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## **REVISED EUROPEAN SOCIAL CHARTER**

8th National Report on the implementation of  
the Revised European Social Charter

submitted by

**THE GOVERNMENT OF CYPRUS**

(Articles 8 and 27  
for the period 01/01/2003– 31/12/2009;  
(Articles 7 and 19  
for the period 01/01/2005– 31/12/2009)

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Report registered by the Secretariat on 23 February 2011

**CYCLE 2011**



**GOVERNMENT OF THE REPUBLIC OF CYPRUS**

**Report on Article 7  
of the Revised European Social Charter**

**THE RIGHT OF CHILDREN AND YOUNG PERSONS TO PROTECTION**

**(Reference Period 01.01.2003 – 31.12.2009)**

**Article 7§1**

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

No change since the last report.

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

No change since the last report.

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

There are not any pertinent figures or statistics about the employment of children under 15 years of age.

**Additional Information with regards to Conclusions 2006**

The Inspectors of the Department of Labour Inspection conduct inspections in various work sites for the examination of the implementation of legislation for The Health and Safety at Work. During these inspections, examination is also conducted for violations of the provisions of The Protection of Young Persons at Work Law that concern health and safety matters.

Additionally, the Inspectors conduct specialised inspection campaigns. Concerning the protection of young persons at work, during the period 1/1/2003 - 31/12/2009,

132 inspections were conducted at work sites where young persons were employed. During the aforementioned period there have been no penal cases concerning violation of The Protection of Young Persons at Work Law.

The Law on the Protection of Young Persons at Work is in the final stages of being amended. The amended Law will not exclude from its scope occasional or short-term work in domestic service.

### **Article 7§2**

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

No change since the last report.

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

No change since the last report.

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

The following Table shows the employment of persons aged 15 - 19 for the years 2003 – 2009 (Eurostat: <http://appsso.eurostat.ec.europa.eu/nui/show.do>).

<b><u>Employment of persons 15-19 years of age</u></b>							
<b>Year</b>	2003	2004	2005	2006	2007	2008	2009
<b>Total (1000)</b>	3.8	4.3	3.3	3.3	3.6	4.3	3.3

**Article 7§3**

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

No change since the last report.

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

No change since the last report.

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

There are no pertinent figures or statistics about the employment of children still subject to compulsory education.

**Additional Information with regards to Conclusions 2006**

The Law provides that employment of a child (defined as a person under 15 years of age) in cultural, artistic, sports or advertising activities is permitted subject to a licence being issued by the Minister of Labour and Social Insurance under certain circumstances, to be determined by Regulations on condition that:

- the safety, health and development of the child will not be harmed, and
- the regular school attendance of the child will not be prevented.

The Regulations are in the final stage of being issued. In the draft Regulations, the cultural or other relevant activities that children can be employed for, are the following: theatrical or musical performance or show of other artistic content, advertising program, fashion show, recording of radio or television shows, recording of other kind of visual or audio productions, filming or photo shooting, sports or sport shows and any relevant preparation activity.

The Law of the Protection of Young Persons at Work is in the final stages of being amended. The amended Law will not exclude from its scope occasional or short-term work of children in domestic service.

**Article 7§4**

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

No change since the last report.

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

No change since the last report.

**3) Please supply any relevant statistics or other information on the proportion of workers not covered by these limits and the reasons why they are not covered, and state whether any particular measures have been taken to assist young persons under 18 who do not benefit from any restrictions on their working hours.**

There are no relevant statistics or information.

**Article 7§6**

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

No change since the last report.

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

No change since the last report.

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

There are no relevant statistics or information.

### **Article 7§8**

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

No change since the last report.

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

No change since the last report.

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

There are no relevant statistics or information.

### **Additional Information with regards to Conclusions 2006**

The Law provides that no child (person under 15 years of age) shall be employed in any work between 7 p.m. of any day and 7 a.m. of the following day. The Law also provides that no adolescent (person at least 15 but less than 18 years of age) shall be employed in any work between 11 p.m. of any day and 7 a.m. of the following day, except in certain cases that will be provided by Regulations (the draft amending

Law provides that exception on night work are allowed only for adolescents that are at least 16 years old). Nevertheless, adolescents are not allowed to work between midnight and 4 a.m. without any exceptions.

