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European Social Charter (REVISED)

European Committee of Social Rights

Conclusions 2023

CYPRUS

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns Cyprus, which ratified the Revised European Social Charter on 27 September 2000. The deadline for submitting the 17th report was 31 December 2022 and Cyprus submitted it on 24 February 2023.

The Committee recalls that Cyprus was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2015).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2015), the Committee concluded that the situation was in conformity, there was no examination in 2023.

Cyprus has not accepted the following provisions from the above-mentioned group: 7§5, 7§9, 8§4, 16, 17§§1-2, 27§1, 31§§1-3.

The conclusions relating to Cyprus concern 26 situations and are as follows:

– 12 conclusions of conformity: Articles 7§2, 7§4, 7§6, 8§3, 8§5, 19§§2-3, 19§5, 19§§7-8, 19§§11-12.

– 14 conclusions of non-conformity: 7§1, 7§3, 7§7, 7§§8, 7§10, 8§§1-2, 19§1, 19§4, 19§6, 19§§9-10, 27§§2-3.

Conclusions and reports are available at www.coe.int/socialcharter.

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation in Cyprus was not in conformity with Article 7§1 of the Charter on the ground that the duration of light work during non-school days was excessive.

The Committee has previously noted that according to the Law on Protection of Young Persons at Work, no child can participate in cultural, artistic, athletic activities for more than seven hours and 15 minutes a day or more than 36 hours per week. The Committee considered that seven hours and 15 minutes a day and 36 hours per week of light work may have negative repercussions on the education and development of children. It therefore considered that the situation is not in conformity with Article 7§1 of the Charter on the ground that the duration of light work on non-school days was excessive.

The Committee notes from the report that according to the Law on Protection of Young Persons in Employment (48(I)/2001), work and compulsory school attendance cannot go hand in hand. According to Articles 7 and 6 of the Law respectively, the only ways to employ a child who has not yet turned 15 years of age, are: a) either to participate in cultural and related activities where participation times apply by age (2 hours a day for children up to 6 years, 3 hours for children 7-12 and 4 hours a day for children 13-15 years old). The hours of daily work should not coincide, during the school term, with school teaching hours – Article 7(4) 48(I)/2001, or b) the child has reached the age of 14 and has either successfully completed the high school cycle or has been exempted from the obligation to attend school following the Ministry of ‘s approval and can therefore be placed in a combined work/training programme with the aim of learning a profession or qualification – Article 6(1) 48(I)/2001.

The report indicates that the 7 hours and 15 minutes of employment only apply to paragraph 2 (b) above, that is, children who have reached the age of 14 and will enter a training programme, the prerequisite being that they have either completed their high school cycle studies or have been exempted following a decision by the Minister.

The Committee notes that education is compulsory in Cyprus until 15 years of age. Therefore, it considers that the working time of seven hours and 15 minutes which is allowed for 14-year-olds is excessive and cannot be considered as light. The situation is therefore not in conformity with the Charter.

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 7§1 of the Charter on the ground that the duration of working time of seven hours and 15 minutes during non-school days is excessive and therefore, cannot be regarded as light.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2015) the Committee considered that the situation in Cyprus was in conformity with Article 7§2 of the Charter.

In reply to the Committee's question in the previous conclusion, the Committee notes that sanctions imposed in all cases of workplace accidents depend on the circumstances, the severity and the suitability of any preventive and protective measures required to be taken by the employer, as prescribed by the Safety and Health at Work Laws. The Department of Labour Inspection (DLI) of the Ministry of Labour and Social Insurance, as the competent Authority for Occupational Safety and Health (OSH) in Cyprus enforces the legislation.

The report provide statistics concerning the number of workplace accidents, including accidents to young persons at work in the course of 2014 – 2020 inclusive. The Committee notes that the percentage of accidents to young persons (of total workplace accidents) stood at 0.2% in 2019 and 0.1% in 2020.

