-sensitive provisions, revise the medical insurance rules, reconsider the minimum wage requirement and reconsider the right to civic participation. The authorities should also expedite the procedure of transferring the mandate on migrant domestic labour to the responsibility of the Migration Department in line with their own commitments.

Labour disputes procedure: The current model of solving labour disputes is not fair and effective and is not tailored to the needs of migrant domestic workers, in particular those who live in the house of their employer. In addition, it should revise the rule that the complaint should be submitted before the police as the risk of detention and deportation is real and it acts as a deterrent.

Training of public authorities and front line officials: Cyprus must invest further in the training of front line officials that come into contact with potential victims of trafficking, in particular labour inspectors and police officials. It should also invest in the training of public authorities that have access to private homes, such as health care staff and social workers, so they become more alert when there are signs of exploitation and trafficking.

Training of judges: Cyprus must invest further in the training of the judicial authorities. Despite the measures undertaken, the low conviction rate and the leniency of the sentences inadvertently cultivate a sense of impunity.

Inspection of employment agencies: Cyprus should invest in better monitoring the operation of private employment agencies. This would not only protect potential victims from exploitation but it would also allow the national discussion to evolve toward greater attention regarding the responsibilities of the employers and private households in the exploitation rather than limiting the debate to the employment agencies.

Information in the country of origin: Currently information leaflets are only distributed after arrival to Cyprus. The Cypriot authorities are advised to provide information to newcomers about the risks of exploitation and the available remedies prior to departure and ensure that this information is distributed also in written and through independent sources.

Awareness-raising programmes: It is important to invest further in awareness raising programmes that will target not only the private households employing domestic workers but also bring to the fore the stories and perspective of domestic workers while taking into account the culture and gender dimension.

Public and transparent migration structures: Cyprus' migration scheme currently relies too heavily on private employment agencies. Cyprus should consider developing independent public structures that would act as intermediates between potential employers and employees.

Bilateral agreements: Cyprus should pursue in the long-term bilateral agreements with the main countries of origin of domestic workers and design programs for the safe entry of migrant domestic workers into the country and their smooth integration into society.

References

Agathangelou A. (2004) *The Global Political Economy of Sex: Desire, violence and Insecurity in Mediterranean nation States*, New York: Palgrave Macmillan

Civil Registration and Migration Department, Ministry of Interior, Announcement of 7 February 2011, available at <http://www.moi.gov.cy/moi/pio/pio.nsf/All/F08D54118122037EC2257830002EF15E?Opendocument>

Christodouloupoulou J. & Zobnina A. (2015). Investigating Trafficking in Women for Labour Exploitation in Domestic Work: the Case of Cyprus. in *MIGS (ed) I thought I was applying as a caregiver. Combating Trafficking in Women for Labour Exploitation in Domestic Work*, Nicosia, Cyprus:University of Nicosia Press Available at <http://www.medinstgenderstudies.org/wp-content/uploads/here6.pdf>

Christodoulou C., Diamantopoulou A., Dourida V., Michalakieli A., Papantoniou M. (2011), "Trafficking for Labour in Cyprus", CCME, available at http://www.ccme.be/fileadmin/filer/ccme/20_Areas_of_Work/10_Slavery_Anti-Trafficking/National_reports/2011-03-Cyprus_Report_GOING_BEYOND.pdf ;

Christofides L, S. Clerides, M. Hadjiyiannis, M. Michaela & M. Stephanides (2009) The Impact of Immigration on Unemployment, Labour Force Participation and Part-time Employment in Cyprus , *Cyprus Economic Policy Review*, 2009, 3(1): 51-84

Christofides N, Clerides S, Hadjiyiannis C. & Michael M. (2007) The Impact of f Foreign Workers on the Labour Market of Cyprus", *Cyprus Economic Policy Review*, 1 (2), 37-49.

Commissioner for Administration and Protection of Human Rights (2005) Report of the Department of Equality concerning a complaint on the restriction of the freedom of association of migrant domestic workers, File No A.K.I. 2/2005

Commissioner for Administration and Protection of Human Rights (2012) Position of the Ombudsman as a National Independent Authority on Human Rights on the framework regulating prostitution in Cyprus, AYT 5/2012

Commissioner for Administration and Protection of Human Rights (2013), Position concerning the Framework of preventing and combatting the trafficking of persons in Cyprus, 17 October 2013.