The Regulations are in the final stages of being issued. In the draft Regulations, night work for adolescents of at least 16 years of age is allowed in certain employment sectors given that:

- The following day is not a school day if the adolescent attends school
- The number of nights that the adolescent works does not exceed 3 per week
- The adolescent is informed at least 48 hours before
- If the adolescent cannot work at night for a reasonable cause, then the employer must release him/her from night work.

Additionally, in the draft Regulations, night work for adolescents of at least 16 years of age is allowed only in the following employment sectors and only in the case where the employer cannot cover the relevant needs in another way and/or if the work is combined with education/training:

- Navigation or fishing
- Hospitals, homes for the elderly, similar services
- Cultural, sports and advertising activities
- Hotels, restaurants, cafeterias and
- Bakeries, post offices or newspaper distribution

### **Article 7§10**

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

#### **Domestic Violence**

Domestic Violence was criminalised in 1994 by Law (L.47(I)/1994) and later replaced by The Violence in the Family (Prevention and Protection of Victims) Law



(L.119(I)/2000), as amended. Furthermore, The Children Law has been amended in 1999 and 2002. The Laws explicitly prohibit corporal punishment and include no defences. The aim of the legislation is to fully harmonise the national legislation with the European acquis, as well as to better implement the UN Convention for the Rights of the Children.

### Trafficking of Human Beings

The Law for Combating Trafficking and Exploitation of Human Beings and for the Protection of Victims (L.87(I)/2007), came into force on 13/7/2007, replacing The Combating of Trafficking in Human Beings and Sexual Exploitation of Children Law of 2000 (L.3(I)/2000). Its aim is to fully harmonise the national legislation with the European acquis, as well as to better implement the UN and Council of Europe relevant Conventions and Protocols, particularly the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organised Crime. The Law covers all aspects of trafficking such as exploitation of the prostitution of others or any other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery and the removal of organs. The Law has special provisions for children, including unaccompanied minors and child pornography. It further provides for a national coordinator and for the establishment of a multidisciplinary group with the task to take all the necessary measures for combating trafficking and exploitation of human beings and to protect the victims.

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

### Domestic Violence

The program «Prevention and Treatment of Violence in the Family» provides to the minor and adult victim the right to assistance, support and protection in order to be strengthened and to be able to deal with the violence they are facing. The program pays special attention to the abuse and/or neglect of minors, defending the rights of children by giving them access to services which provide assistance.

The domestic violence government agencies, as well as NGOs, cooperate on the basis of the Manual of Interdepartmental Cooperation on Domestic Violence, approved by the Council of Ministers in 2002, which is now in the process of being revised.

The Social Welfare Services give emphasis to the mobilisation of NGOs concerning the prevention and handling of violence in the family.

The Advisory Committee for the Prevention and Combating of Violence in the Family was established in 1996. The Committee aims to create a data bank on family violence. The Committee has prepared a National Action Plan for the Prevention and Combating of Violence in the Family for the period 2008-2013, including the promotion of a Code of Ethics concerning children victims of family violence.

Furthermore, the Ministry of Labour and Social Insurance in cooperation with the Ministry of Education and Culture, the Ministry of Health, the Ministry of Justice, the Advisory Committee and the Association for the Prevention and Handling of Family Violence, within the framework of the International Day for the Elimination of Domestic Violence, have implemented an awareness raising campaign regarding the elimination of domestic violence. The campaign included dissemination of informative material outside schools, dissemination of leaflets on Positive Parenting (Rec2006/19), discussions on mass media programs, and commercial spots.

#### Trafficking of Human Beings

In 2004, an Office of Combating Human Trafficking was established within the Cyprus Police.

In supporting victims of sexual exploitation, since November 2007 sheltering is available providing safe accommodation, psychological support and counselling with an individualised treatment plan and legal advice to victims of sexual trafficking.

A new National Action Plan against Trafficking of Persons for the years 2010-2012 has been approved. Additionally, the Social Welfare Services are in the process of

revising the manual for the improved coordination between different services and departments involved.

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

Domestic Violence

In the past five years, data gathered from the Police and the Social Welfare Services indicate an average of 1000 service cases. The data indicate a slight increase each year.

