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EUROPEAN SOCIAL CHARTER

12th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF CYPRUS

(Article 7, 8, 19, 27
for the period
01/01/2010 – 31/12/2013)

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27 February 2015

CYCLE 2015

GOVERNMENT OF THE REPUBLIC OF CYPRUS

**Report on Article 7
THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION**

Of the Revised European Social Charter

(Reference period: 1/1/2010-31/12/2013)

Article 7§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Legislation has been amended in 2012 [the Protection of Young Persons at Work Law and the Safety and Health at Work (Protection of Youth) Regulations] in order to ensure that working conditions for young people (between the ages of 15 – 18) are appropriate. This legislation further safeguards the protection of children from economic exploitation and from performing any work that is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health or their physical, mental, spiritual, moral or social development.

With Law 15(I)/2012 (APPENDIX 1), the Protection of Young People at Work (law 48(I)/2001) was amended to include provisions that related to children under the age of 15 working with cultural undertakings and the limitation of work for teenagers (between 15-18 years of age) at night. The law also provided for the appointment of an Inspector General and Inspectors, along with given powers and authorities, as well as the appointment of a Committee that will observe more generally the implementation of the legislation. Furthermore, the Protection of Young Persons Regulations also came into force (Regulation 78/2012). These Regulations set limitations in relation to the procedure to be followed for granting to children the right to work in cultural activities, including in reference to their hours of work, types of work, submission of complaints etc.

Moreover The Safety and Health at Work (Protection of Young People) Regulations of 2012 (Reg.No. 77/2012) (APPENDIX 2), published in the Official Gazette of the Republic on 9.3.2012, further harmonize the relevant Cyprus legislation on Occupational Safety and Health with EU Directive 94/33/EC which lays down the minimum requirements for the protection of young people at work. These Regulations focus on the OSH provisions of the Safety and Health at Work legislation concerning young persons. The relevant

competent Authority for these Regulations is the Department of Labour Inspection of the Ministry of Labour, Welfare and Social Insurance (MLWSI)

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

In line with the provisions of EU Directive 94/33/EC, the Protection of Young Persons during Employment Law of 2001 (as amended by Law No. 15(I) of 2012), prohibits the employment of any person under the age of 15. The above mentioned Regulations (No. 77/2012 and No. 78/2012) specify that a person under 15 may participate in cultural, artistic, athletic, or promotional / advertising activities subject to a Permit issued by the Director of the Department of Labour (DL) after consultation with representatives of the Department of Labour Inspection and the Social Welfare Services of the MLWSI, as is provided for in the above two sets of Regulations. Annexes I, II, III and IV of The Protection of Young Persons at Work Regulations of 2012, (No. 78/2012) (APPENDIX 3) contain samples of all the application forms, registers and licenses that must be completed by applicants / issued by the Director of the DL. Additionally, according to the same Regulations, if an employer is seeking to employ a young person in a work-training placement, an application must be made to the Minister of Labour, Welfare and Social Insurance and must be approved, with a permit being issued.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

With respect to the Permit procedure mentioned in (1), after relevant consultations of representatives of the Department of Labour, Department of Labour Inspection and the Social Welfare Services, during the two year period (March 2012 – June 2014), permits were issued for 18 cases where persons under 15 years of age were allowed to perform in TV productions, theatre or similar activities, after an application was submitted to the Department of Labour. In the case of young persons or children engaging in general, vocational or technical education, or in any other training institutions, in addition to the requirements defined by the Department of Labour, the employer / training institution director / event organizer must ensure that a suitable written risk assessment is in place to safe guard the safety and health of participating children / young persons.

In reference to the number of inspections carried out by the Inspectors of the Department of Labour Inspection for OSH issues, we note that the number of inspections (132) over the period 2003-2009 is *additional* to the regular OSH

inspections carried out during that period and focused mainly on complaints/issues concerning exclusively young persons at work.

Reply to the comments of the ECSR in its Conclusions of 2011

The Amendment of the Safety and Health at Work Laws during 2011 (Law No. 33(I)/2011) increased penalties in cases of OSH contraventions by an employer but also extended the scope of the OSH provisions to domestic workers in private households.

Finally, the above mentioned legislation introduced in 2012 (Regulations No.77/2012 and 78/2012), effectively prohibits all forms of employment, including occasional or short term domestic work, for persons under 15 years of age and at the same time, regulates special cases of such persons participating in cultural, athletic, or promotional advertising activities, through the Permit procedure described above.

Section 3 of the recently amended Law (No.15(I)/2012) does not exclude from its scope occasional or short term work in domestic services.

Article 7§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

As mentioned in Art.7, Para. 1 above, the Safety and Health at Work (Protection of Young People) Regulations of 2012 (Reg. No.77/2012), focus on the OSH provisions of the Safety and Health at Work legislation concerning young persons at work. Additionally, The Safety and Health at Work (Amendment) Law of 2011 (Law No.33(I)/2011) (APPENDIX 4), which was published in the Official Gazette of the Republic on 18.3.2011 has increased penalties (both monetary fines and prison sentences) in cases of OSH contraventions by any employer.

With regard to excluding persons under 18 years of age from being employed in occupations regarded as dangerous or unhealthy, the Regulations of 2012 (Reg.No. 77/2012) specifically exclude young persons from work where the following apply (in accordance with EU Directive 94/33/EC) –

- Work which is objectively beyond their physical or psychological capacity;
- Work involving harmful exposure to agents which are toxic, carcinogenic, cause heritable genetic damage, or harm to the unborn child or which in any other way chronically affect human health;
- Work involving harmful exposure to radiation;

- 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;
- Work in which there is a risk to health from extreme cold or heat, or from noise or vibration.

Additionally, in every workplace where young persons are employed, the employer must carry out a written risk assessment before the commencement of work, specifically to protect young persons from risks regarding their safety and health.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

In order to ensure the effective enforcement of the OSH provisions of the Legislation, the Minister of Labour, Welfare and Social Insurance appoints a Chief Inspector and Inspectors who conduct regular inspections, in accordance with the Safety and Health at Work Laws of 1996 to 2011. In cases where violations of the provisions of the above Law are found, the employer may be subject to a maximum fine of €80.000 (previously €17.000) or a four year imprisonment (previously 2 year imprisonment) or to both penalties. In order to inform all interested parties (young persons, employers and social partners) the Departments of Labour and Labour Inspection have published an informational leaflet explaining the provisions of the amended legislation concerning young persons at work.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

1. Relevant statistics include the following information for the period 2010-2013. Inspectors of the Department of Labour Inspection carried out a total of 6030 OSH inspections in year 2010, 7198 in year 2011, 4642 in year 2012 and 4094 in year 2013. During each of these inspections, employers were required to have a written risk assessment for all employed persons, and in cases where young persons were employed, to include preventive and protective measures in the risk assessment for such persons.

During the above four year period (2010-2013), a total of 32 accidents causing the absence from work for more than 3 days to young workers have been recorded, as can be seen from the statistical data attached in **Appendices I, II, III and IV** respectively, none of which resulted in a fatality. It is noted that in cases of fatal accidents to young workers, the Department of

Labour Inspection prosecutes all employers involved provided that adequate and suitable evidence could be presented to the court.

Additional data is provided in the included Appendices.

Article 7§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

According to the recent amendment of the Law (No.15(I) /2012) in cases where a child (under 15 years old) is invited to perform in cultural or other related activities (e.g. theatre or TV show), the time varies according to the age of child. The Law provides for:

- 2 hours for children up to 6 years old
- 3 hours for children from 7 up to 12 years old
- 4 hours for children from 13 up to 15 years old.

