

# VOICES OF INTERNATIONAL STUDENTS - CYPRUS

Human Rights Violations Report – Quarter 2 (26 Jan – 26 Apr) 2022



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**THEGAP**





Dedicated to those who fight for justice.

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## Contributors

Ashraf Saleem	- Team Leader
Maghazi Ahmed	- Team Leader
Lehlohonolo Motsusi	- Team Member
Mykola Syniakov	- Team Member
Nardos Woned	- Team Member
Shahd Abdulsalam	- Team Member
Tayam Abdelazim	- Team Member
Samuel Akoni	- Editor
Emmanuel Achiri	- Reviewer

## Preamble

Human rights are one of the pillars upon which modern society rests. On the 10<sup>th</sup> 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 of this report and the subject of its discussion – its “constitution<sup>1</sup>” also affirms the importance of human rights and the equal treatment of all. Article 8 Section 2 quotes “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 honorable and dignified living for all.

International students constitute a significant portion of society and contribute greatly to its social, cultural, and economic fabric. Registered third-country students make up 13.4% of the population according to fall 2021 estimates. While year on year, more efforts are directed towards ensuring their equal and just treatment, this

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

remains lacking in many respects and many international students are still discriminated against based on their health status, race, ethnicity, and gender, amongst others, thereby preventing them from enjoying a dignified living based on modern-day human rights standards.

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 they are respected, both inside the organization and in the local community more generally. 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 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 the public eye 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' 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](mailto:humanrights@voiscyprus.org). Upon handling the cases brought to our attention, VOIS follows the Human Rights Monitoring Principles which compel our team members to keep all information strictly confidential.

## On Homelessness

Homelessness is globally acknowledged as a human rights violation: "...a profound assault on dignity, social inclusion and the right to life. It is a prima facie violation of the right to housing and violates several other human rights in addition to the right to life, including non-discrimination, health, water and sanitation, security of the person, and freedom from cruel, degrading, and inhuman treatment." (Special Rapporteur on the right to adequate housing, A/HRC/43/43, para. 30).

While currently there are no numbers, we theorize that the numbers of homeless students are going to increase due to the recent and ongoing economic inflation, which has affected international students disproportionately, in comparison to the local community, due to the unique vulnerabilities facing foreign students. Students continue to face obstacles to accessing an adequate standard of living, including insufficient access to resources, discrimination and xenophobia, and derogatory treatment due to their migrant status. Similarly, VOIS has also received reports of irrational increases in rent prices that are specifically and solely imposed on international students. We have also noticed a trend whereby as a result of the economic challenges affecting the local communities, local house owners overcome these economic barriers by dramatically increasing rents. Given that no regulation or overarching body is supervising this sector, international students have nowhere to turn to report this inflation and unfair pricing. Despite, repeatedly bringing this up to the local bodies, so far, there have been no positive steps to regulate this sector and offer more protection to international student tenants.



## Summary

<b>No</b>	<b>Type</b>	<b>Location</b>	<b>Date</b>
1	Sexual Harassment	Nicosia	31 <sup>st</sup> March
2	Sexual Exploitation	Nicosia	11 <sup>th</sup> April
3	Homelessness	Famagusta	25 <sup>th</sup> February
4	Privacy Abuse	Nicosia	11 <sup>th</sup> April
5	Racism Abuse	Famagusta	18 <sup>th</sup> April
6	Health Violation	Famagusta	21 <sup>st</sup> April
7	HIV Deportation	Nicosia	21 <sup>st</sup> April
8	Immigration Violation	Nicosia	June 2021(Received April 2022)

## Human Rights Violations

### 1 | 31<sup>st</sup> March – Nicosia – Sexual harassment

On the 31<sup>st</sup> of March, a case of sexual harassment between a male local and a female international student was reported. Upon contacting the student, it was revealed to us that the same perpetrator had also assaulted a friend of the survivor.

So far, VOIS has offered both psychological and legal support to the survivor, who, at the time of writing, is considering her options on what further steps should be taken.

Cases of sexual harassment contravene Article 1 and Article 3 of the Universal Declaration of Human Rights, which state that all humans should have security and dignified life, and attacks and/or harassment of a sexual nature breach the security, dignity, physical health, and mental health of the survivor.

### 2 | 11<sup>th</sup> April – Nicosia – Sexual exploitation

On the 11<sup>th</sup> of April, a female international student reported that she is being forced to have sexual relations with her employer as a way to pay back financial debt. The woman was kept in debt bondage and was sexually exploited until she managed to escape from the perpetrator.

