

GOVERNMENT OF THE REPUBLIC OF CYPRUS
Second Report on
Article 7
of the Revised European Social Charter
THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION
((Reference Period: 1.1.2003 to 31.12.2004))

ARTICLE 7 PARA. 1 – Minimum Age of Admission to Employment

Questions A – C

No change.

Replies of the Government of Cyprus to the questions raised by the European Committee of Social Rights on this paragraph

Prohibition of employment under the age of 15

Section 3 of the Protection of Young People at Work Law (No.48(I)/2001) provides that occasional or short-term work relating to the provision of domestic service in a private household is excluded from the scope of application of the above Law. The introduction of this exclusion in the Law was determined, during the process of preparing the Law, on the basis of the fact that the same exclusion is made in the relevant E.U. Directive 94/33/EC (Article 2 of the Directive). It is noted that the above Law fully transposes Directive 94/33/EC.

A tripartite technical committee is now in the process of preparing Regulations provided for by the above Law and is also considering the possibility of amending the Law. Within this framework, the issues raised by the European Committee on this para, as well as those on para 3, have been presented to this tripartite committee for consideration and relevant action. When the work of the tripartite committee is finalized, relevant information will be submitted.

ARTICLE 7 PARA. 2 – Higher minimum age in certain occupations

Questions A – C

No change

Replies of the Government of Cyprus to the questions raised by the European Committee of Social Rights on this paragraph

Prohibition of employment under the age of 18 – for dangerous activities

Article 20 of the Protection of Young People at Work Law (No.48(I)/2001) provides that:

«(1) An employer shall be required to take all necessary measures so that young persons employed by him are protected against any specific risks with regard to their safety, health and development, which may arise from their lack of experience, absence of awareness of existing or potential risks or from their immaturity.

(2) Without prejudice to the generality of the responsibilities referred to in subsection (1) above, an employer who employs young persons shall be required to take into account that the following are particularly included in the works likely to entail specific risks for young persons, within the meaning of subsection (1) above-

- (a) work involving harmful exposure of young persons to the physical, biological and chemical factors referred to in Part A of Schedule 1, and
- (b) processes and works referred to in Part B of Schedule 1.

(3) Young persons shall be prohibited from engaging in-

- (a) work which is objectively beyond their physical, mental, or psychological capacities;
- (b) work involving harmful exposure to factors which are toxic or carcinogenic or cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affect human health;
- (c) work involving harmful exposure to radiation;
- (d) work involving the risk of accidents which it may be assumed cannot be recognized or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; or
- (e) work in which there is a risk to health from extreme cold or heat, or from noise or vibration.

(4) The more specialized work and processes included in the non-exhaustive list in Schedule 2 shall be considered as dangerous, heavy, unhealthy and more generally as work which causes harm to the mental health of a young person and which hinders the free development of his personality, and in which a young person shall be prohibited from working.

(5) The Chief Inspector may, on the application of an employer, issue a license to permit the disapplication of subsections (2) and (3) above in respect of adolescents, provided that engaging in such work or process is indispensable for the adolescents' vocational training and on condition that the work or processes are performed under the supervision of a person authorized by the Chief Inspector and who possesses the required knowledge and experience with regard to the risks entailed in the specific activity and with regard to the prevention of such risks, so that all necessary measures will be taken to ensure the health and safety of the adolescents concerned».

The rationale behind article 20, paragraph 5, is to empower the Chief Inspector to issue licences for the employment of adolescents in activities that are prohibitive for them to be engaged with as per Paragraphs 2 and 3 of the aforementioned Article. Under certain conditions, the employment is justified only for the sole purpose of serving as part of the adolescent's vocation training schedule.

The employer submits the relevant application from to the Chief Inspector and justifies the grounds for the derogation request.

So far, the Chief Inspector has not received such application requests from any employer and consequently no such licenses have been issued.

ARTICLE 7 PARA. 3 - Safeguarding the full benefit of compulsory education

Questions A – C

No change

Replies of the Government of Cyprus to the questions raised by the European Committee of Social Rights on this paragraph

Prohibition of employment of children subject to compulsory education

Please see information given under para. 1 above.

It is further noted that Section 7 of the Law No.48(I)/2001 provides, inter alia, that the working conditions of children in cultural, artistic, sports or advertising activities and the procedure for the application and the issue of a license shall be prescribed by Regulations. Such a license shall be granted for each child individually. Section 8(2) of the Law also provides that any child who attends educational evening classes shall not work after 4 p.m. on any day on which he/she so attends. Moreover, section 15(5) of the Law provides that the daily work of adolescents, (not under fifteen and not over eighteen years of age), attending high schools, shall begin at least two hours after the end of their lessons or end at least two hours before the beginning of their lessons.