In any case these times must not coincide with hours of school attendance during the school year. The amended law prohibits child participation from 19.00 to 07.00 hours except during the months of June to September where participation is prohibited between the hours of 20.00 to 07.00.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

The Protection of Young Persons at Work Law 2001 (No.48.(I)/2001) provides that no child may participate in cultural, artistic, athletic etc activities for more than 7 hours and 15 minutes a day or more than 36 hours per week.

According to the recent amendment of the Law (No.15(I) /2012) in cases where a child (under 15 years old) is invited to perform in cultural or other related activities (e.g. theatre or TV show), the time varies according to the age of the child. The Law provides for:

2 hours for children up to 6 years old
3 hours for children from 7 up to 12 years old
4 hours for children from 13 up to 15 years old.

These times must not coincide with hours of school attendance during the school year. The amended law prohibits child participation from 19.00 to 07.00 hours except during the months of June to September where participation is prohibited between the hours of 20.00 to 07.00.

The Law prohibits the employment of children under 15 even in occasional or short term domestic services. Children aged 13-15 are only allowed to participate in cultural athletic, or promotional advertising activities, through the Permit procedure described above. Young persons or children engaging in general, vocational or technical education, or in any other training institutions are only allowed to participate in such through the Permit procedure.

Article 7§4

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms**

No change

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework**

No change

- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate**

Relevant Information is provided in appendices.

Article 7§6

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms**

No change

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework**

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Article 7§7

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

Article 7§8

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reform

Adolescents that are at least 15 years of age, cannot be employed during the hours 23.00 and 07.00. However, according to the new Regulations, adolescents that are at least 16 years old can work at night under specific requirements (Regulation 15) but not during the hours 00.00 and 04.00. Prior notification to the competent authority (Department of Labour) is necessary.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

According to Regulation 15 adolescents at least 16 years old can be employed during the hours of 23.00 and 07.00 if

the next day of the day of work is not a school day in the case that the adolescent attends school

the maximum number of days of employment during the hours of prohibition shall not exceed three (3) hours weekly

the adolescent is informed in advance and at least forty-eight (48) hours before the start of the day of such employment during working hours

In case the adolescent cannot, due to a reasonable cause, work during the hours of employment , the employer shall make arrangements so as to exempt them from this requirement.

The employment of the above are allowed in specific employment sectors (shipping or fishing, hospitals , homes for the elderly , cultural , sports , work of advertising , hotels , restaurants , cafes and bakeries , post office or the delivery of newspapers) if there is no adult available to replace the adolescent and if the education and training of the adolescent is not affected.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No available

Article 7§10

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reform

- The Safety and Health at Work (Protection of Young People) Regulations of 2012 (Reg.No. 77/2012) state that the employer must take into account types of work which constitute special risks to young persons and take appropriate protective and preventive measures. Additionally, the said Regulations contain lists of agents, processes and types of work where the employment of young persons is explicitly prohibited, in accordance with EU Directive 94/33/EC.
- A new legislation, L. 91(I)/2014 (APPENDIX 5), which revises the legal framework for the prevention and combating sexual abuse and sexual exploitation of children and child pornography has very recently been adopted by the House of Representatives. It provides for a holistic approach for combating sexual offences committed against children and also addresses specifically offences committed online. Furthermore, it implements Directive 2011/ 93/EU on combating sexual abuse and sexual exploitation of children and child pornography and provides for

the improved implementation of the Conventions/ Protocols mentioned above.

The above mentioned legislation criminalizes sexual abuse and sexual exploitation of children, child pornography, invitation to a child for sexual purposes and dissemination of material which propounds opportunities to commit offences of such nature (sexual tourism against children). Furthermore, it provides for increased penalties, special protection measures for victims, Court orders for the restriction of access, notice and taking down of websites containing illegal material at any stage of the proceedings, the creation of a register of convicted persons, exchange of information with EU member states and increased support for the victims at all stages of the criminal justice procedures.

Law 91(I)/2014 creates a legal obligation for ISPs to restrict access to websites containing child pornography, even without a Court Order, if they are duly informed by a competent authority or otherwise gain knowledge.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

Reporting of Crime

The Cybercrime Reporting Platform accessible via the website www.police.gov.cy was launched in January 2014. Furthermore, the Cyprus Police Mobile Application was also launched. It offers useful information and connection to the cybercrime reporting platform.

Awareness

Within the framework of cooperation with all involved parties for the prevention of cybercrime, 40 lectures were organised at schools and other groups related to the safer use of the internet.

Furthermore, the Cyprus Police (Office for Combating Cybercrime) issues leaflets related to the internet safety for the users in the Greek and English language. This material has been distributed to all fifth elementary grade students around Cyprus (5000 leaflets) in 2013.

Strategy

An Action Plan for Combating Cybercrime is currently being developed under the Cybersecurity Strategy which has been approved in 2013. Cooperation between public organizations and private companies (ie ISPs) is specifically addressed

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

Protection against sexual exploitation

Unaccompanied children are always placed under the care of the Social Welfare Services and are either placed in foster care or in child protection institution if they are over 5 years of age. For every child, an individualized plan of care is prepared.

Regarding the examination of unaccompanied minors' asylum claims, the Asylum Service appointed three case workers. One male and two female case workers. The female case workers are responsible for female unaccompanied minors and the male case worker is responsible for the male unaccompanied minors. All case workers have been individually trained on assessing and examining unaccompanied minors' asylum claims and one of them has been appointed as a national trainer on interviewing children module of EASO.

Protection Against the Misuse of Information Technologies

The Republic of Cyprus has signed and ratified the following Conventions/Protocols which address the issue of child sexual abuse online:

- o Budapest Convention on Cybercrime, 2001
- o Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000
- o UN Convention on Transnational Organised Crime, 2000
- o Global Alliance against Child Sexual Abuse online

A new legislation, L. 91(I)/2014, which revises the legal framework for the prevention and combating sexual abuse and sexual exploitation of children and child pornography has very recently been adopted by the House of Representatives. It provides for a holistic approach for combating sexual offences committed against children and also addresses specifically offences committed online. Furthermore, it implements Directive 2011/ 93/EU on combating sexual abuse and sexual exploitation of children and child pornography and provides for the improved implementation of the Conventions/ Protocols mentioned above.

The above mentioned legislation criminalizes sexual abuse and sexual exploitation of children, child pornography, invitation to a child for sexual

purposes and dissemination of material which propounds opportunities to commit offences of such nature (sexual tourism against children). Furthermore, it provides for increased penalties, special protection measures for victims, Court orders for the restriction of access, notice and taking down of websites containing illegal material at any stage of the proceedings, the creation of a register of convicted persons, exchange of information with EU member states and increased support for the victims at all stages of the criminal justice procedures.

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Strategy

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Protection from other forms of exploitation

The draft Law for the Welfare, Care and Protection of Children is at the stage of legal vetting.

Moreover, the Violence in the Family (Prevention and Protection of Victims) Laws of 2000 and 2004 explicitly prohibit corporal punishment against children (0-18 years) by a parent or any other family member or any person with parental authority over children.

Clause 6 of Article 54 (Cap 352, 83(I)/1999, 143(I)/2002) of the Children Law that made reference to corporal punishment has been deleted (published in the Government Gazette on 21/6/2013. and is therefore no longer applicable).

