

Social Fieldwork Research (FRANET)

Severe forms of Labour Exploitation

Supporting victims of severe forms of labour exploitation in having access to justice in EU Member States

Cyprus, 2014

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Categories of interviewees:

Nine categories of experts working in the context of labour exploitation took part in the interviews and focus groups:

M – Monitoring bodies (such as labour inspectorates, health and safety bodies)

P – Police and law enforcement bodies

S – Victim support organisations

J – Judges and prosecutors

L – Lawyers

R – Recruitment and employment agencies

W – Workers' organisations, trade unions

E – Employers' organisations

N – National policy experts at Member State level.

FG – Focus Group

Throughout this report, references to these groups as 'M', 'P' etc. are to be understood as referring to the above-named 9 categories.

Where [M(X)] appears, this denotes the group from which the referenced interviewee came, in addition to the number of interviewees from that group referenced (for example, if a statement is supported by references to three interviewees from the M group, two from the S group and one from the J group, the reference will read '[M(3); S(2); J(1)]'. Likewise, if a statement is supported by statements from interviewees who participated in focus groups (in the following example, a lawyer), the reference will read '[FG(L)]'.

For data protection reasons, no names of interviewees have been mentioned.

1. Introduction, including short description of fieldwork

□ Interviews:

The interviews conducted were in total 21 out of 20 which was the requirement by FRA. The team faced a number of challenges finding interviewees and booking interviews with them for a number of reasons, including internal bureaucracy and the time constraints of the interviewees. Another issue that we encountered is the openness of interviewees and eagerness to share their experience and information, depending on the organisation they represented. In general, public employees, either of monitoring bodies, judges, the police, etc. were more reserved in their answers and on the other hand, NGO representatives and workers organisations were more open to the problem, and were willing to further discuss and provide information. This is not the rule however as some public employees were open and were willing to share their knowledge.

Table 1: Summary of interviews conducted:

Target Group Requirements	Number of interviews conducted
2-5 M – Monitoring bodies	3
2-5 P – Police and law enforcement bodies	2
2-5 S, - Victim Support Services of which one interview should be conducted with a representative of a child welfare organisation;	4
2-3 J Judges and Prosecutors; both criminal law judges and judges working in the field of civil law should be interviewed;	2
1 L- Lawyers	2
1 R – Recruitment and employment agencies	1
1 W – Workers organisations, trade unions	4
1 E – Employers organisations	2
1 N – National policy experts	1
Total	21

□ Focus Group:

One focus group was held including the following representatives, which met the FRA target group requirements including the following participants [M(1), S(1), P(1); L(1); W(1)].

Again for the focus group, we faced a number of challenges. Firstly, in order to be able to have a police representative take part, we needed to address police administration for permission. Furthermore, another NGO representative confirmed participation at the focus group but never attended. We faced no particular challenges in attracting the rest of the participants to the focus group.

The additional contentious issues proposed for discussion during the focus group were as follows:

1. Employers organisations believe severe labour exploitation does not exist in Cyprus and only mild forms of labour exploitation exist such as breach of salary agreements, extra working hours etc. Workers' organisations, NGOs, monitoring bodies and lawyers believe that severe labour exploitation does exist in Cyprus. Employers' organisations go one step further in claiming that there are cases of migrant workers where towards the end of their employment contract or work permit in Cyprus, file false complaints to the authorities against their employers, in order to be released from their employer sooner, and remain in the country for longer and be able to find another job.
2. Employers organisations believe that in the tourism industry, which is one of the largest industries in Cyprus also employing migrant workers, there are no severe violations by employers and due to the large size of the industry, the Ministry of Labour cannot perform efficient inspections. On the other hand the Ministry of Labour claims that they can monitor efficiently all sectors of the economy where there is labour exploitation and they have the authority to monitor.
3. All groups apart from the Ministry of Labour agree that there is no efficient coordination among the authorities in dealing with cases of labour exploitation, as well as no sufficient coordination between the public sector and NGOs.
4. Some workers unions, lawyers and NGOs agree that the legislation and the judicial system are not efficient in punishing offenders of labour exploitation whereas employers' organisations, some other workers unions and monitoring bodies (Ministry of Labour) believe that the legislation is efficient.
5. Workers unions claim that migrant workers are not their members, but they can represent them if they become victims of labour exploitation once they receive an approval of representation from them, similarly to nationals, but recruiters (one recruiter interviewed) claims that non-nationals are members of trade unions. INEK also informed us that workers from eastern European countries, due to their negative experience with workers' unions in their home countries, do not wish to become members of workers' unions in Cyprus.
6. It is commonly agreed that the domestic workers industry is a risk industry in Cyprus. Firstly, from a reported amount of 40 thousand workers from third countries currently employed in Cyprus, approximately 30 thousand are domestic workers, which is a large percentage. The main problem with domestic workers is that labour exploitation is underreported, as domestic workers do not have collective agreements, and therefore are not covered by workers unions, and therefore cannot be represented or supported in any way by workers unions. This is because workers unions act in industries where there are collective agreements, for example in the construction industry, the tourism industry etc. Furthermore, the labour inspectors of the Ministry of Labour and Social Insurance cannot enter private homes for inspections in case they receive a complaint, but only work facilities. Therefore their work of witnessing labour exploitation becomes much more difficult.
7. The role of recruitment and employment agencies is crucial and there have been varying positions on their role. The workers unions believe that there is corruption and not enough monitoring of recruitment agencies. Monitoring bodies believe that recruitment agencies should be monitored under a better legal framework. The one recruitment agency interviewed believes that their role should be much more strengthened where they should have full responsibility for the employment contracts, monitoring the situation of migrant workers, and enforcing violators who perform labour exploitation to conform to their obligations. According to an R group interviewee the recruitment agencies should be responsible and have the freedom to replace migrant workers in case one of the two parties (employer or employee) is not satisfied with the employment contract, and to be able to arrange for their return to their home country if

the migrant worker wishes so, before the end of the employment contract. This is because the Ministry of Labour and Social Insurance is responsible for issuing permits for termination of an employment contract and also for accepting termination of an employment contract and it is not upon the recruitment/ employment agencies to decide and/ or issue permits for termination of employment contracts or return of migrant workers to their home country.

All participants were active and contributed to the focus group discussion. There was discussion in all questions, and there were differing opinions as expected, depending on the organisation each participant represented. In relation to contentious issues, many of them were covered in discussions of previous questions, as they kept recurring, therefore, in the section where the contentious issues were to be discussed only the issues that had not been discussed previously were mentioned. The general findings of the focus group were not different from our findings from the interviews. The focus group was an opportunity to get more insight into some issues and more information of how the different organisations and authorities address these issues.

□ **Timeframe of Fieldwork**

The fieldwork lasted from February until June 2014. Most of the interviews were conducted between late May and June due to various difficulties in reaching respondents. During the focus group, all participants from all target groups were very open and shared a lot of information and were open for discussion.

2. Legal framework

In regards to criminalisation of slavery/ servitude or forced/compulsory labour, Article 8 of the Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law, 87(I) 2007: “Any person who exploits labour or services of a person including forced or compulsory labour or services, slavery or practices similar to slavery or servitude, shall be guilty of a felony....”¹

In regards to criminalisation of the exploitation of child labour, the same article mentioned above provides for the labour exploitation of minors: “.....shall be guilty of a felony and shall be liable on conviction to imprisonment not exceeding six years and when the conduct involves a minor, shall be liable to imprisonment not exceeding ten years”.

In regards to criminalisation of human trafficking, the same legislation above criminalises human trafficking in all its forms. Specifically, it covers: Article 6: Trafficking in children, Art. 7: Trafficking and exploitation of human vitals, Art. 8: Exploitation in labour, Art. 9: Sexual exploitation of adult persons, Art. 10: Sexual Exploitation of children, Art. 11: Child pornography.

The Employer’s Sanctions Directive was transposed in the Aliens and Immigration Law (N 100(I)/2012) which includes definitions that meet the requirements under 9(1)c, d, and e of the directive. These definitions are included in Article 18PH(1) of the above law as follows: “An individual, including a legal entity, who intentionally violates the provisions of the article 18PB, in the cases where the violation – (γ) is accompanied by severely exploitative working conditions or/and (δ) is committed by an employer who, without being charged or convicted for an offence under the Combating trafficking Law, employs or uses the services of illegally staying third country national knowing that he/she is a victim of trafficking, or/and (ε) involves the illegal employment of minor, is guilty of committing criminal offense...”² The Aliens and Immigration Law has been amended very recently³, in fact during the FRA revision of the first draft of this report. The Amending Law meets the requirements of the EC Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011⁴ on a single application procedure for a single permit for third-country nationals to reside and work in a territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

The Amending Law also ensures adoption of Council Regulation EC No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals⁵ and EC Implementing Decision (2002)3069 of 30/9/2013 amending Commission Decision C (2002) 3069 laying down the technical specifications for the uniform format for residence permits for third country nationals⁶. The Amending Law includes additional articles to satisfy the above directives and decisions, and specifically refers to third-country nationals who have applied for residence permit and who have received a residence and/ or work permit in the Republic of

¹ The law in original language is available at: www.cylaw.org/nomoi/enop/non-ind/2007_1_87/index.html, English translation at:

[www.olc.gov.cy/olc/olc.nsf/all/A64D6C1A96C8B8E1422579410036D58E/\\$file/The%20Combating%20of%20Trafficking%20and%20the%20Exploitation%20of%20Human%20Beings%20and%20the%20Protection%20of%20Victims%20Law.%202007.pdf?openelement](http://www.olc.gov.cy/olc/olc.nsf/all/A64D6C1A96C8B8E1422579410036D58E/$file/The%20Combating%20of%20Trafficking%20and%20the%20Exploitation%20of%20Human%20Beings%20and%20the%20Protection%20of%20Victims%20Law.%202007.pdf?openelement).

² Cyprus, Aliens and Immigration Law (N 100(I)/2012, available at: http://cylaw.org/nomoi/arith/2012_1_100.pdf).

³ Cyprus, Aliens and Immigration Law N. 129(I)/2014 (Νόμος που τροποποιεί τον Περί Αλλοδαπών και Μεταναστεύσεως Νόμο), available at http://cylaw.org/nomoi/arith/2014_1_129.pdf.

⁴ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:343:0001:0009:EN:PDF>.

⁵ Available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2002:157:0001:0007:EN:PDF>.

⁶ Available at http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/borders-and-visas/document-security/docs/comm_decision_c_2013_6178_en.pdf.

Cyprus. The Amending Law enables third-country nationals to file a single application for work and residence permit in the Republic of Cyprus, whereas there were two different applications and permits issued before the amending law. The same single application procedure applies for amending and/ or renewal of work/residence permits. Any decision for granting of the permit will not exceed four months. Any rejection decision should be thoroughly explained and communicated to the applicant and provides information for appeal to the Supreme Court (Art. 18). The Amending Law also provides clauses for equal treatment of third-country nationals in regards to work conditions, pay and termination of contract, freedom of participation in organised groups, education, and recognition of qualifications,

The law on private employment agencies (126(I)/2012 as amended by law 150(I)/2013)⁷, art. 4 foresees that employment agencies assess the skills and credentials of prospective employees, assess the job offer and inform the prospective employee as of the job description and necessary skills for the job, inform the prospective employee of the full content and terms of the employment contract, provide any requested information to the prospective employee in regards to the access to the job market based on his/ her experience and background, inform the prospective employer of the skills and experience of the prospective employee, and inform both parties in regards to their rights and obligations based on the legislation.

In accordance with the law, the authorities have inspectors whose duties are to perform inspections of employment agencies and ensure that they carry out their duties and tasks according to the legislation. The said law was judged as vague and lacking adequate control measures for monitoring the work of employment agencies.

The new law on Combating trafficking and exploitation of human beings and the protection of victims (law 60(I)/2014)⁸, is analysed below, as it introduces a number of new measures for the protection of victims. However, it is a very recent law, and its implementation cannot be assessed at present. These measures are mentioned as means to showcase the most recent developments in the legal field in regards to trafficking of human beings.

According to Art. 29, the victims of trafficking are not criminally prosecuted and are not subject to sanctions for their participation in criminal activities provided that their participation was a result of their victimisation. The same article also explicitly makes reference to third country nationals who are victims should not be criminally prosecuted in case they commit offences which are related to their situation as victims, especially in regards to their entry in Cyprus with no visas, illegal residence, illegal work (i.e. work without work visa). The Courts dealing with cases against victims for any offence, if during the procedure, find out the victimisation situation, criminal procedures against the victim are ceased.

The role of the Police is also very important in this law, together with any other involved authority, i.e. Ministry of Labour and Social Insurance, Ministry of Interior etc., as it is explicitly mentioned that the authorities should coordinate between them to protect the victims and to examine their situation when necessary for any criminal procedure against the offender. Art. 42 of the same law mentions that all involved authorities should also work together with NGOs dealing with victim support, to enable the identification of victims with specific reference to women and children. Any measures taken in regards to victims should take into account a

⁷ Cyprus, Law on Employment Agencies (126(I)/2012) as amended by law 150(I)/2013 (Ο περί ιδιωτικών γραφείων εξεύρεσης εργασίας Νόμος 2012 (126(I)/2012), available at www.cylaw.org/nomoi/enop/non-ind/2012_1_126/full.html.

⁸ Cyprus, Law on the Combating of Trafficking and exploitation of human beings and Protection of Victims (Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη, την καταπολέμηση της εμπορίας και της εκμετάλλευσης προσώπων και την προστασία των θυμάτων, Ν. 60(I)/2014), available at www.cylaw.org/nomoi/arith/2014_1_60.pdf.

holistic appraisal of the victim's situation with risk appraisal from the identification as victims to their return to their home country.

