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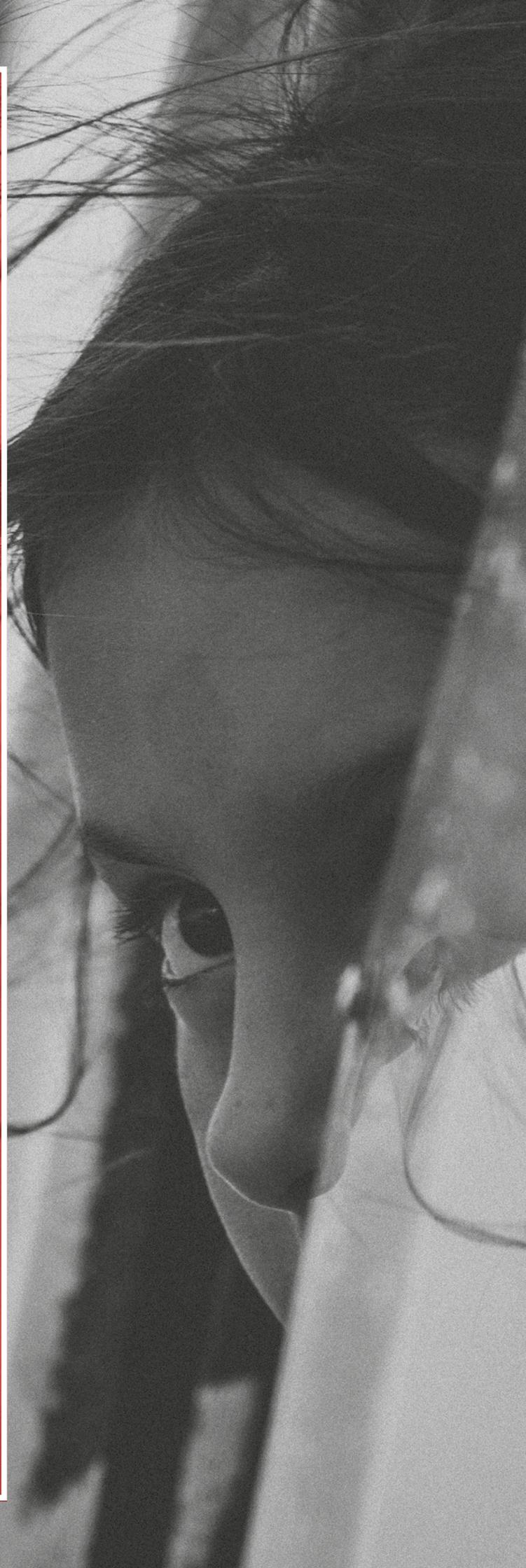
THE CHILD'S RIGHT
TO NATIONALITY IN
THE TURKISH REPUBLIC
OF NORTHERN CYPRUS



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“All of us hunger for group identity and closeness.”
- Michael Thompson, 2001

“We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights. Our political life rests on the assumption that we can produce equality through organization.”
- Hannah Arendt, 1950

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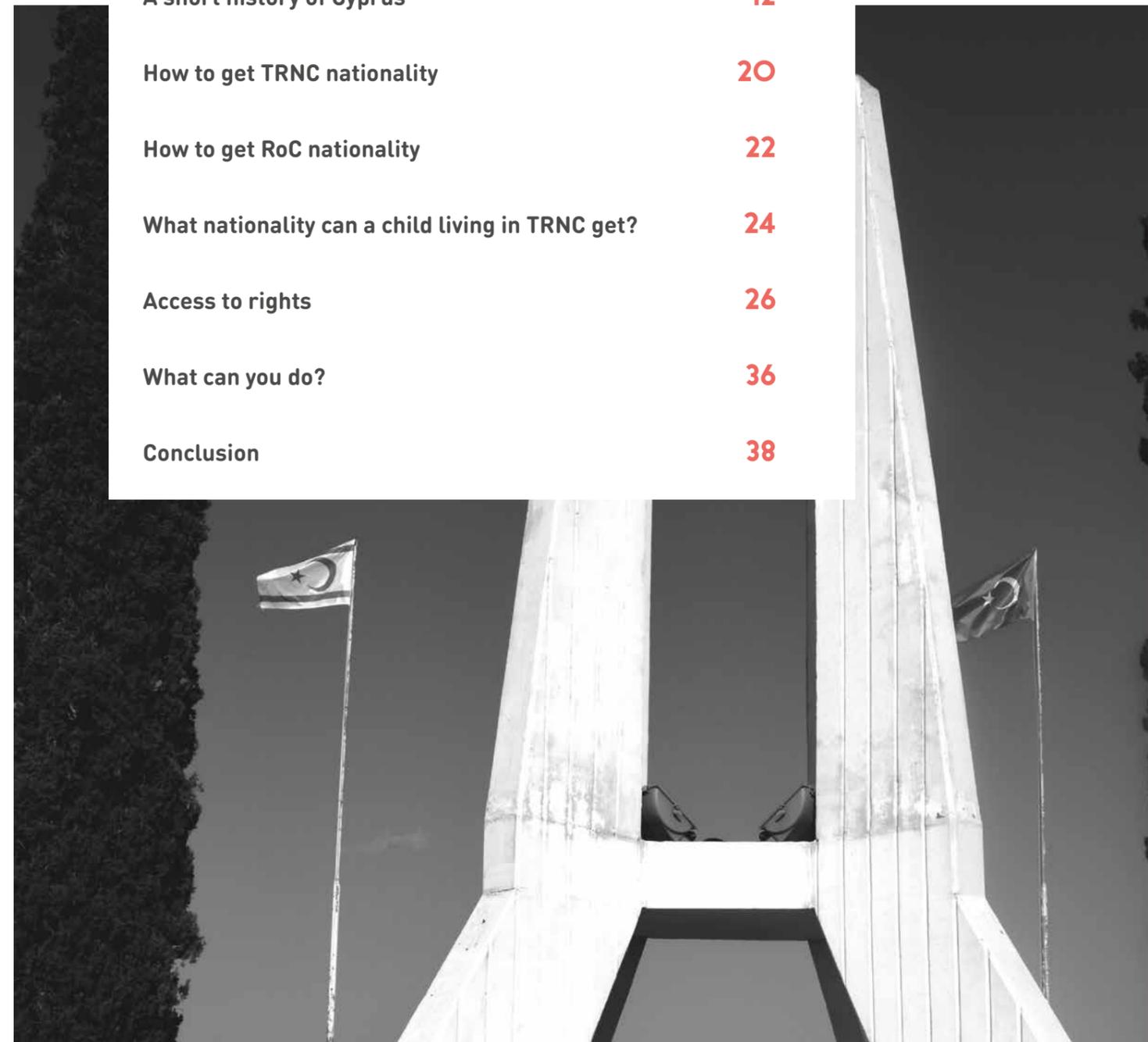
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 Research On Childrens Rights

Ambra E. Borne | Celine Bruchi | Raphaela Nys | Florentina Pircher | Nikki Trip

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DEFINITIONS

In the report, we will use the following terminology:

'CYPRUS'

Refers to the total island of Cyprus.

'REPUBLIC OF CYPRUS/ROC'

Refers to the internationally recognized state, and member of the European Union, that controls the south side of Cyprus.

South Cyprus refers to the territory governed by the RoC.