Commissioner for Administration and Protection of Human Rights (2013) Position of the Commissioner of Administration as a National Independent Authority on Human Rights on the Regime of Domestic Workers in Cyprus, File No A/Δ 3/2013

Commissioner for Administration and Protection of Human Rights (2014). Position of the Commissioner of Administration as the Independent Authority on Human Rights on the implementation and promotion of the legislative provision for the criminalisation of the use of services flowing from the trafficking and exploitation of persons, A/Δ 13/2014

Committee of Ministers (2012) Assessment of the general measures in the action plan presented by Cyprus, 7 May 2012, CM/Inf/DH(2012)14 , available at [https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf/DH\(2012\)14&Language=lanEnglish&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Inf/DH(2012)14&Language=lanEnglish&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings, “ Recommendation CP(2011)2 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus” adopted at the 6th meeting of the Committee of the Parties on 26 September 2011, available at http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Recommendations/CP_2011_2_en.pdf

Constantinou A.(2013) Human Trafficking on Trial: dissecting the adjudication of Sex Trafficking Cases in Cyprus, *Feminist Legal Studies*, 2013, 21(2):163-183

Costello C. and Freedland M. (2014) *Migrants at Work: Immigration and Vulnerability in Labour Law*, Oxford: Oxford University Press..

Council of Europe Commissioner for Human Rights (2008), Report by Thomas Hammarberg, Commissioner for Human Rights of the Council of Europe, following his visit to the Republic of Cyprus on 7-10 July 2008, available at <https://wcd.coe.int/ViewDoc.jsp?id=1385749&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679>

Council of Europe Commissioner for Human Rights, Follow-up Report on Cyprus (25 – 27 October 2005), CommDH(2006)12.

Council of Europe Commissioner for Human Rights, Report on his visit to Cyprus (25 – 29 June 2003) CommDH(2004)2

Courteille C. (2015) The ILO Domestic Workers Convention, Presentation at Women domestic workers and carers in the EU, Hearing of the Committee on Women's Rights and Gender Equality, Brussels, available at http://www.europarl.europa.eu/meetdocs/2014_2019/documents/femm/dv/claire-courteille-presentation_/claire-courteille-presentation_en.pdf

District Court of Nicosia, *Police Director of Nicosia v. Nikos Strouthos*, Decision No 19377/10, Judgment of 25 September 2013

European Court of Human Rights, *Rantev v. Cyprus and Russia*, Application No 25965/04, Judgment of 7 January 2010

European Court of Human Rights, *Siliadin v. France*, Application No 73316/01. Judgment of 26 July 2005

Fundamental Rights Agency (2014) Severe forms of Labour Exploitation: Supporting victims of severe forms of labour exploitation in having access to justice in EU Member States. Cyprus Fundamental Rights Agency available at http://fra.europa.eu/sites/default/files/fra_uploads/severe-labour-exploitation-country_cy.pdf

Group of Experts on Action against Trafficking in Human Beings (2011) Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, First evaluation round, 12 September 2011, GRETA 2011(8), available at http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/GRETA_2011_8_FGR_CYP_en_final.pdf;

Group of Experts on Action against Trafficking in Human Beings (2013) Report submitted by the Cypriot authorities on measures taken to comply with Committee of the Parties Recommendation CP(2011)2 on the implementation of the Council of Europe Convention on

Action against Trafficking in Human Beings, GRETA 2013(12), available at http://www.coe.int/t/dghl/monitoring/trafficking/Docs/CommitteeParties/Reply_REC/CP_2013_12_CYP_RR_en.pdf

Group of Experts on Action against Trafficking in Human Beings (2015) Reply from Cyprus to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. Second evaluation round (Reply submitted on 15 October 2014), GRETA 2015(6), available at http://www.coe.int/t/dghl/monitoring/trafficking/Source/Public_R_Q/GRETA_2015_6_RQ_CY_P.pdf