**GOVERNMENT OF THE REPUBLIC OF CYPRUS****Report on Article 8  
of the Revised European Social Charter****THE RIGHT OF EMPLOYED WOMEN TO  
PROTECTION OF MATERNITY****(Reference Period 01.01.2005 – 31.12.2009)****Article 8§1**

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

The Maternity Protection Law was amended in 2007 and twice in 2008. Based on the Amending Maternity Protection Law 109(I) of 2007 and the Amending Social Insurance Law of 2007, the period of paid maternity leave was increased from sixteen (16) weeks to eighteen (18) weeks. Specifically, the Law provides that an employed woman is entitled to maternity leave for a total period of eighteen (18) weeks, given that she provides her employer with an appropriate medical certificate stating the expected date of confinement. Eleven (11) of the eighteen (18) weeks are compulsory, starting two (2) weeks before the expected week of confinement. The prenatal part of maternity leave is extended by any period elapsing between the expected date and the actual date of confinement, without reduction in the compulsory part of postnatal leave. Also, an employed woman who adopts a child under the age of twelve (12) years is entitled to maternity leave for a total period of sixteen (16) weeks, given that she has notified the Social Welfare Services. A written notification must be given to the employer stating the woman's intention to adopt a child and the date of the adoption.

The conditions for the payment of maternity allowance are:

- (a) the insured woman is on maternity leave and she does not receive her whole salary or wages from her employer.
- (b) the insured woman has been insured for at least twenty-six (26) weeks and has paid, up to the day of maternity allowance, contributions on insurable earnings not

lower than twenty-six (26) times the weekly amount of the basic insurable earnings and,

(c) the insured woman has paid or been credited with insurable earnings in the previous contribution year not lower than twenty (20) times the weekly amount of the basic insurable earnings.

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

Maternity allowance is composed of the basic and supplementary benefit. The weekly rate of the basic benefit is equal to 75% 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 or more dependants.

*Additional Information with reference to Conclusions 2005*

In order to illustrate the above (as requested by the Committee in its previous Conclusions in 2005) an example follows below, concerning the rate of maternity allowance for women earning the minimum wage as well as for woman earning the average wage:

In 2009 the minimum wage (for certain professions such as shop assistants, kindergarten assistants and carers) was set at €791 per month, while the average wage was estimated at €1.824 per month. As it was mentioned above, 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. Therefore, if an insured woman is entitled to receive maternity allowance from 5/7/2010 onwards, her benefit will be calculated based on her insurable earnings of 2009. Consequently, a woman earning the minimum wage will be entitled to €2.464,28 (€136,91 per week in 2009 x 18 weeks) while a woman earning the average wage will be entitled to €5.682,60 (€315,70 per week in 2009 x 18 weeks).

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

Since June 2008, Equality Inspectors of the Department of Labour receive and examine complaints concerning discrimination in employment on the grounds of maternity and pregnancy, according to the provisions of The Protection of Maternity Law and of The Equal Treatment of Men and Women in Employment and Vocational Training Law.

The Department of Labour has prepared and distributed a Code of Good Practice for Pregnant Women and New Mothers at Work (in Greek and English language) and a Poster about their rights, in 2009.

**3) Please provide pertinent figures, statistics or any other relevant information to demonstrate that the level of maternity benefit is adequate.**

Information is given under question 1 of Paragraph 8§1.

**Article 8§2**

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

**Additional Information with reference to Conclusions 2005**

In the event where a worker wishes to resort to a civil court (normally the Labour Dispute Court) because he/she feels that his/her dismissal was unlawful, he/she may claim compensation of wages of more than two years. Despite the possibility given by The Termination of Employment Law to claim higher amount of compensation, the civil courts have not ruled so far any decision for compensation of wages exceeding the two years.

Cyprus wishes to indicate that civil courts have not used this provision so far and it is possible that they will not make any use of it in the near future because in the vast majority of these cases, the disputants reach to a settlement before the court issues

a decision. Nevertheless, this provision (Article 3(1) of The Termination of Employment Law) is in the process of being amended.

The Equal Treatment of Men and Women in Employment and in Vocational Training Law (which also covers pregnancy and maternity), provides that in case of termination of employment, in violation of its provisions, the Labour Dispute Court orders the reinstatement of the unlawfully dismissed employee, without limitation as to the size of the enterprise and without examining the good or bad faith of the employer (Article 15(4)). The Article 33 of the Law referred to above, provides that its provisions prevail against those of The Termination of Employment Law.

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

Information is given under question 2 of Paragraph 8§1.