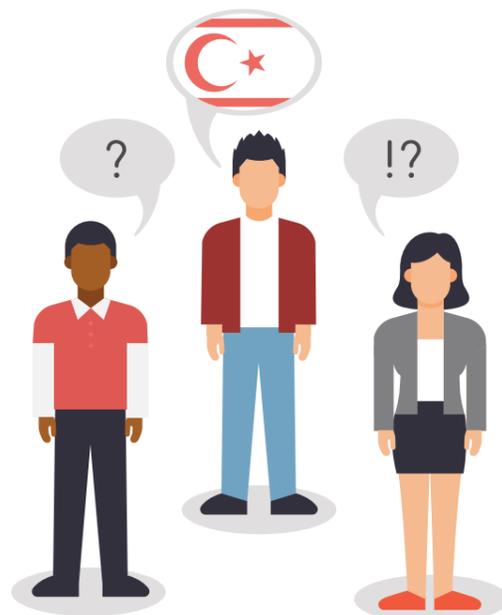
'TURKISH REPUBLIC OF NORTHERN CYPRUS/TRNC'

Refers to the internationally unrecognized state that controls the north side of Cyprus and claims independent statehood.

North Cyprus refers to the territory governed by the TRNC.

Refers to Turkish Republic or Turkey

'TR'



INTRODUCTION

Over the last year we, a research team from Maastricht University, have been working to try and understand the meaning of the child's right to nationality in the Turkish Republic of Northern Cyprus (TRNC). We wanted to know whether children in TRNC have a right to nationality, and if so, to which nationality, how they could acquire it, who protects this right and what the consequences are. To find answers to these questions, we studied many legal and other sources and spent in total 9 weeks in the TRNC, divided over three periods, during which we collected 185 interviews and observations.

In this report we would like to present the research findings that we think are relevant, in the first place for people living in the TRNC, and in particular young people. We hope that this research will be of use to you.

Please note that in addition to this report, we have also published an online quiz (<http://wp.me/p6hsbH-qU>), a report to the UN Human Rights Council for the Universal Periodic Review of the Republic of Cyprus (http://www.institutesi.org/UPR32_Cyprus.pdf).

Lastly, we would very much like to thank the many people in Cyprus, both on the north and on the south side, who helped us tremendously with our research. Without these many volunteers, this research would not have been possible.

HOW THE RESEARCH WAS CONDUCTED

To understand the meaning of the child's right to nationality in the TRNC, we cross-checked information from four different main sources (see below). Statements are included only if they were made by at least three different participants, and confirmed by at least two different main sources, unless indicated otherwise. For readability, we chose not to indicate all these sources in footnotes, except for in the history section. A complete overview of all interviews and observations can be found on the Research on Children's Rights website.

The following four main sources provided our information for this report:

1 FORMAL INTERVIEWS

We carried out 87 formal interviews, asking respondents what they thought was the meaning of the child's right to nationality in the TRNC. Of these respondents, 52% were male, and 48% were female. Interviews usually took around 45 minutes, although some were quite a bit longer or shorter. The methodology used for these conversations was the Socratic dialogue.¹ People were interviewed in eight different places in TRNC and in one place on the south side. Interviews were conducted with:

	In TRNC	In RoC/other
Children	22	
Parents / family members	31	
Young adults (between age 18 and 28)	10	1 (in NL)
politicians/government employees/lawyers/religious leaders	13	1
Teachers	10	
NGO employees	4	2
Other	2	

Table 1: Overview of participants of formal interviews

2 INFORMAL DISCUSSIONS

We also engaged in, and recorded, 79 informal discussions about the child's right to nationality in the TRNC. These conversations were more spontaneous discussions about the subject of the research, where the researcher for example tested certain theories or discussed specific subjects. This includes when we travelled back for example to a family we had met before, to see how their situation had developed. 72% of these respondents were male, 28% were female. These discussions were held with:

	In TRNC	In RoC/other
Children	5	
Parents / family members	18	
Young adults (between age 18 and 28)	10	
Politicians/government employees/lawyers	17	5
Teachers	6	
NGO employees	3	1 (RoC), 2 (Buffer Zone)
Other	11	

Table 2: Overview of participants of informal interviews

3 OBSERVATIONS

During our time in Cyprus, we recorded several observations related to the research subject, such as encounters with the police and visits to the Ministries of Interior both in TRNC and RoC.

4 LITERATURE RESEARCH

We studied all kinds of books, articles, reports and legal documents relevant to the research subject.

¹ Lipman, M., Sharp, A. & Oscanyan, F. (1980). *Philosophy in the classroom*. Philadelphia: Temple University Press; Matthews, G.B. (1999). Socratic Perplexity and the Nature of Philosophy. Oxford: Oxford University Press; Areeda, P.E. (1996) "The Socratic Method", Harvard Law Review 109(5): 911-922.

WHO LIVES IN CYPRUS?

As regards the population of Cyprus, a distinction will be made between:

1. **TRNC nationals: anyone with a TRNC nationality**
2. **RoC nationals: anyone with a RoC nationality**
3. **TRNC population: all people living in the TRNC (northern part of Cyprus)**
4. **RoC population: all people living in the RoC-controlled area (southern part of Cyprus)**
5. **Immigrants: anyone who comes to Cyprus as a student, tourist, migrant worker, soldier and/or illegal visitor, who does not have TRNC or RoC nationality**
6. **Among immigrants in the TRNC we identify the following sub-categories:**

A. International students on a student visa

B. Tourist-residents: people who live in the TRNC on the legal status of a tourist visa, who have renewed their tourist visa at least once by means of exiting and re-entering the country in the same week and who have an intention to stay and live in the TRNC

C. Legal migrant workers: non-TRNC nationals who come to TRNC to work, on a work permit issued by their future employer

D. Illegal migrant workers: non-TRNC nationals who come to TRNC to work, either without a work permit (in which case they normally would enter on a tourist visa and possibly fall under "tourist-residents"), or who had a work permit yet overstayed this permit by staying and working in the TRNC after the work permit expired

Insofar as we know, the participants to the study living in TRNC had direct, first-hand experience with one or more of the following residency statuses (example: they were, or are, in TRNC on a work permit, had/have TRNC nationality, etc.)

	Formal interviews	Informal discussions	Total
TRNC nationals	53	43	96
RoC nationals	16	10	26
International students on student visa & family	10	9	19
Tourist residents	4	0	4
Legal migrant workers & family	16	5	21
Illegal migrant workers/illegal persons	2	4	6
Unknown	6	13	19

Table 3: Overview of TRNC population interviewed

WHAT WE HAVE LEARNED

You will not be surprised to learn that during our research we encountered several issues. Not all children living in TRNC seem to have a right to nationality. In some cases they have a right according to law, but they may not always get the nationality in practice. In some cases, it seems that there is no law at all.

What we also found is that the distribution of nationality is connected to the unequal treatment of people with different ethnicities. In TRNC law and politics, where you belong in society is decided based on nationality and ethnicity and, consequently, what rights you have. This is not just the case within TRNC society, but also in the relation between the Republic of Cyprus and the TRNC.

Nationality might seem like an objective, legal criteria based upon which certain rights are assigned to certain people - it is normal in basically all countries all over the world to distinguish citizens from non-citizens and to accord residents certain rights according to this distinction, like for example the right to vote.

However, for this system of nationality to serve some justice (defined according to an idea of international human rights), it has to adhere to three conditions:

1. All human beings residing in a (state) territory have to be granted basic human rights, such as the right to education
2. Assigning of nationality has to happen in a fair and equal way, according to fixed legal rules (legal certainty)
3. No one should be left without a nationality

In Cyprus, in both TRNC and RoC, these conditions are not always met. This is because the process of distribution of rights and economic means starts with ethnicity. When someone tries to claim a right, the first question asked by an authority is: where are you from, where are your parents and grandparents from? The second question is: who in power do you know? The third question is: what nationality do you have?

And only the fourth question is: based on the answer to questions 1 until 3,

WHAT RIGHTS SHALL WE GIVE YOU?



EXEMPLARY CASES

CASE 1

Can is a Turkish migrant worker came with his wife to the TRNC from Turkey in 2007. Before arrival he received a work permit, which he has renewed every year since his arrival. After 10 years, he thinks that he has the right to apply for citizenship. His 17 year old daughter will receive TRNC nationality if he gets it. So Can pays for and collects all necessary paperwork (health report, police report, etc.).