According to the report, measures were demanded by the DLI for relevant employers to comply with the OSH legislation. There were not any breeches of the Safety and Health at Work (Protection of Young Persons) Regulations of 2012 and 2015, regarding employment of persons under 18 years of age in dangerous or unhealthy activities, as defined by the Regulations.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 7§2 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

The Committee has previously (Conclusions 2015) found that the situation in Cyprus was not in conformity with the Charter on the ground that children aged 13-15 were allowed to carry out four hours of light work per day during the school term, which was excessive.

The Committee notes from the report that according to Law on Protection of Young Persons in Employment (48(I)/2001) children of 13-15 years of age can work 4 hours a day during school term. The Committee recalls in this respect that according to Article 7§3 of the Charter children who are still subject to compulsory schooling can carry out light work for two hours on a school day and for 12 hours a week in term time outside the hours fixed for school attendance. The Committee considers that the situation which it has previously found not to be in conformity with the Charter in this respect has not changed. Therefore, it reiterates its previous finding of non-conformity.

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 7§3 of the Charter on the ground that children aged 13-15 are allowed to carry out four hours of light work per day during the school term, which is excessive and may deprive them of the full benefit of education.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by Cyprus. It also takes note of observations submitted by the European Trade Union Confederation (ETUC).

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

In its previous conclusion, the Committee found that the situation in Cyprus was in conformity with Article 7§4 of the Charter, pending receipt of the information requested (Conclusions 2019). The Committee asked for information on the monitoring activity (violations detected and sanctions applied) of the Labour Inspection in relation to working time of young persons under 18 who were no longer subject to compulsory school.

The report does not reply to this question. The Committee notes, however, the information provided by Cyprus to ILO under the Labour Inspection Convention, 1947 (no. 81) and its direct request adopted in 2022 and published at the 111st ILC session (2023) which states that more than 6,000 inspections are conducted every year by the Labour Inspectorate and that the Government indicates that the reorganization of inspection procedures with the establishment of the Centralized Labour Inspectorate (CLI) increased productivity and effectiveness. It also notes the detailed information on the penalties imposed, the penal prosecution of employers regarding labour law violations and the imposed fines. In their request, the ILO requested the Government to continue to provide detailed information on the manner in which it ensures that workplaces are inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 7§4 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

In its previous conclusion, the Committee found that the situation in Cyprus was in conformity with Article 7§6 of the Charter, pending receipt of the information requested on the activity of the Labour Inspection (Conclusions 2019).

The report does not provide the requested information. The Committee notes, however, the information provided by Cyprus to ILO under the Labour Inspection Convention, 1947 (no. 81) and its direct request adopted in 2022 and published at the 111st ILC session (2023) which states that more than 6,000 inspections are conducted every year by the Labour Inspectorate and that the Government indicates that the reorganization of inspection procedures with the establishment of the Centralized Labour Inspectorate (CLI) increased productivity and effectiveness. It also notes the detailed information on the penalties imposed, the penal prosecution of employers regarding labour law violations and the imposed fines. In their request, the ILO requested the Government to continue to provide detailed information on the manner in which it ensures that workplaces are inspected as often and as thoroughly as is necessary to ensure the effective application of the relevant legal provisions.

In the light of the information in its possession, the Committee considers that the situation is in conformity with the Charter in this regard.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 7§6 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Cyprus was in conformity with Article 7§7 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for confirmation that the legal provisions on annual leave also applied to young workers under 18 years of age. The report notes that the provisions concerned apply without distinction as to age.

The Committee asked whether in the event of illness or accident during the holidays, young workers had the right to take the leave lost at some other time. The report refers to Article 6§§1 and 2 of the Law on Annual Holidays with Pay (Law No. 8 of 1967), providing that annual leave lost because of illness or accident may be recovered as far as possible within the same year.

The Committee asked whether young workers were allowed to waive their right to annual leave in return for increased remuneration. The report notes that, according to the existing legislation, workers are not allowed to waive their right to annual leave in return for increased remuneration, regardless of their age.

The Committee asked for information on the monitoring activities of the Labour Inspectorate, its findings and sanctions imposed in cases of breach of the applicable regulations to paid annual holidays of young workers. The report notes that although compliance in this area is subject to monitoring by the Labour Inspectorate, no data is available as regards its findings and any sanctions imposed.