**6) Please provide pertinent figures, statistics or any other relevant information, if appropriate.**

From June 2008 until December 2009, the Equality Inspectors of the Department of Labour have received thirty-two (32) complaints concerning less favourable treatment in employment on the grounds of maternity and pregnancy, the vast majority of which concerned termination of employment. Five (5) of the complaints were founded, nine (9) were unfounded, four (4) were withdrawn or settled, three (3) were out of the Department's competence and eleven (11) are pending.

### **Article 8§3**

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

Based on the Amending Maternity Protection Law 109(l) of 2007, a woman employee who has recently given birth is entitled to one (1) hour off work every day for the purpose of breastfeeding and/or childcare. This hour is considered as

working time and is remunerated accordingly. From 2007, this period has increased from six (6) to nine (9) months, starting from the day of confinement or the day when maternity leave starts in case of adoption.

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

Information is given under question 2 of Paragraph 8§1.



**GOVERNMENT OF THE REPUBLIC OF CYPRUS****Report on Article 19  
of the Revised European Social Charter****THE RIGHT OF MIGRANT WORKERS AND THEIR FAMILIES  
TO PROTECTION AND ASSISTANCE****(Reference Period 01.01.2003 – 31.12.2009)****Article 19§1**

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

The Private Employment Agencies Law, No. 8(I) of 1997 provides explicitly in Article 14(a) that a Private Employment Agency is prohibited to provide false information regarding terms and conditions of employment and the qualifications of a job seeker. Furthermore, Article 12 provides that the license of any Agency may be withdrawn in case of violation of the provisions of the Law and the legislation on migration.

In addition, Article 15 of the same Law provides that job seekers should not be charged by the employer or the Agency for any direct or indirect reward for the purpose of job search, placement and securing employment.

Article 21 of Law 7(I) of 2007 on the Right of European Citizens and Members of their Families on Free Movement and Residence in the Republic (Appendix I), harmonizing with Directive 2004/38/EC, secures the right of family members of EU citizens for access to employment irrespective of nationality.

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

Information on the policy regulating the employment of migrant workers (third country nationals – non members of European Union) is available on the webpage of the Department of Labour and Social Insurance ([www.mlsi.gov.cy/dl](http://www.mlsi.gov.cy/dl)).

As from 1<sup>st</sup> of May 2004, the Republic of Cyprus became full member of the European Union and applies all European Regulations and Directives on the free movement and residence of the citizens of EU Member States. No transitional measures or restrictions were imposed. Information on living and working conditions in the Republic of Cyprus is available on the European Employment Service Portal ([www.eures.europa.eu](http://www.eures.europa.eu)).

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

Statistics on the number of foreign workers employed in Cyprus, by economic activity and country of origin as regard European citizens, for whom contributions are paid to the Social Insurance Fund, are shown in the tables attached (Appendix II).

#### **Article 19§2**

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

No new legislation has been adopted apart from what has already been mentioned in other paragraphs.

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

The Criteria regulating the employment of foreign workers in Cyprus, adopted by the Council of Ministers in 1992 and forming part of the Strategy on employment of foreign workforce in Cyprus, adopted by the Council of Ministers on 2/6/2008, provide that transport expenses of the foreign worker between his/her country and Cyprus, should be paid by the employer and no costs regarding travel, medical examination or other fees should be paid by the foreign worker.

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

Statistics on the number of foreign workers employed or self employed in Cyprus are shown in the tables attached (Appendix II).

### **Article 19§3**

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

Upon accession of the Republic of Cyprus to the European Union the Acquis Communautaire is fully applicable in Cyprus and citizens of the other Member States have the same rights as Cypriot citizens. Cypriot competent authorities are in close cooperation with their counterparts in other Member States so as to secure full implementation of European Acquis.

**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.**

Statistics are available in Appendix II.

### **Article 19§4**

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

The Equal Treatment in Employment and Occupation Law [No. 58(I) of 2004], harmonising with European Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation and Directive 200/43/EC implementing the principle of equal treatment between persons, irrespective of racial

or ethnic origin, provides a general framework on equal treatment in employment irrespective of racial or ethnic origin, religion or belief, age or sexual orientation.

The Law is applicable to all persons regarding both the public and private sectors, including public bodies and local authorities in relation to:

- (a) Conditions for access to employment, to self employment or to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion
- (b) Access to all types and to all levels of vocational guidance, vocational training and, advanced vocational training and retraining, including practical work experience
- (c) Employment and working conditions, including dismissals and pay
- (d) Membership of, and involvement in, an organisation of workers or employers, or any other organisation whose members carry on a particular profession, including the benefits provided for by such organisations.