However, after he hands all this in at the Ministry of Interior, when he comes back two months later to check on his application, they say that they lost his forms. According to Can, this happens because he has no torpil.² His daughter will turn 18 soon and then will have to leave the TRNC, unless she finds a way to obtain a student visa or a work permit.

CASE 2

Aya, a 17 year old girl, wants to study in the UK after high school. Her mother is a Cypriot, born in Cyprus before 1974. Her father is a Turkish man. Her parents met in 1977 in a Turkish university. They then moved to TRNC and got married there. According to the Republic of Cyprus law, anyone with one RoC parent has a right to RoC nationality. Aya wants to apply for a RoC citizenship so that with an EU citizenship she can study in the UK and she will only have to pay the EU citizenship tuition fees. So Aya travels to the RoC and hands in all necessary documentation at the Ministry of Interior. However, because she has a Turkish father, when she comes back two months later to check on her application, they say the application is still pending - which is what they will keep telling her every time she goes back, until she gives up.



CASE 3

Onur, the father of Ali (age 8), is a migrant worker from Turkey. Four years ago Onur came to the TRNC with his wife and two children, because he could not find a job in Turkey. The family entered on a 3 month tourist visa. In TRNC, Onur got a job as a construction worker. He works long days and earns little money, while his wife stays home with the children. Ali does

not go to school, because his parents cannot afford school fees. He sometimes goes out to sell roses. Every three months, the family has to travel to Turkey and back to TRNC to renew their tourist visa. They do not really have any future plans, the focus of the family is mostly on finding food and rent for the next month.



The entrance to the TRNC, coming from the Buffer Zone.

Interview 204, a young Turkish Cypriot man.

Welcome to TRNC! There is no structure. It's all random. It's a random country of randomness.

Interview 203, a young Turkish Cypriot woman.

This is very much Cyprus life: there are no rules, or: different rules for different people. Which pretty much means no rules, because the rules are arbitrary

Interview 46, with Ali (age 8).

Q: Who decides if you sell flowers?

A: I love selling

Q: So it's your choice?

A: Yes [...] I came here and saw that everyone was selling so I wanted to do it as well [...]

Q: And when you sell flowers, what do you do with the money?

A: I am saving it in a little pot

Q: What are you saving it for?

A: To pay our debt

Q: What debt?

A: Before we were buying something from grocery store, so we were buying it but not paying it [...]

Q: And you say everyone is selling flowers, what do you mean everyone?

A: My friends, everyone is selling

Q: And are they not going to school?

A: The half is going to school and selling flowers, the other half is just selling flowers.

² For an explanation of *torpil*, see section How to get TRNC nationality.

A SHORT HISTORY OF CYPRUS

It is almost impossible to provide a complete and politically neutral representation of the history of Cyprus, but an attempt at a summary of historical moments that were key to the current situation of the TRNC child's right to nationality, is provided below. Although most of you will be familiar with an account of the history of Cyprus, we thought it important to present a neutral version, because we found that the history of Cyprus on both sides of the island is quite a different story.

Interview 58. A 12 year old girl, who lives in a village in TRNC.

A: I'm really afraid of them [Greek Cypriots]. I would not not want to be a Greek Cypriot because there was a war in Cyprus and many people died.

Q: And what are you afraid of?

A: I'm very terrified of Greek Cypriots but I would like to go [to South Cyprus]. They have more regions and are bigger than us.

Q: So if I was a Greek Cypriot would you be scared of me?

A: I have no reason to be scared of you because I see you are a good person. I am not afraid of good people.

I am more afraid of the families who did bad things.

Q: And who told you about that?

A: We had a school trip to a region that is called the Blue House and there is a day that is called the Bloody Christmas. We saw the pictures of Greek Cypriot terrorists. They killed a lot of people. There was a terrorist group that was killing a lot of people and hiding them: old people, babies, young people, everybody. And they would go into houses and kill them in a barbaric way. So people started running away towards Nicosia and they were helped by the [Turkish] soldiers. And the ones who stayed they were trying to get out of their houses and tried to hide. But the Greek Cypriots found them and even if they begged them or grabbed their feet to beg them not to be killed they killed them. [...] It was scary that the Greek Cypriots took over most of the country. We made an agreement but they gave us only a small part of the island. As you can see from the map most of the region belongs to them in Cyprus and they have barbed wire outside the explosion sites. [...] It would be nice if Greek Cypriots would want to make peace with us but the majority of them don't. There is a huge difference between us. But I don't think that they are really better than us. We were trying to make peace with them but they killed our loved ones. [...]

Q: Did you hear that Greek Cypriots were killed by the Turks?

A: Yes, but our side killed less.

EMPIRES

By the 1800s, the island of Cyprus had hosted three different empires: the Greek, the Venetian, and the Ottoman. Each of these contributed in the formation of Cypriot culture and influenced its population by placing the origins of the Greek Cypriot and Turkish Cypriot communities.³ It was in 1878, when British rule took over the island, that the emergence of disputes between these communities began.⁴ It is during this

time that modern day calls for enosis⁵ and taksim⁶ were first heard. These calls eventually descended into violence, riots, and terrorism by the 1950s, and created severe tension between the Greek Cypriots and Turkish Cypriots. In 1959, the British withdrew control of Cyprus in order for the Cypriots to set up an independent state.⁷



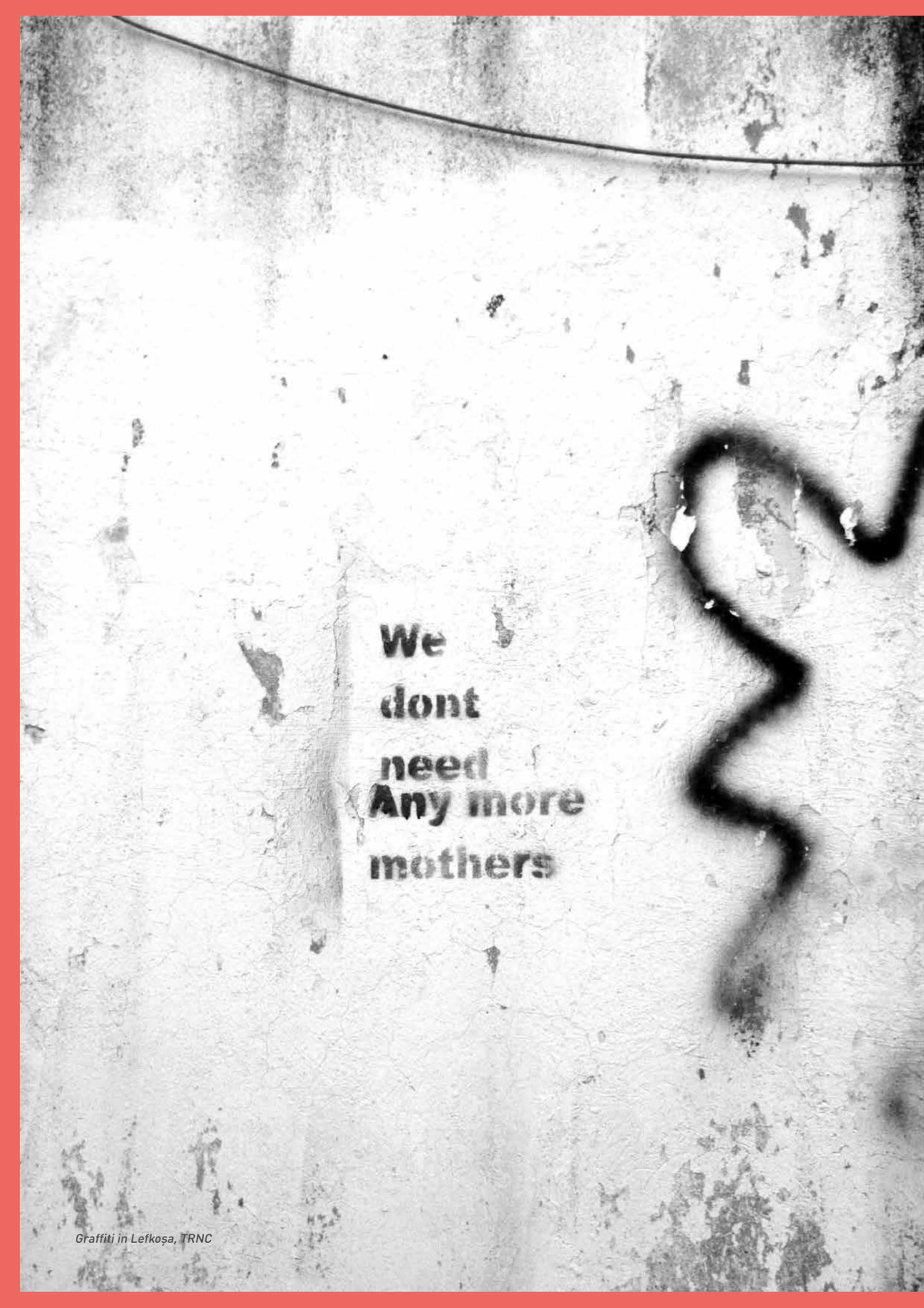
³ Yilmaz, M. (2005) "Cyprus Conflict and Question of Identity", Review of International Law and Politics 1 (4): p.76.