GOVERNMENT OF THE REPUBLIC OF CYPRUS

**Report on Article 8
THE RIGHT OF EMPLOYED WOMEN TO PROTECTION OF MATERNITY**

Of the Revised European Social Charter

(Reference period: 1/1/2010-31/12/2013)

Article 8§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

The Maternity Protection Legislation (L.100(I)/1997) was amended in 2011 to enhance the protection given to pregnant workers.

In cases where the baby is hospitalized right after delivery for 21 days, the mother is entitled to an extra week of maternity leave. For every additional 50% of the 21 days that the baby is hospitalized, the mother is entitled to another week of maternity leave. The maximum that she is allowed to take is 6 additional weeks.

When returning to work, the pregnant employee's rights are safeguarded, including benefits that are related to the post of work, but not including bonuses that are dependent on the quantity or value of work produced.

A worker's pregnancy cannot be a cause for discrimination in employment under additional national legislation (Law on Equal Treatment Between Women and Men in Vocational Training and Employment – L.205(I)/2002). Such behaviour is deemed unlawful according to the aforementioned legislation, which covers all stages of an employment relationship, as well as the early stages of selection and interviewing for the particular job. Though there is no clear reference in relation to the prohibition of "requiring a test for pregnancy or a certificate for such a test when applying for employment" it is, nevertheless, an unlawful act as far as the provisions of the said legislation are concerned.

A reduction of work by one hour each day is given to the breastfeeding mother, until the baby is 9 months old (L.100(I)/1997). This benefit also applies where the mother is not breastfeeding her child. Time off work for the purposes of this article is considered as working time and remunerated accordingly.

According to the Social Insurance (Amendment) Law 37 (I) 2012, maternity allowance is payable to an insured woman (employed or self employed) for a

period of eighteen weeks after the completion of twenty-five weeks of gestation provided that the insured person presents medical certification of the expected day of delivery. In case of premature delivery the period of maternity allowance payment is adjusted accordingly so that the allowance is paid for 18 weeks also. The payment of the maternity allowance may start from the 9th until the 2nd week before the week of the expected delivery.

In addition, the amended Law provides that for every twenty one (21) days the infant is hospitalized in an incubator due to premature birth or due to other health problem, the maternity allowance will be paid for an additional week.

The conditions for the payment of maternity allowance are:

1. the insured woman is on maternity leave and she does not receive her whole salary or wages from her employer,
2. the insured woman has been insured for at least 26 weeks and has paid, up to the day of maternity allowance, contributions on insurable earnings not lower than 26 times the weekly amount of the basic insurable earnings, and
3. the insured woman has paid or been credited with insurable earnings, in the previous contribution year not lower than 20 times the weekly amount of the basic insurable earnings.

The amount of maternity allowance is determined according to the weekly amount of paid and credited insurable earnings of the insured woman in the previous contribution year.

Maternity allowance is composed of the basic and the supplementary benefit. As of 2012 the percentage which is used in the formula for the calculation of maternity benefit has been reduced from 75% to 72%. The above amendment was introduced as part of the measures required by the MoU that Cyprus has signed with the Troika in order for Cyprus to secure a financial bailout.

The weekly rate of the basic benefit is equal to 72% of the weekly average of the basic insurable earnings of the claimant in the previous contribution year. The weekly amount of the basic benefit is increased to 80% if she has one dependant, to 90% if she has two dependants and to 100% if she has three dependants.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

Right to Maternity leave

There is no distinction between women employed in the public sector and women employed in the private sector.

Right to maternity Benefit

There is no distinction between women employed in the public sector and women employed in the private sector.

There are no plans to change the system in respect of paying maternity allowance on the basis of wages earned in the previous insurance contribution year.

Article 8§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

The Maternity Protection Legislation (L.100(I)/1997) was amended in 2011 to enhance the protection given to pregnant workers.

With the 2011 amendment (Law N.70(I)/2011) (APPENDIX 6), once a pregnant worker has notified her employer in writing of her pregnancy, she is protected from dismissal from the beginning of her pregnancy until three months after the end of the maternity leave. The term “in writing” is not limited to a medical certificate stating the pregnancy but can include letter, email, fax message, written notification etc. Within this prohibition period the employer cannot dismiss, give notice of dismissal or take such action so as to replace the pregnant worker permanently.

There are exceptions from the general rule of non-dismissal in the following cases:

1. If an employed woman has been guilty of misconduct which justifies breaking off the employment relationship
2. If the undertaking concerned ceases to operate
3. If the period prescribed in the employment contract has expired and its non-renewal is not connected to the pregnancy of the worker

In cases where the employee is dismissed, or given a notice for dismissal before she has a chance to notify the employer of her pregnancy in writing, then she is allowed five days in which she must bring a medical certificate that confirms her pregnancy. Once she notifies her employer of this fact, as mentioned above, within the five working days, he/she must recall the dismissal and hire her back for the entire period of protection.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

Behaviour justifying the termination of employment relationship

- committing serious misconduct in the performance of her duties,
- committing a criminal offense in the performance of her duties, without the express or implied consent of the employer,
- indecent behavior at the time of execution of tasks
- serious or repeated violation or disregard of labour regulations or other regulations with respect to employment.

Consequences of Dismissal

As regards the revision of the legislation concerning the reinstatement after an illegal dismissal in enterprises under 20 employees as well as the amount of compensation provided by court, the process has been left at a standstill. As a result of the financial crisis, the substantive increase of unemployment and the obligations of Cyprus under the Memorandum of Understanding with the Troika, the priorities and human resources of the Social Insurance Services have been directed elsewhere.

The Termination of Employment legislation applies to all employees in the private and public sector.

As regards the Committee's request for examples of how courts interpret the notion of "behaviour justifying termination of the employment relationship", no such cases have been filed with the courts during the period in question.

Article 8§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

According to the Maternity Protection Legislation (L.100(I)/1997) which was amended in 2011, reduction of work by one hour each day is given to the breastfeeding mother, until the baby is 9 months old (L.100(I)/1997). This benefit also applies where the mother is not breastfeeding her child. Time off work for the purposes of this article is considered as working time and remunerated accordingly.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

Time off nursing

The maternity protection act covers both employees in the private and public sector

Article 8§5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

The Protection of Maternity (Safety and Health at Work) Regulations of 2002 (Regulation 255/2002), were published in the Official Gazette of the Republic of Cyprus on 31.5.2002. The Regulations were issued under articles 13(8) and 38 of the Safety and Health at Work Laws of 1996 to 2011 and according to Article 6 of the Maternity Protection Laws. These Regulations harmonize partially the Cyprus Legislation with the provisions of European Union Directive 92/85/EEC on the application of measures to improve the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding.

According to Regulation 4 of the above Regulations, with regard to night work, whenever employed women who are pregnant, who have recently given birth or who are nursing are in possession of a medical certificate from a registered physician which excludes them from carrying out night work, the employer must exclude the women workers involved from any night work, by assigning different work duties to the concerned women workers

which does not involve risks to their safety and health for as long as this is required. If the above is still not feasible, and so long as this is duly justified, then the women involved must be relieved of their work duties altogether for as long as this is required to safeguard their safety and health without adversely affecting any of their rights , including salary.