Law No. 59(I) of 2004, on Equal Treatment (Racial or Ethnic Origin), harmonising with European Directive 2000/43/EC implementing the principle of equal treatment between persons, irrespective of racial or ethnic origin, is applicable to all persons regarding both public and local authorities, in relation to, among others, social protection, healthcare, social advantages and access to and supply of goods and services which are available to the public, including housing.

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

The strategy on employment of foreign workers (third country nationals – non members of the European Union), adopted by the Council of Ministers on 2/6/2008 provides, among others, the following:

The terms and conditions of employment are included in a Model Contract (personal contract) of Employment, prepared by the Department of Labour. The contract is signed by both the employer and the foreign employee when he/she is in Cyprus. The terms of employment are checked by the competent authorities of the Ministry of

Labour and Social Insurance in order to ensure that they are compatible with the relevant Collective Agreements. Upon completion of the examination, the contracts are stamped and a stamped copy is given to the foreign employee by the District Alien and Immigration Branch of the Police.

The Contract of Employment includes the employee's emoluments, post/occupation, working hours, national holidays, annual leave, sick leave, duration of employment etc.

The employer is obliged to offer suitable accommodation to the foreign worker and in this case, the employer is allowed to deduct 10% from the employee's salary.

Information on policy issues, the rights of migrant workers, the necessary procedures and information on living and working conditions are available on the web page of the Department of Labour ([www.mlsi.gov.cy/dl](http://www.mlsi.gov.cy/dl)) and the EURES Portal ([www.eures.europa.eu](http://www.eures.europa.eu)).

The Department of Labour, in its effort to inform migrant workers on their rights and obligations, has published informative leaflets in Greek, English, Arabic, Sri Lankan, Russian and Romanian language. These leaflets are available at the District Labour Offices, the Migration Department and the offices of Immigration Branch of the Police.

The Department of Labour Relations of the Ministry of Labour and Social Insurance has established a procedure to receive and examine complaints by migrant workers against their employers, concerning violation of the terms and conditions of their employment. In case the complaint is proved to be valid, the employer is obliged to pay due salaries if any as well as the salary of one month's notice to the migrant worker and the worker can then search for a new employer.

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

**Article 19§5**

Social Insurance Legislation as well as any other legislation on employment are cover issues of employment and employed persons in general without specific references to nationals or migrants. In this respect no discrimination exists regarding issues of employment taxes and dues of contributions payable in respect of employed persons.

**Article 19§6**

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

Article 9 of Law No. 7(1) of 2007 on the Right of European Citizens and Members of their Families on Free Movement and Residence in the Republic, provides for the right of family members of a European Citizen, irrespective of nationality to enter and stay in Cyprus either together with the European Citizen having the primary right for entry and stay or at a later stage to meet the European citizen.

Article 3 of Law No. 8(1) of 2007 amending the Aliens and Immigration Law provides, among others, for the addition to the basic law of new Articles regulating family reunification in respect to third country nationals, harmonising with Directive 2003/86/EC (Appendix III).

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

Applications for family reunification are submitted to the Civil Registry and Migration Department and are examined by its Director.

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

According to statistics kept by the Civil Registry and Migration Department, the number of applications for family reunification submitted was 12 during 2008 and 6 during 2009. It should be indicatively mentioned that the applications during 2010 were 765. The number applications approved are as shown in Appendix IV.

### **Article 19§7**

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

According to Article 28 of the Cyprus Constitution: (1) "All persons are equal before the Law, the administration and justice and are entitled to equal protection thereof and treatment thereby". (2) "Every person shall be entitled to all rights and liberties provided in this constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social decent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution".

Under the Legal Aid Law of 2002 (Law No.165(I)/2002), as amended, all forms of legal assistance available to indigent nationals are also available to migrant workers and their families. The right to free legal aid covers advice, help and representation.

Legal aid is granted in proceedings before the Courts of Cyprus and particularly in:

- (a) criminal proceedings before the District Court, the Tribunal Court, the Military Court and the Supreme Court,
- (b) civil and criminal proceedings for specific violations of human rights,
- (c) proceedings before the Family Court in relation to matters of family relations, parental responsibility, alimony, recognition of child, adoption, property relations of spouses and any other dispute in the marriage or in the family
- (d) cross-border disputes,
- (e) asylum seekers and refugees when lodging a recourse before the Supreme Court of Cyprus according to Article 146 of the Constitution.