⁴ Yilmaz, M. (2005): p.78-79.

⁵ Enosis: the union of Cyprus with Greece, the motherland. Solsten, E. (1991). Cyprus: a Country Study (Federal Research Division). US Government Printing Services, p. xxi.

⁶ Taksim: the partition of Cyprus and the union of such parts with the respective motherlands (Turkey and Greece). Solsten, E. (1991).

⁷ Palmer, S. (1986) "The Turkish Republic of Northern Cyprus: Should the United States Recognise it as an Independent State", Boston University International Law Journal 4: p. 431.



**We
dont
need
Any more
mothers**

Graffiti in Lefkoşa, TRNC

THE REPUBLIC OF CYPRUS

In 1959, the three "guarantor states" (Turkey, Greece and Great Britain) met with representatives of the Greek Cypriot and Turkish Cypriot community, to discuss the issue. They agreed to create an independent Cyprus, a new country, which the guarantor powers agreed to protect. This was how the Republic of Cyprus was born. In these agreements, called the London-Zurich agreements, it was also decided that it was forbidden for any of these powers to take control of the island, and that there should be a Cypriot governmental system aimed at ensuring peace and collaboration between the Turkish Cypriots and Greek Cypriots.⁸ However, neither Turkish Cypriots nor Greek Cypriots were satisfied with the outcome, which added to growing tension in Cyprus.⁹

Three years later, the Republic of Cyprus collapsed when the Greek Cypriot President proposed to change the constitution by including more proportional representation measures in government. This proposal was perceived to be reducing the Turkish Cypriot's influence in government. As such, the situation quickly descended into an international crisis.¹⁰ By December 1963, one month after the proposal was presented, political cooperation between the two communities came to an end, and all Turkish Cypriot government employees, including the Vice President, were no longer present in government.¹¹

1974 CRISIS

Tension and violence continued to mount between the communities, which caused for a United Nations peace keeping force to be established, the UNFICYP, in 1964.¹² Although it provided temporary relief, the next decade was known as the 'Turkish suffering' among Turkish Cypriots due to the difficult living conditions they found themselves in. During this time, the Provisional Cyprus Turkish Administration was created, which founded the roots of the TRNC.¹³

In July 1974, the Republic of Cyprus faced a coup d'état by pro-enosis supporters which led to another international crisis. Concerned about a possible enosis, the Turkish military seized a third of the island, claiming to be acting in the interest of the Turkish Cypriots.¹⁴ Following more violence, a cease-fire and a dividing line indicating the partition of the island was agreed upon in August 1974. The following year, it was agreed that each 'side' were to exchange remaining populations; Turkish Cypriots were to go to the north, to the newly founded Turkish Federate State of Cyprus, and Greek Cypriots to the south, which remained the Republic of Cyprus.¹⁵

⁸ Palmer, S. (1986): p. 430.

⁹ Evriviades M. (1975) "The Legal Dimension of the Cyprus Conflict", Texas International Law Journal 10: 241-242.

¹⁰ Nejatigil, Z. M. (1990) "The Legal System of the Turkish Republic of Northern Cyprus". In: Redden, K. R (ed) *Modern Legal Systems Cyclopedia*. Chicago: Volume 5A. Buffalo: William's Hein & Co, p. 5A.60.6.

¹¹ Nejatigil, Z. M. (1990): p. 5A.60. 6.

¹² United Nations Security Council (1964) Resolution 186 S/RES/186.

¹³ Nejatigil, Z. M. (1990), p. 5A. 60. 7.

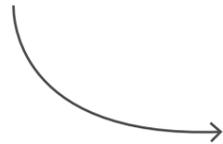
¹⁴ Yilmaz, M. (2005): p. 84 and Palmer, S. (1986): p. 437.

¹⁵ United Nations Security Council Document S/11789.

TURKISH REPUBLIC OF NORTHERN CYPRUS

The TRNC declared itself as an independent state in 1983, however, internationally, it was not recognised, except by Turkey. It was and declared as “legally invalid” by the UN Security Council¹⁶ shortly after and placed under a heavy international embargo. To this day, the Republic of Cyprus remains the only internationally recognised government in Cyprus.

Within the TRNC, the demographics of the population in the north experienced significant changes since Turkey’s intervention in 1974. This is mainly due to the influx of Turkish citizens and others immigrating to the TRNC. These immigrants are often categorised in three different groups:



1. First wave in 1974 and 1975: mostly agricultural families, from poor regions in Turkey, immigrated to northern Cyprus with the help of the Turkish government. These families were given identification papers which would eventually entail them to have the TRNC nationality. This group is commonly known as the ‘settlers’.¹⁷

2. Second wave in the 1980s: mostly semi-skilled persons emigrating from Turkey in search of jobs. This allowed for a growing industry and economy in the TRNC. These persons were not given the TRNC nationality directly.¹⁸

3. Third wave in 1990s and 2000s: with a growing construction sector and increase in universities, this wave included different persons in various forms of work and nationalities, varying from businessmen, university lecturers, students to construction workers. This group was also not given the TRNC nationality directly.¹⁹

Due to the increasing population of foreigners in the TRNC, laws were amended for the naturalisation process for the TRNC nationality in 2006, including the work permit process.²⁰

¹⁶ United Nations Security Council (1983) Resolution 541 S/RES/451.

¹⁷ Interviews 3, 14, 16, 23, 24, 28, 2951, 59, 71, 75, 134, 135; Hatay, M. (2017) *Population and Politics in North Cyprus: An overview of the ethno-democracy of north Cyprus in the light of the 2011 census*. Available at: http://www.academia.edu/36209297/2017_Population_and_politics_in_north_Cyprus_1_.pdf. p. 17.

¹⁸ Hatay, M. (2017): p. 17 and interviews 24, 71, 75, 134.

¹⁹ Hatay, M. (2017): p. 17 and interviews 2, 46, 61, 71, 122, 124, 129, 135, 137.

²⁰ Law on Work Permits for Foreigners No 63/2006 and interviews 13, 15, 75, 101.