Art. 33 mentions that authorities should provide free legal support to victims where they do not have the financial means. It is also mentioned that authorities and the courts should provide any possible means to protect the victim from further victimisation especially during investigations against offenders, and court procedures.

Art. 37 mentions that in case the victim is an EU national and resides in another Member state, any complaint against the offender is forwarded to the authorities of the Republic, the case should be investigated in the same way as if the victim was residing in the Republic.

Art. 44 mentions that the Police, upon identification of a victim, informs the victim of the available support structures and explains the procedures for filing court proceedings against the offender. The victim is then forwarded to the Social Welfare Services who again inform the victim of their rights and available support structures, together with the shelter maintained by the SWS. It is interesting that the law foresees that the SWS should provide information to the victim of available support by NGOs. The role of the SWS is to provide the contact information of NGOs and victims may contact NGOs themselves.

According to Art. 47, all victims, irrespective of their nationality, irregular or regular situation, has the right for physical, psychological and social rehabilitation. Specifically, the victim has the right to necessary living conditions, such as safe living, psychological, material and financial assistance, access to free medical treatment, free translation services in communicating with authorities, and satisfaction of special needs, i.e. pregnancy, mental disorders etc.

Art. 52 mentions that no deportation measure is taken against an EU national or third country national (irrespective of their migrant status) in case any authority identifies any situation of possible victimisation and until the completion of the procedure. No deportation measure is taken in case that the preconditions of free movement and residence are not met or in case that the migrant is recognised as a victim, or until the procedure for the recognition as a victim or the annulment or non-renewal of the residence permit.

Art. 64 mentions that among the duties and responsibilities of the multi-thematic team is the coordination with victims' countries of origin or countries of destination for the development of mechanisms for combating trafficking offences and the protection of victims.

Finally Art. 70 mentions that the Republic has to conclude bi-lateral agreements with main countries of origin of victims for the combating offences of trafficking, protection and social reintegration of victims and their families in the Republic or in their home country upon their return, exchange of information and data in respect to exploitation of human beings and the information provision to victims in regards to their migration and the dangers of irregular migration.

Even though the inclusion of international bodies' reports was not within the scope of this assignment, some findings from important bodies' reports are provided below in order to give the whole picture of the labour exploitation subject currently at play in Cyprus.

Specifically, the ECRI 3rd report on Cyprus⁹, found that due to the recent economic crisis, the authorities have introduced, and widely publicised, a scheme whereby employers are given incentives to replace their third country workers with Cypriot or EU nationals. Work permits

⁹ Fourth ECRI Report on Cyprus, published on 31 May 2011.

are not withdrawn, but they are not renewed. ECRI considers that this policy could be interpreted as a signal of the Government's unwelcoming attitude towards foreigners.

The 3rd ECRI Report also recommended that the Cypriot authorities intensify their efforts to ensure that domestic and other foreign workers are not subject to exploitation and abuse by their employers. To this end, it reiterated its call for fair procedures and effective remedies to be made available to such workers whose contractual or other rights have been breached by their employers.

Third country workers are only permitted to work in specific sectors which are by design the lowest echelons of the labour hierarchy. The vast majority of non-citizens work in households as domestic workers or in the farming sector.

Agricultural workers are particularly vulnerable as there is little effective monitoring of employment in this sector. Furthermore, work is usually only short-term, poorly paid and involves hard manual labour.

As regards foreign domestic workers, ECRI notes with concern that their situation, as described in its third report, has not improved. Based on the same report, the Commissioner for Administration is currently working with the Ministry of Interior and the Ministry of Labour on a new policy concerning domestic workers, which will include the regulation of contracts, salaries and working conditions.

ECRI, in the fourth report on Cyprus, notes that, although the law provides for equal pay for foreign and local workers, this is not always applied in practice. Reports indicate that irregular migrant workers are frequently paid wages much lower than those provided for in the collective agreements and that asylum seekers receive approximately half the amount received by Cypriot workers. This may be partly explained by the fact that employers are responsible for providing accommodation for foreign workers and are entitled to deduct up to 10 per cent from the employee's wages. In addition, in case the employer also provides free food, an additional sum of up to 15 per cent may be cut from the salary. Since the minimum wage in Cyprus applies only to a small number of occupations (mostly involving nursing and care of children or the elderly) and collective agreements do not exist in all sectors, ECRI believes that this system leaves a wide margin of discretion to employers. ECRI encourages the authorities to consider amending the legislation relating to the provision of accommodation and food for foreign workers with proportionate deductions from their salaries, to ensure de facto equal pay with Cypriots.

Specifically in regards to domestic workers, the report of the Ombudsman A/Δ3/2013¹⁰ mentions that approximately 30.000 women are domestic workers in Cyprus (2013 data) which makes approximately 50% of migrant workers in Cyprus. Furthermore the report makes reference to the phenomenon of sexual harassment of domestic workers, which are hard to provide evidence for. The Ombudsman also makes reference to the way the Department of Labour handles complaints of sexual harassment of domestic workers based on the Criminal Code and not on the basis of legislation on violence at the workplace and discrimination at the workplace. The problem here is that the Criminal Code does not provide the same possibilities for criminalization of this form of offences or the effectiveness in victim protection which necessitates proof of the offence. The legislation on discrimination at the workplace would be more favorable concerning victim protection as the criminal code is stricter in accepting evidence of crime which is hard to elicit, as violence needs to be witnessed in order to be

¹⁰ Cyprus, Report of the Commissioner for Administration as National Independent Human Rights Authority in regards to the situation of domestic workers in Cyprus (Τοποθέτηση Επιτρόπου Διοικήσεως ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων αναφορικά με το καθεστώς των Οικιακών Εργαζόμενων στην Κύπρο, Αρ. Φακ: Α/Δ 3/2013), 02/07/013.

brought at court through the criminal code. Another problem is that the employment contracts of domestic workers are only submitted to the Civil Registry and Migration Department of the Ministry of Interior, whereas employment contracts of all other migrant workers in Cyprus are submitted, checked and approved by the Department of Labour of the Ministry of Labour and Social Insurance, thus creating a gap in the monitoring of the employment conditions for domestic workers in Cyprus.

The Ombudsman's report also mentions the problem of a lack of collective agreement, and the legally established deprivation of domestic workers from forming organised groups.

Some problems in the handling of labour differences between domestic workers and their employers that the report mentions are the following:

- The Police's practice of forwarding court procedures on illegal employment where the victim is also accused of being illegally employed, instead of the forwarding of the employment differences to the responsible authority for handling of the illegal employment for the benefit of the victim.
- Employment differences are investigated omitting the difference in power position between the employer and employee, which tends to be at the expense of the employee.
- The delay of investigation of employment differences, in some cases exceeding six months, during which time the migrant worker is not allowed to work.
- The lack of efficient investigation of labour differences of the Department of Labour Relations, based on complaints by domestic workers
- The problem of providing proof for complaints of domestic workers, which tends to be at the expense of the domestic workers.
- The lack of trust towards authorities by domestic workers
- The close monitoring of whether domestic workers abide by their employment contract conditions, which is not the case for employers

The Ombudsman's report provides the following as factors of increased risk for labour exploitation of domestic workers in Cyprus:

- The employment contract which creates a dependence relationship towards the employer, as the work visa relates only to the specific employment contract to the specific employer and is not a general work visa.
- The high charges of employment agencies both at the country of origin and in Cyprus, which migrant workers are called to pay in order to come to Cyprus
- The vague procedures for registering the domestic workers in Cyprus
- The inability of authorities to investigate domestic work sites after receiving complaints
- The violation of the employment terms, i.e. with long working hours, delays of payment of salaries, work at more work sites apart from the home of the employer etc.
- The lack of efficient punishment of offenders who violate not only the employment terms but also human rights of domestic workers by keeping their travel documents or their residence visa etc., which might conclude to only a recommendation to the offender to return the travel documents etc.

3. Labour exploitation and the institutional setting

3.1 Tasks of institutions involved in preventing labour exploitation and in enabling victims to access justice

The institutional setting in Cyprus in regards to preventing labour exploitation and enabling victims to access justice can be characterized as very fragmented. There is no holistic approach on the government or private level to prevent labour exploitation. Each government department involved is responsible for specific aspects of migrant workers residing and working in Cyprus, and does not approach the issue of labour exploitation of migrant workers by dealing with all aspects of their situation. On the upside, it was found that there is good cooperation between the trade unions and the government authorities in dealing with cases of labour exploitation, where offenders are identified by trade unions and prosecuted by authorities. The same applies for the cooperation between government authorities such as the Ministry of Labour and Social Insurance and the Police. However, this takes place for specific tasks of prosecuting offenders, and does not address the provision of support to victims and their protection. It was also found that often, authorities lack adequate staff to carry out their work on time, which has negative effects for victims.

There is also some degree of cooperation between the government and NGOs, but mostly between trade unions and NGOs, but this takes place at the officer level. This means that the cooperation is not institutional but at the individual level with informal contacts between officers. There is no framework for cooperation with NGOs, but it is up to each handling officer to forward a case of a victim in need to a relevant NGO for the provision of immediate support such as provision of accommodation, healthcare, legal consultation etc. which is not the responsibility of any government authority to provide. It was also found that government authorities find cooperation with NGOs to be easier because the NGOs assume responsibility for some issues because they willingly and voluntarily want to help in that area. On the other hand the state is obliged to provide some services because they are legally obliged through conventions and legislations. However, the NGO is established to have key persons as contact persons in different departments that are willing to help in this area and they manage to have an effective communication and cooperation.

The institutions and their functions and responsibilities described below provide evidence for the above.

A representative [S(1)] said that communication with other public institutions is not easy, the procedure for filing a complaint is not easy, especially for individuals to report a case of maltreatment. The Labour office does not show appropriate interest and Workers' Unions in some cases did not show the drive required to tackle the case. Even if collaboration was good, the results were poor.

The Office of Combating Human Trafficking of the Cyprus Police is responsible for the official identification of victims of trafficking and is involved in the investigation of trafficking cases in cooperation with other police departments. The officers of this Office have continual contact with the victims until the final court decision is reached, they participate in relevant awareness raising campaigns and cooperate with other governmental departments or NGOs regarding issues that concern the victims. The role of the specific Office is set in the Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law, 87(I) 2007¹¹.

Monitoring on employers' compliance on a public administration level, takes places from the Ministry of Labour and Social Insurance, Department of Labour Relations. It is responsible for implementing the Government's policy in the area of industrial relations. The tasks of the

¹¹ www.police.gov.cy/police/police.nsf/All/B62C14B4889EC3A3C22578A900271B28?OpenDocument.

inspectors vary depending on the provisions of each legislation followed by the Ministry of Labour and Social Insurance, such as monitoring work premises in relation to gender equality in the workplace and working conditions. The teams of inspectors dealing with illegal and undeclared work, are staffed with inspectors from the Social Insurance Services, the Department of Labour and the Department of Labour Relations¹².

The Department is responsible, among others, for:

- i. the prevention and settlement of industrial disputes, including the provision of assistance to enterprises for the development and effective functioning of mechanisms for collective bargaining, mutual agreements, and the settlement of personal complaints,
- ii. the safeguarding of trade unionism freedoms, including the right to organise,
- iii. the promotion of collective bargaining as the basic method for determining terms and conditions of employment, the encouragement for the creation and maintenance of strong employers' and workers' organisations and the achievement of balanced power in the economy,
- iv. the protection of vulnerable groups of workers (with emphasis on non-unionized employees), mainly due to their weak bargaining power, through the determination by Law of minimum terms and conditions of employment,
- v. the promotion and enforcement of Labour Law, that has created a new legal framework for the protection of employees' rights and determines minimum labour standards,
- vi. the enforcement, monitoring and inspection of the application of the harmonized labour legislation,
- vii. the effective application of the Agreement on the procedure for the settlement of labour disputes in Essential Services, which is an extension of the Industrial Relations Code,
- viii. the promotion of the principle of equal treatment between employees, with special emphasis on the principle of equal pay between men and women, and
- ix. the enforcement of the Trade Union Laws, including the registration and supervision of employees and employers organisations.

The Department has Labour Inspectors who perform monitoring checks on employers either on their own initiative or after receiving a complaint by workers or workers' unions. The Department does not differentiate its rules and regulations between nationals, or third country nationals and treats all cases equally.

It was also found during the fieldwork that the role of the Department of Labour Relations of the Ministry of Labour and Social Insurance is to collect information and identify cases of violation of the employment legislation and of labour exploitation, in regards to its cooperation with other authorities, its role is mainly to provide information to them [FG(M)].

The elements assessed by the Department to identify labour exploitation cases are the clauses of the law mostly pertaining to the minimum wage, the maximum number of working hours and treatment of workers. They also focus on the clauses of collective agreements and check whether these are violated by employers.

According to the Commissioner for Administration Laws 1991 to 2004 (3/1991, 98(I)/ 1994, 101(I)/1995, 1(I)/2000 and 36(I)/2004¹³, the Commissioner for Administration (Ombudsman) may exercise any functions, duties and powers especially assigned to him by any law in force

¹² www.mlsi.gov.cy/mlsi/dlr/dlr.nsf/page44_gr/page44_gr?OpenDocument.

¹³ Cyprus, The Commissioner for Administration Law 1991 to 2004, available at [www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/104af9c4b64a613cc22575820036cac6/1b82e6e6d5599fe6c2256cbe004d89d0/\\$FILE/The%20Commissioner%20for%20Administration%20Laws%201991-2004.pdf](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/104af9c4b64a613cc22575820036cac6/1b82e6e6d5599fe6c2256cbe004d89d0/$FILE/The%20Commissioner%20for%20Administration%20Laws%201991-2004.pdf).

for the time being, in matters of equality between men and women, and equality and enjoyment of human rights and freedoms irrespective of race, ethnic origin, community, language, colour, religion, political or other beliefs, special needs, age and sexual orientation. The Commissioner has the power to investigate complaints against any service or officer exercising an executive or administrative function that an action of such service or officer violates human rights or was taken in violation of the law or the rules of proper administration and correct behaviour towards the administered, provided that a person is directly and personally affected by such action.