Group of Experts on Action against Trafficking in Human Beings (2015), Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Cyprus, Second Evaluation Round, GRETA 2015(20), available at https://www.coe.int/t/dghl/monitoring/trafficking/Docs/Reports/2nd_eval_round/GRETA_2015_20_FGR_CYP_w_cmnts_en.pdf

Hadjipavlou, M. (2004) *Women in the Cypriot Communities: interpreting women's lives*, Cyprus: The Peace Center

Supreme Court of Cyprus, *Helina Montermoso Punsalan v. Republic of Cyprus*, Decision of 23 October 2013

ILO (2006) Evaluation: Mobilizing Action on the Protection of Domestic Workers from Forced Labour and Trafficking, available at http://www.ilo.org/wcmsp5/groups/public/---ed_mas/---eval/documents/publication/wcms_083741.pdf

Kiatipis, C. (2004) *Trafficking of girls – The smuggling of young women out of and towards Cyprus and their exhortation to prostitution*, Nicosia: Ekseliksi

KISA, Mediterranean Institute of Gender Studies, Pregnancy Care Center and STIGMA (2009) Memorandum of the NGOs KISA, MIGS, Pregnancy Care Center and STIGMA, 19 December 2009, available at <http://kisa.org.cy/migs-stigma/>

KISA (2011). Migrant woman victim of trafficking almost deported, 12 March 2011, available at <https://kisa.org.cy/migrant-woman-victim-of-trafficking-almost-deported/>

KISA (2014) Mapping out the situation of labour trafficking in Cyprus. Available at http://kisa.org.cy/wp-content/uploads/2014/12/map_report.pdf

Kouta C., Kaite C. & Kalavana T. (2008) Migrant domestic workers in Cyprus: an evaluation of their sexual and reproductive health needs – a pilot study. *Hellenic Journal of Nursing Science*, 2008, 4 (2).

Kyriakou N, (2011) Vietnamese the weakest link, 30 January 2011, available at <http://www.sigmalive.com/archive/simerini/news/social/348520>

Matsis, S., Charalambous, A. (1993), The Demand and Supply Dimensions of the Labour Market: The Issue of Foreign Labour, in: Demetriades, A., Khoury N. F. & Matsis S. (eds.), *Labour Utilization and Income Distribution in Cyprus*, Department of Statistics and Research, Ministry of Finance, Nicosia

Mediterranean Institute of Gender Studies (2015). *I though I was applying as a care giver. Combating trafficking in women for labour exploitation in domestic work*. Mediterranean Institute of Gender Studies (MIGS). Nicosia, Cyprus: University of Nicosia Press.

Mediterranean Institute of Gender Studies (2007) Mapping the Realities of Trafficking in Women for the purpose of sexual exploitation in Cyprus, Final research report, available at http://lastradainternational.org/lsidocs/505%20migs-trafficking-report_final_711.pdf

Mullaly, S. (2014) Migration, Gender and Human Rights (pp.145-175) in R. Rubio-Marin(ed) *Human Rights and Immigration*, Oxford: Oxford University Press.

National Action Plan against Trafficking in Human Beings 2010-2012, available at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/action_plan_against_trafficking_in_human_beings_2010_2012_1.pdf

National Action Plan (2011) submitted by Cyprus to the Committee of Ministers - 1092nd DH meeting, 12 August 2010, DH-DD(2010)376 and Update to the National Action Plan, DH - DD(2011)336, 5 May 2011, available at <https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2082247&SecMode=1&DocId=1611134&Usage=2>

Panayiotopoulos P. (2005) The globalisation of care: Filipina domestic workers and care for the elderly in Cyprus *Capital & Class Summer*, 2005, 29 (2): 99-134.