According to the above mentioned Regulations (P.I. 255/2002), and the related Safety and Health at Work Laws of 1996 to 2011, every employer must undertake a written risk assessment of the health and safety risks involved by following the General Principles of Prevention (Article 13(3)). The employer is obliged to suitably revise the risk assessment whenever changes to the workplaces occur and when the assessment no longer applies. Additionally, every employer is obliged to consult with and train employed persons in Occupational Safety and Health (OSH), based on the results of the risk assessment. Also, Regulation 3 of the Protection of Maternity (Safety and Health at Work) Regulations of 2002 (Reg. 255/2002) requires the employer to suitably inform women workers who are pregnant, or who have recently given birth or who are nursing, of the results of the risk assessment and of the preventive and protective measures taken as a result, to ensure their safety and health at work.

Also, according to the above Regulation (No. 3 in Reg. 255/2002), in cases where the application by the employer of the results of the risk assessment described above does not avoid risks to the safety and health of employed women who are pregnant, who have recently given birth or who are nursing, the employer must take all necessary measures to avoid those risks by changing the working conditions or the working time arrangements for the women workers involved. In case these changes are not feasible in practice, the employer must relieve the concerned worker of her work and assign different work to her which does not involve risks to her safety and health for as long as this is required. If the above is still not feasible, and so long as this is duly justified, then the woman involved must be relieved of her work duties for as long as this is required to safeguard her safety and health without adversely affecting any of her rights , including salary. Additionally, employers may not allow employed women who are pregnant, who have recently given birth or who are nursing to carry out work duties defined in Annex II (Section A for pregnant women and Section B for nursing women).

In addition to the written risk assessment, which must be carried out by every employer and the preventive and protective measures which must be taken to safeguard employed persons' safety and health (as imposed by the Safety and Health at Work Laws of 1996 to 2011), every employer must include in the risk assessment, an assessment of the risks to women who are pregnant, who have recently given birth or who are nursing. This assessment must take into account work processes, work conditions, any physical, biological, chemical or ergonomic factors including specific factors which are listed in the two Annexes of the said Regulations. These are entitled non-exhaustive list of agents, processes and working conditions

(Annex I) and non-exhaustive list of agents and working conditions (Annex II). They are a transcription of the corresponding Annexes of European Directive 92/85/EEC (of 19 October 1992) on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding (tenth individual Directive within the meaning of Article 16 (1) of Directive 89/391/EEC).

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

GOVERNMENT OF THE REPUBLIC OF CYPRUS

**Report on Article 19
THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES TO
PROTECTION AND ASSISTANCE**

Of the Revised European Social Charter

(Reference period: 1/1/2010-31/12/2013)

Article 19§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

No change

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

Services and information for migrant workers

The Labour Department, as the competent authority for the promotion of the effective functioning of the labour market, supports and assists job-seekers to find appropriate work and employers to employ the necessary personnel through the services provided by the network of the Public Employment Services which is spread all over the country.

Among job-seekers who are applying for assistance to the Public Employment Services are migrants who have free access to the labour market, such as recognized refugees and persons with subsidiary protection status, as well as asylum seekers who are entitled to employment. For all these categories of the labour force the Labour Department provides up-to-date information about existing employment opportunities, as well as the terms and conditions for employing foreign workers. Informative leaflets produced by the Ministry of Labour, Welfare and Social Insurance, and the Ministry of Interior are available at Labour Department branches (in 14 offices of the Public Employment Service) in various languages such as English, Arabic, Sri-Lankan, Russian, Romanian and Greek. The leaflets produced by the Ministry of Labour, Welfare and Social Insurance contain

accurate information on employment related issues, such as basic provisions of Labour Legislation concerning terms of employment, equality in employment, termination of employment, the rights and obligations of a foreign employee etc.

The leaflets produced by the Ministry of Interior, which is the competent authority for the right implementation of the legislation regulating the issue of immigration, contain detailed and accurate information on many issues such as health care and social insurance, banking information, basic human rights and obligations, visa and entry requirements, access to utilities and employment and labour relations issues. These informative leaflets have been disseminated to NGOs dealing with migration issues as well as the Private Employment Agencies in order to provide the right information to foreigners who are interested to take up employment in Cyprus.

Additionally, in its effort to inform migrants about the terms and conditions of employment applied in Cyprus, the Labour Department is promoting the translation of the model contract of employment used in the broad sector of agriculture in languages other than English, such as Sri Lankan, Chinese and Arabic. The Agricultural sector holds a large percentage of employed third country nationals.

On the basis of the provisions of the Private Employment Agency Law the Labour Department, as the responsible authority for its right implementation, organizes every year training courses for the representatives of the Private Employment Agencies on various issues related to residence and employment of migrants, in order to equip them with the right information leading thus to the upgrading of the services and information providing to their clients.

With the aim of integrating persons who have settled and permanently live in Cyprus, those entitled to international protection, as well as Asylum Seekers, the Government has launched several programmes, co-financed by the European Refugees Fund (ERF) and the Integration Fund:

- Greek language tuition programmes for refugees and persons with subsidiary protection and basic Greek language training for asylum seekers
- Vocational training programmes for refugees and persons under subsidiary protection
- Orientation programme to help refugees and persons under subsidiary protection understand life in Cyprus and their statutory rights
- Provision of legal advice to asylum seekers throughout the procedure
- Informational campaigns on various issues in concern to TCN, including the raising of awareness of the road traffic rules in Cyprus
- Integration programmes offered by local authorities
- Provision of psychological and social support to asylum seekers throughout the asylum procedure as well as to beneficiaries of international protection

Measures against misleading propaganda relating to emigration and immigration.

In its attempt to combat racism and xenophobia, the Government of Cyprus has launched several actions, under programmes co-financed by the European Refugees Fund (ERF) and the Integration Fund:

- Campaigns to raise the awareness of and inform the public in Cyprus on issues relating to beneficiaries of international protection, especially within the local authorities and local communities,
- Informational campaigns on various issues in concern to TCNs
- Activities encouraging mutual interaction and cultural exchange
- Training seminars for stakeholders
- Organisation of Conferences on the improvement of the integration procedures
- Establishment of multilateral networks with Mediterranean countries
- Research: investigation of the attitudes and perception of teachers dealing with TCN immigrants and suggestion on how to improve their integration
- Training seminars for journalists
- Educational seminar on the challenges with regard to matters of applicants and beneficiaries of international protection and best practices in the management flows

Article 19§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Before third country nationals arrive in Cyprus, they are obliged to undergo medical examinations in the country of origin, providing an original blood analysis result showing that the third country national does not bear/suffer from HIV, Syphilis, Hepatitis B and C as well as a chest x-ray for Tuberculosis (TB).

During the application procedure the Employer of the third country national is obliged to issue a certificate of Health Insurance for medical care that covers inpatient and outpatient care and transportation of corpse (Plan A) and also the Employer's liability insurance with an automatic renewal.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Article 19§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

No change

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

The Social Welfare Services have on numerous occasions cooperated with social services of other states, usually through the International Social Services for issues related to safeguarding the best interests of children.

Article 19§4

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

No change

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

Remuneration and other employment and working conditions

The MLSI safeguards equal treatment of non-EU national workers as regards terms and conditions of employment (hours of work, salary and other benefits, holidays, overtime pay, duties etc.) through written contracts signed by the employer and the foreign employee. Terms and conditions of employment are in accordance with the terms of the relevant collective agreements signed by employers' and workers' organisations. In relation to complaints submitted by foreign workers, a specifically formulated

mechanism of examination is in place, under the Department of Labour Relations.

Complaints Mechanism: The Ministry of Labour and Social Insurance strives, through its complaint resolution procedures, to protect the rights of all workers that are employed in Cyprus, which can either be Cypriots, EU nationals as well as migrant workers that originate from Third countries. Especially for migrant workers, a mechanism for resolving complaints is established at each District Labour Relations Office, where complaints regarding violations of their employment contract are examined. The mechanism examines each complain within 3 weeks from the date that it was received.