For additional information regarding hours of work and rest periods please see sections 7 – 13 of the Law.

Please note that the text of the unofficial translation of the above Law in English, which was attached to our previous report, was incomplete. In fact its 3rd page (which refers to

sections 7-13 of the Law) seems to be missing and a copy of this page is therefore herewith attached for your information.

ARTICLE 7 PARA. 4 – Working hours of young persons under fifteen years of age

Questions A – E

No change

ARTICLE 7 PARA. 6 – Treatment of time spent in vocational training as forming part of the working day

Questions A – E

No change

Replies of the Government of Cyprus to the questions raised by the European Committee of Social Rights on this paragraph

Time spent on vocational training

The remuneration of apprentices in general is usually set in the collective agreement of each particular sector of the economy. Regarding young persons under the Apprenticeship Training Scheme in particular (which is operating under the Ministry of Labour and Social Insurance and the Ministry of Education and Culture), their wages are set in their contracts of employment, which are examined and approved by the District Labour Offices of the Public Employment Services.

ARTICLE 7 PARA 8 - Prohibition of night work for young persons under 18

Questions A – F

No change

Replies of the Government of Cyprus to the questions raised by the European Committee of Social Rights on this paragraph

Prohibition of night work

As stated above in the Report, under para 1, the Regulations (which are drafted, among others, to allow some young workers to perform night work in some particular fields) are still under preparation.

Please see also information given under para 1 above.

ARTICLE 7 PARA. 10 – Special protection for children and young people against physical and moral dangers to which they are exposed

Please add the following Laws:

- The Public Assistance and Services (Amendment) Law of 2003 (N. 74(I)/2003),
- The Violence in the Family (Prevention and Protection of Victims) (Amendment) Law of 2004 (N. 212(I)/2004),

- The Protection of Young Persons at Work Law of 2001 (No. 48(I)/2001),
- Law No. 22(III)/2004 ratifying The Council of Europe Convention on Cybercrime
- Law No. 26(III)/2004 ratifying the Additional Protocol to the Convention on Cybercrime concerning criminalization of acts of a racist and xenophobic nature committed through computer systems
- Law No. 17(III)/1997 ratifying the Minimum Age Convention ,
- Law No.31(III)/2000 ratifying the Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labour

Question A - B

No change

Question C

As mentioned in the First Report the official governmental agency responsible for the protection and care of children is the Social Welfare Services under the Ministry of Labour and Social Insurance. The Department provides preventive, protective and curative services.

Question D

No change

Replies of the Government of Cyprus to the questions raised by the European Committee of Social Rights on this paragraph

Protection against physical and moral dangers

The Social Welfare Services, as stated in question C above as well as in our previous report, provide *preventive services*. The aim of these services is to strengthen the family and individuals in order to cope with the challenges and problems faced, such as *alcohol, drug abuse and delinquency*.

Section 54-60 of the Children's Law provides for the protection of children from *cruelty, neglect and exposure to moral and physical danger*. It includes protection from assault, ill-treatment, neglect and abandonment by the parent or guardian of the child. It also, provides for the protection of children from prostitution, sale of tobacco or liquor as well as begging. The Law provides, also, for the protection of children during entertainment and from the publication, selling or letting of books/magazines portraying commission of crimes/acts of violence or cruelty.

Besides preventive services the Social Welfare Services provide *curative services*. In accordance to the Children's Law, the Director of the Social Welfare Offices, in case where a child appears to be in any moral or physical danger, may receive the child into his/her care for his/her protection and has a general duty to exercise any powers with respect to the child in his/her care so as to serve to his/her best interests and to afford him/her opportunity for the proper development of the child's character and abilities.

In 2004, the *Violence in the Family* (Prevention and Protection of Victims) Law of 2000 was amended. Among others, it amended the definition of "violence" in order to include "any action, omission or behaviour which causes physical, sexual or psychological damage". Also, special provisions were included regarding the gender of the officer recording the statement of the victim. It also provided for the penalisation of non-reporting of violence against a child and mentally/psychologically handicapped person.

As regards *juvenile delinquency*, besides the administrative measures referred to in our previous Report, since 2004, the Social Welfare Services have taken additional measures for the enforcement of the Supervision Order for Community Work provided by the Supervision and other Treatment of Delinquents Law of 1996. The Law provides for the appointment of supervisors who visit delinquents, monitor the implementation of supervision orders, submit to the Court reports about the offender, advise, assist him/her in finding suitable employment or training or education and befriend the offender.