Due to the failure to provide requested information on the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding paid annual holidays of young workers under 18 years of age, the Committee concludes that the situation in Cyprus is not in conformity with Article 7§7 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in Cyprus is not in conformity with Article 7§7 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- the number and nature of violations detected as well as on sanctions imposed for breach of the regulations regarding paid annual holidays of young workers under 18 years of age.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in Cyprus was in conformity with Article 7§8 of the Charter, pending receipt of the information requested (Conclusions 2015).

The Committee asked for information on the proportion of young workers not covered by the ban on night work, including on the number of young workers employed in the sectors exempted from that ban. The Committee also asked for information showing that these exceptions were necessary for a proper functioning of the relevant economic sector and that the number of young workers concerned is low. The report does not provide the requested information as regards either question.

The Committee asked for information on the monitoring activity of the Labour Inspectorate, its findings, and applicable sanctions in relation to possible illegal involvement of young workers under 18 in night work. It also asked information on the activity of the Labour Inspectorate of supervising the derogations for young workers of at least 16 years of age in practice. The report does not provide the requested information.

Due to the failure to provide requested information on the proportion of young workers under 18 years of age not covered by the ban on night work, including those employed in the sectors exempted from that ban; showing that these exemptions are necessary for a proper functioning of the relevant economic sector; the number and nature of violations detected, as well as the sanctions imposed for breach of the regulations regarding the prohibition of night work for young workers under 18 years of age, the Committee concludes that the situation in Cyprus is not in conformity with Article 7§8 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in Cyprus is not in conformity with Article 7§8 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- the proportion of young workers under 18 years of age not covered by the ban on night work, including those employed in the sectors exempted from that ban;
- information showing that these exemptions are necessary for a proper functioning of the relevant economic sector;
- the number and nature of violations detected, as well as the sanctions imposed for breach of the regulations regarding the prohibition of night work for young workers under 18 years of age.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

Previously, the Committee deferred its conclusion (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral and the targeted questions.

Protection against sexual exploitation

The Committee previously asked that the next report indicate whether the legislation provided protection against all forms of sexual exploitation of children, including the simple possession of child pornography material until the age of 18 (Conclusions 2015).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that Law L.91(I)/2014 includes provisions for protection against all forms of sexual exploitation of children under 18, including the simple possession of child pornography material.

The report states that Violence in Family laws were amended to provide for the rights of children victims of violence to psychological support, even without the consent of parents/guardians. The report also states that in October 2021, a new three-year action plan to prevent and combat sexual abuse and sexual exploitation, including child pornography, was adopted. A recent development in the legislation (2019) allows a judge to use the Children’s House for child testimony during trial through a teleconferencing system. The Children’s House provides multidisciplinary services to children who are victims of sexual abuse.

Protection against the misuse of information technologies

Previously, the Committee wished to be informed about the law requiring internet service providers to restrict access to websites containing child pornography (Conclusions 2015).

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

The report states that Law L.91(I)/2014 has been fully adopted and implemented and it created a legal obligation for internet service providers to restrict access to websites containing child pornography.

Due to the failure to provide the requested information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming), the Committee concludes that the situation in Cyprus is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

Protection from other forms of exploitation

The Committee previously wished to be informed of the implementation of measures for the protection of child victims and of the measures taken to support street children (Conclusions 2015).

The report states that there is no specific legislation concerning street children because children in need of care and protection are covered by the national legislation.

Covid-19

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen the monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that during the pandemic the Children's House, in cooperation with the relevant services, continued to handle cases of sexual abuse and/or exploitation of children. A helpline was created to provide help and guidance to children and families, it operates 24 hours a day, seven days a week.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in Cyprus is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

List of questions/Information missing: on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

Article 8 - Right of employed women to protection of maternity

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

In its previous conclusion (Conclusions 2015), the Committee found that the situation was in conformity with Article 8§1 of the Charter pending receipt of the information requested on whether interruptions in the employment record were taken into account in the calculation of the qualifying period for entitlement to maternity allowance and whether the minimum rate of such allowance corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value and on the situation of employed women who did not qualify for maternity allowance.