VOIS reached out to the survivor and offered legal and psychological support options and the process is still ongoing. It is noteworthy that possible solutions are limited in such cases due to their sensitive nature.

In addition to Articles 1 and 3 of the Universal Declaration of Human Rights, this particular case is also in breach of Article 23, which states that every human is entitled to a just, secure, and harassment-free workplace.

### 3 | 22<sup>nd</sup> February – Famagusta – Homelessness

On the 22<sup>nd</sup> of February 2022, a case of homelessness was reported to VOIS Cyprus. A female international student and her daughter were homeless due to financial strains that restricted them from finding a place to stay, up until the intervention of the organization.

VOIS first sought information and then intervened to help in the case to the best of our capabilities, by offering the person a temporary stay with the assistance of the organization's contacts. Moreover, the daughter was successfully able to register in a school through the assistance of the Refugee Rights Association. However, these solutions were temporary, and more sustainable interventions are necessary.

Homelessness is globally acknowledged as a human rights violation, as mentioned earlier in our report, it violates the right to shelter and dignified living and is a human rights violation.

### 4 | 11<sup>th</sup> April - Nicosia – Privacy violation

On the 11<sup>th</sup> of April 2022, a local newspaper published a video that included an international student who was sleeping in a bus station in Nicosia. The newspaper claimed that he is homeless, subsequently interviewing him on camera and publishing his full name, nationality, and place of residence after he told them that he is not homeless. The story/interview was also shared by other local media outlets and social media.

Although, VOIS was not able to reach the student, numerous attempts at contacting the newspaper were met with silence.

Article 12 of the Universal Declaration of Human Rights states that “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks.” Article 8 of the European Convention of Human Rights similarly states that “Everyone has the right to respect for his private and family life, his home and his correspondence”.

### 5 | 18th April - Famagusta – Racism violation

On the 18<sup>th</sup> of April, a VOIS Cyprus member referred a black international student to an open waiter position in a café but was subsequently rejected. Upon further investigations, it was discovered that the student was rejected merely because they are black and particularly from Nigeria, this information was learned through workers inside the café who told us about their employers’ policy.

VOIS is looking into this case and is in the process of lodging a formal complaint with the Human Resources Management Association (İnsan Kaynakları Yönetimi Derneği)<sup>2</sup>

This case is in breach of Article 23 of the UHDR, which prohibits discrimination in workplaces. It is important to mention here also that this case is also in breach of both the United Nations “International Convention on the Elimination of All Forms of Racial Discrimination” and “Discrimination (Employment and Occupation) Convention, 1958 (No. 111)”, which obliges states to work towards zero racial discrimination in the workplace.

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<sup>2</sup> The HRMA is an EU-funded association based in the northern part of Cyprus focused on employee rights and working conditions.

## 6 | 21<sup>st</sup> April - Famagusta – Health violation

On the 21<sup>st</sup> of April 2022, a student with Fibromyalgia went to the Famagusta public hospital to do an x-ray recommended by their doctor. Fibromyalgia is a chronic disease that results in chronic pain all over the body and the skeletal system and can often make it very hard for patients to make a lot of movements, including walking. The student entered the hospital and managed to do the x-ray after reportedly contending with rude attitudes and language barriers. She subsequently asked for the CD containing her x-ray image and was shuffled between desks until she found the right desk and was able to take her CD. The student then went home and found that the CD in question was empty. She went back to the hospital with a friend the next day to complain about the empty CD, where she was met with rudeness. The desk worker eventually checked the CD upon her insistence and told her that though it was indeed empty, there is nothing she can do about it. She also reportedly told the student that she “can do whatever you want”. The student’s friend then told the desk worker that he would not forgive them for this, after which the worker started screaming at them and told security to escort them out.

The student complained to VOIS, who then informed the Universal Patient Rights Association to help formally escalate the complaint. VOIS representatives went with the student to the hospital and managed to get the x-ray on the CD; a handwritten complaint was also delivered to the Head Doctor of the hospital and the UPRA.