Additionally, the Social Welfare Services, through the Grants-in-Aid Scheme, provide financial and technical support to NGOs, which operate social programmes including the protection of children from *infectious diseases transmitted through sexual intercourse*. For example, the Cyprus Family Planning Association (a NGO receiving a grant by the Social Welfare Services) offer advice, counselling and treatment services in relation to sexually transmitted diseases. It, also, in cooperation with the Ministries of Health and of Education and Culture, operates family planning, sex education and awareness raising programmes including awareness raising about precautionary measures against sexually transmitted diseases.

Protection of children against other forms of exploitation, ill treatment and abuse

No cases of street children were reported to the Social Welfare Services. However, if such cases exist, Social Welfare Services are empowered through the Children's Law (Cap. 352) to provide for the child's safe accommodation.

Begging is prohibited by Section 57 of the Children's Law. Any person who has in charge of a child and allows the child to be in the street for begging is guilty of an offence and liable to imprisonment or a fine or to both penalties.

Other forms of exploitation such as domestic exploitation though are not specifically covered by legislation, can be addressed through the Children's Law and the Violence in the Family (Prevention and Protection of Victims) Law of 2000.

Regarding *corporal punishment*, Cyprus has ratified the Convention on the Rights of the Child, which specifically prohibits it. According to Article 169 of the Constitution, ratified international Conventions have superior force to domestic Law. In addition, the Violence in the Family Law of 2000 provides for the protection of children from physical abuse committed by a family member.

Protection against the misuse of information technologies

The Combating of Trafficking in Persons and of Sexual Exploitation of Children Law of 2000 (No. 3(I)/2000) criminalizes, among others, child pornography conducted through Internet (Section 2). Regarding protection of children from *internet-related risks of sexual exploitation* Cyprus has ratified the Convention on Cybercrime, which penalises child pornography (including access to pornographic material through the internet) and other information technology related crimes. Cyprus has also, ratified the Convention on Cybercrime and its additional Protocol concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems. Regarding audiovisual material, the relevant law is the Classification of Films Law of 2002 which

provides that no person will circulate, project a film or allow a film to be projected if it is not rated/classified.

Regarding the *publication of harmful matters*, according to Section 60 of Cap. 352 any person who prints, publishes, sells or lets on hire any book, magazine or other like work, which consists wholly or partly of stories told in pictures portraying the commission of crimes, acts of violence or cruelty or incidents of a repulsive or horrible nature in such a way that the work as a whole would tend to corrupt a child under the age of 16 years into whose hands it might fall, is liable to a fine or imprisonment or to both penalties.

GOVERNMENT OF THE REPUBLIC OF CYPRUS

Report on

ARTICLE 20

of the Revised European Social Charter

THE RIGHT TO EQUAL OPPORTUNITIES AND EQUAL
TREATMENT IN MATTERS OF EMPLOYMENT AND
OCCUPATION WITHOUT DISCRIMINATION
ON THE GROUNDS OF SEX

(Reference Period: 1.01.2003 – 31.12.2004)

Question A

The following legislation may be added:

- **Law No. 98(I) of 2003 on fixed-Term Work Employees (Prohibition of Discriminatory Treatment).**

_____ Copy in Greek is attached as **Appendix I**.

- **The amending Law No.191(I) of 2004 on Equal Treatment for Women and Men in Employment and Vocational Training.**

_____ Copy in Greek is attached as **Appendix II**.

- a. **access to employment, protection against dismissal and occupational reintegration;**

No change.

- b. **vocational guidance, training, retraining and rehabilitation;**

As noted in our Report on this Article, for the period 2001-2002, equality of access to vocational training for all is ensured by both the law and policies of the Human Resource Development Authority of Cyprus (HRDA), which is the national agency in the field of human resource training and development. This is further reinforced by the Equal Treatment of Men and Women in Employment and Vocational Training Law of 2002 and the transposition of EU Directives.

In pursuit of its non-discriminatory, positive action policies, the HRDA promotes activities and measures that aim to narrow the gap in training participation between women and men, always in the framework of its mission to meet the economy's needs for well trained human resources, which are established through research studies and surveys.

Training activities approved of and subsidized by the HRDA, with numbers of participants, distributed by gender, for the years 2003 and 2004 are shown in the tables of HRDA's training activities in the attached **Appendices III & IV**.

As indicated by the figures, the proportion of women participants in training activities, in the 2-year period under review, has more or less remained the same as in the previous reporting period 2001-2002, at 41-42%.