Lefkosa, TRNC



PEACE TALKS AND REUNIFICATION ATTEMPTS

Since the 1980s, the RoC and the TRNC authorities have been holding peace talks, although they have yet to reach a solution. Several projects and attempts towards reunification and cooperation have taken place. Examples of these are a joint sewage system for the whole island in 1980, which was considered to be unsuccessful,²¹ and the Annan Plan in 2004. This plan invited people from both communities to vote on a two-state federal republic, and thus reunification of the island. The plan was eventually accepted by the majority of Turkish Cypriots, but rejected by the majority of Greek Cypriots.²² The most memorable, and successful agreement reached to date has been the opening of the borders between the two states in 2003.²³

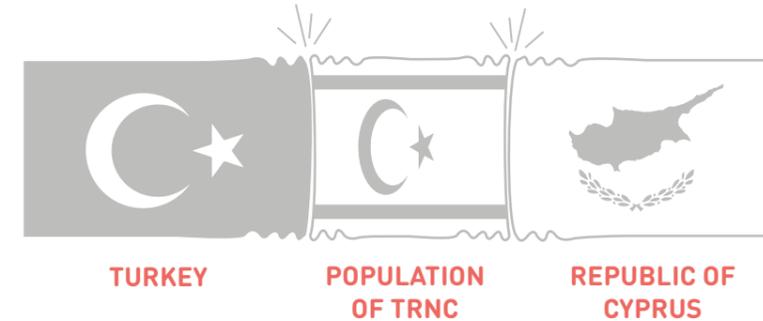
CYPRUS TODAY

It is evident from Cyprus' history that the events which occurred decades ago still have relevant and daily consequences to many people currently living in the TRNC. For example, when in 2004 the RoC became a member state to the EU,²⁴ children who are unable to get their RoC nationality, now can also not access their EU rights. On the south side, Greek Cypriots mourn for the people who died or disappeared during the 1974 conflict – some of which who have still not been found.²⁵ On the north side, people seem mostly bothered by their current position. The TRNC population finds itself quite stuck; they live in an internationally unrecognized state, the country is hindered in its development through economic embargo, children lack internationally recognized nationalities. Although the TRNC has its own government, people – including government employees – feel dominated by Turkey, who support about 1/3 of the national budget. At the same time, they are not allowed to belong to the Republic of Cyprus and to Europe. In this sense, the TRNC and its population are “deleted off the map” by the international community.²⁶

Interview 119. A parent, with only TRNC nationality, explains how it feels to be in the TRNC:

“We [TRNC population] are not going anywhere. It feels like we are stuck in a car accident, stuck in the middle between Turkey and the Republic of Cyprus”

A diagram was drawn to explain:



People these days seem to have lost hope that the conflict will be resolved any time soon. The latest peace talk negotiations failed to reach a compromise in July 2017 which has left many pessimistic and discouraged at any future plans of peace or unification.²⁷ These examples show the continued effects of the island's history on the population of today and, in turn, on their right to nationality.

Interview 20. A young adult living in the TRNC reflects the history of the island:

“They [the RoC] see this land as invaded, illegal, whatever, against international law. Partly true, but it's not always people's choice, you see. I mean people... I was born in 1991... the shit happened in 1974, so am I guilty for doing that? I mean, I was not even a fetus at that time. We have a Turkish saying: I was not even a vitamin C in an orange.”

²¹ Yilmaz, M. (2005): p. 89.

²² Dogan, N. (2013) “Ramifications of the ICJ Kosovo Advisory Opinion for the TRNC” Ankara Bar Review 1: p. 67.

²³ European Union Council Regulation 866/2004 ('Green Line Regulation')

²⁴ European Union (2018) “Cyprus”. Available at: https://europa.eu/european-union/about-eu/countries/member-countries/cyprus_en, accessed 26 August 2018.

²⁵ United Nations General Assembly Resolution 3450 (1975).

²⁶ Interviews 4, 6, 14, 16, 19, 20, 22, 23, 24, 29, 30, 32, 34, 44, 50, 62, 66, 69, 71, 74, 88, 149, 164, 180, 199.

²⁷ Interviews 4, 16, 19, 20, 33, 34, 91, 149, 71.

HOW TO GET TRNC NATIONALITY

A child can get the TRNC nationality through two main methods: by birth and by naturalisation.

BY BIRTH

According to TRNC law, a child born to at least one TRNC parent automatically gets TRNC nationality, regardless of where they are born. In practice, this state law is mostly followed and the majority of the community is aware of this law.

BY NATURALISATION

BY MARRIAGE

If a person marries a TRNC citizen, then this person can apply for TRNC nationality after one year. If this couple then have a child, this child can get TRNC nationality through his/her parents automatically, as explained above. However, if the partner had a child from a previous relationship before the marriage to the TRNC citizen, this can be complicated. According to the law, the child should receive the TRNC nationality too, however, in practice, this does not always happen. It is also problematic if the child is above 18 years old since they are now considered an adult and will have to make their own separate application.

BY INVESTMENT OR PUBLICITY

A person can get TRNC nationality by investing in one of the following areas:

- Industry,
- Trade,
- Tourism,
- Economic field, or
- Social field.

It is not specified how much is required to be invested. If not, a person may also be awarded nationality if they positively promote the TRNC internationally in either politics, science or culture. In any case, the spouses and children of these persons are also given the TRNC nationality.

BY WORK OR RESIDENCY (WORK/RESIDENCY PERMIT)

THE LAW

According to the TRNC law, anyone living in the country for 5 years can apply for TRNC nationality. If they get the nationality, their underage children (children below the age of 18) will also receive it. Once someone applied for the TRNC nationality, it is the Council of Ministers who decides whether they can get it or not. According to the law, a person may obtain TRNC nationality if they fulfil the following criteria:

- They are 18 years old or older
- They have lived/worked in the TRNC for 5 years, with no interruptions of more than 40 days a year
- They intend to stay and live in the TRNC
- They have a clean criminal record
- They are healthy (no infectious diseases)
- They have a reliable income that they and their family can rely on

IN PRACTICE

Despite these criteria, this law is not applied consistently in practice. Foreigners who go to the immigration office to apply are told different answers when it comes to how much time they need to have worked. These answers usually vary between 10 and 15 years, or sometimes the employees don't know. The work permit process has been mandatory for foreign workers since 2006, but the law is not applied consistently. There are cases where people are still waiting to get TRNC nationality after residing legally in the TRNC for 20 years. This situation causes a lot of confusion and uncertainty for people, as well for their families.

TORPIL

In this section it is important to mention torpil (a political connection). Getting TRNC nationality through the residency or work permit process is often dependent on whether a person has torpil or not; it has become almost essential to the process. Respondents who do not have torpil continue to wait a long time for their nationality, even if they fulfil all the criteria in the law. However, it must be said that even with torpil, a person might not get nationality. With torpil, it could take one night, or it could take years. Therefore, although it helps, it is not a guarantee.

OTHER INSTANCES

Provisions in TRNC law state for certain instances where a person can be given TRNC nationality, such as when the Council of Ministers think it is necessary or if a person was living in North Cyprus on the 15th of November 1983 and already had Turkish Federate State of Cyprus citizenship.

In December 2017, we interviewed a Turkish girl who was born and raised in TRNC. She was now 20 years old and still did not have TRNC nationality. Her parents were legal migrant workers. At the time, she had torpil and was promised she would get TRNC nationality after the elections (interview 52). In March 2018, we spoke to her again (interview 134):

Q: *Can you tell me a bit about the situation, how it played out?*

A: *At first we couldn't get an answer from him [our torpil], the government wasn't set up yet. But now it is and he hasn't kept his promise [...] everything is done, they just need to issue the ID, all the files are complete, we have nothing else to do.*

Q: *So why haven't you go it?*

A: *Voting.*

Q: *Voting?*

A: *The new government is afraid of supporting another party, a party for Turkish settlers. If they gave it to us they could be giving votes to [this] party.*

Q: *If you supported the current government, would it make a difference?*

A: *Yes, we would get the nationality. But whoever gives us an ID I will support them.*

Q: *How does this whole situation make you feel?*

A: *Very bad, you have expectations to get it, it feels really bad. The file is ready but we didn't make it in time.*

Interview 100: an 18 year old boy, the child of a TRNC father and a Turkish mother. His parents divorced when he was 9, and he moved with his father to TRNC. He has not been able to get the TRNC nationality, even though he applied several times.