Right to maternity leave

The Committee previously concluded that the situation in Cyprus was in conformity with the Charter on this point (Conclusions 2015). Therefore, there was no examination of the situation in 2023 and the Committee reiterates its previous conclusion.

Right to maternity benefits

The Committee previously asked the next report to clarify whether interruptions in the employment record are taken into account in the calculation of the qualifying period for entitlement to maternity allowance and whether the minimum rate of such allowance corresponds at least to the poverty threshold, defined as 50% of the median equivalised income, calculated on the basis of the Eurostat at-risk-of-poverty threshold value.

The Committee furthermore asked the next report to provide information on the situation of employed women who do not qualify for maternity allowance (Conclusions 2015).

According to the report, certain interruptions in the employment record give rise to insurance credits which may be used to fulfil the second qualifying condition of paid or credited insurable earnings, in the previous contribution year not lower than 20 times the weekly amount of the basic insurable earnings.

For example, insurance credits are provided for the following interruptions of the employment record:

- every period after the age of 16 years for which the insured person is in full time education;
- for each day during which the insured person is entitled to sickness, unemployment, maternity parental leave, paternity or employment injury benefits;
- for the period of time during which the insured person is entitled to an invalidity pension;
- for any period during which the insured person is absent from work on carers leave or absent due to *force majeure*.

The first insurance condition stipulates that a person should have paid contributions at least 26 weeks and have paid 26 times the weekly amount of basic insurable earnings from the beginning of their insurance career regardless of whether there are any gaps in employment. All periods are assimilated to meet this condition.

The second qualifying condition refers to the insurable earnings of the previous year and those earnings can be paid or credited. Hence for the gaps in the employment record for the reasons described above the insurance record is credited with contributions.

The Committee recalls that in Cyprus 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 benefit is composed of the basic and the supplementary benefit. 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 dependent, to 90% if she has two dependents and to 100% if she has three dependents. Supplementary benefit is 72% of the weekly value of the supplementary insurance points over the relevant contribution year (Conclusions 2015).

According to the report, there is no minimum rate of benefit set by legislation, the level of benefit depending on the previous earnings. The report states that in 2021 the median equivalised income for females aged 16-64 was €17,113 or €328.21 weekly. The Committee estimates that the 50% of the median equivalised income (calculated on the basis of the annual 52 weeks) stood at €710. The Committee notes from MISSOC that the basic insurable earnings stood at €175.90 per week. It further notes that supplementary benefit (*Συμπληρωματικό Επίδομα*) is also paid at 72% of the weekly value of the supplementary insurance points over the relevant contribution years.

The Committee considers that the amount of the maternity benefit paid to women with only the basic insurance earnings stood at €126 (72% of the basic insurable earnings), or at €549 per month (calculated on the basis of the annual 52 weeks). The Committee notes that there is also supplementary benefit, but in the absence of any further information to estimate its minimum amount, the Committee considers that the minimum level of maternity benefit falls below 50% of the median equivalised income and is therefore, inadequate.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

According to the report, the right to maternity leave was not affected by the crisis. All women who fulfill the relevant insurance conditions and were entitled to maternity benefit received the benefit at 72% of their salary.

Furthermore, the periods for which insured persons received special Covid-19 benefits were considered as paid insured periods for the purpose of their entitlement to benefits (including maternity benefits).

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 8§1 of the Charter on the ground that the minimum amount of maternity benefit is inadequate.

Article 8 - Right of employed women to protection of maternity

Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation in Cyprus was in conformity with Article 8§2 of the Charter pending receipt of the information on the legislation regarding compensation in the event of unlawful dismissal and examples of case law.

Prohibition on dismissal

The Committee previously found the situation to be in conformity on this point. There was therefore, no examination of the situation in 2023 and the Committee reiterates its previous finding of conformity.