The complaints of migrant workers, which include both domestic helpers and laborers, are firstly filed in the Aliens and Immigration Department, where they are stamped and recorded, and then the District Offices of the Labour Relations Department undertake to invite both parties at its premises in order to investigate the complaints and seek a mutually acceptable solution on amicable terms. During the investigation, their complaints and any other relating issues are listed down in writing. The whole procedure is done both in Greek and in English, so as to achieve a clear understanding of each party` s positions.

The Labour Relations Officer`s report is then sent to the Migration Department for final decision. In the case where a violation of the employment contract is evident, remedies are imposed to employers, through legal procedures and other internal mechanisms to ensure that such violations will not be repeated. In addition, permission for new employment is given. Moreover, the Labour Relations officer, during the investigation of the complaints, identifies trafficking issues or sexual exploitation attempts, and then the complaints are sent to the competent authorities for further actions. It should be noted that this procedure is additional to the legal right of the employees to proceed to the Labour Disputes Court.

An inspection mechanism has also been set up, so that inspections are carried out in order to safeguard the enforcement of Equality Laws (equal treatment for men and women, irrespective of colour and ethnic origin). The inspections fall under the umbrella of the inspection units for undeclared and illegal work.

In addition to what has been mentioned in the previous report, on 27 July 2012, the Private Employment Agency Law 126(I)/2012 (APPENDIX 7) regulating the establishment and operation of private employment agencies came into force. The new law sets the conditions and the qualifications that need to be fulfilled in relation to natural or legal persons operating such agencies. The criminal record of the applicant (natural person, legal person or cooperation) is examined, in order to safeguard that the persons involved in the operation of such agencies, have not been convicted for offences, such as sexual exploitation, or THB, or any other serious criminal offence. The relevant authority may revoke the license of such an establishment if the person

responsible for the operation of the office or any of the Directors in case of company or any of the Partners in case of partnership, has been convicted for a serious offense. In November 2013, the Ministry of Labour and Social Insurance provided training to the owners of Private Employment Agencies on the Law provisions.

Membership of trade unions and enjoyment of the benefits of collective bargaining

Trade Union Laws of 1968 to 1996 apply to all workers who work in Cyprus irrespectively of their nationality. Consequently, migrant workers and their families have the same right with respect to trade union membership and collective bargaining like Cypriot nationals. No special measures, programmes and action plans are being taken for migrant workers and their families since they have the same rights like Cypriots.

According to the Criteria of Employment for Employees from Third Countries that were adopted by Minister's Council in 1991, in order to provide protection for migrant workers towards their right to freely join a trade union and collective bargaining, all migrant workers who are being granted a permit to work in Cyprus can freely choose their trade union. 1% of their salaries is paid by these employees as trade union contribution.

Accommodation

As mentioned above, the employment of foreign labour in Cyprus is of a temporary nature. Therefore, it is considered an advantage for foreign workers who have secured a temporary contract of employment, to have adequate accommodation provided by the employer on their arrival. Nevertheless, the foreign worker has the option of staying at his own place instead at the housing provided by their employer, if the cost is affordable.

Article 19§5

- 1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms**

No change

- 2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework**

No change

- 3) Please provide pertinent figures, statistics or any other relevant information, if appropriate**

No change

Reply to the comments of the ECSR in its Conclusions of 2011

The Social Insurance Scheme covers compulsorily every person gainfully occupied in Cyprus either as an employed person, or as a self-employed person and does not make any discrimination between nationals and non-nationals. All insured persons have the same rights and obligations. The insured persons are classified in three categories; employed persons, self-employed persons and voluntary contributors.

The Scheme is financed by contributions payable by the employers, the insured persons and the State. The current contribution rates for employed persons are 13.6 per cent of insurable earnings, shared equally between the employer and the employee and 12.6 per cent of insurable notional income for the self-employed. The central government contributes the equivalent of 4.3 per cent of insurable earnings of employed and self-employed persons. Out of the total 17.9 per cent contribution rate, 15.6 percentage points are allocated to the long-term benefits branch of the GSIS.

Article 19§6

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

The Aliens and Immigration Law, Cap 105 as revised until 2014 (http://www.cylaw.org/nomoi/enop/non-ind/0_105/full.html), which is harmonized with Directive 2003/86/EC, provides for the right of family reunification for all third country nationals residing legally in Cyprus and having reasonable prospects of obtaining the right of permanent residence. In view of this, family members can join the third country national after two years of his /her residence in Cyprus.

In more detail, third country nationals that:

- reside legally in the Republic of Cyprus for a period of at least two (2) years
- are holder of a residence permit of a validity of at least one (1) year, and
- that have a reasonable prospect of obtaining the right of permanent residence,

may submit an application to exercise their right to family reunification given that the family members are abroad. Family members include the spouse and the minor children of the sponsor.

The legislation provides for more favourable provisions on family reunification, for alien family sponsors who are employed by foreign companies or who are holders of a long term permit in the Republic. These categories have either already obtained permanent residency or have the prospect of obtaining the right of permanent residency, since there is no restriction on the maximum duration of their stay in the Republic of Cyprus. In these cases, family

members have the right to arrive in Cyprus either at the same time as the third country national, or at any time after his/her arrival.

It is noted that the striking majority of applications for family reunifications are submitted by third country nationals that are employed by foreign companies or who are holders of a long term permit in the Republic. Therefore, it is considered that the two-year residence requirement does not constitute an obstacle to family reunion.

Regarding the issue of the legal requirement relating to available means, housing, health insurance, it is noted that all cases are examined on their own merit and efforts are always made to overcome such obstacles, especially in cases where minors are involved. These cases are very limited and, in almost all the cases, solutions were found and the right to family reunification was exercised. In this regard, it is noted that unemployment benefits are counted towards the income means of the sponsor. Nonetheless, these cases are also very limited.

For the family members of EU nationals, the provisions of the Law on the right of citizens of the Union and their family members to move and reside freely within the territory of the Republic, as amended until 2013, with which directive 2004/38/EC was transposed into the national legislation, apply.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

The Civil Registry and Migration Department provides third country nationals with all the necessary information for exercising the right to family reunification, including the legal requirements, the application forms, etc. Such information is available on-line on the website of the Department in Greek and English (www.moi.gov.cy/crmd)

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

Statistical figures regarding family reunification according to the Aliens and Immigration Law, Cap 105 as revised until 2014:

YEAR	APPLICATIONS SUBMITTED	APPLICATIONS APPROVED*	APPLICATIONS REJECTED*
2011	1619	1645	8
2012	1745	1751	3
2013	1704	1439	17

*the number of approved/rejected applications may include applications submitted during the previous year

Statistical figures regarding family reunification according to the Law on the right of citizens of the Union and their family members to move and reside freely within the territory of the Republic, as amended until 2013:

YEAR	APPLICATIONS SUBMITTED	APPLICATIONS APPROVED*	APPLICATIONS REJECTED*
2011	1972	1953	944
2012	2020	1437	607
2013	1869	1794	1322

*the number of approved/rejected applications may include applications submitted during the previous year

Reply to the comments of the ECSR in its Conclusions of 2011

The legislation concerning the right of third country nationals working in Cyprus to family reunification is in line with Article 8 of Directive 2003/86/EC: "Member States may require the sponsor to have stayed lawfully in their territory for a period not exceeding two years, before having his/her family members join him/her". Besides, the legislation provides for more favourable provisions on family reunification for alien family sponsors who are employed by foreign companies or who are holders of a long-term residency permit. In such cases, family members have the right to arrive in Cyprus either at the same time as the third country national, or at any time after his/her arrival.