In 2005, with Law No.22(I) of 2005, legal aid was extended in order to cover cross-border disputes in order to comply with the Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

In 2009, by Law 132(I)/2009, which transposed the Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status, into national law, legal aid was extended in order to include asylum seekers and refugees as eligible for legal aid. According to the aforementioned Law, legal aid is granted to asylum seekers and refugees when having recourse to the Supreme Court, according to Article 146 of the Constitution. Legal Aid covers advice, help and representation.

Moreover, the Republic of Cyprus is in the process of amending the relevant national legislation in order to be in full compliance with the Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third country nationals. This Directive provides that the necessary legal assistance and/or representation is granted on request free of charge in accordance with relevant national legislation or rules regarding legal aid, and may provide that such free legal assistance and/or representation is subject to conditions as set out in Article 15(3) to (6) of Directive 2005/85/EC. Thus, according to Directive 2008/115/EC, a draft bill was prepared amending existing Legal Aid Law, in order to include illegally staying third country nationals as eligible for legal aid.

Asylum seekers have access to social and free legal aid through the programmes funded by the European Refugee Fund (ERF) and the Republic of Cyprus. With regards to the right of legal aid, according to Cyprus Refugee Law, an applicant has the right to have a lawyer or legal advisor during all stages of the asylum procedure. Furthermore, the applicant has the right to communicate with the UNHCR throughout the entire procedure of the examination of his asylum application (first and second instance), as well as other organisations dealing with refugee matters.

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



An information leaflet on legal aid was prepared by the Ministry of Justice and Public Order and is distributed to the public free of charge (Appendix V).

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

### **Article 19§8**

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

Article 18(ΙΣΤ) of Law No.8(Ι) of 2007 provides that the Minister may take a decision to expel a long-term resident solely where he/she constitutes an actual and sufficiently serious threat to public order or public security. The decision shall not be based on economic considerations. Before taking a decision to expel a long-term resident, the Minister shall have regard to the following factors:

- the duration of residence in the Republic,
- the age of the person concerned,
- the consequences for the person concerned and family members,
- links with the Republic or the absence of links with the country of origin.

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

Legal aid is given to long-term residents lacking adequate resources, on the same terms as applied to Cypriot nationals.

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

Statistics of Deportations between 2004 - 2009 by country of origin (including workers), are shown in Appendix VI.

**Article 19§9**

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

With the entry into force of the Capital Movement Law 115(I)/2003 on 1 May 2004, all transfer restrictions previously applicable to migrant workers residing in Cyprus were abolished. Hence, all migrant workers, irrespective of their residential status in Cyprus, may transfer abroad their earnings and savings without limitation. Previously, under the Exchange Control Law, which was repealed by virtue of Law 115(I)/2003, resident migrant workers (i.e. migrant workers who had acquired permanent residence status in Cyprus) were subject to certain quantitative limits (albeit practically non-binding)<sup>1</sup> and/or Central Bank approval requirements, while non-resident workers were not subject to such restrictions.

**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.**

Statistics of foreign workers' remittances and transfers are shown in Appendix VII.

**Article 19§10**

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

As mentioned above in paragraph 19§5, no specific reference is made in the legislation regulating employment regarding nationals or migrants, therefore, self-employed migrants have the same treatment as national self employed persons.

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<sup>1</sup> For example, the transfer of savings by residents to their own bank accounts abroad was limited to CYP50. 000 per year.

**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.**

Figures kept by the Statistical Services of the Social Insurance Services, indicate that the number of self employed migrants contributing to Social Insurance Fund are 2.688 during 2006, 3.040 in 2007, 3.308 in 2008 and 3.539 in 2009. These figures are included in the total number of insured workers as per Appendix II.

### **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, not only for Cypriot children, but also for regular or irregular migrants' children. The Ministry of Education and Culture (MOEC) offers free and accessible education to all students at all educational levels (primary, secondary general, secondary technical and vocational education) without prejudice based on gender, abilities, language, colour, religion, political beliefs or ethnic background.

The Government of Cyprus recognizes that all students have the right to an education appropriate to their needs and great efforts have been made to achieve this aim during the past few years. The MOEC adopts UNESCO's views on inclusion to embrace all students, including children of regular and irregular migrants, refugees and asylum seekers. Educational requirements and support services are provided in an inclusive and least restrictive learning environment.