Furthermore the Commissioner has the power to investigate, upon order by the Council of Ministers or by own initiative, or after receiving complaints, any matter which concerns the functioning of any service, in order to ascertain whether it functions efficiently and in accordance with the laws and the principles of proper administration and respecting the ratified human rights conventions.

The Commissioner for Administration produces reports on the findings of her investigations together with recommendations to the relevant authorities.

Lastly, the Commissioner for Administration may cooperate with NGOs and human rights organisations, relevant professional associations and organised groupings as well as with other Commissioners of the country.

The Social Welfare Services (SWS) under the Ministry of Labour and Social Insurance is the governmental body dealing with the support of victims of trafficking. The SWS runs the governmental shelter which accommodates mainly victims of trafficking for sexual exploitation and is responsible to provide guidance and support (mainly financial and social) to the victims, as provided in the Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law, 87(I) 2007, Articles 29, 34, 35. The shelter hosts women exclusively and has a capacity of 15 women. It hosts victims of trafficking during the first four weeks after their identification as victims until the procedures for financial assistance, housing and work rehabilitation are established.¹⁴

The Multi-Thematic Coordination Team operating under the Ministry of Interior is responsible for the prevention of all the offences referred to in the Law 87(I) 2007, for the protection of victims and for taking all appropriate measures in the dealing with trafficking and exploitation of persons. The Team is chaired by the Minister of Interior (National Coordinator). The Multi-Thematic Coordination Team is established under Article 47 of the 87(I) 2007, Law.

The monitoring of employers' compliance with collective agreements between employers and trade unions is carried out by trade unions through Labour inspectors such as SEK and PEO which are the two largest trade unions. These, however, take place in economic industries where collective agreements exist in Cyprus, such as the tourism industry, the construction industry etc. There are economic sectors where labour exploitation of migrants exist which are not covered by collective agreements such as domestic workers and agriculture. In these economic sectors, where collective agreements do not exist, labour exploitation is not efficiently addressed as cases of labour exploitation are not identified unless the victims consult the public authorities or NGOs.

At the NGO level, "Cyprus Stop Trafficking" is an NGO which provides social and psychological support to victims of trafficking, and it is also active in the prevention area of the phenomenon through awareness raising activities.

KISA is focused on the fields of Migration, Asylum, Racism, Discrimination and Trafficking. It operates a Migrant and Refugee Centre that provides free information, support, advocacy and

¹⁴ Cyprus, Ombudsman's Report on Human Trafficking (Τοποθέτηση Επιτρόπου Διοικήσεως ως Εθνική Αρχή Ανθρωπίνων Δικαιωμάτων αναφορικά με το πλαίσιο πρόληψης και καταπολέμησης της εμπορίας προσώπων στην Κύπρο, Αρ. Φακ: Α/Δ4/2013), 17/10/2013.

mediation services to migrants, refugees, victims of trafficking and racism / discrimination and ethnic minorities in general, as well as promotion of the integration, empowerment and self-organisation of migrants and refugees. The issues concerned are also involving labour exploitation of migrants.

The Organization for the Protection of Victims of Sexual Exploitation (STIGMA) is an NGO which provides social support to victims of trafficking. Up to 2009, the Organisation was also operating a shelter for women victims of trafficking which is now closed due to lack of financial resources.

Caritas is an NGO which operates advice centres from all the Catholic parishes in Cyprus. They provide legal and social advice, counselling and assistance through volunteers and through other non-governmental organisations in the country.

Hope for Children is an NGO which provides legal, social and psychological support to unaccompanied minors amongst them victims of trafficking for labour exploitation.

3.2 Forms and frequency of incidents of labour exploitation encountered by experts in their work; economic areas affected

The forms and frequency of incidents of labour exploitation encountered by the experts who participated in the fieldwork vary by professional group. A common means of learning of incidents of labour exploitation are complaints received by victims or others who have learned about the incidents.

The monitoring group, the Department of Labour Relations learn about cases in different ways, such as by persons calling the organisation, or through referrals from other bodies (NGOs) or from other government authorities [M(2)]. The Department of Labour receives notifications of police reports through the Department of Social welfare.

The Police receive information from the citizens' hotline (1460), from NGOs, other governmental institutions such as the department of labour, from embassies or consulates of other countries in Cyprus, from citizens via telephone or email, from other police departments (immigration department for example) and police stations. The Office of Combating Trafficking in Human Beings of the Police also proactively looks for cases by doing controls at the airports and with other large scale campaigns for prevention of trafficking of humans. In the past they were doing this more frequently due to the large number of cabarets which were operating in Cyprus.

Trade unions find out about cases through complaints by victims or their co-workers and also by on-site visits performed daily at employers' premises.

The answers of all interview respondents during the interviews are provided in the table below. The totals show clearly that exploitation under particularly exploitative conditions has by far the highest frequency with second the trafficking for labour exploitation. During the focus group it was agreed that a number of forms of labour exploitation exist in Cyprus and there is agreement with the results of the interviews as well. The same shows in the case studies as

well, as most of the case studies fall under the particularly exploitative conditions (in the terms of ESD).

Table 3

Most frequent forms of labour exploitation	Forms Code	S	E	L	R	P	J	M	W	N	Totals per form of exploitation
Exploitation of a migrant worker under particularly exploitative working conditions (in the terms of the ESD)	05	1	1	1	1	1	3	2	4	-	14
Forced labour, including bonded labour (e.g. debt bondage)	02	2		2		2					6
Trafficking for labour exploitation	04	4				1	2	1	2		10
Slavery	01	1		1					2		4
Child labour	03	2				1					3
Totals per target group		10	1	4	1	5	5	3	8	0	

With regard to the frequency of the experts learning about labour exploitation of migrant workers, according to the interviews, the most frequent answer was twice or more than twice a week.

Table 4

In your professional work, how often do you learn of a case of labour exploitation involving a migrant worker?	Code	S	E	L	R	P	J	M	W	N	Totals
twice or more than twice a week	1	1		1		1		2	1		6
once a week	2	1				1					2
less than once a week but at least twice per month	3								1		1
once a month	4	1		1	1			1			4
twice or more per year	5	1	2						1		4
once a year or less	6	1									1
other	7						1			1	2
don't know	99										0
totals per target group			5	2	2	1	2	1	3	3	1

Regarding the ways in which experts learn about cases of labour exploitation of migrant workers, the most frequent answer is that cases are brought to their attention by a private person. This coincides with the discussion of the focus group where the same answer was also provided very frequently by participants.

Table 5

As a rule, how do you learn about cases of labour exploitation of migrant workers?	Code	S	E	L	R	P	J	M	W	N	Totals
Proactively looking for cases	1	-	-	-	-	1	-	1	1	-	3
The case is brought to your attention by another institution (public)	2	2	-	1	-	1	-	1	-	1	6
The case is brought to your attention by another institution (private)	3	3	-	1	-	1	-	1	-	-	6
The case is brought to your attention by a private person/individual	4	4	-	2	-	2	-	3	2	-	13
Other	5	-	-	-	-	1	-	-	1	-	2
totals per target group		9	0	4	0	6	0	6	4	1	30

In regard to the most frequent conducts contributing to labour exploitation in situations where migrant workers are subjected to labour exploitation, the responses of all interviewees are detailed in the table below. Based on the answers, the most frequent forms are that a) migrant workers are not properly informed about their entitlements as concerns wages, working conditions, annual leave etc. This was a general observation from interviews, the focus group discussion and the cases studies, where it was found that migrant workers receive minimal and in most cases no information at all about their employment terms in Cyprus before leaving their country. A representative of the L group said,

“So control of agents is vital and I think embassies and consulates of third world countries and EU countries should act in the interest of their nationals and ensure that all their nationals that come in are well informed before they come. They (migrant workers) should have access to information about Cyprus.” [L(1)]

The second most frequent form of labour exploitation found which has almost the same frequency is that employers withhold wages or pay considerably less than what they are obliged to pay. This is also discussed below, in the specific economic sectors where labour exploitation is mostly found. A representative of the W group said:

“...Parts of what is paid flows back to employers, e.g. for fees which the employer owes to recruiters or for food or services provided by the employer) are together because accommodation is usually the reason why the employers cut 60% of the salary, especially in hotels who provide accommodation which is very cheap for the hotel,..” [W(1)]

The third most frequent form is that migrant workers do not have a contract written in a language they understand, or do not have a contract at all. Employment contracts are usually very vague and in some cases in a language that is not understood by migrant workers, i.e. for workers from third countries, the employment contracts may be in English, where they do not speak English. A P group interviewee said:

“...even though in most cases they have an employment contract, it is in English, it is not comprehensive or they just sign it without anyone explaining in their language what it means.” [P(1)]

Almost the same frequency exists for the migrant worker depending on the employer beyond the employment contract, e.g. as concerns accommodation or employment of family members. This happens usually in economic sectors such as agriculture, domestic work, tourism sector, and construction less often, which are also the most frequent economic sectors of labour exploitation as discussed below.

Table 6

Forms of labour exploitation in situations where migrant workers re subjected to labour exploitation	Forms Code	S	E	L	R	P	J	M	W	N	Totals per form of labour exploitation
Migrant workers do not have a contract written in a language they understand, or do not have a contract at all	01	1	1	1		2		3	1	-	9
Migrant workers are not properly informed about their entitlements as concerns wages, working conditions, annual leave etc.	02	4	2			2	2	4			14
Employers withhold wages or pay considerably less than what they are obliged to pay	03	3		2		3	2	2	1		13
Parts of what is paid flows back to employers, e.g. for fees which the employer owes to recruiters or for food or services provided by the employer	04	1					2	1	1		5
The migrant worker depends on the employer beyond the employment contract, e.g. as concerns accommodation or employment of family members	05	2		1			2	2	1		8
Employer does not pay social security contributions	06	1		1		1		2	1		6
Migrant workers are not allowed to go on annual leave	07		1	1		1					3
Migrant workers are restricted in their movement, either by physical barriers or by practical means, such as withholding travel documents	08	1		1							2

The employer adds to the migrant worker's isolation by impeding communication e.g. communication to representatives of labour unions or to labour inspectors	09			1							1
The migrant worker is subjected to physical violence or to threats of such violence	10	1		1							2
The worker's health conditions are impaired, e.g. through labour-intensive work or long hours	11			1		1					2
Other (please specify)	12							2			2
Don't know	99										0
Totals per target group		14	4	10	0	10	8	16	5	0	

The three most frequent occupations of exploited migrant workers are unskilled workers such as labourers, farm workers such as farm labourers, and service occupations such as care-takers and domestic workers. These occupations coincide with the most frequent economic sectors where labour exploitation is found as analysed below. The common characteristic of these three occupations is that migrant workers are unskilled, i.e. usually with no academic background. The challenge faced by these groups is that they are more prone to be exploited due to their lower expectations in terms of employment terms, treatment, salaries etc., as the most common form of labour exploitation, not only in these three occupations but generally, is lower salaries, unclear employment terms, and more working hours. A representative of the P group stated:

“Because they don't know their rights and responsibilities, the language, where to refer, they don't trust the authorities, they are threatened by their employers or the agents; they might have paid large amounts of money to come here to work and they are afraid that if they leave their work, they will not be able to pay their debts. They might have been threatened, there might be withholding of documents and salaries, they might be isolated.” [P(1)]

The three most frequent economic sectors of exploited migrant workers are agriculture, construction and domestic work, with tourism to be also coming a close third frequent occupation where migrant workers are exploited, as of the interviews and the focus group. Based on previous research, practitioners consider the agriculture and domestic work sectors to be of high risk as well as the entertainment sector (bars, cabarets). The GRETA report (2011) considers that the Cypriot authorities should step up the proactive investigation of potential cases of THB in sectors such as entertainment, tourism, agriculture and domestic work.

4. Risks and risk management

4.1 Identification of common risk factors for labour exploitation

According to this research, the general most frequent risk factors for labour exploitation are the lower salaries for the same type of work in the migrants' home countries, fear of losing their work, migrants being unaware of their victimisation of labour exploitation.

In regards to the three most important factors adding to the risk that migrant workers may be exploited, the table below depicts the responses of the interviewees. The most important factor is the low risk to offenders of being prosecuted. This was discussed extensively both during interviews and during the focus group where there is a general agreement that not enough is being done by monitoring bodies to prosecute offenders. One respondent from the W group said:

“There are no preventing punishments to prevent migrants from offering their work without declaring it officially either as a worker. This means that the legislation on illegal work is not very strict and migrant workers may accept to be employed illegally. The same goes for employers, where no severe punishments allow them to buy the migrants' work without declaring it. This means that the legislation on illegal employment is not severe enough for punishing illegal employers, therefore employers tend to hire migrants unofficially, and without declaring it to the authorities.” [W(1)]

Furthermore, the trade unions believe that the legislation is not restrictive enough for employers to refrain from labour exploitation of migrant workers. It is generally believed among the target groups that the court system does provide justice once cases of labour exploitation of migrants are filed, but it takes a long time for cases to be processed and offenders to be punished, i.e. taking years. In such cases, the migrant workers are often found with an expired working/ residence visa, where the authorities take a long time to allow them to change employer and renew their visas, therefore they are obliged to leave the country, or are deported by authorities, even while court cases are in progress. Once victims leave the country, the court cases discontinue, therefore offenders remain unpunished. A good example is the case study of the Romanian workers in the construction industry where the case was brought in the Permanent Criminal Court on 30 March 2011, approximately two years after the investigation was concluded and the case was filed by the prosecution. Out of the 146 charges included in the initial indictment, 134 failed. Thus 12 charges were brought against perpetrators by the criminal court. Charges were divided into three categories: a) Four charges for trafficking of adult persons, b) four charges for labour exploitation and c) four charges for unlawful retention of personal documents from their rightful owners. The prosecutors filed the case to the Permanent Criminal Court as soon as the investigation was concluded. However, the trial was only conducted two years after the filing of the case, which led to most of the complainants/ witnesses having already left Cyprus by that time. At the time of the trial it was impossible to track the witnesses in Romania and bring them back to testify, thus the charges failed in court due to the absence of reliable testimonies.