Moreover, during the period under review, the HRDA conducted four research studies especially for women and the labour market in the period 2000-2003, in relation to **(a)** women's participation in education and training, **(b)** the characteristics of women in employment as a whole and its constituent groups – employees, self-employed and unpaid workers in family firms, **(c)** the characteristics of unemployed women, and **(d)** the economically inactive women. It is expected that the conclusions and proposals of these studies, published in 2004, will facilitate and assist public debate and that they will be utilized by all interested and competent agencies and parties for the promotion of women's right to equal opportunities and treatment in training.

c. terms of employment and working conditions, including remuneration;

It may be added here that the above mentioned Law No. 98(I) of 2003 on the Fixed-Term Work Employees (Prohibition of Discriminatory Treatment) safeguards fixed-term work employees' rights in respect to terms and conditions of employment, so that they are not treated less favourably than a comparable permanent employee by reason only that they have a fixed-term employment contract or relationship, unless different treatment is justified on objective grounds.

d. career development, including promotion;

No change.

Question B

a. access to employment, protection against dismissal and occupational reintegration;

It may be added that the amending Law No 191(I) of 2004 on Equal Treatment for Women and Men in Employment and Vocational Training, which was referred to above, provides in particular that any person who deems that he/she is offended from a contravention of the Law is entitled to submit a relevant complaint to the Commissioner for Administration (Ombudsman), who will examine it on the basis of the Law of 2004 on the elimination of discrimination on the basis of racial origin or certain other discrimination. The above, amending Law came into force on 1.5.2004.

b. vocational guidance, training and rehabilitation;

Please see information given under **a.** above.

c. terms of employment and working conditions, including remuneration;

No change.

d. career development, including promotion;

No change.

Questions C-H

No change.

Question I

a.,b. & d. No change.

c. The Fixed-Term Work Employees (Prohibition of Discriminatory Treatment) Law of 2003, (Law No. 98(I)/2003), was enacted on 25.7.2003, harmonizing Cypriot legislation with the provisions of Council Directive 1999/70/EC concerning the framework agreement on fixed-term work concluded by ETUC, UNICE and CEEP. The purpose of this Law is the improvement of the quality of fixed-term work, by providing for the application of the principle of non-discrimination, and to prevent the abuse arising from the use of successive fixed-term employment contracts or relationships.

This Law applies to all employees with a fixed-term employment contract or relationship, as defined by Law, collective agreements and practice. In respect of terms and conditions of employment, a fixed-term employee shall not be treated less favourably than a comparable permanent employee by reason only that he/she has a fixed-term employment contract or relationship, unless different treatment is justified on objective grounds. Where appropriate, the principle of pro rata temporis shall apply.

According to this Law, when an employer employs an employee with a fixed-term contract, or following renewal of the contract and the employee had previously been employed for a total period of thirty months with a fixed-term contract of employment, then, independent of the number of successive renewals of fixed-term employment contracts or relationships, the contract shall be deemed in all circumstances to be an employment contract of indefinite duration. Any provisions in the above mentioned contract which limit the duration of the employment contract shall be null and void unless the employer can prove that the employment of the employee with a fixed-term contract can be justified on objective grounds.

Under this Law, the Minister of Labour and Social Insurance may appoint inspectors and such other officers, as he may deem necessary for the more effective application of the Law.

Regarding **part-time work**, relevant information was given in our previous Report, under Question **A.c**.

Question J

It is important to add here that a technical governmental committee has been appointed and is now in the process of preparing an integrated plan of action on the issue of equality of men and women in all policy fields (Gender Mainstreaming).

Moreover, the following measures taken or now being promoted, for the promotion of gender equality, are added.

- The promotion of contemporary and flexible forms of employment in order to facilitate the participation of women in the labour market and help them reconcile better their family and working life. This action, which is of a pilot nature, will be implemented during the period 2005-2008 and will be co-funded exclusively by the European Social Fund. It is expected that the introduction of part-time employment, will mobilize a number of women who wish to work (but remain inactive due to lack of flexible forms of working time) to seek employment.
- The enhancement and modernization of the Public Employment Services (PES) for their evolvement to a flexible and decentralized system which will provide **high quality and timely services**. The modernization of the PES is already being

promoted and is expected to contribute significantly to the prevention and reduction of existing unemployment, the better utilization of the labour force and the improvement of labour market access for the unemployed and the **inactive female force**. The main activities for the modernization of the PES include the expansion of the local labour offices network, the modernization and upgrading of the building in order to respond to the upgraded role of the PES, the introduction of self-service facilities in properly equipped areas in the local labour offices and **provision of individualized services for active support**. During the period 2004-2006, an amount of 10 million euro shall be allocated to the PES modernization activities and this will be co funded by the European Social Fund.