During the past few years, a growing number of students (migrants, refugees and asylum seekers from foreign countries, have enrolled in primary schools in Cyprus. About 9% of the pupils attending primary schools do not speak Greek as their

mother language. Bearing in mind that society is becoming more diverse, the MOEC is providing an education that helps bilingual pupils to master Greek as their second language and ease their transition to the Cypriot society.

The MOEC is promoting the implementation of educational measures and policies that will facilitate the smooth integration of people from different cultural identities in a creative environment regardless of background. Student enrollment in public schools is based on Educational Districts' jurisdictions. According to a Law that provides for the enrollment of students, "students should enroll to the nearest school to the place they live". The concentration of students of specific origin in particular areas, which has immediate impact on the enrollment of their students, is a result of the preference of the families to reside close to their fellow compatriots. The Education Directorates of the MOEC, however, make provisions so that bilingual pupils are distributed evenly in different classrooms, so that teachers can support their linguistic and cultural needs more effectively.

In the effort to enhance the achievement of migrant, refugees and asylum seekers students, the MOEC has developed a strategic plan which represents part of the Government's agenda for education reform, and aims in improving the educational opportunities available in the public schools by closing the achievement gap of the abovementioned group of students. The majority of schools with high registration and attendance of non-native language speakers, operate as "Zones of Educational Priority".

The policy of the Zones of Educational Priority derived from UNESCO's strategy for positive discrimination, which is the unequal treatment of inequalities, such as the provision of additional resources to the vulnerable groups of schools which are included in the Zones of Educational Priority. Empirical and theoretical research related to minority education and specific educational initiatives have guided the MOEC in developing and implementing programmes for the education of Roma and other non-native language speaking students such as:

- (1) provision of bilingual teachers who facilitate the communication between teachers, students and parents,

- (2) provision of special support and attention to migrant, refugee and asylum seekers students from the Service of Educational Psychology and the Social Welfare Services,
- (3) organisation of a number of intercultural activities and events,
- (4) organisation 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.

Further to the above, the MOEC has recently designed, developed and implemented an upgraded educational curriculum as regards to Multicultural Education, aiming to the smooth inclusion of students from other EU Member States as well as third countries, based on the philosophy of Educational Reform. The policy priorities of the Educational Reform 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 progress: providing equal opportunities in all aspects of school life; encouraging cooperation and responsibility.

The specific objectives of the Multicultural Education curriculum include:

- the development and implementation of coordinated actions and interventions that promote the smooth interaction of non-native speaking students (including migrants, refugees and asylum seekers) to the Cypriot educational system,
- the establishment of rules and regulations for the accountability and quality control of the educational provisions for non-native speaking students,
- the training of all educators (primary, lower secondary, upper secondary and secondary technical education) regarding the empirical and theoretical multidisciplinary teaching methods and tools based on the philosophy of multicultural education,
- the development of special educational manipulatives and the application of new teaching approaches in order to promote the objectives of multicultural education,
- the development and use of special measures, actions and processes such as the unequal treatment of inequalities, for non-native speaking students.

In order to further promote the abovementioned objectives, the MOEC's policy regarding the integration of non-native speaking students (including migrants, refugees and asylum seekers students) will be based on the following four priority pillars:

(1) The development and promotion of programmes and actions that target the special needs of the newly arrived to the educational system such as:

- information guides for the education system rules and regulations (MOEC has proceeded with the publication of the guide in three different languages)
- special classes to prepare the students' transition to the new education environment (classes about the culture, the customs, the official and unofficial code of conduct in the Cypriot society, etc)
- organisation of information seminars for the parents and guardians
- employment of bilingual educators and interpreters for supporting the non-native speaking students in the educational settings
- the development of a sensitisation culture for the native students for the promotion of a multicultural society
- the development of educational programmes for the intense instruction of greek as a second language that include:
  - the organisation of special classes for the teaching of greek language to non-native students
  - the development of a supplementary curriculum and educational manipulatives such as books and software for instructional purposes
  - the teaching of the mother language to the non-native speaking students (including migrants, refugees and asylum seekers)

(2) Developing educational programmes for non native speaking adults (including migrants, refugees and asylum seekers) concerning the learning of greek as a second language such as:

- The designing of an interdisciplinary curriculum and educational material for adults, regarding the language and, the history and the culture
- The establishment of special classes based on the principles of adult education

- The establishment of an accreditation body for conducting examinations for the certification of the language level required.

