

Good Policies and Practices to Facilitate Women Access to Justice in Cyprus

- **Anna Pilavaki, Gender Expert- Gender Equality Committee in Employment and Vocational Training-EIF, Cyprus**

Gender Equality Committee in Employment and Vocational Training-EIF

- The EIF was set up and operates on the basis of the Equal Treatment of Men and Women in Employment and Vocational Training Law (2004).
- The purpose of this legislation is the principle of equal treatment for men and women with regards to access to vocational guidance, to vocational education and training and to the terms and conditions of their provision, access to employment, terms and conditions including employment and career development and to the terms and conditions of dismissal.
- The secretarial and other financial support to the Committee is provided by the Ministry of Labour, Welfare and Social Insurance.

Legal Aid

- One of the most important competences of EIF is the provision of legal aid, free of charge, independent assistance to victims of discrimination in pursuing their complaints of discrimination, without prejudice to the right of victims and of associations, organizations or other legal entities.
- The Committee does not have a specific budget for this purpose, but it constitutes part of the fund that is granted by the State for implementation of its actions. To this day, no issues have arisen.
- The nature, type, content and procedure of providing independent assistance are determined by Regulations, which were approved by the House of Representatives in 2009.
- This legal aid is provided free of charge in an effort to encourage people to complain and create Cypriot legal cases on gender equality in employment, which is very poor.

Legal aid

- The Committee, for the provision of independent assistance to victims of discrimination acquires the services of gender experts for specific purposes of providing independent assistance, should possess the skills specified in Lawyers' Code and to be properly trained in issues of gender discrimination.
- For the selection of experts, the Committee proceeded with the publication of invitation for the purchase of services from suitably qualified persons in accordance with the provisions of the Coordination of Procedures for the Award of Public Service Contracts Law.
- The Committee concluded contracts with experts, lasting from one to three years, including the terms and conditions for purchasing these services.

Legal aid

- The provision of independent assistance to victims of discrimination may include one or more of the following services:
- (a) the provision of advising on matters relating to gender discrimination in employment and vocational training, including general information of victims regarding the provisions of the law, their rights in cases of complaints of gender discrimination, the bodies responsible for examination of such complaints and the procedures and powers of those.

Legal aid

- (b) providing legal assistance to victims of discrimination, including legal advice and representation of victims in judicial procedures and / or before an administrative body or independent authorities with the powers to investigate such complaints.
- The Committee shall provide factual information and legal advisors regarding any potential outcome of the complaint before any competent judicial and / or independent authority, and after evaluating the same likelihood of success of the complaint and provided by the authorized person concerned, it proceeds on behalf of the appropriate procedure before any of the above referred authorities.
- In the event that the person requesting legal aid has meanwhile complained about gender discrimination to an inspector and the investigation of the complaint has been completed, inspectors shall submit the case and the report drawn up under the law to the Committee to decide on the further handling of the case.
- Legal aid is provided, given that the victim has consented to it and that the potential of successful outcome is reasonably favored as it will be evaluated by the Committee.

Legal aid

- In 2011, the Cyprus Government Gazette has announced that the Gender Equality Committee in Employment and Vocational Training is interested in purchasing expert services- legal advisors for providing independent assistance to victims of gender discrimination in employment
- The process has been completed in 2011, with the submission of interest in providing independent assistance and the preparation of its list of 14 lawyers from all over Cyprus.

Legal aid

The legal advisors' services may include one of the following service:

- a) Granting legal advice to victims of discrimination in connection with matters relating to gender discrimination in employment and vocational training.
- This includes general information of the victims about their rights in case of filing a complaint for discrimination based on gender.
- This occurs when the Committee considers it necessary and is been assigned or requested from the Committee the granting of this service from the legal advisor.

Legal aid

- b) Representation of victims of discrimination before an administrative authorities with the power to investigate such complaints where the Committee considers it necessary and assigned or requested from the Commission the granting of this service from the legal advisor.
- c) Representation of victims in judicial procedures, when the Committee considers it necessary and is been assigned or requested from the Commission the granting of this service from the legal advisor.

Legal aid

- Legal advisors are paid from the Committee regarding with their services, according with the Minimum Rates of Remuneration of Practising Lawyers, based on the catalogue of which they are going to submit after providing their services and approved by the Committee.
- Legal advisors are paid from the Committee after the completion of the case based on the catalogue of expenses which will be voted by the Registrar of the court, provided that the defendants Application or the plaintiffs have been convicted by the court to pay the layers' fees of the victim- of the applicant or the plaintiff's.

Legal aid

- Provided that in case in which the defendant's the application or the plaintiffs are convicted by the Court to pay the legal costs of the application or lawsuit, the Committee its discharged of its obligation to pay the expenses of the legal advisor.
- The payment takes place after the catalogue of expenses along with the relevant invoice is submitted to the Committee.
- The Committee entrusts the handling of cases of victims to legal advisors taking into account primarily the choice of specific legal advisor from the list by the victim of discrimination itself.
- In case where the victim did not choose a specific legal advisor, the Committee refers the handling of the case to a legal advisor from the list with the following criteria: according to which legal advisor has priority to handle the case, the province of the victim and the corresponding legal advisor but also the difficulty of each case.

Legal aid

- The Committee has the right with written notification of one month to terminate the cooperation with some Legal advisor in case it considers at any stage that the specific legal advisor does not serve with professional adequacy the victims of discrimination, which were indicted for processing their case.
- In this case the legal advisor is required to deliver the case files to the Committee within one month unless the victim decides to continue cooperation with the specific legal advisor at his own expense and responsibility.
- The legal advisor must terminate the cooperation with the Committee by written notice of three months, and to deliver the case files to the Committee of the victims which handles.
- The assignment has one year duration from the date of approval of the legal advisor with right to renewal of the cooperation for more two years.

Collection and recording complaints

- The Committee reserves an archive of the complaints submitted and the independent assistance given, which all complaints in question are classified and the provided independent assistance for statistical purposes of criteria, among other, the gender and the age of the complainant, the type of the discrimination, the sector of which the complaint of discrimination was denounced, the method of handling the complaint and its outcome.

Legal aid was granted:

- To 90 persons (89 women and 1 man) as follow:
- To 70 women where the discrimination concerned gender discrimination in career development, due to direct discrimination in the regulations of the National Guard, which stipulated that in cases of equal qualifications, experience, etc., between men and women, it is considered that men should prevail.
- These regulations are not amended yet. While the trial has not been completed yet, it is expected that these women will get justice. Already the EIF has sent a letter to Defence Minister and put it to the attention of the Minister of Labour and the competent committees of the House of representatives.

Legal aid was granted

- In five instances where there was a complaint of sexual harassment; the cases are in the final stage of the judicial procedure.
- To two female primary education teachers to appeal to the Supreme Court with a complaint of discrimination in their career development, because of the accreditation system of male colleagues who have served two years military service. The trial has not yet completed.
- To a non-appointed male teacher, who complained of discrimination in access to employment due to military service, which resulted in the appointment of women who graduated from secondary school in the same year as he did, while he delayed 2 years to enter the university due to compulsory period of two years military service.
- The rest of the cases concern dismissals due to motherhood, pregnancy or childbirth. Some have been completed and some have not.

Thank you!!!