Two years ago, I went to the (TRNC) Ministry of Interior and said that I wanted to apply for citizenship. They want my documents, and I gave them my documents and they check my documents to see if I have right to nationality or not. [...] Then they told me I have right to be a citizen and that I can apply for citizenship. For this application they gave me a date so that I can complete my application. Normally they don't give this date, rendez-vous, to a person who doesn't have a right to citizenship. [...] I went on the date of the rendez-vous and gave my documents again in the ministry. And then they started to do the transaction, and then they have a chef. She checked his documents and after that investigation, she said you cannot be citizen because your mother is not a citizen and they sent me away.

HOW TO GET ROC NATIONALITY

This section will look into how a child in the TRNC can obtain the RoC nationality. As such, no naturalisation methods will be explained, but only how nationality can be obtained as a birthright.

ROC NATIONALITY BY BIRTH

According to RoC law, a child born to at least one RoC parent, whether born in Cyprus or abroad, can get the nationality. In practice this means that a child born to a person of Cypriot origin is entitled to claim the RoC nationality.

As indicated in the law, a person of Cypriot origin is someone who was born in Cyprus and awarded the RoC nationality after August 16th 1960, the creation of the RoC. Any person that is descended from this person is also considered to be a person of Cypriot origin. These people are commonly known as 'original Cypriots'.

EXCEPTION

However, according to RoC law, this rule does not apply in cases where one of the child's parents has entered and/or stays in Cyprus illegally.

SO WHAT DOES HAVING ENTERED OR STAYED IN CYPRUS ILLEGALLY MEAN?

THE LAW

According to RoC law, anyone who does not have RoC nationality that has entered the island via the TRNC and lives there, has entered and is living in Cyprus illegally. Therefore, a child born to a RoC parent and a parent who has immigrated to the TRNC, will have trouble obtaining the RoC nationality due to their 'illegal' parent.

IN PRACTICE

In practice, this law is applied in a discriminatory manner towards certain groups, especially children of mixed marriages (RoC and TR). Generally, when a child born to a RoC parent and a TR parent applies for RoC nationality they will not be able to obtain it at all. They will be placed on the waiting list for an indefinite amount of time, be told to return at a later date, face unhelpful employees at the ministry of interior, have their application 'lost', and/or told that their application is pending because their parents married in the TRNC. To sum up, it seems that this 'illegal parent' exception is used to prevent a child of a TR parent from getting the RoC nationality.

To illustrate, in the following cases parents were unable to obtain RoC nationality for their children:

- A child of two RoC parents, who was born in Turkey (the parents were living and studying in Turkey at the time)
- A child of a RoC mother and a TR father, who married in Turkey and gave birth in the Republic of Cyprus
- A child of a Greek Cypriot RoC mother and a TR father, who gave birth in the Republic of Cyprus; the father has a residency permit in the Republic of Cyprus and the family lives in the Republic of Cyprus.

Interview 20: a young adult who is the child of a TR father and a Turkish Cypriot mother applied for the RoC nationality at age 13. He is now 26 and he is still waiting for his application to be processed.

When they [employees at the Ministry] see my Turkish Cypriot ID, this one, they immediately change their face. Their looks become different. Because if you look at us [Turkish Cypriots and Greek Cypriots], we're not different, the faces. You cannot see any difference. But the thing is, when they understand where I'm from, or I ask the question that they hate to answer [has my nationality application been processed yet?], they just look at me with a different eye. [...] It's just, "Nah it's not ready yet."

PROCEDURE/PROCESS

BIRTH CERTIFICATE

If you want to apply for RoC nationality, you first need a birth certificate from a recognised country. This is usually not a problem for children born outside of the TRNC. Children born in the TRNC, however, will have to obtain a RoC birth certificate, in addition to their TRNC birth certificate since the TRNC one will not be recognised by the RoC. This can be done by the parents if they travel to the south side of the island, with the TRNC birth certificate, and request a RoC birth certificate. If this is done within 15 days of the birth, it will cost 5 euros. If it is done 3 months after the birth, a fee of 150 euros will need to be paid.

APPLICATION FOR ROC NATIONALITY

When applying for the RoC nationality, the following documents must be presented:

- Birth certificate,
- Marriage certificate of the parents,
- Photocopy of the parent's passports,
- Declaration of the foreign parent, signed before an officer of the District Administration, Office, consenting to the granting of the RoC nationality to the child,
- Receipt of the paid 80 euro fee,
- Two photographs, and
- A stamp of 8.54 euros placed on the application.

OTHER METHODS

While researching the RoC nationality, we were also told about some other ways in which some respondents obtained the nationality:

1. Using 'connections' (torpil), generally, these cases are not successful.
2. If it is a case of a mixed marriage where the mother is RoC and the father is TR, the mother can declare to the RoC authorities that she is a single mother and that the father is unknown.
3. Engaging in a court case. People who have done this have to proceed for about 9 years before receiving a phone call from the RoC authorities stating that their application has been successfully processed. Additionally, we encountered one case where someone had the intention to go to the European Court of Human Rights to bring a claim against the RoC. This person also received a similar phone call, and successfully obtained the RoC nationality.

IMPORTANT TO NOTE

Contrary to popular belief, we have not found any evidence that a mixed couple giving birth to a child and/or getting married outside of the TRNC (such as in Turkey) affects the child's application of RoC nationality. RoC nationality is unlikely to be passed on to a child if there is a TR parent, regardless of the birthplace or where the marriage is held.

Interview 53: a Turkish Cypriot, living in the TRNC, on the process of applying for the RoC nationality:

"There was this lady which worked in the office there, who was really racist and wasn't helpful at all. And my mom actually knows Greek because of her mom, because you know, before the war Greeks and Turkish Cypriots used to live together. So they knew languages. And this employee said something like "Oh these stupid Turks".

ACCESS TO RIGHTS

In international law, it is common to think that all people (including children) have fundamental, inalienable human rights. The idea is that children have these rights, no matter where they are born, who their parents are, what their skin color or nationality is. However, in practice not everyone gets these rights. In the TRNC we also found that certain groups of children do not get certain rights.

These are the rights that the participants to this study told us were missing for children living in the TRNC:

INTERNATIONAL RIGHTS

On the international level, what is missing most for children is that due to the non-recognition of the TRNC, no matter how hard they try to become very good in sports, arts or other disciplines, they will never have the right to compete in international tournaments. Another issue is that they can only travel to the UK and Turkey with their TRNC passports, and they have trouble obtaining international insurance. Although most children are not aware of this last issue, this may become a problem when they grow up.

Interview 69, a politician in TRNC:

"I live in a society which is not recognized by international organizations or anything. And that's pretty bad because we have lots of young people especially which have lots of potential, of what they like to do, and they cannot express themselves freely. They know that they have a limit on what they want to achieve."

Another issue is that some children living in TRNC do not have the right to take part in peace building activities. This is because UN agencies are in Cyprus on invitation of the Republic of Cyprus, and so they have to cooperate with the RoC government.

Interview 29, an NGO employee:

"UNDP did a competition among kids, painting. Here of course the state says we don't distinguish, they are all school kids. So, they had this competition and some kids applied. One of them was elected as the best painter for peace. And they realized that both parents were from Turkey and they cancelled it. They cancelled it before it was announced and they gave it to the third kid because the first two were Turkish settlers. This was back in 2008. But now they make sure that when you apply for this kind of competition you are from the Republic of Cyprus."



EU RIGHTS

Many people in TRNC think that children who do not have RoC nationality cannot apply for EU scholarships to study abroad. But in fact, all young people who 1) are born in Cyprus, or have a parent who was born in Cyprus, 2) have TRNC nationality and 3) currently live in TRNC can apply for EU scholarships. See: www.abburs.eu/en/. Schools in the TRNC are also often supported by the EU, financially or through teacher education.