- The Human Resource Development Authority of Cyprus (HRDA), during the period 2004 – 2006, has undertaken with the co-funding of the European Social Fund, to put into place and operate three new special Schemes (for the unemployed, inactive women and the newcomers in the labour market).
- During the period 2004-2006, the Social Welfare Services of the Ministry of Labour and Social Insurance has undertaken to expand and improve their Units and Services for the Care of Children, Old people and other vulnerable social groups. This action includes, at a first stage, the conduct of a study which, among others, will analyze the existing situation, define the needs for care services at local level and make suggestions regarding necessary actions. On the basis of the findings of the above study, the Social Welfare Services will promote the establishment of 10 new programmes of social care at local level which will provide high quality services at low cost. These actions are expected to
 - facilitate the entry, the reentry but also the stay of women in the labour market
 - to help women reconcile better their family and working life
 - to promote equal opportunities between men and women and
 - secure social cohesion
- The Social Welfare Services will also promote the realization of other relevant actions, such as the reinforcement of non governmental organizations and the local Authorities for the satisfaction of social needs at local level, the training of their personnel, the publication of information on equality issues etc.

Question K

No change.

REPLIES OF THE GOVERNMENT OF CYPRUS TO THE QUESTIONS RAISED BY THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS ON THIS ARTICLE

Equal rights

As regards **social security** (last paragraph of this text), the following information is given.

The Social Insurance legislation provides that widow's pension is payable only to the widow and under certain conditions to the widower (if at the time of his wife's death he was permanently incapable of self-support and was wholly or mainly maintained by her) of a person who on his/her death satisfied the contribution conditions for old age pension or was in receipt of old age pension.

The Social Insurance legislation provides also for the payment of increases for dependants to the amount of the basic pensions. The amount of the basic pension is increased by 1/3, for a dependant wife and by 1/6 for dependant children and other dependants (maximum two dependants).

In the case of married female beneficiary there is no entitlement to increases for her husband. The increases for the dependant children or other dependants are 1/6 of the basic pension for each of them (maximum two dependants).

However in the case where the husband:

- is incapable of self-support,
- is not living with his wife and does not provide support for her or her children,
- is in prison for a period exceeding one year,
- is a missing person,

her pension is increased by 1/3, 1/6 and 1/6 for the first, the second and the third dependant.

The payment of widow's pension to a widow and the increases for dependants to the husband is attributed to the prevailing notion at the time that the first Social Insurance legislation was introduced, when the husband was the head of the family with responsibility to provide maintenance for his wife and his children, the role of the wife being confined to up-bringing of children and household duties.

Since most of the persons who are benefiting from this provision of the Law are women who had not entered the labour market, this provision has been retained. However, the re-examination of the concept of the widow's pension and the increases for dependants are included within the future objectives of the Ministry of Labour and Social Insurance.

Specific protection measures

Concerning access to the **Police**, there are no restrictions applied exclusively to either men or women. Basically, for entry to the police, the same selection criteria are applied. The only exceptions relate to either biological characteristics (height), or fitness test criteria. The exceptions, which obviously do not discriminate against women are listed below:

	Criteria	Minimum Requirements	
		Men	Women
a.	Height	1,65m	1,60m
b.	Long jump	2,50m	1,50m
c.	High jump	1,00m	0,70m
d.	1000m/800m Run	1000m in 5,20'	'800m in 5,20'

Concerning police training, police duties, or career development issues, no restrictions are applied to women. The same conditions and/or requirements apply to both men and women.

Regarding restrictions on women's access to the **armed forces**, the Ministry of Defense states the following.

All the provisions of equality legislation on the basis of sex, (including the Law No. 205(l) of 2002 on Equal Treatment of Men and Women in Employment and Vocational

Training, the Maternity Protection Legislation, as well as the Law No. 177(I)/2002 on Equal Pay between Men and Women for the same Work or for Work to which Equal value is attributed), are fully observed by the National Guard and the Ministry of Defense.

As already stated in our previous Report, the only restrictions that occur in the employment are connected with the armed forces. This restriction on women's access to certain part of the armed forces is due to the fact that these tasks can be undertaken by specially trained men only, who follow a very severe training. We must emphasize that in this respect; the armed forces do not operate as a common organization but perform in the most efficient way which is based on the knowledge, experience, training and physical strength of the members of the National Guard.

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