The second and third factors are the low risk to offenders of having to compensate exploited migrant workers, this being an after effect of the previous factor. Another issue that causes this phenomenon is that once monitoring bodies and/ or trade unions identify incidents of labour exploitation, they first make an effort to engage the employer in a dialogue and make them conform to their obligations and to the legislation so that labour exploitation ceases. In such cases, offenders may sometimes be unaware that they perform labour exploitation and

they conform. In other cases however, they may continue to exercise labour exploitation especially where they know who has contacted the authorities, or they lay off the migrant workers who have become their victims and they hire new ones, to make the work of authorities and trade unions more difficult. The other most frequent factor is the lack of institutions effectively monitoring the situation of workers in sectors of the economy where labour exploitation occurs. It is generally agreed that in some sectors where labour exploitation occurs, monitoring is difficult, such as agriculture and domestic work, for the reasons discussed in the section above. The table below depicts the answers as provided by the interviews.

Table 7

Factors adding to the risk that migrant workers may be exploited	Factor Code	S	E	L	R	P	J	M	W	N	Totals per factor
Low risk to offenders of being prosecuted and punished;	1	3	1	2		1		2	4		13
Low risk to offenders of having to compensate exploited migrant workers;	2	1	1	2		2	2	1	3		12
Lack of institutions effectively monitoring the situation of workers in sectors of economy where labour exploitation occurs;	3	3	1	1	1	1	2	1	1	1	12
Corruption in the police;	4	1							1		2
Corruption in other parts of administration;	5	1			1		2				4
Other (please specify)	6	2		1	1			1	3		8
Don't know	99										0
Totals per target group		11	3	6	3	4	6	5	12	1	

Turning to the personal characteristics of the migrant workers, the most important factor adding to the risk that they may be exploited is that they do not know the Greek language. This hinders their communication both with their employer, where they cannot clarify their employment terms, as well as with the general context of support structures where they can turn to in case they face any challenges or they identify themselves as victims of labour exploitation. It was frequently mentioned, both during the interviews and the focus group, that a large number of migrant workers cannot explain their situation well and have friends who are better able to speak Greek to translate for them when communicating with labour inspectors and support structures. Monitoring bodies and trade unions have lately made efforts to publish information leaflets for migrant workers but this is difficult to do, especially for migrants from third countries. Most information material published is for Community nationals such as Romanians and Bulgarians. These information leaflets and other information efforts are admittedly reported by all interviewees that they do not reach their target groups to a great extent therefore they do not have a large impact.

The second factor reported by interviews is that the migrants are not allowed to enter into employment. One respondent [L(1)] said: " I mean there are a lot of recognised refugees who come to Cyprus, who actually would be good if they could find work and could remain in Cyprus and they are allowed to remain in Cyprus but they don't always find work now because of discrimination. " We can only infer that migrant workers may believe that since it is difficult for

them to access the job market, once they have a job, they are more prone to becoming victimised as they may believe that it is hard for them to find another job, once they get fired. Therefore they may believe that they have to accept working under exploitative conditions. The third most frequent factor reported is that they have experienced extreme poverty at home. This is especially true, as they migrate to Cyprus to have better opportunities for work. Once they have experienced extreme poverty at home, they accept worse working conditions as they may still be better from working conditions at home. A close fourth factor, which was also widely discussed during interviews and the focus group is that migrant workers have a low level of education. This decreases their expectations as per their employment conditions and they are therefore more prone to becoming victimised.

A representative from the S group said that in many sectors there are no workers unions to safeguard the rights of the workers. The fact that a great percentage of people are facing numerous restrictions in accessing employment, leads them to informal employment as the only way to survive. There are also discrimination issues because of the origins, gender, and the refusal from the rights of resident status. The ignorance of the employers in regards to the rights of immigrants and the lack of information, as well as the fact that workers go through different phases of legal employment and illegal employment, that is employment which is not declared at the authorities, or formal and informal occupation which makes them vulnerable to exploitation and even accepting the exploitation.

Table 8

Based on personal characteristics and the initial situation of the migrant worker, three most important factors adding to the risk that migrant workers may be exploited	Factor Code	S	E	L	R	P	J	M	W	N	Totals per factor
Migrant worker has a low level of education;	1		1	1	1	2			2	1	8
Migrant worker does not know the language of the country of workplace;	2	3	2	2		1	2	2	3	1	16
Migrant is not allowed to enter into employment;	3	3	1	1	1			3	2		11
Worker comes from a country the nationals of which are often exploited in the destination country;	4					1	2		1		4
Worker is prone to discrimination on behalf of their race or through their identification as belonging to a national minority (such as Roma, Dalit or sub-Saharan African)	5	3		1							4
Worker is prone to discrimination on behalf of their sex	6	1			1				2		4
Worker has experienced extreme poverty at home;	7	2		1		1	2	1	2	1	10
Other (please specify)	8							1			1
Don't know	99										0

Totals per target group		12	4	6	3	5	6	7	12	3	
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Turning to the factors adding to the risk that migrant workers are exploited at the workplace, the most frequent factor reported is that migrants work in a sector of the economy that is particularly prone to exploitation. This is evident as of the discussion in the previous section, in regards to the economic sectors (section 3 of this report). The case study concerning Romanian workers concerned the construction sector which is one of the most frequent sectors where labour exploitation exists. Also the case study concerning Egyptian and Vietnamese migrant workers in agriculture and farming also show the tendency for labour exploitation in these sectors.

The second most frequent factor reported is that the migrant works in relative isolation with few contacts to clients or to people outside the farm. One example is the case study concerning Egyptian migrants who were living and working in a farm inside the UN-controlled buffer zone, an area which is not controlled by the authorities of the Republic of Cyprus, thus no inspections were carried out or even random controls by the police. Again, this is evident in our discussion in the same section above. The third factor is that the migrant worker is not a member of a trade union. It should be clarified that, as of the findings of the interviews with trade unions, in cases where migrant workers are employed in sectors where there are collective agreements, such as the construction sector, then trade unions can represent them and work for the benefit of victims as they do with their members (i.e. Cypriot nationals). This is a simple process where the victim migrant worker needs to sign a letter of representation allowing the trade union to operate on his/ her behalf and represent him/her in addressing the employer/ offender, the authorities and take any measures for their protection from further victimisation. The problem that arises here is that migrant workers are not members of trade unions and do not have access to prior information to avoid victimisation. Members of trade unions receive information beforehand on their rights, their employers' obligations and their expected working conditions. Migrant workers do not receive any prior information on their rights, the employer's obligations etc., and therefore they become victimised. This applies to the general population of migrant workers coming to Cyprus for work. Trade unions intervene to help them once they become victimised, either by own inspections or after complaints.

A fourth factor which was also discussed during the focus group and in interviews is that the migrant is a seasonal worker. This comes together with all the time limitation effects for authorities and support structures to react, and the flexibility for employers to become offenders.

Specifically, for agriculture and domestic work, one main issue is that these occupations are not covered by collective agreements therefore trade unions cannot monitor and inspect the employers. Secondly, both occupations are underreported and difficult for monitoring bodies and support structures to find, and it is also difficult for victims to seek help. For agriculture this happens because usually the employment sites are in rural areas, where migrant workers are far away from any other workers, and it is difficult for them to communicate with others and also to find out how they can get help in case they are victimised. For domestic workers, even if most of them are in cities, monitoring bodies cannot inspect the employment site once a complaint is received, as it is considered a domicile, i.e. a private home and they cannot enter without a court warrant. Furthermore, in order for them to file for a court warrant, they need to have proof of the exploitation and not just a complaint. This makes it difficult for monitoring bodies to perform their duties in these two economic sectors.

In the construction sector, even though the sector is covered by collective agreements where trade unions work in parallel with monitoring bodies to inspect construction sites, exploitation

takes place in regards to working hours, unpaid salaries and other contributions etc. One W group representative also claims that labour exploitation also exists in public works contracts where contractors either employ irregular migrants and do not pay salaries or pay very low salaries etc.

In regards to the tourism sector, as the tourism sector is especially flourishing in the summer months, labour exploitation takes place especially during the summer season. The main problems found there are that in the hotel industry, employers may provide accommodation which is far from the normal living standards in exchange for lower or inexistent salaries. Another problem is that as most jobs of migrant workers are seasonal for the summer period, they are employed for one to three months usually. The short time period of the employment hinders the process of identifying incidents of labour exploitation, their investigation and the initiation of legal procedures against the offenders, as victims have already finished their employment and have left for their country, or their residence/ work visa has expired and they are deported.

Table 9

Factors adding to the risk that migrant workers are exploited - as regards the migrant workers' work place	Factor Code	S	E	L	R	P	J	M	W	N	Totals per factor
The migrant works in a sector of the economy that is particularly prone to exploitation;	01	4	1	2	1	2		2	3	1	16
The migrant works in relative isolation with few contacts to clients or to people outside the firm;	02	2	1	2		2	2	2	2	1	14
The migrant worker is not a member of a trade union;	03	3	1	2			2	2	2		12
The migrant works in a precarious or insecure situation of employment, e.g. formally not employed but self-employed;	04	3				2			1	1	7
The migrant worker is not directly employed by the business/organisation for which they work, e.g. agency workers, or employees of cleaning or security companies;	05								1		1
The migrant worker is employed as a posted worker by a foreign company;	06										0
The migrant is a seasonal worker;	07		1				2	2	4		9
Other (please specify)	08							1			1
Don't know	99										0
Totals per target group		12	4	6	1	6	6	9	13	3	

Recruitment agencies are currently minimally regulated or monitored in Cyprus. There is a relevant legislation covering how they should be set up but there is no formal mechanism for

monitoring their work which is believed to provide them with a lot of freedom on treating the migrants. During the focus group discussion one respondent [FG(M)] said:

“The department of labour has the jurisdiction to monitor them (the recruitment and employment agencies), but they don’t. The problem is that the complaints we get, it is difficult to understand from those complaints if there is a trafficking issue. Most of the things we do are verbal, not us, the department of labour. They could not constitute a case. They do their work very well but they didn’t have evidence. I think they shouldn’t exist (the agencies).” [FG(M)]

Another representative of the P group said (during the focus group discussion):

“I think there should be better control of the employment agencies; if there is a way to leave them out totally and the potential worker to get directly in touch with the potential employer. It definitely needs a lot of work and preparation, but I think that if the middleperson is left out then the incidents of labour exploitation will reduce dramatically. And of course the employment contracts should be translated to the native language of the migrant, they should include the information about where they should refer in case there is a problem.” [FG(P)]

It was reported by a representative of the W group that some recruitment agencies themselves exploit migrant workers, by assigning them to short term employers for a fee, and then resending them to other employers, where the minimum wage is not provided, the maximum working hours are not maintained, they keep the migrants’ passports and do not return them etc. Furthermore, for domestic workers, it was reported by the same person that recruitment agencies conduct the paperwork for migrant workers to come to Cyprus for work, but they do not sufficiently respond to any complaints of labour exploitation once workers have begun work.

A representative [M(1)] said that the role of recruitment agencies is crucial in order to protect the workers, inform them of their rights, prevent and tackle cases of labour exploitation. According to the interviewee, in many cases the local private agencies collaborate with other agencies abroad, which financially exploit the migrant worker, but it is very difficult to find evidence of the exploitation so that the offenders can be brought to justice and get punished. Also, the agencies have an important role in informing the migrant about their rights, the terms of employment, the bodies they can get support from in case of exploitation or violation of the terms of employment, monitoring the working relations, intervening in case one of the parties is not satisfied with the working relations etc. The responsibility for monitoring the operation and activities of the private employment agencies lies with the Department of Labour of the Ministry of Labour and Social Insurance. According to the interviewee, the difficulty in effectively monitoring their activities consists in the fact that some parties are based abroad, thus it is difficult for the department to ensure the legal operations, as well as collect evidence in cases of exploitation.

One interviewee [W(1)] said that there is corruption among recruitment agencies. They are the first contact point for migrant workers in Cyprus and they often exploit them upon their arrival by contracting them to employers for a fee. The same interviewee believes that the legislation on recruitment agencies should become much stricter and efficient mechanisms by authorities should be in place for their monitoring and punishment.

An E group representative said that pre departure programs should be the responsibility of employment and recruitment agencies.

One representative [R(1)] claimed that recruitment agencies, since they are the first contact point for migrant workers, should have the legal authority to match migrant workers with employers, to transfer them to other employers in Cyprus in case either side is not satisfied with the employment contract, and even have the authority to send them back to their country. According to this representative [R(1)], agencies should be responsible and have the freedom to replace migrant workers in case one of the two parties (employer or employee) is not satisfied with the employment contract, and to be able to arrange for their return to their home country if the migrant worker wishes so, before the end of the employment contract. In the case where the employer performs labour exploitation it should be the recruitment agency's role to make him conform to his obligations. Specifically the respondent mentioned that:

“The legislation and the system should change so that recruitment agencies have full responsibility for the migrant workers and for monitoring their situation in Cyprus and at the same time have the freedom to send them back to their home country if the migrant workers wish, or be able to transfer them to another employer, or replace them with another migrant worker.” [R(1)]

The reasons for the above are that authorities are very bureaucratic and the procedures for issuing work/ residence visas, for allowing the change of employer and for monitoring the employment relationship take long periods of time, thus not serving the interests of either employers or migrant workers.

