

THE GAP

VOICES OF INTERNATIONAL STUDENTS - CYPRUS

Human Rights Violations Report – Quarter 1 (26 Oct –
26 Jan) 2022-2023



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U.S. Embassy, Cyprus

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Dedicated to those who fight for justice.



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HUMAN RIGHTS VIOLATIONS REPORT	2
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Contents

Contents	4
Contributors	5
Preamble	6
Summary	8
Human Rights Violations	9



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Preamble

Human rights are one of the pillars upon which modern society rests. On the 10th of December 1948, the Universal Declaration of Human Rights was adopted by the United Nations General Assembly. The document included 30 articles detailing an individual's basic rights and fundamental freedoms and affirming their universal character as inherent, inalienable, and applicable to all human beings. It adopted things such as the right to life, freedom of movement, freedom of association and freedom of speech, and the right to dignified healthcare and life. Since then, several treaties, documents, and laws have been enacted and ratified by many regions and countries in the world, affirming and/or expanding on the declaration, such as the European Convention on Human Rights, which is also applicable in the northern part of Cyprus.

The northern part of Cyprus is the location where this report was made/created and the subject of its discussion. The “constitution¹” of the northern part of Cyprus also affirms the importance of human rights and the equal treatment of all: Article 8 Section 2 states that “the organs and the administrative authorities of the State are under an obligation to act in conformity with the principle of equality before the law and not to make any discrimination in their actions.” Article 14 similarly contains four different sections that all affirm and state the importance of equal treatment and an honourable and dignified living for all.

International students constitute a significant ~~portion-part~~ of ~~the~~ society and contribute greatly to ~~its culture, economy, and social fabric.s~~ ~~culture, economy and social fabric.~~ Registered third-country students make up 13.4% of the population

¹ Available at: <https://cutt.ly/zOdr6wh>



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according to fall 2021 estimates. While year after year, increasing efforts are directed towards ensuring their equal and just treatment, there remains significant shortcomings in numerous respects and many international students are still discriminated against on the basis of their health, race, ethnicity, gender, etc., and are thereby prevented from enjoying a dignified living based on modern-day standards of human rights.

Since its inception, Voices of International Students in Cyprus (VOIS Cyprus) has worked tirelessly to ensure a just and harmonious society for all. Human rights have been on the VOIS agenda since day one and it has always strived to ensure that they are respected, both inside the organization and in the local community at large. Since the beginning of 2021, VOIS embarked on the ambitious project of recording instances of human rights violations, investigating and publishing them in a transparent and organized manner in order to contribute to this objective. The purpose of this project, under which this report was produced, is transparency: to illustrate the types of cases that VOIS deals with and how it tackles them. The hope is that by highlighting and bringing human rights violations into public view in an organized and scientific manner, with data and statistics from every quarter, we can contribute to the betterment of the northern part of Cyprus.

This report ~~will be~~ published in quarterly cycles – in January, April, July, and October – alongside accompanying infographics on VOIS Cyprus’s social media pages and website. We urge all those reading this report to help us compile more cases and have access to more information. If you are aware of any cases or have yourself been subject to a human rights violation, please email the case to humanrights@voiscyprus.org. When handling the cases brought to our attention,



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VOIS follows the Human Rights Monitoring Principles which compel our team members to keep all information strictly confidential.



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Summary

No	Type	Location	Date
1	Working violation	Nicosia	3rd November
2	HIV-related violation	Nicosia	24 th November
3	Physical abuse	Nicosia	28 th November
4	Police abuse	Nicosia	28 th November



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Human Rights Violations

1 | 3rd November – Working Violation

A ~~case of a~~ human rights violation involving an international student ~~who was~~ working ~~on at~~ a construction site was recorded in November, 2022. The student in question, suffered a terrible accident while working on a construction site in Nicosia. His fall caused damage and bleeding to his face and left a deep open wound on the back of his neck. In response to this, his employer left him at Kolan Hospital and departed without any further assistance, financial or otherwise. Given the 7,000 TRY cost of his treatment, he has had to resort to donations from the community of international students in the northern part of Cyprus.

The call for donations eventually led to the exposure of the student who was employed without a working permit. In due course, the student was arrested, given a 1 month prison sentence, and now faces deportation. It is worth mentioning that the previously mentioned legal procedure took place prior to giving the student access to the urgent medical intervention he needed or holding the employers accountable for employing workers without a work permit.