(3) Designing, developing and implementing in service programmes for all educators at all levels (primary, lower secondary and upper secondary as well as secondary technical and vocational) in the subject area of Multicultural Education such as:

- organising special in service seminars and conferences regarding the teaching of Greek language as a second language;
- organising in service training programmes regarding the teaching methodology in classes composed by students with different mother languages.

(4) Introducing and implementing a system for collecting and analysing data and information regarding the educational and other needs of non native speaking students.

- Designing and developing valid and credible diagnostic tools
- Conducting special research for the identification of the language skills level of the non native speaking students
- Collecting data for statistical purposes regarding the following:
  - Country of origin
  - Mother language
  - Brief report regarding the arrival purposes
  - Knowledge and use of the Greek language by the family members
  - Socio-economic background of the family
  - Brief report regarding previous school enrolment
  - Motives and aspirations
- Exploration of the attitudes and beliefs of the native students about non native speaking students.

Adult migrants (over the age of 18 years), refugees and asylum seekers have access to all programmes of non-formal education in Cyprus provided that they have a legal residential status in the island. The Adult Education Centres of the MOEC provide

informal education courses to adults fifteen years of age and above, who belong to the abovementioned categories, with the teaching of skills for further personal, professional and social development. These courses include informal vocational education and training, life skills as well as learning as a result of a decision of the Council of Ministers, to all political refugees residing in Cyprus. Migrants, refugees and asylum seekers will have the opportunity to attend the same courses for free, as of 2010, on the basis of programmes co-funded by the European Social Fund and the Asylum Service of the Ministry of Interior, under the Adult Education Centres' administration. For all other disciplinary 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 for twenty-four ninety minute sessions every school year. As for their children up to the age of 15 years old, the Adult Education Centres provide Greek language courses free of charge for twenty-four ninety minute sessions every school year, which enable their integration in the school and social environment of Cyprus.

### **Article 19§12**

Organised groups of migrants, refugees and asylum seekers can set up and manage their own educational provisions under special arrangement with the Government of the Republic of Cyprus and supporting services will be made available to interested students. The Lanition Gymnasium in the city of Limassol, for example, is operating as an Iranian school for students of Iranian immigrant families. In the same place there is also a school for Polish students, for the acquisition of the Polish language, identity and culture.



**GOVERNMENT OF THE REPUBLIC OF CYPRUS****Report on Article 27  
of the Revised European Social Charter****THE RIGHT OF WORKERS WITH FAMILY RESPONSIBILITIES TO EQUAL  
OPPORTUNITIES AND EQUAL TREATMENT****(Reference Period 01.01.2003 – 31.12.2009)****Article 27§3**

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

**Additional Information with reference to Conclusions 2005**

(1) The Parental Leave and Leave on Grounds of Force Majeure Law of 2002 until 2010 [Law 69(I)/2002], which came into force on 1<sup>st</sup> January 2003, provides that an employee, man or woman, is entitled to take, upon application, unpaid leave for up to seven (7) days each year, on grounds of force majeure by reason of a family emergency and related to an illness or an accident of any dependant of the employee, which makes the immediate presence of the employee indispensable. Dependant in relation to any person means the spouse, child, parent, brother, sister or grandparent.

According to the Termination of Employment Law and the Parental Leave and Leave on Grounds of Force Majeure Law of 2002 until 2010 [Law 69(I)/2002], the dismissal of an employee while on leave due to force majeure does not constitute a valid reason of legal termination of employment.

(2) Regarding the conclusion of the Committee that Cyprus is not in conformity with Article 27§3, it is stated that the Republic of Cyprus and specifically the Ministry of Labour and Social Insurance is in dialogue with the Social Partners on the matter and the Termination of Employment Law is in the final stages of being amended.

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

Following the amendment of the Parental Leave and Leave on Grounds of Force Majeure Law in 2010, the Ministry of Labour of Social Insurance prepared and distributed to the mass media, an informative announcement regarding citizens' rights deriving from the Law. Additionally, Inspectors have been appointed for the effective application of the provisions of the Law.

**5) Please provide pertinent figures, statistics or any other relevant information, if appropriate.**

There are no relevant statistics or information.