During the focus group, this issue was largely discussed. Unfortunately there was no representative of the R group present. The participants agreed that the government should set up stricter rules for the operation of recruitment agencies and should monitor them more closely.

A representative [J(1)] said:

“I don't think that their role is of any importance, as it is limited to providing low-cost labour to start with. [...] It is rare that they would deal with the serious problems faced by the workers. On the contrary, I would say that they are trying to accommodate the problems of the employers in this working relation that they are serving, as those (the employers) are the ones approaching them and looking for workers, thus they would primarily serve the interests of the employers”.

“Δε νομίζω να είναι ιδιαίτερα σημαντικός (ο ρόλος των γραφείων εργασίας) διότι δυστυχώς ο ρόλος τους εξαντλείται στο να προσφέρουν φθηνά εργατικά χέρια εξαρχής. [...] Είναι σπάνιο να ασχοληθούν σοβαρά με τα πραγματικά προβλήματα των εργαζομένων. Αντίθετα εγώ θα έλεγα, σαν να προσπαθούν στο τέλος της ημέρας να εξυπηρετήσουν τα όποια προβλήματα από αυτή την εργασιακή σχέση για την οποία μεσολαβούν, των εργοδοτών, διότι εκείνοι απευθύνονται κοντά τους και ψάχνουν άρα εκείνων τα συμφέροντα θέλουν πρωτίστως να εξυπηρετήσουν.” [J(1)]

On the other hand, there is the opinion of Employers Organisations who believe that there is no labour exploitation in Cyprus, and that the employers prepare the employment contracts with migrant workers according to the law.

A representative [E(1)] said:

“All that is said about labour exploitation is myth, all contracts are done according to the law.”

“Όλα όσα λέγονται για παρατυπίες και εκμετάλλευση εργαζομένων είναι μύθος και όλα τα συμβόλαια γίνονται με βάση το νόμο.” [E(1)]

The most frequent common risk factors identified may be linked between them, as the characteristic of high risk economic sectors is that migrant workers are generally isolated. Furthermore, trade unions do a lot of work of identifying cases of labour exploitation. Their absence from certain economic sectors, renders these sectors more risky for labour exploitation, as employers are not efficiently monitored.

A representative [J(1)] said:

“The fact that he is alone somewhere, especially those working in farms or fields etc., the people are not seen by anyone, they don’t know anything. They are in need to work, they do whatever they are asked to do, they work twenty hours a day, seven days a week, this is the reality unfortunately.”

“Ότι είναι μόνος του κάπου, ιδίως αυτοί που εργάζονται στις φάρμες, στα χωράφια κλπ, οι άνθρωποι ποιος τους είδε, δεν ξέρουν τίποτε. Έχουν ανάγκη να εργαστούν, ότι τους πουν κάνουν, δουλεύουν είκοσι ώρες το εικοσιτετράωρο, εφτά μέρες τη βδομάδα, αυτή είναι η πραγματικότητα δυστυχώς.” [J(1)]

4.2 Prevention measures aimed to reduce the risks of labour exploitation and the obligations of specific organisations in this area

Prevention measures are carried out mainly by trade unions and to a lesser extent by authorities. By prevention measures it is basically meant, information provision. Trade unions carry out awareness raising campaigns and provide information regarding the rights of workers, the terms of employment contracts. Workers are also informed on-site of their rights during regular visits of trade unions inspectors to labour sites, but only in economic sectors where workers are covered by collective agreements. Trade unions also inform employers in regards to the legislation and their obligations as well as on the rights of workers to prevent exploitation of migrant workers.

A representative [W(1)] during the interview mentioned some efforts of collaboration with respective trade unions in Bulgaria which is a main country of origin of migrant workers to Cyprus. The purpose of the meeting was to exchange ideas on how Bulgarian workers can be better informed about their rights in Cyprus in the economic sectors where collective agreements exist etc. This can be identified as good practice in case this cooperation continues in order for migrant workers to be better informed of their rights before coming to Cyprus.

A representative [FG(M)] said during the focus group that there is currently an effort to send the employment contract to the worker to their country beforehand (through employment/recruitment agencies) in order for the migrant worker to be aware of his/her employment terms, expectations of employer, salary etc. Also there is an effort to have info points at the airport or

provide information through agencies about the rights of workers, as well as referrals to relevant authorities. This initiative is very recent, and no real results have been shown yet. The existing situation for the vast majority of migrant workers currently employed in Cyprus is that they have not clarified their employment contracts and have not received sufficient information on their employment terms.

Two representatives of the P group reported that the Office of Combating Trafficking in Human Beings (OCTHB) and the Aliens and Immigration Office of the Police organise internal seminars and trainings on trafficking and exploitation for other police departments so that police officers are better informed on how to treat cases of labour exploitation of migrants. These training sessions are a recent development of the last two years, where ad hoc seminars are organised on the subject, and do not constitute regular training within the police officers' training curriculum.

It was widely agreed during the focus group discussion that information leaflets and verbal information provision during work sites do help migrant workers to some extent, however, these measures do not constitute a holistic approach to prevention. One reason being that a large number of migrant workers are not addressed and these measures do not reach them at all. One example are domestic workers and agriculture labourers. Another problem is that there are a lot of migrant workers from countries who do not speak the languages the leaflets are issued in, therefore these are not of much help. Furthermore, it was generally agreed that prevention measures should focus on providing information to migrant workers before coming to Cyprus through a coordinated mechanism with respective authorities in their home country. However, no such effort has been made so far on the part of Cypriot monitoring authorities.

Apart from the above, there are no other structured prevention measures carried out in Cyprus, and the work of actors involved mostly concern protection of victims after labour exploitation occurs, rather than prevention measures.

There are no mechanisms for standard-setting and accreditation at national and international level in Cyprus.

4.3 Protection against (repeat) victimisation: actions undertaken by the police to protect victims against the risk of repeated victimisation, including how the police conduct investigations

In principle there is no formal referral mechanism for victims of labour exploitation, at least not one involving all relevant authorities and organisations in Cyprus. Each authority performs its work according to its own field of responsibility and is not involved in any holistic approach to protecting or referring the victims to other support services. If this is done, it is done at an informal level, upon the initiative of an officer who may coordinate with NGOs and other support structures to help the victim depending on his/her needs. The police has institutionalised collaboration only with the Social Welfare Services of the Ministry of Labour and Social Insurance where identified cases of severe victimisation by social welfare officers necessitate the contacting of the police for further investigation and charges to be brought against the offenders. For example, a representative [FG(P)] that the relevant NGOs in Cyprus dealing with migrant workers and victims of trafficking are Caritas, Stigma, Cyprus Stop

Trafficking, MIGS etc. with whom the police have informal collaboration but not institutionalised yet. One S group representative mentioned during the focus group that there is currently an effort to establish MoUs between public authorities and NGOs in order to institutionalise the collaboration.

A representative [L(1)] said:

“The support services are not related with the organisations (NGOs) and there is no coordination or communication with the organisations (NGOs).

“Οι υπηρεσίες στήριξης δε σχετίζονται με τις οργανώσεις και δεν υπάρχει συντονισμός και συνεννόηση με τις οργανώσεις.” [L(1)]

The W group are organised in terms of providing legal support to victims through a network of lawyers that they have who provide legal consultation to victims.

Regarding the trafficking of persons there is the multi-thematic team. The Multi-Thematic Coordination Team operating under the Ministry of Interior is responsible for the prevention of all the offences referred to in the Law 87(I) 2007, for the protection of victims and for taking all appropriate measures in the dealing with trafficking and exploitation of persons. The Team is chaired by the Minister of Interior (National Coordinator). The Multi-Thematic Coordination Team is established under Article 47 of the 87(I) 2007, Law¹⁵ and is about to set up a national referral mechanism. This multi-thematic team established an Action Plan for all the involved stakeholders, which places guidelines for each and every institution’s work regarding trafficking and exploitation, while setting the mechanisms for their collaboration. There will also be a separate referral authority for children. It should be noted that the multi-thematic team functions currently through an officer of the Ministry of Labour who admittedly does not have exposure or any significant background experience with the issues of trafficking or labour exploitation. This information was not part of the focus group discussion, but a finding of the NCP through the identification of interviewees through the interviews process.

Based on the interviews conducted with the police, the role of the Aliens and Immigration Office of the Police is, upon receipt of a complaint, to evaluate the validity of the information provided by citizens, and seek to contact the offender of labour exploitation. If it appears that there are irregular immigrants involved, they will be arrested on the basis of their irregular immigrant status, i.e. lack of or expired residence/ work visa, and in case the employer is also found to be an offender of labour exploitation, he/she will also be arrested. According to the recent legislation the prevention, combating of trafficking and exploitation of human beings and the protection of victims (law 60(I)/2014)¹⁶, in case a victim of human trafficking is found, who is either illegally staying or working in the country, if they are identified as a victim, they will not be arrested or criminalised.

The victims will be interviewed and if it appears that he/she is a victim the police communicates with the officer in the Civil Registry and Migration Department of the Ministry of Interior with a suggestion for the victim not to be deported until the case is resolved. It was commonly agreed during the focus group however, that in practice this process of not deporting the victims until their case is resolved, even in an irregular situation, is far from reality. It is unfortunately common knowledge in Cyprus, also shown through the case studies, that the specific

¹⁵ www.moi.gov.cy/moi/moi.nsf/All/35314F1D5073E639C2257AA90024ECF8.

¹⁶ Cyprus, Law on the Combating of Trafficking and exploitation of human beings and Protection of Victims (Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη, την καταπολέμηση της εμπορίας και της εκμετάλλευσης προσώπων και την προστασία των θυμάτων, Ν. 60(I)/2014), available at www.cylaw.org/nomoi/arith/2014_1_60.pdf.

Department of the Ministry of Interior that irregular migrants are deported even if they have open cases at court, or even in cases where they wish to remain in Cyprus so that they seek and access justice, or for being compensated for lost salaries etc.

It was admitted by one representative [P(1)] during the interview that the protection of the rights of workers is not part of their responsibility but when there is such a case they will make the necessary arrangements for their protection by forwarding the cases to relevant authorities. They have a very good cooperation with the Office for combating trafficking of persons of the police. The interviewee claimed that they conduct an interview and if the immigrant is found to be a victim of labour exploitation they treat him like a victim until his case resolved. However, this contradicts the former claims that when complaints for labour exploitation are investigated, and victims are found to be irregular migrants, they are arrested as irregular migrants.

The role of the Office of Combating Trafficking in Human Beings of the Police (OOCTHB) is the prevention and combating of crimes related to exploitation. The office's mandate includes the promotion of the rights of the workers and in particular migrant workers' rights, especially in view of the fact that most of the victims are migrants. Their work involves inspections at work sites (including unexpected investigations), evaluation of information, investigation of complaints and intervention when necessary. Once the investigation is carried out, the OOCTHB have the responsibility to report and present the case at court for the prosecution of the perpetrators. The office collaborates with other governmental and non-governmental institutions in Cyprus and abroad, including Europol and Interpol for prevention and handling of human trafficking.

According to the recent legislation on the prevention, combating of trafficking and exploitation of human beings and the protection of victims (law 60(I)/2014)¹⁷, the police has an active role in the action plan against trafficking in human beings of the multi-thematic team against trafficking. There is also a European Action Plan for the combating of trafficking in human beings which also sets guidelines for the work of the OOCTHB. The office also takes part in a Europol working group, which again gives guidelines for action and policy guidance to the office.

As claimed by an interviewee, the OOCTHB has an anthropocentric approach. The migrants are treated as potential victims and not as illegally staying/working migrants. The Office has been involved in numerous cases of irregular migrants being exploited and they were treated as potential victims by the police officers. The interviewee explained that there is a specific section in the law for the combating of human trafficking, which deals with the protection of victims from criminalisation

Firstly, all information brought to the attention of the office is under investigation. When there are indications or testimony that there is labour exploitation or trafficking of human beings, the police intervene, either by conducting an operation or inspection. This depends on the case or the incident brought to the attention of the office. The primary goal of the office is to locate and rescue the victims and their protection from further exploitation.

According to the legislation for combating trafficking of human beings, as soon as a person is recognised as a victim of trafficking, the police refer the case to the Social Welfare Services, which have the responsibility to provide the victims with accommodation, nutrition and other

¹⁷ Cyprus, Law on the Combating of Trafficking and exploitation of human beings and Protection of Victims (Νόμος που αναθεωρεί το νομικό πλαίσιο που διέπει την πρόληψη, την καταπολέμηση της εμπορίας και της εκμετάλλευσης προσώπων και την προστασία των θυμάτων, Ν. 60(I)/2014), available at www.cylaw.org/nomoi/arith/2014_1_60.pdf.

forms of support. The Social Welfare Services operate a shelter under government funds for the protection of victims of trafficking.

When asked about the effectiveness of the referral system, the interviewee [P(1)] explained that according to the relevant legislation on combating human trafficking, the cases are referred to the social welfare services. However, the law entered into force approximately two months ago, thus no memorandum of collaboration has been established with non-governmental organisations yet and strictly following the legislation, there is no institutionalised collaboration with NGOs, regardless of the fact that there is informal collaboration between the police and NGOs as providers of support services to victims.

The interviewee also explained that there is a shelter for victims of exploitation, but only for victims of sexual exploitation, thus victims of labour or other forms of exploitation cannot be hosted there. There is further difficulty in providing support to the victims and in providing them their rights.

The interviewee stated that the police always investigates all information and incidents brought to them and acts accordingly, however there is always room for improvement of the investigation of cases of human trafficking. In regards to the prosecution, the interviewee said that the same comment applies, that there has been major development over the last years but there is always room for improvement.