The unfortunate series of events are clear violations to the worker's right to adequate healthcare and safe working conditions. Moreover, they reflect the harsh 'governmental' responses that foreign workers face in such situations. Foreign nationals in the northern part of Cyprus have the right to work if they have acquired a work permit through their employer, who must carry out the required payments and paperwork. However, a comprehensive survey found that a startling 63.6% of student workers do not have a permit. While our organisation constantly strongly encourages students to demand permits from their employers, we also recognize that efforts that need to be directed from policy-makers

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towards this widespread phenomenon. Unfortunately, the existing laws often punish student workers rather than protect their working rights.

Currently, the student is in need of funds to cover the cost of amnesty fees regularising their residency status, which is estimated to be 10,300 #TRY. The VOIS, in collaboration with the Human Resources Management CSO, is have been helping to provide providing legal support and raising funds to help cover these costs. This case highlights the urgent need for stronger protections for workers' rights, fair treatment of immigrants, and the importance of holding employers accountable for ensuring safe working conditions and providing proper compensation for injuries sustained on the job. This case is being reported for awareness and to call for action to address and prevent similar human rights violations in the future.

Undocumented workers are covered by several laws setting minimum labour rights across the EU. In particular, undocumented workers have the right to Health and Safety protections under EU law (see the 'Framework Directive on Health and Safety at Work'² as well as the "EU Charter on Fundamental Rights"³).

2 | 24th November – HIV-related Violation

On 24th November 2022, a prospective international student who was planning to come and study in the northern part of Cyprus decided to conduct some research beforehand and reached out to one of VOIS members for information on the relevant provisions regarding the health status of third-country nationals in the northern part of Cyprus. The student told VOIS that they have HIV and upon learning that they may be deported upon entry, they

² <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:01989L0391-20081211&from=EN>

³ https://www.europarl.europa.eu/charter/pdf/text_en.pdf



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decided not to come anymore and cancel their plans for studying in the northern part of Cyprus.

This case highlights the discrimination and human rights violation faced by people living with HIV, as the prospective student's right to education and freedom of movement is being restricted solely based on their HIV status. It is a violation of the right to non-discrimination, right to health and right to education as stated respectively under articles 2, article 25 and article 26 of the Universal Declaration of Human Rights (UDHR).

This case serves as a reminder of the need for stronger protections for the rights of people living with HIV, and the importance of destigmatizing HIV and providing accurate information about the laws and policies related to HIV. VOIS is calling for action to address this issue and to ensure that all students, regardless of HIV status, have equal access to education and opportunities.

3&4 | 27th November – Physical Abuse & Inability to access justice

~~a case of an individual (A) who was seeking to purchase a phone from a store in Nicosia.~~ On November 27th, ~~he an international student seeking to purchase a phone from a store in Nicosia~~ asked a friend to check out the phones for him ~~a day before he came~~. When they arrived at the store, the owner showed them used phones and the ~~individual (A) student~~ made it clear that he wanted a brand-new phone. The owner told him that he did not have new phones available now, and they agreed that he would come back later. However, the friend unknowingly paid a deposit of ~~9600+9,600 TRY~~ to reserve the phone for ~~them the student~~. When the ~~individual (A) student later~~ returned to the store to get ~~his the~~ deposit back, the owner refused and became hostile.

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The owner physically assaulted the student with a broomstick, causing injuries to his arm. He proceeded to strike the student until the broomstick was broken, reflecting the severity of the assault.

In an attempt to report the physical assault to the police, the student was dismissed aggressively by the police and was threatened to be arrested in the absence of any reasoning behind the arrest.

~~The student subsequently~~ contacted a lawyer for legal advice, ~~but due to financial constraints, he was not able to continue with~~ ~~was unable to pursue~~ legal action ~~due to financial constraints~~. VOIS is currently providing advice and legal contacts to the student in hopes of a resolution.

The student was subjected to two forms of Human rights violations. Firstly, the intentional use of physical force against the student resulting in his physical pain is an infringement of Article 5 on the UDHR which states: *"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."*

Moreover, the reaction adopted by the police officer is a breach of article 5 of the Code of Conduct of Law Enforcement which states that: *"No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment."*

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