Article 19§7

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

In 2009 the Legal Aid Law was amended (APPENDIX 8) in order to incorporate Article 15 of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status and expanded the legal aid scheme, under certain conditions, to refugees and asylum seekers, with respect to court proceedings under Article 146 of the Constitution against a decision rejecting their application for asylum.

In 2011 the Legal Aid Law was again amended (APPENDIX 9) in order to expand the legal aid scheme, under certain conditions, so as to also cover judicial procedures in Cyprus for returning illegally staying third-country nationals when lodging a recourse before the Supreme Court of Cyprus according to Article 146 of the Constitution against a return decision, a removal decision and a decision on entry ban. The law is drafted in line with the Directive 2008/115 EC (Article 13, paragraph 4) of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

For purposes of compliance with paragraph 2 of Article 12 and paragraph 2 of Article 15 of the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, a new law was enacted (May 2014), according to which the legal aid law was amended, in order to extend the free legal aid scheme, so as to also cover judicial procedures in Cyprus to victims of trafficking, including children, for purpose of claiming compensation, if the victims do not have sufficient financial resources. The legal aid provided under this bill includes advice, assistance and representation.

For purposes of compliance with paragraph 2 of Article 20 of the Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, a new law was enacted (July 2014) (APPENDIX 10), according to which the legal aid law was amended, in order to expand the free legal aid scheme, so as to cover also judicial procedures in Cyprus to children, who are victims of trafficking, sexual abuse, sexual exploitation, child pornography, or they are solicited for sexual purposes, for the purpose of claiming compensation, unless they have sufficient financial resources. The legal aid provided under this bill includes advice, assistance and representation.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Article 19§8

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Deportations of migrant workers are governed by the Aliens and Immigration Law, Cap 105 as amended until 2014.

The Aliens and Immigration Law, Cap 105 as amended until 2014, provides, inter alia, that a third country national may enter and reside in the Republic of Cyprus for employment purposes, given that he/she does not constitute a threat to public health [Article 18ΥΣΤ(ι)]. The only diseases that may justify the refusal of entering and residing of such persons in the Republic are those specified in the active rulings of the World Health Organisation, as well as other infectious or contagious parasitic diseases that may constitute a danger to public health [18KB(2)].

Furthermore, the same legislation provides that if an individual is diagnosed with any infectious or contagious disease that constitutes a threat to public health is considered to be a forbidden immigrant [Article 6(1)(γ)].

Nonetheless, in cases where humanitarian considerations arise, special permits may be granted to the concerned third country national upon examination of the individual case. Such handling has been used in a number of cases.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

The Civil Registry and Migration Department provides third country nationals with all the necessary information for entering and residing legally in Cyprus including the health requirements. Such information is available on-line at the website of the Department in Greek and English (www.moi.gov.cy/crmd).

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

Reply to the comments of the ECSR in its Conclusions of 2011

There is no update to the Aliens Law regarding expulsion on health grounds. The Aliens and Migration Law chapter 105 article 6(1)(γ) continues to be applied.

Article 19§9

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

In the period from 1 May 2004 to 26 March 2013 there were no changes in the general legal framework ensuring the freedom of capital movements and payments, including the transfer of earnings and savings of migrant workers to their country of origin, without restriction.

On 27 March 2013, in the context of a severe economic crisis and following the political agreement of 25 March 2013 between the Cypriot authorities and the Eurogroup which, inter alia, required a haircut on uninsured bank deposits, the Cypriot government imposed temporary restrictive measures on capital movements and payments, by virtue of a newly enacted law . The measures were taken against the background of lack of liquidity and a significant risk of uncontrollable deposit outflows which could destabilize the financial system, with severe consequences on the economy and society as

a whole. In these exceptional circumstances, the restrictive measures were justified on grounds of public policy and for overriding reasons of general public interest, in line with the Treaty on the Functioning of the European Union (Article 65), as confirmed by the European Commission on 28 March 2013.

Initially, for a period of about two weeks, virtually all personal (non-business) transfers and payments abroad through credit institutions in Cyprus, with the exception of payments up to EUR5.000 per month via credit/debit/prepaid cards, were subject to authorisation by a Committee established under the law (N. 12(I)/2013), which comprised officials from the Ministry of Finance and the Central Bank of Cyprus. The export of banknotes by any traveller was also subject to a limit (initially EUR1.000 per person, per journey). Migrant workers could still remit earnings and savings abroad through payment institutions, which had been granted a licence under the Payment Services Laws, 2009 and 2010, and had an extensive network of branches and agents.

On 14 April 2013 the temporary restrictive measures were relaxed, and personal transfers abroad up to EUR2.000 per month, per person, from each credit institution, were allowed, without any authorisation requirements. On 25 April 2013 the limit on personal transfers abroad was raised to EUR5.000 per month, per person, from each credit institution and/or payment institution, effectively covering the needs and desires of migrant workers. Also on 25 April 2013, the limit on the export of banknotes was raised to EUR3.000, while restrictions on payments via credit/debit/prepaid cards were abolished. These limits on personal transfers and exports of banknotes remained unchanged in the remainder of year 2013. Personal transfers or exports of banknotes above these limits were subject to prior approval of the abovementioned Committee, which handled applications submitted via e-mail by the credit institutions involved. In fact, very few applications by migrant workers were submitted to the Committee, since the limits were set at a sufficiently high level for most purposes and were practically non-binding.

On 8 December 2014 the limit on personal transfers abroad was raised from EUR5.000 to EUR10.000 per month, per person, from each credit or payment institution, while the limit on the export of banknotes was raised from EUR3.000 to EUR6.000 per person, per journey. The limits were raised further in January 2015 and February 2015.

The Cypriot authorities anticipate the removal of all remaining temporary restrictions in the Spring of 2015, so that the freedom of capital movements and payments is restored.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

As above

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

As above

Article 19§10

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

No change

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Reply to the comments of the ECSR in its Conclusions of 2011

We ask that the Committee provide additional clarifications as to what the reasons of non-conformity are under this paragraph. The distinction made between self-employed migrants and migrant employees and self-employed nationals and wage earner nationals in the Committee's conclusion are unclear. Furthermore, the linkage to grounds of non-conformity under other paragraphs of the same Article is confusing.

Article 19§11

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Article 20 of the Constitution of the Republic of Cyprus safeguards the right to education for all pupils not only Cypriot children but also children of migrants. The MOEC offers free and accessible education to all pupils at all educational levels (primary, secondary general, secondary technical and vocational education) without prejudice based on gender, abilities, language, color, religion, political beliefs or ethnic background.

During the period under review (1/1/2010-31/12/2013), the Ministry of Education and Culture (MOEC) has continued the implementation of its policy with regards to multicultural education, aiming at the smooth inclusion of pupils from third countries as well as other European Union (EU) member states to the Cyprus Educational System. The policy priorities place particular emphasis on democratization, by cultivating respect for the dignity and uniqueness of

each individual; respect for the opinion of the majority; creating opportunities for active participation in the decision-making process; providing equal opportunities in all aspects of school life; and encouraging cooperation and responsibility. In response to the demands of the contemporary society and the changing social environment, both national and international, the overall policy is to promote the implementation of educational measures, which will help groups from different cultural identities to integrate themselves in a creative environment, regardless of background and enabling teachers to support pupils' linguistic and cultural needs in an effective way by combating racial stereotypes and discriminatory attitudes.