The violation for this case was that the way this particular student was treated violated both the right to dignity and the right to health. The student’s right to health

was violated when she was treated with negligence and forced to move unnecessarily despite her chronic illness, which harmed her both physically and mentally. Meanwhile, the rudeness, screaming, and being escorted out by security violated both students' right to dignity. Article 1 of the Charter of Fundamental Rights of the European Union states that "Human dignity is inviolable. It must be respected and protected."<sup>3</sup> The right to health, better defined as the right to the highest attainable standard of physical and mental health by the Office of the United Nations High Commissioner for Human Rights, includes "the right to a system of health protection providing equality of opportunity for everyone to enjoy the highest attainable level of health and Equal and timely access to basic health services".<sup>4</sup>

#### 7 | 19th April - Nicosia – Deportation of a person living with HIV

During the last week of April, VOIS Cyprus received a report from a student society that one of their members tested for HIV and was subsequently deported. The student initially did the medical tests required as part of the resident permit process in January and was told to do them again after they tested positive. They tested positive again on the 21<sup>st</sup> of April, after which the police were involved; looking for the student within their university and also informing the administration. We also learned that this student was called to visit one of the offices within the school, and upon arrival there, the school administrator informed the police officers who then proceeded to arrest and detain them in a jail cell in Ercan airport for four days before deporting them on the 29<sup>th</sup> of April.

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<sup>3</sup> <https://fra.europa.eu/en/eu-charter/article/1-human-dignity>

<sup>4</sup> <https://www.ohchr.org/sites/default/files/Documents/Publications/Factsheet31.pdf>

The student was held with people who had committed criminal acts and also had their phones taken from them, without any translated explanation of what exactly was happening.

Deportations based on HIV status are a violation of Articles 1 and 3 of the UHDR, which state the right to dignity and security of people. Arresting students and keeping them in such conditions before deporting them is a humiliating act that violates these articles, as well as their dignity.

### 8 | June 2021 - Nicosia – Immigration violation

An international student was discovered and apprehended while trying to immigrate across the Green Line to the Republic of Cyprus. The student was apprehended by United Nations officers in the buffer zone and had his passport taken from him and then he was handed over to the border police in the northern part alongside his passport. After being handed over by the UN officers to them, the 'police' took some forms that the student had, as well as an amount of money (1,200\$) that was with the student as well.

The first violation that occurred here is the student being prevented due and fair legal process, and the fact that their passport is still held. The UN OHCHR Recommended Principles and Guidelines on Human Rights at International Borders<sup>5</sup> states: "The right to due process of all migrants regardless of their status shall be protected and respected in all areas where the State exercises jurisdiction or effective control. This includes the right to an individual examination, the right to a judicial and effective remedy, and the right to appeal." The student was held in a police station without any bodies effectively communicating what they are guilty of

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[https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR\\_Recommended\\_Principles\\_Guidelines.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf)

and what their rights are, his rights to a fair trial and fair hearing were violated, not to mention the majority of communication both outside and inside court was done in the Turkish language without effective translation to English.

Secondly, we find the action of the UN officers returning the student directly to local bodies to have also broken several recommendations and articles from the Office of the United Nations High Commissioner for Human Rights. The OHCHR Key Messages on the human rights of migrants in the context of return states: “The prohibitions on non-refoulement and collective expulsion imply that, before being returned, migrants have a right to an individual assessment, by due process and fair trial guarantees. This individual assessment requires an in-depth, substantive understanding of each migrant’s situation and the risks that she might face upon removal, as well as access to fair and efficient protection procedures.”<sup>6</sup> The student in this case was not granted any of this before being returned.

The OHCHR Recommended Principles and Guidelines on Human Rights at International Borders state several more things as well. Guideline 7 Article 5 states: “Ensuring that entry system regulations provide the opportunity for asylum seekers to access information on the right to claim asylum and to access fair and efficient asylum procedures.” This was not provided. Guideline 7 Article 9 and 10 state: “Establishing procedures to ensure that persons are immediately informed in accessible formats and in a language they are known to understand, of the identification and referral procedures that will be followed, their rights and obligations during the procedure, possible consequences of their non-compliance and remedies available to them.” “Ensuring that migrants are provided information about national and international organizations that provide legal and other

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<sup>6</sup> <https://www.ohchr.org/en/migration/expert-meeting-human-rights-migrants-context-return-6-march-2018>



assistance to migrants, including up-to-date contact information and means of making contact with such organizations. Also ensuring that all persons in need of international protection are provided information about organizations that provide relevant assistance." These were also not followed. Apart from that, the student stated that their lawyer did not inform them he had to sign at the 'police' station every week which led to the student not signing and breaking another law because of this, which the 'police' held him responsible for, despite it being the fault of an unfair legal system and process.