It is interesting to note the opinion of one representative [J(1)] who mentioned that the investigations and prosecution are not carried out effectively as there are many practical problems. The interviewee believes that some of the cases are not taken seriously by the police authorities. Further, migrant workers find it difficult to trust the authorities of a foreign state due to the lack of awareness. The interviewee also added, in their opinion, that there are cases of corruption by the regional police who would, according to the interviewee, try to cover up the fact of the exploitation as they know the perpetrator or try to deport the migrant so that they will not have the opportunity to file a complaint against the employer.

During the focus group, there was an accusation from one W group participant that the police do not treat migrants humanely and that they exercise violence against them. The representative of the P group said that no such situation exists in the police, and although not verbally stated by other participants, they tended to agree with the representative of the P group.

One representative [FG(W)] said that the police do not treat migrant workers in an appropriate manner and they do not take the appropriate measures to protect them. The representative of the P group said that this is not true and also during the interviews both representatives of the P group said that the police carry out all appropriate measures to protect victims of labour exploitation once these are identified as victims, and they work well together with the Ministry of Labour in order to forward them to support services of the Ministry once they are identified as victims. It is therefore concluded that the role of the Police specifically is controversial and differing opinions are found.

A representative [P(1)] said:

“The police and especially our office have an anthropocentric approach in regards to the treatment of victims or potential victims of human trafficking. Certainly in such a case the victims would be treated as potential victim of a criminal act. We had many case in the past when workers who were irregular migrants and were treated as potential victims of human trafficking and were not arrested. In addition, there is a relevant section in the law for combating human trafficking which refers to the protection of victims from criminalization, which states that in case a victim of human

trafficking is found which has entered or stays or works illegally in the grounds of the Republic of Cyprus, if they are recognised as a victim, they will not be prosecuted, arrested etc."

"Η αστυνομία και ειδικά το γραφείο μας έχουμε μία ανθρωποκεντρική προσέγγιση όσον αφορά την αντιμετώπιση των θυμάτων και των εν δυνάμει θυμάτων εμπορίας προσώπων. Σίγουρα σε μια τέτοια περίπτωση τα θύματα θα αντιμετωπιστούν ως εν δυνάμει θύματα εγκλήματος. Μας έχει τύχει στο παρελθόν σε πάρα πολλές περιπτώσεις να αντιμετωπίσουμε εργαζόμενους παράτυπους μετανάστες οι οποίοι έτυχαν μεταχείρισης ως εν δυνάμει θύματα και δεν έτυχαν σύλληψης. Εξάλλου υπάρχει σχετικό άρθρο στον νόμο για την καταπολέμηση της εμπορίας προσώπων όσον αφορά την προστασία των θυμάτων από την ποινικοποίηση, που λέει ότι σε περίπτωση που εντοπιστεί θύμα εμπορίας προσώπων και εισήλθε ή βρίσκεται ή εργάζεται παράνομα στο έδαφος της Κυπριακής Δημοκρατίας, σε περίπτωση που αναγνωριστεί ως θύμα, δεν διώκεται ποινικά, δε συλλαμβάνεται κλπ." [P(1)]

As of the focus group discussion a representative [FG(W)] asked whether, when the police arrest someone and take them to the police station, there are indications how to behave towards migrants, irrespective of whether they are regular or irregular.

The P group representative [P(1)] replied that there are lessons of good behaviour for all police officers. The inspections are carried out by the department of labour in collaboration with the Immigration Police. If they encounter an incident of exploitation, they are instructed to notify the Office of Combating Trafficking in Human Beings to get there and identify if there is a victim of exploitation.

A W group representative said that they do not know what the police do to migrants, implying that the police do not treat migrants correctly, then the M group representative refuted this statement as the M group officers work together with the police - when the police take migrant workers to police premises to testify - and claimed that they are not treated in any bad way. The same was also said by the P group representative.

The M group representative also said that both the employer and the migrant are informed about the situation; the employer is informed about the violation and that a criminal case would be opened against them, that they would have to face specific sanctions.

The L group representatives [L(2)] said that what happens next is, in case there is mutual violation, the easiest solution is the deportation of the migrant. Thus there is no testimony against the employer at the court.

The M group representative disagreed, saying that the migrant is not deported for criminal violations; if it's only about salary issues, they are allowed to authorize a lawyer. For the criminal case, they are not deported. In case a migrant worker is arrested and it is found that they are charged with criminal violations, they will not be deported.

The L group representative agreed but added that the migrant will not be deported, but while they are imprisoned the circumstances change towards them. The circumstances change because the person is held, they have no freedom of movement and no options; they would prefer to change their complaint which brought them there at the first place, they become victims at the end, and the simplest solution for them is to drop the subject so that they will not be charged.

The M group representative disagreed, saying that if the migrant does have the necessary documents, meaning working permit, and all the things that concern the employer, it doesn't matter if the migrant changes their testimony, the employer will still face those charges. But for example for issues with the salaries, the employer has not paid all the salaries, the migrant can leave the country or if they are deported because they were arrested for working illegally somewhere else, and they can authorize even an NGO to get their money. As the M group representative said: "There is this misinformation that as soon as we find them, we put them in a plane and deport them. It is not exactly like this; we examine whether the migrants themselves have some responsibility."

The L group representative said that what happens is that the lawyer of the employer and the lawyer of the migrant come to an agreement, they find a formula on how to present everything and then the migrant leaves and soon the charges against the employer are withdrawn. The L group representative claimed that they see such cases every day at court.

It is also important to note that a representative of the S group during the interview mentioned that the police do not take any action to end the situation, on the contrary, the police punishes the worker. The worker is not considered a victim by the police.

It is evident from the above that depending on the standpoint of each participant, there are different experiences and knowledge of the treatment of migrant workers. It is also evident that each participant group faces the situation of migrant workers depending on their organisation's mandate and particularly on the basis of their individual responsibilities rather than in a way that serves the particular needs of migrant victims.

5. Victim support and access to justice

5.1 Victim support, including available support services

The general victim support system in Cyprus can be characterised as inconsistent and inefficient. There is no single point of reference for migrant victims to consult in order to access help and support before or after they have become victims. The public services are very fragmented, where each public authority is responsible for their own part of the work and there is no holistic approach or mechanism on the public level to address the needs of migrant workers either at the stage of information provision and protection against labour exploitation, or at the stage of providing support once migrant workers have been victimised. Each public service looks into its own field of work and addresses the issue of labour exploitation according to their own responsibilities. There is some cooperation between public authorities but mostly on the level of referring irregular migrant workers to the police, or for the process of identification of migrant workers as victims. Once migrant workers have been identified as victims, the public service officers decide on the degree of need of the victims and they refer them to public support services such as the Social Welfare Services which take a lot of time to address the needs of migrant victims. It is a requirement for a migrant to be formally identified as a victim in order to be eligible for public support. There is no immediate public support system to satisfy the immediate needs of victims except for the shelter of the Social Welfare Services which mostly hosts victims of trafficking, but it also has limited capacity.

There is no functioning framework of cooperation between the public and the private sector, including the civil society. It is up to the public servants to forward victims to NGOs providing support, either that be shelter, legal consultation, medical care, food etc., to the victims. It is mostly NGOs who identify victims who provide their immediate support and in turn have to report the cases to the responsible public authorities,

A good example is the case study of the Sri Lankan couple who were recruited and came to Cyprus to work in a private home as domestic workers. They immediately faced exploitation and were forced to live in degrading and unhealthy conditions, but when they complained about it, the agent decided to send them back, withholding their passports. After some delay (because of fear of deportation) and mistakes in the filing of the complaint (because they did not know the processes), the migrants' application to change employer was rejected. It appears that the authorities rejected the application of the migrants to change employer without examining the possibility of enforcing the payment of unpaid salaries and compensation to the migrants. With the support of a local NGO, the migrants filed a complaint to the Commissioner for Administration's Office (Ombudsperson), which examined the case, as well as the general context (legislative, policy, procedures) around the employment of domestic workers and made recommendations towards the authorities in order to lift the institutional causes of trafficking for labour exploitation and especially in the field of domestic work. The case, which could potentially enable institutional changes, as it clearly proved that migrants are forced into a vicious cycle of exploitation, was tolerated - if not facilitated - by the country's migration policy and processes.

The Multi-Thematic Coordination Team, as mentioned above, is responsible for the protection of victims of trafficking and for taking all appropriate measures in the dealing with trafficking and exploitation of persons. However the Multi-Thematic Team's mission is not to provide direct support to victims but rather to formulate public policy for the protection of victims of trafficking and to bring together government bodies and NGOs to work together for the protection of victims.

The Social Welfare Services (SWS) under the Ministry of Labour and Social Insurance is the governmental body dealing with the support of victims of trafficking. The SWS runs the governmental shelter which accommodates mainly victims of trafficking for sexual exploitation and is responsible to provide guidance and support (mainly financial and social) to the victims, as provided in the Combating of Trafficking and Exploitation of Human Beings and Protection of Victims Law, 87(I) 2007, Articles 29, 34, 35.

Cyprus Stop Trafficking is an NGO which provides social and psychological support to victims of trafficking, and it is also active in the prevention area of the phenomenon through awareness raising activities¹⁸. It also provides short term housing for victims of trafficking as well as basic skills development for their easier re-entry into the job market.

The Organization for the Protection of Victims of Sexual Exploitation (STIGMA) is an NGO which provides social support to victims of trafficking. Until 2009, the organisation was also operating a shelter for women victims of trafficking which is now closed due to lack of financial resources.

KISA is focused on the fields of Migration, Asylum, Racism, Discrimination and Trafficking. It operates a Migrant and Refugee Centre that provides free information, support, advocacy and mediation services to migrants, refugees, victims of trafficking and racism / discrimination and ethnic minorities in general, as well as promotion of the integration, empowerment and self-organisation of migrants and refugees. The issues concerned also involve the labour exploitation of migrants.

Caritas is an NGO which operates advice centres from all the Catholic parishes in Cyprus. They provide legal and social advice, counselling and assistance through volunteers and through other non-governmental organisations in the country.

Hope for Children is an NGO which provides legal, social and psychological support to unaccompanied minors amongst them victims of trafficking for labour exploitation. It is currently setting up a shelter for unaccompanied minors.

Vis-à-vis the NGOs mentioned above, a migrant is not required to be formally recognised as a victim of labour exploitation in order to receive support. This is also the case because very often, the first contact points for victims of labour exploitation are NGOs, where victims seek help. NGOs make efforts to provide support to complainants based on their own decision on whether the complainant is a victim or not, and in parallel they communicate the cases to the authorities. These NGOs provide first-level support to victims and/ or complainants for the time period until the authorities initiate mechanisms for the protection of the victims. Formal recognition of complainants as victims is done either by the Police or by the Social Welfare Services or by the Department of Labour of the Ministry of Labour and Social Insurance.

Similarly, as NGOs' mandate is to provide support to victims, they are merely not interested in the legal status of the migrant, but on their victimisation. Their mission is to protect the victim irrespective of their legal status. This was because the Social Welfare Services which maintains the shelter for victims of trafficking did not wish to host the child together with its mother, as they claimed, that they hosted only adults. The NGO therefore did not wish to separate the child from the mother, and sought the intervention of the Ombudsman to ensure that the mother and child would receive public support together and not be separated. Although this incident was not a finding of the survey, it was a real example witnessed less than a year ago which brings to light the real situation of the interests of NGOs to protect the victims.

¹⁸ <http://antihumantraffickingcyprus.webs.com/aboutus.htm>.

Trade unions provide information to migrant workers at work sites, and they represent them in discussions with employers for the amicable resolution of mild cases of labour exploitation. In cases where the offenders do not conform, the trade unions provide information to victims on the support structures available to them, and also legal consultation in case they wish to take offenders at court. The legal costs are not paid by victims, as the legal consultation is provided for free. In cases where the offenders are taken to court, this is done where labour exploitation is evident, and legal costs are covered by offenders once the court decision is made and offenders are called to cover the legal costs of the victims.

5.2 Access to Justice and other mechanisms to empower victims

The finding from both the interviews and the focus group as well as from the case studies is that access to justice is very difficult for victim migrant workers in many respects. There are some mechanisms in place to empower victims but these are not made on a formal established way but mostly by NGOs. Furthermore, the general findings are that the courts provide justice equally to nationals and to migrant workers. However, there was a general agreement that court procedures take a long time where, very often, migrant workers have to leave the country or are deported in the middle of a court case that concerns them. This leads to not having enough evidence against the perpetrator, and the case discontinuing, so perpetrators are not punished, or victims do not get reimbursed for their victimisation. Furthermore, the court procedures take years, discouraging victims from seeking justice through the courts.

A representative of the L group said that the civil justice system is very poor in enabling the victims to claim compensation. The system is very time consuming and the migrants do not have the means or the money to pursue it. This was also a general agreement among participants of the focus group.

During the interview another L group representative claimed that the civil justice system is effective in providing for compensation of salaries. It is not effective in terms of time, as it takes a lot of time to decide on a case and justice to be given. In cases of labour differences, the civil justice system is better in terms of time spent on each case but each case in the labour differences takes approximately two years, which is still a lot of time. Again, this was a general agreement among the focus group participants. The case studies also show that justice was not provided due to the time inefficiency of the judicial system, where migrants in the meantime get deported due to expired visas.

On the other hand, a representative [J(1)] claimed that:

“The civil justice system is very effective in Cyprus as the legislation required is in place and is satisfactory. The system is effective as long as one has the willingness and capability to pursue the procedure.” [J(1)]

Another challenge found in the judicial system is that civil law claims are not dealt with by the criminal justice system at all as they are different judicial systems. A case in the civil law does not interfere with a decision in the criminal justice system. Therefore, depending on how the lawyers identify and file a case, i.e. civil case or criminal case, the case will be examined by the respective court based on the civil claims or the criminal claims respectively and will not look at any other perspectives of the case.