CHILDREN'S RIGHTS IN CYPRUS

In Cyprus, what right a child can claim very much depends on nationality and ethnicity (where their parents are from):

A. RIGHT TO CROSS THE BORDER/CHECKPOINTS BETWEEN NORTH AND SOUTH CYPRUS

Every child who has at least one of the following:

- a European identity document or visa
- an identity document from certain allowed countries
- one "original Cypriot" parent (who had Cypriot nationality before 1974)

is allowed to cross to the south side. All other children will be stopped by the RoC police. This includes children who were born and raised in the TRNC, children who have TRNC nationality, children of international students on a TRNC student visa and all tourists from other countries than mentioned above.





Interview 108, a teacher at a public school

"We have Greek friends [...] Sometimes we organise chess meetings here, in Nicosia it is no problem. They come. But when it is there, we have problem of the kids who are from Turkey, who have Turkish passports [...] If we organise for this school to go to south side, there will be not more than 10 students that can go! We have this joke every time!"

B. RIGHT TO EQUAL TREATMENT AND EQUAL OPPORTUNITIES

Generally, within the TRNC, children whose parents are TRNC nationals enjoy better opportunities and get treated better than children from non-TRNC nationals. This happens for two reasons. First, because North Cyprus is relatively small, everyone knows everyone. There is a strong culture of favoritism; you get things done because you know people (as the Cypriots say: "I see you, you see me"). Because government jobs are only available for TRNC nationals, this is an advantage for TRNC nationals, who are therefore much more likely to know people in power. A child whose family has good connections will receive more opportunities, such as a privilege when confronted with the police, help when searching for a job, access to better schools, etc.

Second, TRNC nationals are generally richer and live in more favourable socio-economic circumstances than non-TRNC nationals, which allows them to afford better treatment and create better opportunities for their children. This is for several reasons: first, TRNC nationals are allowed the better paid jobs, such as government jobs. Unlike non-TRNC nationals, TRNC nationals are allowed to have their own companies

and they can get bank loans. They often do not have to pay rent or mortgage because they own their houses (some of which are Greek Cypriot houses given to them by the TRNC government) and they do not have to pay a yearly sum to renew their work permit, student visa and/or residency permit. If they have financial trouble, TRNC nationals can get financial support from the TRNC social services, non-TRNC nationals cannot. TRNC parents get pensions whereas non-TRNC do not. All this puts TRNC parents in a much better financial position than non-TRNC parents, even though both TRNC and non-TRNC pay taxes. Because of their better financial position, they are able to afford much better quality education and healthcare for their children (who often go to better quality private schools and hospitals).

Later in life, TRNC children are greatly advantaged compared to non-TRNC in accessing college education through scholarships, lower subscription fees and even different exams for TRNC nationals.

Interview 13. A father, migrant worker who was working in TRNC for 18 years, of which 14 years on a work permit (before 2005 work permits were not mandatory). He acquired the TRNC nationality, after two unsuccessful applications, 6 months before the interview. His two children and wife are still in the process for receiving TRNC nationality.

A: [...] because we are from outside, like we are working people and my wife is not working, therefore I am working only myself and I cannot give this opportunity [to go to a private school] to my children.

Q: Okay. These opportunities, what are they? That are related to nationality?

A: Everything is interconnected because for example house rents are increasing these days. I started with the rents that are high now, most of my salary is going to his rent, therefore I can't really spend on the education of my children. But most of the TRNC citizens are owning a house therefore they can spend on education more. [...] If it was our own house, that money could stay apart so therefore we could send our children to better schools, private schools.

TRNC nationals

non-TRNC nationals

Access to better paid jobs such as government jobs	Not allowed to work for government, often work low-wage jobs
Allowed to have their own companies	Not allowed to have their own companies (unless with special permission)
Allowed to get a bank loan	Not allowed to get a bank loan (unless with special permission)
Mostly own their own houses, often given to them by the TRNC government	Pay rent, not allowed to buy houses
Do not have to pay to renew any documents	Have to pay yearly sum to renew work/residency permit or student visa
Can get financial support from TRNC social services	Cannot get financial support from TRNC social services
Get state pensions	Do not get state pensions
Get scholarships, lower subscription fees and more points on exams in regards to college education	Have more trouble getting scholarships and entering college

Table 4: Institutionalized causes for difference in treatment & opportunities for children of TRNC and non-TRNC nationals

C. RIGHT TO NON-DISCRIMINATION

Many children experience discrimination in Cyprus. There seems to be a hierarchy of power and belonging, and the lower you are, the more you are discriminated against. Of people living in TRNC, Turkish Cypriots are discriminated against by Greek Cypriots, Turkish people are discriminated against by Turkish Cypriots, non-Turkish migrants are discriminated against by Turkish people, and African (black) people are discriminated against by almost everyone. Although of course not everyone discriminates and

many people of all ethnicities are friendly to each other, children experience a lot of discrimination. For example, Turkish Cypriots are favored by teachers and the police, TRNC nationals get better treatment in hospitals, Turkish speaking students get better treatment than non-Turkish speaking. On the bus, people do not want to sit next to black people, and some Turkish people do not let their children play with black children.

Interview 61, a 15 year old boy who got TRNC nationality after his Turkish father went through the naturalisation process (using torpil).

Even if I'm right, because I come from Turkish background, [my opponent] would be able to find a way to escape if I get into a fight with a local Cypriot boy, because maybe his father or one of his relatives is a policeman and they would be able to find a way to get themselves to be the right person. Even if I'm right I wouldn't be able to find a way of proving myself right.

Interview 104, a 16 year old Filipino girl who came to TRNC with parents who are working in TRNC on work permits.

"Here [in TRNC] you experience 'you do not belong here'."

D. RIGHT TO HEALTHCARE

No child living in TRNC, whether they have RoC nationality or not, is entitled to healthcare in RoC. In TRNC, it seems that all children have a right to healthcare, no matter their residency status. However, children whose parents are in TRNC on a tourist visa, student visa or whose work permit has been expired, receive shorter and lower quality healthcare, for which they generally have to pay more.

Interview 103. A 16 year old high school student who has been in TRNC for 2,5 years. His parents are in TRNC on student visas.

Q: Do you know if there is any difference between people that have TRNC and you? Like are you allowed to do certain things that they are not allowed or vice versa?

A: At school it is the same [...] [However,] I got a problem, maybe for two months, I was too ill and I was dying, I thought "I am dying" [...] So I went to the hospital – my friend had the same problem – I went to the hospital and I said "it is my problem". They checked that [...] My friend was better than me, and my situation was so bad, was worse. They just said "no you are ok, you can go", and they did not give me a report to give to school, but they gave it to him. And he slept more than two weeks at the hospital, and I had to go to school every day with that pain, it was...

Q: So when you were at the hospital, do you think that your friend was treated better because he has a TRNC nationality?

A: Yes I think that. Because I am speaking with [the hospital employee] using Turkish language, and he is replying by using English, and his English language was worse than mine.

Q: Why would he answer you in English?

A: I don't know, because he knew that I'm not Cypriot, so I think he thought that I can't speak Turkish.

Q: Has this happened before? That you think that the TRNC nationals get treated better?

A: No before that I though it is same. At school we are like brothers.

Some parents indicate that because they have no insurance (for example because they are staying in TRNC on a tourist visa), they cannot take their children to the hospital. These children are either refused by the hospital or it is very expensive to get treatment, which these parents cannot afford.

E. RIGHT TO EDUCATION

According to the 1983 TRNC constitution, every child has the right to compulsory education until the age of 15, and to free education until the age of 18. Many teachers and school directors seem to actively promote this right. For example, if parents are not able to afford fees for school books or uniforms, teachers sometimes raise this money or pay for this themselves. However, there are some concerns about the right to education for non-TRNC nationals:



Some public schools ask high school fees (around 500 TL) to allow children of parents who are non-TRNC nationals who are not on a work permit, to attend.