Multicultural Education is currently being practised in the form of various support measures. These measures can be categorized as measures for language support, which refer to the learning of Greek as a second language and measures for facilitating the inclusion of various groups with different cultural identities. The model that is currently being used is the mainstreaming programme, in which foreign language speaking pupils participate in the classrooms along with the native Greek-speaking pupils. A flexible system of intervention within the ordinary timetable exists. The MOEC also encourages several cultural measures to promote multicultural awareness. It has provided all schools with educational material, which includes books for the teaching of the Greek language, activity and exercise books, as well as teachers' books with methodological instructions and a variety of suggestions for activities, of mainly communicative character. It also recognizes the need to provide teachers with the opportunity to further develop their learning and teaching approaches to all children. Developing multicultural awareness, providing information among the pupil population of the way of life, patterns of thought and attitudes of different people, attempting to understand these differences and communicating with these people, are important aspects of the MOEC's policy.

The Council of Ministers approved the *"Policy Report of the Ministry of Education for Multicultural Education"*. Within the framework of the creation of a democratic school that will incorporate and include all pupils, the following measures, that aim to the inclusion of foreign language speaking pupils to the school system and the Cyprus society, are being implemented:

- Parallel classes for fast acquisition of the Greek language through intensive instruction.
- In-service training seminars for teachers teaching Greek as a second language organised by the Pedagogical Institute.
- Preparation on an induction guide for the new coming foreign language speaking pupils which has been translated in eight languages, with basic information for the pupils and their parents regarding the Cyprus Educational System. The languages are: English, Turkish, Russian, Georgian, Bulgarian, Rumanian, Ukrainian and Arabic. The guides are

uploaded on the MOEC's website and are accessible to all stakeholders.

- Addition of intercultural elements in the new Curricula and the school textbooks that will be prepared within the framework of the changes in the structure and the content of education.

The following table shows the number of foreign language speaking pupils and the number of extra teaching periods for learning Greek that were allocated in primary education, during the morning school timetable, for the period under review:

School year	Number of foreign language speaking pupils	Number of extra teaching periods
2010-2011	3 733	2 293
2011-2012	4 054	2 501
2012-2013	4 018	2 355
2013-2014	4 088	2 411

A similar program is in place in secondary education as well, where foreign language speaking pupils learn Greek as a second language, during the morning school timetable. The following table shows the number of foreign language speaking pupils and the number of extra teaching periods that were allocated in secondary education, for the period under review:

School year	Number of foreign language speaking pupils	Number of extra teaching periods
2010-2011	1 253	700
2011-2012	1 204	705
2012-2013	1 100	680
2013-2014	777	505

The MOEC has also introduced the institution of the Zones of Educational Priority, deriving from UNESCO's strategy for positive discrimination to address consequential issues. Each Zone consists of one lower secondary school, the main primary schools and kindergartens in its capture area with a pupil population coming from families with a low socioeconomic and educational level. The criteria for defining a Zone is a high record of school failure and functional illiteracy in the area's school units, a high share of foreign language

speaking pupils, a high number of drop-outs and high incidence of violent and anti-social behavior (young delinquency).

Empirical and theoretical research related to minority education and specific educational initiatives have guided the MOEC in developing and implementing programs for the education of foreign language speaking pupils, such as:

- Provision of bilingual teachers who facilitate the communication between teachers, pupils and parents.
- Provision of special support and attention to migrant, refugee and asylum seekers from the Educational Psychology Service and the Social Welfare Services.
- Organizing of a number of intercultural activities and events.
- Organizing of education seminars for parents and legal guardians on a subject matter of their interest based on the distinctive characteristics of each local community in which they reside.

Actions taken within the framework of the Zones include among others:

- Reduction in the number of pupils per classroom;
- Offer of free meals to underprivileged pupils of kindergartens and primary schools;
- Offer of afternoon activities (groups, clubs) at the gymnasiums included in the Zones;
- Appointment of extra teachers in each Zone to act as coordinators;
- All-day operation of the primary schools and gymnasiums covered by the Zones.

The operation of this institution has had positive results, such as a reduction of pupil dropouts, of school failure (referrals and repetitions) and of referrals to the Educational Psychology Service, as well as improvement of school success. In 2013 the percentage of early leavers was reduced to 9%, well below the headline target that was set to 10%. Moreover, in 2010-2011 school dropout was not existent in primary education, whereas in secondary education in 2009-2010, the percentage of school dropout was 1,6%.

Moreover, the Adult Education Centres of the MOEC offer classes for learning Greek to migrant pupils that are free of charge and their duration is 25 meetings for 90-minutes each, which enable their better integration in the school and social environment of Cyprus. The MOEC confirms that these classes are in addition to the special language classes that are offered during the morning school timetable and are free of charge. The table below shows the available data, for the period under review:

School year	Number of foreign language speaking	Number of groups
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	pupils	
2010-2011	1 507	197
2011-2012	1 804	233
2012-2013	1 683	217
2013-2014	1 122	168

The State Institutes for Further Education, functioning under the auspices of secondary education, also offer a similar programme where migrant pupils can learn Greek in the afternoon and pay fees. The Institutes help low income families and offer scholarships to pupils who excel in their exams. The following table shows the number of pupils enrolled and the number of Institutes where these classes were offered, for the period under review:

School year	Number of foreign language speaking pupils	Number of Institutes
2010-2011	320	7
2011-2012	212	6
2012-2013	136	6
2013-2014	121	6

The European Social Fund co-finances the project titled "*Programme for Greek language teaching, applicable to migrants and other foreign language speaking residents of Cyprus*", under the Adult Education Centers' administration. The project is specially targeted for teaching the Greek language to migrants. There is no waiting period for access and the language classes are offered free of charge. The lessons for the school years 2010-2013 were held twice a week, for 90-minutes per lesson, in total 50 meetings. Whereas for the school year 2013-2014, the lessons were held twice a week for 180-minutes per lesson, in total 25 meetings. The following table shows the duration, the number of groups, the number of participants and the number of meetings, for the period under review:

School year	Duration	Number of groups	Number of participants	Number of meetings
2010-2011	March 2011-October 2011	220	3 023	50
2011-2012	November 2011-May 2012	211	3 694	50

2012-2013	November 2012-May 2013	222	2 759	50
2013-2014	March 2014-June 2014	122	1 324	25

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

See above

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

See above

Article 19§12

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

Any natural or legal person of a Cypriot nationality, citizens of other EU member states and non-EU citizens can set up and manage a private school with any language of instruction, upon the approval of the Minister of Education and Culture. The establishment and operation of private educational institutions of pre-primary, primary, secondary level and summer schools are stipulated by the relevant legislation providing for the establishment of Private Schools and Institutions Law of 1971 to 2008. Private schools are usually run on a for-profit basis and are fully self-financed, through the fees parents pay. In the case of some private foreign language schools, support is also provided by overseas governments or organizations. Besides Greek, there are private schools that use English, French, Russian and Arabic as languages of instruction. All private schools need to register with the Ministry in order to be awarded with operational permit and are supervised and inspected by officers of the MOEC. Pupils regardless of their country of origin have the option to attend a private educational institution of their choice. Currently, there are three types of private schools in Cyprus:

- Private schools of the same type, whose curricula, timetables, criteria, responsibilities and qualifications for employment of personnel are identical to those in the public sector without any deviation.
- Private schools of a similar type, whose curricula, timetables, criteria, responsibilities and qualifications for employment of personnel are similar to those in the public sector, at least by two thirds regarding number of hours taught and content.