Permanent Criminal Court of Nicosia, *Republic of Cyprus v. Danail Naydenov*, Decision No 23076/13, Judgment of 3 July 2014

Stoyanova V. (2012) Dancing on the Borders of Article 4. Human Trafficking and the European Court of Human Rights in the Rantsev case. *Netherlands Quarterly of Human Rights*, 2012, 30 (2): 163–194

Supreme Court of Cyprus, *Gunawardena Harischandra Jayasecara Sisilia Kumudini v. the Republic of Cyprus*, Case No 518/2010, Decision of 19 August 2014

Supreme Court of Cyprus, *Cresencia Cabotaje Motilla v. The Republic of Cyprus*, Decision No 673/2006, Decision of 21 January 2008

Supreme Court of Cyprus, *Helina Montermoso Punsalan v. Republic of Cyprus*, Case No 926/2013, Decision of 23 October 2013

Triklimniotis N.,(1999) Racism and New Migration to Cyprus: The Racialisation of Migrant Workers, in Anthias, F. & Lazarides, G. (eds). *Into the Margins: Exclusion and Migration in Southern Europe*, Aldershot: Ashgate

Triklimniotis N. (2006) Discriminated Voices – Cyprus: The European Dilemma, institutional Patterns and the Politics of Racial Discrimination, available at <http://symfiliosi.org/wp-content/uploads/2013/04/WP2.Report.LAST-Discriminated-Voices-Cyprus-Report.pdf>

Triklimniotis N. (2010) 'Cyprus' (pp, 47-54) in *Migration, Employment and Labour Market Integration Policies in the European Union*, (eds.) A. Platonova and G. Urso, IOM publ. available at <https://publications.iom.int/books/migration-employment-and-labour-market-integration-policies-european-union-2010>

Triklimniotis N. & Demetriou C. (2009) Trafficking, Profiteering and State Complicity: Researching the Demand Side of Prostitution and Trafficking in Cyprus, *Translocations: Migration and Social Change* 5(1): 1-32, available also at <http://www.statewatch.org/news/2010/jan/cyprus-trafficking-profiteering-prostitution-translocations-2009.pdf>

Trimikliniotis N. & Demetriou C. (2011) Labour Integration of Migrant Workers in Cyprus: “ a critical appraisal”, in M. Pajnik and G. Capani (eds), *Precarious Migrant Labour across Europe* (pp. 73-96), The Peace Institute.

Trimikliniotis N. & Demetriou, C. (2014) 'Cyprus', in A. Triantafyllidou & R. Gropas (eds.), *European Immigration: A Sourcebook* (pp. 67-82), 2nd edition, Farnham: Ashgate.

Triklimniotis N. and Fulas-Suroulla (2009) New Female Integration and Integration Related Policies in Cyprus, Chapter in book *The new female migrants in European societies – A state of the Art*, (eds) Kontos M. & Slany K., Jagiellonian University Press, 2009, pp. 166-185, also available at <http://www.red-network.eu/resources/toolip/doc/2011/11/16/nt--mfs-migrant-women-krakow-book.pdf>

Triklimniotis N.& Pantelidis P. (2006) Mapping Discriminatory Landscapes in Cyprus: Ethnic Discrimination in the Labour Market and Education. *The European Dilemma: Institutional Patterns and Politics of 'Racial' Discrimination*, available at <http://symfilios.org/wp-content/uploads/2013/04/WP1.Cyprus--MAPPING-DISCRIMINATORY-LANDSCAPES-IN-CYPRUS-ETHNIC-DISCRIMINATION-IN-THE-LABOUR-MARKET-AND-EDUCATION.pdf>

United Nations Office on Drugs and Crime (2008) *An Introduction to Human Trafficking: Vulnerability, Impact and Action*. United Nations Office on Drug and Crime, available at https://www.unodc.org/documents/human-trafficking/An_Introduction_to_Human_Trafficking_-_Background_Paper.pdf

United Nations Office on Drugs and Crime (2014) *Global Report on Trafficking in Persons*, available at https://www.unodc.org/documents/human-trafficking/2014/GLOTIP_2014_full_report.pdf