Children whose parents are in TRNC on a tourist visa or whose parents do not have legal permission to live in the TRNC need official approval from the ministry of education to be able to attend public school. This adds an extra hurdle to attend schools, especially if families are scared to be sent away.



Children whose parents are in TRNC on a tourist visa regularly miss school because they have to exit and enter the country every 3 months (or sometimes more often).



When schools are full, the children who are last to subscribe get refused. In practice, this means that children who arrive newly in the TRNC (for example with their parent who has a work permit or student visa), they are more likely to be refused access to education.



If non-TRNC children do not attend school, usually the TRNC authorities do not do anything about this, unless they are alerted by someone. Even if they are alerted, they do not seem to do much.



The quality of education for non-TRNC nationals, who often attend public school for financial reasons, is much lower than the quality of TRNC nationals, who often attend private schools. This is shown clearly by the fact that public schools, where school days last from 8h-13h, provide much less education than private schools.



Some non-TRNC children have been excluded from school trips, sports club trips and from activities in the municipality because of their nationality.



OTHER CONCERNS RELATED TO CHILDREN'S RIGHTS IN CYPRUS

- In TRNC, some parents were unable to get a birth certificate for their newborn child because they did not have a passport.
- TRNC has no juvenile justice system and no juvenile prison.
- A few children told us about serious child abuse in the government institutions run by TRNC authorities (not SOS children's village, but the state facilitations).
- Right to protection: it seems that children who come into the country with their parents on a work permit, tourist visa or residency permit, are not properly registered, and are not known to the relevant authorities, They may be registered by the border police but this information may then be unknown by for example the Ministry of Education. These children overstay their permits without any consequence. Therefore, if these children would for example disappear, be seriously abused, not attend school, etc. **it is unlikely that anyone would notice.**

WHAT CAN YOU DO?

Many people in TRNC, children and adults, feel that at times they are being treated unjustly by authorities. They feel that they have certain rights (a right to a RoC or TRNC nationality, a right to education, a right not to be discriminated against), but that these rights are not given to them because of where they come from, or where their parents come from.

If we agree that all children have certain rights, then what can we do to realize these rights?

According to philosophers Butler and Arendt, the process of political change and claiming rights starts with individuals seeking to establish equality. Because it will not be effective if you are alone in claiming your rights, you will have to find what you have in common with other people - what makes you equal to them - so that as a collective "we" you can make your claim.²⁹ If a group of people wants to claim their rights effectively, they will have to "perform" them. They can claim their right by taking it, and then ask for its legitimization by authorities.³⁰

Basically, you would have to take two steps:

1. Establish a group of people who are equal in some sense (say all people living in TRNC), and establish a common rights claim. The more people this group includes, the better.
2. Perform the right that you want to claim.

For example: If people living in TRNC are united, and they all feel that all children living in TRNC have a right to quality education (including children of tourist-residents), per neighborhood parents and children could go to school together and make all children sit down in the classroom. Teachers and school directors of public schools could teach from 8.00 to 16.30, private schools could allow children to attend whose parents cannot afford the fees, etc.

According to Butler, performing this rights claim serves two purposes: first, you begin the exercise of the right that you are claiming, and second, you put the rights claim that you have and the fact that you are not allowed this right in public debate.³¹ In other words: once you do this, people will start talking about your claim. Media will write about it, politicians will have to discuss it.

²⁹ Butler, J. in: Butler, J. & Spivak (2007), G.C. Who Sings the Nation-State?: Language, Politics and Belonging. London: Seagull Books. p. 55-63. See also Arendt, H. (1968) The Origins of Totalitarianism. Orlando: Hartcourt, Inc.: p. 290-302. Arendt says that human beings are not born equal, but they become equal through organization, p. 301.

³⁰ Butler & Spivak (2007): p. 58-69.

³¹ Butler & Spivak (2007): p. 68-69.

WHICH RIGHTS DO PEOPLE IN TRNC WANT TO CLAIM?

During our research these were rights claims mentioned by several participants, in relation to the child's right to nationality in TRNC:

INTERNATIONAL LEVEL

- For TRNC to be able to join international sports and cultural event
- For TRNC to be part of international law (through recognition, or the possibility for TRNC of signing EU and UN conventions)
- Right for all children in TRNC to take part in peacebuilding activities

IN CYPRUS

- To be free from political domination by Turkey
- For people with TRNC nationality, and/or who are born in TRNC, and/or those living in TRNC on a residency permit, work permit or student visa, to be allowed to cross to South Cyprus
- For all children in TRNC to have equal access to free quality education, including children of irregular migrants (who are staying in TRNC without legal documents) and children on a tourist visa. People also mentioned that there should be an obligation for TRNC authorities to check if all children are in school, and to do something if they are not.
- A right for children living in TRNC to get equal treatment and equal opportunity, regardless of their ethnicity or nationality
- To end all forms of discrimination, in particular those based on race, nationality and/or ethnicity
- For authorities to adequately register foreign children who are coming to TRNC, with their parent who has a TRNC tourist visa or work permit or other document. This data should be shared among different ministries, so that care can be taken of the education and other needs of these children.
- For all children to be treated equally by the police and other authorities, regardless of whether they have friends in high places or not
- To help families who have serious financial issues, even if they do not have TRNC nationality
- For all children in TRNC to have equal access to free, quality health care, including all non-TRNC children

More specifically, concrete ideas:

NATIONALITY

- For every parent to be able to pass on their RoC nationality, no matter where the other parent comes from.
- To abolish the use of torpil, to change the law so that nationalities are distributed according to legal rules rather than the decision of the Council of Ministers.
- To arrange the obtaining of TRNC nationality by foreigners according to a fair and equal procedure, according to fair rules that are applied in an equal way, not based on torpil.
- To have a more consistent law on nationality through naturalization - so that the law on how to obtain nationality does not change all the time. It was also noted that there is at the moment a lot of confusion about what the law says, so that it would also be important for authorities to give (true) information about what the law says.
- For employees at the ministry of interior (RoC and TRNC) to give proof of application and a case file number to everyone who comes and applies for nationality, so that applications cannot get "lost" anymore.



CONCLUSION

In Cyprus, there seems to be consistently recurring conflict and discrimination. Many Turkish Cypriots feel like they and their children are in the middle of a clash between Turkey and the Republic of Cyprus. They feel frustrated and desperate at times, because of how they are treated by both Greek Cypriots and by the international community at large. They find themselves in a politically unfavorable position, where they are discriminated against, limited in their opportunities, unjustly treated, all because of where their parents are from. Although most of them had nothing to do with the war, they feel like they are still being punished today for what happened in 1974 - at a time when many were not even born yet.

At the same time, Turkish Cypriots do not realize that within the TRNC, they treat people without TRNC nationality in much the same way. Many non-TRNC nationals feel discriminated against by Turkish Cypriots in general, and by TRNC authorities in particular. Non-TRNC children and parents living in TRNC are in a politically unfavorable position, where they are discriminated against,

limited in their opportunities, unjustly treated, all because of where their parents are from. This includes African students and their families who encounter regular racism, children of illegal migrant workers who are not able to go to school, and migrant workers and their families who face discrimination by TRNC authorities.

In the midst of all this, we found that the people of the TRNC are very hospitable and open, and quite aware of when and how their rights are violated. Young people especially (of all backgrounds) generally seem eager and active in wanting to claim their rights, in non-violent ways. Combining these qualities from all communities and groups of the TRNC, change might be possible. Butler and Arendt tell us that to acquire equal rights, people have to work together. If we agree that all children have rights, including a child born to an African student living in TRNC, a child born to a migrant worker, and a child born to parents of a "mixed marriage", then it is up to us to gather our strength and claim these rights.

In the Buffer Zone





Maastricht University



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