- Private schools of a different type, whose curricula, timetables criteria, responsibilities and qualifications for employment of personnel are different to those in the public sector and do not fall into any one of the above two types.

The Government contributes to the functioning of private establishments through financial support, whereas private educational establishments can obtain books used by the public educational institutions as part of the national curriculum free of charge from the Store of the MOEC.

Adult migrants, refugees and asylum seekers as well as their children, who are fifteen years of age and above, have access to all programmes of non-formal education in Cyprus. These courses include informal vocational education and training and life skills for participants' further personal, professional and social development. The Centres offer 13 different languages, since the MOEC believes that effective communication between people is a precondition for success in the political, economic, social and cultural domains. Currently the Centres offer the following foreign languages: English, Arabic, Armenian, Bulgarian, French, German, Jewish, Spanish, Italian, Chinese, Romanian, Russian and Turkish. For the courses offered, which focus mainly on the teaching of foreign languages, culture, arts and crafts, health and other issues of general interest, migrants, refugees and asylum seekers have to pay a symbolic fee.

In secondary education migrant pupils in grades 11 and 12 may choose among the following foreign languages, like their Greek language speaking peers: English, French, Italian, Spanish, German, Russian and Turkish. The same languages are also offered up to the level B1 or B2 of the Common European Framework for Languages, during the afternoon by the State Institutes for Further Education, and pupils pay fees. Special rates apply for vulnerable groups of pupils, whereas all pupils whose parents receive public allowance from the Social Welfare Services are exempted from paying fees.

Moreover, any request coming from an individual or an organized group for using school premises for language classes in any mother tongue is satisfied, as part of the MOEC's policy to conform to the Charter's relevant Article. The MOEC believes that the teaching of a migrant worker's mother tongue "contributes to the preservation of the cultural identity of all the migrants concerned while promoting a psychological and mental balance", therefore it strongly supports the preservation of the cultural identity of all migrants and facilitates all requests related to this issue within its jurisdiction, provided all requests are non-profit. In the past school premises were given for teaching Iranian and Polish languages, whereas for the period under review school premises were given for teaching Rumanian, Bulgarian and Norwegian to children of migrant workers. Such classes were organized in Lefkosia, Lemesos, Larnaka, Pafos, Dali and Paralimni.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

¹ Capital Movement Law, 2003 (N. 115(I)/2003).

² Enforcement of Restrictive Measures on Transactions in Case of Emergency Law, 2013 (N. 12(I)/2013), enacted on 22 March 2013. A series of decrees were issued by the Minister of Finance under this law:

http://www.centralbank.gov.cy/nqcontent.cfm?a_id=12636

³ “Statement by the European Commission on the capital controls imposed by the Republic of Cyprus”, Brussels, 28 March 2013, IP/13/298, http://europa.eu/rapid/press-release_IP-13-298_en.htm

⁴ Payment Services Laws, 2009 and 2010 (N. 128(I)/2009 and 52(I)/2010),

http://www.centralbank.gov.cy/nqcontent.cfm?a_id=10883&lang=en .

Statistics on money remittances through payment institutions licensed under these laws are available at

http://www.centralbank.gov.cy/nqcontent.cfm?a_id=11480&lang=en

GOVERNMENT OF THE REPUBLIC OF CYPRUS

**Report on Article 27
THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL
OPPORTUNITIES AND EQUAL TREATMENT**

Of the Revised European Social Charter

(Reference period: 1/1/2010-31/12/2013)

Article 27§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

The right of workers with family responsibilities to equal opportunities and equal treatment is protected through the Equal Treatment of Men and Women in Vocational and Occupational Training Law (L.205(I)/2002). The provisions of said legislation ensure that family responsibilities shall not constitute a valid reason for termination of employment or any other discriminatory treatment for that matter. The definition of “discrimination on grounds of sex” includes the biological sex of the person, pregnancy, sexual harassment, harassment and family status. Discrimination on the grounds of sex, according to L.205(I)/2002 is prohibited and direct discrimination cannot be justified.

Additionally, according to the Parental Leave and Leave on Grounds of Force Majeure Law of 2012 (APPENDIX 11), every eligible employee, man or woman, who has completed a continuous period of employment of at least six months with the same employer, is entitled to unpaid parental leave of up to 18 weeks for each child independently (even in the case where two or more children are born in the same day) until the child reaches the age of 8. As regards widowed parents, the total duration of the parental leave increases to 23 weeks.

Parental Leave can be taken for a minimum period of 1 week and a maximum period of 5 weeks, per calendar year, in the cases of one or two children, and 7 weeks in the cases of three or more children.

The right is individual and non-transferable but in the cases where one parent has taken parental leave of minimum 2 weeks he/she is allowed to transfer to the other parent 2 weeks from the rest of the total duration of his/her leave.

The measures taken for the implementation of the legal framework include the publication of legislation guides and articles in print and electronic media,

organization of seminars and participation in radio and TV shows regarding the right to parental leave.

A study on the use of parental leave was carried out in 2011 in the context of the project line "Actions to reduce the pay-gap between men and women" of the Operational Programme "Employment, Human Capital, and Social Cohesion 2007-2013".

The findings from the field research showed the following:

- 89% of the parents that used the right to parental leave were women and only 11% were men.
- The majority of the parents that took parental leave were working in the semi-government sector (33%), 29% in the private sector, 18% in the public sector and 16% in the banking sector.
- 14% of the parents who took parental leave were working for the same employer for more than 10 years, 10% for 2-3 years, 8% for 4-5 years, 7% for 8-9 years, 5% for 6-7 years and 3% for 1 year.

Additional note

It should be clarified that the Maternity Protection Law, the Equal Treatment for Men and Women in Occupation and Vocational Training Law and the Parental Leave and Leave on Grounds of Force Majeure Law are implemented in both the public and the private sector.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change

Article 27§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms

The Termination of Employment Law provides that the dismissal of an employee while on leave due to urgent family reasons does not constitute a valid reason of legal termination of employment.

According to the Termination of Employment legislation when unlawful dismissal takes place the Labour Disputes Court may order reinstatement only

in case where a business occupies more than 20 employees. This provision was included in the Legislation due to the fact that in Cyprus most companies which occupy less than 20 employees are family businesses and as a consequence the relations between employers and employees are less formal. For this reason the reinstatement of an employee in such a business is likely to cause some tensions between the dismissed employee and his employer.

The employee may take a case of unlawful dismissal before the district court. The District Court may order reinstatement in the case of workplaces with less than 20 employees. However, bearing in mind that the majority of employers in Cyprus are family enterprises, reinstatement is not something the victim of an unlawful dismissal seeks since the employer-employee relationship is broken.

In most cases the disputants reach a settlement before the court rules its decision therefore the civil courts have not used this provision so far.

Finally in respect of the revision of the legislation concerning the reinstatement after an illegal dismissal in enterprises under 20 employees, we would like to inform the committee that as a result of the financial crisis, the substantive increase of unemployment and the obligations of Cyprus under the Memorandum of Understanding with Troika compounded with the severe shortage of human resources the Social Insurance Services are experiencing (as a result of a freeze on new hirings and early retirements), the Social Insurance Services had to re-evaluate their priorities in conjunction with the available human resources.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc) to implement the legal framework

No change

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate

No change