A representative [J(1)] said that when facing the fear of being brought in front of the criminal court, an offender might be urged to satisfy civil claims in order to avoid the criminal consequences. This means that an offender is urged to satisfy civil law claims in order to avoid criminal procedures and consequences.

A representative [W(1)] claimed during the interview and during the focus group that there is legislation for punishing perpetrators but it is not severe enough to prevent employers from labour exploitation. The fines they need to pay once they are found to be guilty are very small in comparison to the amounts they have made or saved by exploiting workers. There needs to be a change in the legislation so that it is more severe against perpetrators.

A representative [L(1)] said during the interview that lawyers can initially put pressure on the authorities especially when it regards criminal cases of labour exploitation. Such pressure can be more effective when it concerns a group of workers instead of single cases, as the authorities will not be prone to dealing as efficiently with single cases. Lawyers can lobby with the authorities so that group cases of migrants can be treated in a better way, as they have more power to showcase these cases for example at the media, or through the parliament etc. In other words, in cases of groups of migrants, the cases have more visibility and severity, which can be used as a tool to push the authorities to look into and treat the cases for the benefit of the victims. This is another tool that can be used on a personal basis by lawyers for the benefit of migrant workers who are prone to be exploited or who have been victims of labour exploitation.

In terms of mechanisms to empower victims, the findings from the survey are that no formal or structured mechanisms are in place to enable victims to have easier access to justice on the part of the public sector. An M group representative said that recently the Department of Labour has initiated the filing of court cases at its own discretion rather than filing the cases through the Police, which is a step forward, however, this measure is recent.

Trade unions and NGOs provide legal advice to victims. Trade unions also cooperate with lawyers who file cases at courts and represent the victims. The NGOs mostly file complaints on the part of victims to the Ombudsman's office who in turn investigates the cases and publishes reports and recommendations to involved authorities on how they can and treat victims according to conventions acceded by Cyprus and according to the Cypriot legislation. The Ombudsman's office has the freedom, and has been exercising this freedom to interview the victims themselves, therefore providing first hand empowerment to victims in accessing justice, by taking on board their own claims and experiences, to ensure that they will be treated as victims.¹⁹ The Ombudsperson's office does not file a complaint on behalf of the victim per se but makes contact with the responsible authorities and requests that they attend to the victim's needs. The next step after interviewing the victim is requesting all the information from involved authorities on the history of the case and they prepare a report submitted to these authorities and to any other government authority they deem appropriate with findings of their research, including gaps in the way the authorities treated the case, and proposals for action to attend to the victim's needs, as well as proposal on how to work better in the future for similar cases.

The findings were in the form of suggestions for what can be done towards this direction in the country. A representative [L(1)] during the interview mentioned that the mechanisms could be in the form of better information provision from employers to migrant workers or better information by the public authorities to migrant workers, which was also mentioned many times

¹⁹ The Commissioner for Administration Laws 1991 to 2004 (English translation and consolidation), available at [www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/104af9c4b64a613cc22575820036cac6/1b82e6e6d5599fe6c2256cbe004d89d0/\\$FILE/The%20Commissioner%20for%20Administration%20Laws%201991-2004.pdf](http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/104af9c4b64a613cc22575820036cac6/1b82e6e6d5599fe6c2256cbe004d89d0/$FILE/The%20Commissioner%20for%20Administration%20Laws%201991-2004.pdf).

during interviews with other target groups and also during the focus group. Furthermore, the public authorities should provide easier access to support structures to migrant workers such as easier access to consultation providing organisations, lawyers, public services, NGOs, and even lawyers' associations. This of course provides that there is a structured framework for cooperation between public authorities, NGOs, trade unions etc., which currently is inexistent at a formal level, apart from the case of the multi-thematic team which devised the national action plan for combating trafficking of human beings including all relevant stakeholders. However this is relatively a new strategic document and is currently being implemented, with conclusions on its effectiveness to be scarce.

Another of his suggestions are that the Pancyprian Lawyers' Association could create a dedicated department for providing information to migrant workers, which would be an additional and efficient source of information for migrant workers.

A representative [W(1)] said:

“yes, (the civil justice system is effective in enabling the victim to claim compensation and back pay of denied wages) if their ((the victims’) lawyers do not take advantage of them and treat their case correctly, and present it to court in a good manner, I think the court will respond providing equal justice. Maybe the police may be different...”

«Ναι, (το αστικό νομικό σύστημα είναι αποτελεσματικό στο να βοηθά το θύμα να πάρει αποζημίωση και να πληρωθεί εκ των υστέρων τους μισθούς) αν οι δικηγόροι δεν τον εκμεταλλευτούν και χειριστούν την υπόθεση σωστά, και αν την παρουσιάσουν στο δικαστήριο με σωστό τρόπο, νομίζω το δικαστήριο θα ανταποκριθεί και να αποδώσει δικαιοσύνη. Μπορεί η αστυνομία να είναι διαφορετική...» [W(1)]

The same representative also said:

“it depends on how good the lawyer is. To which justice system he will file the case. Then the court will treat the case according to the legislation. Also something not mentioned before, as a movement, we have a representative who is sitting at the court of labour differences, who is present at all cases of labour differences, who is experienced and coordinates with the judges and provides his opinion.”

«Εξαρτάται πόσο καλός είναι ο δικηγόρος. Σε ποιό δικαστήριο θα υποβάλει την υπόθεση. Τότε το δικαστήριο θα χειριστεί την υπόθεση με βάση τη νομοθεσία. Επίσης, κάτι που δεν ανέφερα προηγουμένως, ως κίνημα, έχουμε εκπρόσωπο που λαμβάνει μέρος στο δικαστήριο εργατικών διαφορών, και παρίσταται σε όλες τις δίκες εργατικών διαφορών, που έχει εμπειρία και συνεργάζεται με τους δικαστές και δίνει τη γνώμη του.» [W(1)]

Considering the case study concerning five migrants from Egypt, legally working as labourers in the sector of agriculture and farming, who were victims of exploitation by their employer, the case had a positive outcome as the migrants were recognised as victims and provided with support by the Social Welfare Services, while charges were imposed to the perpetrator. Charges were brought against the perpetrator at the Nicosia District Court. The perpetrator faced three charges for exploiting human beings under conditions of slavery in violation. The court verdict found the perpetrator guilty for three categories based on the above mentioned law. The success lays in the fact that the court case was based on the law against trafficking and exploitation of human beings (the 2007 law). One of the shortfalls of the prosecution is usually the fact that these legislations are not utilised and the legislations utilised bring softer punishments, along with not cultivating the understanding that human trafficking and labour

exploitation are serious crimes and should be dealt with robust decisions. Thus, the fact that the indictment of this case was based on the specific law was a success.

6. Attitudes

The general finding from the interviews and the focus group is that the interventions of public authorities do not sufficiently serve the interests of the migrant victims because they are not cooperating efficiently with the aim to serve the migrant victims' interests, but rather they perform their part of the work which is not enough. There is no coordinated effort to protect the victims among authorities.

One representative [W(1)] stressed that there are weaknesses in the existing legislation which do not serve fully the interests of migrant victims. The weaknesses are that the legislation is not preventive enough for offenders to refrain from exploiting migrant workers. The penalties imposed on offenders are minimal in comparison to the amounts of money they withhold from victims, therefore the legislation is not preventive enough. Furthermore, it is unlikely that an offender at the civil court will end up in jail, as the punishments of most them are related to financial penalties, which as mentioned above, are not severe. It was stressed that there is a need for better controls in order to have preventing measures for employers to exploit their workers.

However, a representative [L(1)] claimed that interventions into situations of labour exploitation do serve the interest of the migrant victims and protect them from further exploitation, also through the information provision to employers. The information provision to employers serves as a tool to make employers aware of their obligations. This is because in some instances, employers may themselves not be aware of their legal obligations and be offenders of labour exploitation in their ignorance.

Indicatively, a representative [L(1)] said:

“The situation is surely improved than in the past but there is a long way to go. The environment (the general labour environment) is surely improved, as well as the conditions, I think that the phenomena of labour exploitation are fewer each year, but I think that there can be more effort on the part of the state primarily in the better information provision to workers and to the establishment of better protection conditions”.

“Σαφέστατα είναι βελτιωμένη η κατάσταση από το παρελθόν αλλά υπάρχει μακρύς δρόμος. Το περιβάλλον σαφέστατα είναι βελτιωμένο, οι συνθήκες επίσης, τα φαινόμενα εκμετάλλευσης θεωρώ ότι χρόνο με το χρόνο λιγοστεύουν όμως θεωρώ ότι μπορεί να υπάρχει μεγαλύτερη προσπάθεια από μέρους του κράτους κατά κύριο λόγο, στην καλύτερη ενημέρωση των εργαζομένων και στη διαμόρφωση καλύτερων συνθηκών προστασίας”. [L(1)]

During the focus group discussion, a representative [FG(M)] added that the cases need to be brought to the attention of the Department of Labour Relations in order for it to intervene and follow the correct procedures. This is in line with the above, in that there should be a better referral system towards the Department of Labour Relations in order for victims to access support and to allow a more efficient investigation of their case. In relation to accusations of employers that workers accuse them to gain more benefits as mentioned below, it is the responsibility of the Department of Labour Relations to examine whether employers provide the expected and lawful wages and benefits to workers, and to further examine whether workers are true in their accusations.

On the other hand there was the opinion of one representative [E(1)] through an interview who said that the country made a serious effort and progress compared to 10 years ago. On top of

that, the respondent claimed that sometimes there are allegations on the part of migrants against employers that are not true. Some workers accuse employers in order to pressure them for more benefits.

Indicatively a representative [E(1)] said that:

“A worker from third country shortly before the work visa expires disappears from the employer and then he works illegally for another employer.”

“Ο εργαζόμενος από τρίτη χώρα λίγο πριν λήξη η άδεια του εξαφανίζεται από τον εργοδότη και μετά εργάζεται παράνομα σε άλλο εργοδότη.” [E(1)]

The separation of duties and responsibility between authorities is often not clear, and authorities do not feel responsible, and they are not clear about the degree of their involvement, and authority over handling cases of labour exploitation. Furthermore, there is no public system for immediate response to incidents of labour exploitation.

Another main problem identified is that there are gaps in legislation, which does not fully protect workers from exploitation. For example there is a minimum salary for seven occupations in Cyprus only and this does not cover many other occupations where migrant workers are occupied. Collective agreements which exist for some industries (i.e. construction and tourism) do not constitute legal documents and therefore if employers are in breach of the collective agreements, there are no legal consequences.

Furthermore, in economic sectors where there are no collective agreements with workers' federations, one example is domestic workers, the worker's federations cannot intervene, even though it is common knowledge that there is labour exploitation of migrant domestic workers. Therefore it is evident that there are gaps in the power of interventions either by public authorities or trade unions.

In regards to the reasons why more migrant workers who are victims of labour exploitation do not come forward and seek a way out of their situation it was found that they do not have the financial means to come out of their situation, they do not have easy access to support structures, and they also do not believe that the support structures and public authorities are effective. They are also afraid that, especially in cases of irregular migrants, they will be deported back to their country. This was also the situation of a victim in one of the case studies, who was deported before the case was closed at court, which shows both reasons mentioned above, in one case.

In regards to the most relevant factors that significantly account for the fact that not many migrant workers who have been exploited severely come forward, and support or report of the police, the findings of the interviews conducted are depicted in the table below. The most important factor reported by interviewees is that victims are not aware of their rights and of support available to them.

The second most frequent factor is that victims fear that if their situation became known to the authorities, they would have to leave the country.

The third factor is that victims perceive being jobless as worse than working in exploitative conditions. As a representative [P(1)] claimed, most immigrants do not make complaints because they prefer to keep their jobs and their salary. A representative [W(1)] said that their income (even though it is much less than it should) serves their purpose and that they are afraid they will lose their job.

Table 10

Relevant factors that significantly account for the fact that not many migrant workers who have been exploited severely come forward, seek support or report to the police?	Code	S	E	L	R	P	J	M	W	N	Totals per factor
Lack of effective monitoring of relevant areas of economy	1	1									1
Lack of targeted support service provision available to victims	2								2		2
Victims are not aware of their rights and of support available to them	3	2		1		2	2	3	4		14
Victims fear retaliation from the side of offenders against them or against family members	4	2					2		2		6
Victims suffer from feelings of shame	5										0
Victims believe that speaking to authorities is not worthwhile or they would not benefit from subsequent proceedings	6	1		1				2	1		5
Victims believe that proceedings are too bureaucratic and costly	7							2			2
Victims fear that if their situation became known to the authorities, they would have to leave the country	8	3		1		2	2	1	2	1	12
Victims do not trust that the police in particular would treat them in a sympathetic manner	9								1		1
Victims perceive being jobless as worse than working in exploitative conditions	10	1				2		1	2	1	7
Other-please specify	11	1									1
Don't know	99										0
Totals per target group		11	0	3	0	6	6	9	14	2	

In regards to the three most important factors to migrant workers who are victims, the interviewees' answers are depicted in the table below. The most frequent factor is to be able to stay and to make a living in an EU country. As a number of interviewees claimed, this is

because, they have experienced much worse working and living conditions in their home country.

The second factor is to be in a position to economically support other family members and the two third factors are to be safe and be protected against further victimisation, and to receive compensation and back pay from employers.