Annexe**Interviews**

Sector	Position	Organisation	Date of Interview	No of interview
Judicial	Prosecutor of the Republic	Office of the General Prosecutor	22-06-2015	1
NGO	Migrants Advisor	Caritas Cyprus	24-06-2015	2
	Head	Cyprus STOP Trafficking	18-06-2015	3
	Executive Director	KISA	25-06-2015	4
	Senior Legal Adviser	Future Words Center	22-06-2015	5
Government	Administrative Officer	Civil registration and Migration Department, Migration Sector – Residence Permits	25-06-2015	6
	Administrative Officer	Civil Registration and Migration Department, Migration Sector-Domestic Workers	25-06-2015	7
	Administrative Officer	Ministry of Interior , Directorate of Migration/Asylum – Human Trafficking	23-06-2015	8
	Officer of Civil Defence	Ministry of Interior , Directorate of Migration/Asylum – Domestic Workers	23-06-2015	9
Independent Authority	Human Rights Officer	Office of the Commissioner of Administration (Cyprus)	24-06-2015	10
Expert	Senior Research Consultant	Prio Research Institute	25-06-2015	11
	Policy Co-Ordinator	Mediterranean Institute for Gender Studies	10-06-2015	12

About the author

Danai Angeli is a lawyer based in Athens and researcher at the European University Institute (EUI) in Florence. Her interests lie in the area of migration, disabilities and positive obligations towards vulnerable categories under international human rights law. She is currently involved as a national expert of Greece and Cyprus in the DemandAt project (EUI), which inquires into the demand-side of anti-trafficking policies in the domestic work sector. Prior to that she worked as a main researcher for the MIDAS project (Eliamep), about the cost-effectiveness of irregular migration control practices in Greece. In her capacity as a qualified lawyer she has acquired significant litigation experience in the field of migration and asylum and has provided legal representation in selected asylum cases before the European Court of Human Rights. She is a graduate (LL.B) of the University of Athens and received an LL.M degree in international human rights law from the University of Essex and an LL.M degree in comparative, European and international law from the EUI. In her thesis she advanced a new understanding of positive obligations in light of theories of relational autonomy. **Text**

Addressing demand in anti-trafficking efforts and policies (DemandAT)

COORDINATOR: International Centre for Migration Policy Development
Vienna, Austria,

CONSORTIUM:

University of Bremen – Arbeitsbereich Interkulturelle Bildung
Bremen, Germany

University of Edinburgh – School of Social and Political Science
Edinburgh, United Kingdom

La Strada International
Amsterdam, The Netherlands

Lund University – Department of Social Anthropology
Lund, Sweden

University of Durham – Department of Geography
Durham, United Kingdom

European University Institute – Robert Schuman Centre for Advanced
Studies
Florence, Italy

Geneva Centre for the Democratic Control of Armed Forces
Geneva, Switzerland

La Strada Czech Republic
Prague – Czech Republic

FUNDING SCHEME: FP7 Programme for research, technological development and
demonstration – Collaborative projects

DURATION: 1 January 2014 – 30 June 2017 (42 months).

BUDGET: EU contribution: 2,498,553 €

WEBSITE: www.demandat.eu

FOR MORE INFORMATION: Albert.Kraler@icmpd.org

FURTHER READING:

Angeli, D (forthcoming 2016) *Policy Brief: Trafficking in Human Beings in Domestic Work in Cyprus: Tackling severe exploitation in hidden spaces*, DemandAT Policy Brief, Vienna: ICMPD

Ricard-Guay, A. (2016) *Trafficking in Domestic Work: Looking at the demand-side*. DemandAT Working Paper 5. Vienna: ICMPD

More DemandAT Country Studies on the Domestic Work Sector:

Angeli, D (2016b) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Greece*, DemandAT Country Study No. 4, Vienna: ICMPD

Camargo, B (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Belgium*, DemandAT Country Study No. 1, Vienna: ICMPD

De Volder, E (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in the Netherlands*, DemandAT Country Study No. 6, Vienna: ICMPD

Levy, F (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in France*, DemandAT Country Study No. 3, Vienna: ICMPD

Maroukis, T (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in the United Kingdom*, DemandAT Country Study No. 7, Vienna: ICMPD

Palumbo, L (2016) *Demand in the Context of Trafficking in Human Beings in the Domestic Work Sector in Italy*, DemandAT Country Study No. 5, Vienna: ICMPD



Demand AT

Demand-side Measures
Against Trafficking

Partners:



LUNDS UNIVERSITET



DCAF
a centre for security,
development and
the rule of law