Table 11

Three most important factors to migrant workers who are victims?	Code	S	E	L	R	P	J	M	W	N	Totals per factor
To be safe and to be protected against further victimisation	1		4				1			2	7
For their family to be safe	2			1		1		1	1		4
To be able to stay and to make a living in an EU country	3	2		1		1	2	3	4		13
To see that offenders are held accountable and that justice is done	4	1									1
To be respected and to see that their rights are taken seriously	5	2						1	1		4
To be in a position to economically support other family members	6	1		1		1	2	1	2		8
To receive compensation and back pay from employers	7	1		2			2	2			7
To be able to return home safely	8	1		1		1			2		5
Other (please specify)	9										0
Don't know	99									1	1
Totals per target group		8	4	6	0	4	7	8	10	3	

In regards to the measures which would improve the way labour exploitation is addressed in Cyprus, interviewees most frequently selected a more effective monitoring of the situation of workers in the areas of economy particular prone to labour exploitation. Indicatively, a representative [W(1)] suggested that the Department of Labour should be better staffed with labour inspectors to intensify their efforts of monitoring employers. This is in line with a general agreement, also during the focus group, that public authorities should be doing a lot more in the field of combating labour exploitation including prevention measures, support and protection to victims etc. Additionally, the same representative said:

“They (migrant workers) do not have the means, they do not have the financial means, they do not have easy access and they do not believe in support mechanisms as they have the impression that authorities and organisations are not effective.”

“Δεν έχουν τα μέσα... δεν έχουν τα οικονομικά εφόδια, δεν έχουν προσβάσεις εύκολες και δεν πιστεύουν σε αυτά τα πράγματα γιατί τους έχει δημιουργηθεί η εντύπωση ότι δεν είναι αποτελεσματικοί οι φορείς.” [W(1)]

The second most frequent suggested measure is the more effective coordination and cooperation between labour inspectorates, the police and other parts of administration as well as victim support organisations and the criminal justice system. This measure comes in parallel to the above, where authorities should coordinate better with each other but also with the private and non-governmental sector in the framework of a comprehensive approach to dealing with labour exploitation of migrant workers in Cyprus.

The third measures are to improve legislation against labour exploitation and its implementation. This measure has been widely discussed both during interviews and during the focus group where it was commonly agreed that there are gaps and it sometimes does not deal effectively with labour exploitation. As mentioned above, the gaps are that the legislation is not restrictive enough and does not foresee severe punishments for offenders therefore it does not inhibit labour exploitation. Another gap in the legislation is that a case of labour exploitation may be filed both at civil and criminal court, depending on how the lawyer of the victim approaches the case. To which court the case will be filed has significant differences in the verdict, as the civil court looks at different aspects of the case than the criminal court. Therefore for the same case, two very different results may come out of a court procedure, depending on which court it is filed at. Furthermore, if the victims leave the country before the court decision is out, there is a high likelihood that the case will not go until the end, but it will be ceased, leaving the offenders unpunished [W(1)]. This is often because once the victims are out of the country, there is a presumed lack of important evidence, such as the testimony of the victim and other information the victim could have provided.

The other measure is to ensure that all workers know their rights. During the focus group, the issue of the timely information provision to migrant workers was discussed, where the participants described the measures taken by their organisation in regards to information provision to migrant workers, both in respect to prevention of labour exploitation but also in their protection once they have been victimised. However, there still remains a lot to be done in a more coordinated approach to better inform migrant workers, with an emphasis by focus group participants on the stage of their pre-departure from their country.

Table 12

Three measures which would mostly improve the way labour exploitation is addressed in Cyprus	Code	S	E	L	R	P	J	M	W	N	Totals per measure
Improve legislation against labour exploitation and its implementation	1	3		1			2		1		7
Improve legislation to allow better access to justice and compensation	2	1				1			1		3
More effective monitoring of the situation of workers in the areas of economy particular prone to labour exploitation	3	2	1	1	1	2	2	2	2	1	14

Measures to ensure that all workers know their rights	4		1	1	1	1		1	2		7
Measures to ensure that all workers have access to labour unions	5	1	1						3		5
More effective coordination and cooperation between labour inspectorates, the police and other parts of administration as well as victim support organisations and the criminal justice system	6	2	1	2				1	3	1	10
Setting up of specialised police units to monitor and investigate labour exploitation	7										0
Regularising the situation of certain groups of migrant workers with an irregular status	8	2		1				1			4
Regularising the situation of migrant workers once they have become victims of severe labour exploitation	9					1					1
Measures addressing corruption in the administration	10		1		1						2
More training of police, labour inspectors and other authorities	11		1								1
Police and courts taking labour exploitation more seriously	12						2	1		1	4
Don't know	99										0
Totals per target group		11	6	6	3	5	6	6	12	3	

A representative [R(1)] said that there are interests of employers at play. When employers think that they can close a case easily where they exploited a migrant worker, they will perform labour exploitation. On the other hand, employers complain that they are not ensured that migrant workers will remain at their job and they may leave the country at any time. The downside is that for the employment license to be issued, the employers issue a bank guarantee for the migrant employee for the duration of the contract and the employee may leave the country before its expiration. This is why recruitment agencies should have complete responsibility of the contracts. This measure, as suggested by the representative [R(1)], will improve the situation, as the contracts will be much more flexible if managed by the recruitment agencies, where the recruitment agencies will be able to transfer workers more easily from one employer to another, while at the same time finding a replacement for the employer, and avoid the public authorities' time-consuming procedures of replacing the worker and annulling the bank guarantees, after the employer has proven that the migrant worker has left, or has breached the contract.

The interviewee also reported that there are interests at play within the police. The public authorities in Cyprus avoid taking responsibility for treating the cases of migrant workers in a more comprehensive manner for the benefit of migrant workers. Cypriot employers expect that the migrant workers should be able to do anything and they have high expectations. The recruitment agencies should be able to guide the migrant workers in developing their skills in case they need to learn or improve their skills to satisfy the expectations of employers. If, after a reasonable time, the migrant worker cannot stand up to the expectations, the recruitment agency should be legally able to replace them. It can be inferred by the above that the situation of labour exploitation could be improved by improving the matching between the expectations of employers and skills of migrant workers, for more successful employment relationships between the two parties.

There should be one single body within the Ministry of Labour and Social Insurance, responsible for dealing with cases of labour exploitation and labour inspectors should monitor the situation. If recruitment agencies are granted with the legal right to work independently monitor the employment situation of migrant workers, they should be punished if they do not perform their monitoring duties correctly. The whole protection system and the treatment of migrant workers is not right vis-à-vis the migrant workers [R(1)]. This means that the protection system does not meet the needs of migrant workers and often does not work in the interest of migrant workers.

According to one representative [L(1)] there has to be an independent authority, outside of the police and the government, which would financially support litigation against perpetrators, regardless of whether the victim is still in the country, to counter for the time inefficiency of the judicial system. This authority could be the Pancyprian Lawyers Association which is an independent body with the means and knowledge to work for the benefit of migrant victims and better use the legal system for their benefit.

An L group representative said:

“Surely, the measures help, either in protecting the interests and rights of workers, or in their information, or in the information of employers, as employers may often not be aware of the legal boundaries and may be offenders without knowing they are breaching the law.”

“Σαφέστατα οι παρεμβάσεις βοηθούν, είτε στην προάσπιση των συμφερόντων και δικαιωμάτων των εργαζομένων, είτε στην ενημέρωση των εργαζομένων, είτε στην ενημέρωση των εργοδοτών γιατί πολλές φορές μπορεί και οι ίδιοι να μη γνωρίζουν τα όρια του νόμου και να ενεργούν εν τη αγνοία τους χωρίς να γνωρίζουν καν ότι παρανομούν.» [L(1)]

The measures referred to in the statement above are the three selected measures of the interviewee to improve the way labour exploitation is addressed. These measures, as selected by the interviewee are, firstly more effective monitoring of the situation of workers in the areas of economy particularly prone to labour exploitation, secondly measures to ensure that all workers know their rights, and thirdly more effective coordination and cooperation between labour inspectorates, the police and other parts of administration as well as victim support organisations and the criminal justice system

With regards to EU nationals, a good example is the case study of the group of Romanian nationals in the construction sector which was characterised as the biggest case of trafficking in human beings which took place in Cyprus. A large group of migrant workers from Romania (more than 120 people) were found living under terrible conditions, 90 of which were later

recognised as victims of trafficking with the purpose of labour exploitation. The migrants were victims of a large trafficking network which brought Romanian workers to Cyprus to work mainly in the constructions industry with degrading salaries, while living under very bad conditions in containers, having their travel documents withheld by the illegally operating private recruitment agency. Since Romania's EU accession, Romanian nationals have been migrating to Cyprus for work without restrictions. However, there is a serious problem with informal economy, as a large percentage of these workers have no employment contracts, no social insurance coverage or health insurance or any other social benefits, no guarantee in case of unpaid salaries, and are forced to work overtime under unsafe conditions, especially in the fields of constructions, agriculture, farming and animal breeding, hospitality and domestic work. This case study shows that the situation is not better for EU nationals in regards to labour exploitation.

7. Conclusion and any other observations, including contentious issues from interviews/focus groups

The general conclusions that can be drawn from the fieldwork are that there are serious gaps in the legal system as well as in the victim support system in Cyprus. The legal system is characterised as not preventive enough, where sanctions against offenders are not serious enough to hinder labour exploitation. The court procedures take a long time, often 3-4 years for decisions to be made against offenders, leaving victims unprotected and not accessing justice, where a large number of them often leave the country before the decision is made, and therefore no compensation is made to them. They either leave the country by themselves, or they often get deported if they are found to be irregular migrants, even though they are victims of labour exploitation.

The victim protection system is very fragmented in Cyprus, with minimal cooperation between the public and the private sector, where the private sector is trade unions, civil society, lawyers etc. The authorities work somewhat better between them, however each department carries out the tasks that are under their sole responsibility without looking into and addressing the issue of labour exploitation of migrants in a holistic and comprehensive manner for the benefit and protection of victims.

Trade unions and NGOs identify cases and provide first level support to victims and then refer them to the authorities for formal assistance which is time consuming and very bureaucratic for victims, which was often reported by interviewees as restrictive for victims to access support, and making migrant workers not trusting the public authorities.

According to one representative [S(1)], victim support services are not available to undocumented migrants or migrants with an irregular residency status. The informally employed are not considered victims, they are considered illegal immigrants, illegal workers, they get punished etc. Even if they are legally resident in the country, if they are irregularly employed they are treated as having committed a crime. Considering only the cases of human trafficking, where there is some sort of protection, they need some kind of recognition as victims, provided from the state. They need the recognition but it is an insecure recognition, which only allows limited rights etc. Services are free of charge but only recognised victims of human trafficking have access to them.

Based on the third ECRI report, third country nationals can only enter Cyprus with a visa to work for a specified employer for a specific job and a specific period, on condition that no local or EU national is available for the job. As a general rule, according to the terms of their visa, migrants cannot change employer or employment sector. Migrant workers rarely complain to the authorities about mistreatment or exploitation for fear of losing their jobs and consequently their work and residence permits.

This is completely in line with the findings of the fieldwork where migrant workers need to have a residence and work visa to come to Cyprus for work. Their work visa is related to a specific employer and a specific work period. If they change employer or their work period is different from their work visa with no prior licence by the authorities, then their work visa is automatically void. If they wish to change their employer, they need to file an application describing the reasons why they need to change employer, then wait until the authorities approve the application which takes time, and then be able to change employer. In the meantime they are bound by their employment contract.

Once they file an application for change of employer, the authorities notify the employer, who may then be more prone to exercising labour exploitation of the migrant worker until the authorities provide authorization to the migrant worker to change employer, especially in the case where the migrant worker has filed a complaint.

In conclusion, the situation in labour exploitation has improved recently, but there still remains a lot to be done by all parties, and the most important factor is the coordination and cooperation between the public sector, i.e. monitoring bodies, the judicial system, the police, and the private sector, such as workers' associations, NGOs and lawyers. This is in line with the focus group discussion where it was admitted by one representative [FG(M)] that in some economic sectors, such as the construction industry, labour exploitation still exists even after the very close checks of the trade unions on the lists of workers that contractors are obliged by law to provide to the contracting authority (public authority). The representative claimed that the labour inspectors have managed to decrease the problem in this economic sector through rigorous inspections at contractors' sites.

The main challenge is to devise a comprehensive strategy involving all actors mentioned above, encompassing all aspects of the issue of labour exploitation of migrants, where all involved actors will perform their duties for the benefit of victim migrant workers in respect to their better information, prevention of labour exploitation, their protection and the safeguarding of their rights during judicial or other procedures with public authorities.

A representative [L(1)] said that the measures taken are partially effective but a lot more can take place. The general situation in Cyprus has improved in recent years. Furthermore, the incidents of labour exploitation become less, or less severe, but there is still much room for improvement especially on the public authorities' side, where they should develop ways to better inform both employers and employees, and to create a general environment for the better protection of victims and especially of prevention of labour exploitation.

There is no statistical data or other measurable information to show that the situation has improved in regards to labour exploitation of migrant in Cyprus in recent years, however, it can be inferred from the fact that authorities, despite their significant shortfalls found in the fieldwork, have begun to develop ad hoc training programs for their officers on how to treat migrant workers, they have been trying to solve the language problem by hiring translators in order to work better with migrant workers, they have issued information leaflets, although these often do not reach the migrant workers' population effectively etc. Furthermore, the Ombudsperson work of scrutinising authorities into cases of labour exploitation of migrants among others, has pushed the authorities to report on their actions to some degree, and to explain their actions.

A lot still needs to be done in regards to the provision of information to prospective migrant workers in Cyprus, where the authorities should find ways to work together with countries of origin of large migrant populations in Cyprus, so that to better prepare them on their rights and support structures available in the country.

Moreover it was found that a lot still needs to be done in regards to the legislation where there are a lot of gaps. The legislation is not strong enough to hinder actions of labour exploitation by employers, as well as to better monitor the work of recruitment/ employment agencies who are sometimes also involved in labour exploitation of migrants.

There are a number of economic sectors in Cyprus where migrant workers are exploited, which are underserved, meaning that labour exploitation in these economic sectors is not

sufficiently reported, monitored and addressed therefore victims are not protected and do not have easy access to support structures.