Redress for unlawful dismissal

The Committee previously requested further information on the legislation allowing for unlimited compensation to be awarded in the event of unlawful dismissal on grounds of pregnancy or maternity and asked the next report to provide relevant examples of case law, if any, concerning unlawful dismissal of employees during pregnancy or maternity leave (Conclusions 2015).

The report states that there have been no cases during the reference period . No further information is provided. Due to the failure to provide the requested information, the Committee concludes that the situation in Cyprus is not conformity with Article 8§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

Covid- 19

The Committee asked whether the Covid- 19 crisis had had an impact on the possibility of dismissing employees who are pregnant or on maternity leave; it also asked whether there have been any exceptions to the ban on dismissal.

According to the report Covid-19 had no impact on the possibility of dismissing pregnant workers and workers on maternity leave. Any such dismissal would be considered discrimination under the Law on Equal Treatment between Women and Men in Vocational Training and Employment Law of 2002 as amended.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in Cyprus is not in conformity with Article 8§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

Information missing

- information on the legal basis allowing for unlimited compensation to be awarded in the event of unlawful dismissal on grounds of pregnancy or maternity.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children migrants and families").

As the previous conclusion found the situation in Cyprus to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 8§3 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in Cyprus was in conformity with Article 8§5 of the Charter pending receipt of information requested (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the questions previously posed and to the targeted question.

The Committee previously asked the next report to confirm that the Protection of Maternity (Safety and Health at Work) Regulations 2002 applied to all employed women and to confirm that women temporarily exempted from their duties or transferred to another post have the right to return to their original post when their condition permits. It also asked whether underground work in mines is prohibited for pregnant women, women who have recently given birth or are breastfeeding (Conclusions 2015).

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work due to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

The report states that according to that the Protection of Maternity (Safety and Health at Work) Regulations 2002 where an employer cannot remove the workplace risks to the safety and health of women who are pregnant, who have recently given birth or who are nursing, by changing the working conditions or the working time arrangements the employer must relieve the worker concerned 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 her salary. The employer must reinstate the woman concerned to her original post when her condition permits it.

The report confirms that the above-mentioned regulations apply to all employed women whether working in the public or private sector.

According to the report, pregnant women, women who have recently given birth or are breast feeding are expressly prohibited from working in under ground mining.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 8§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee deferred its conclusion, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral.

Free services and information for migrant workers

The Committee recalls that this provision guarantees the right to free information and assistance to nationals wishing to emigrate and to nationals of other States Parties who wish to immigrate (Conclusions I (1969), Statement of Interpretation on Article 19§1). Information should be reliable and objective and cover issues such as formalities to be completed and the living and working conditions they may expect in the country of destination (such as vocational guidance and training, social security, trade union membership, housing, social services, education and health) (Conclusions III (1973), Cyprus).

The Committee previously asked for an up-to-date description of the initiatives taken to maintain adequate and free services to assist migrant workers, including those who are not EU nationals (Conclusions 2011). In its previous conclusion, the Committee took note of the services and information available for refugees or recipients of subsidiary protection (Conclusions 2015). It noted that the report did not provide information on the assistance accessible to non-EU migrant workers. Given the lack of clear information regarding the services and assistance available to migrant workers in categories other than refugees or recipients of subsidiary protection, the Committee deferred its conclusion on the provision of adequate and free services to assist migrant workers (Conclusions 2015).

The report provides no information on this point.

Due to the failure to provide the requested information on services and assistance available to migrant workers other than refugees or recipients of subsidiary protection, the Committee concludes that the situation in Cyprus is not in conformity with Article Article 19§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

Measures against misleading propaganda relating to emigration and immigration

The Committee recalls that under Article 19§1 of the Charter, States Parties must take measures to prevent misleading propaganda relating to immigration and emigration (Conclusions XIV-1 (1998), Greece). Such measures should prevent the communication of misleading information to nationals leaving the country and act against false information targeted at migrants seeking to enter (Conclusions 2019, Estonia).

In its previous conclusion, the Committee noted the existence of a number of bodies competent to deal with complaints of discrimination, and to investigate issues of negative propaganda relating to migration. It also noted the training sessions undertaken for the police and other stakeholders, and the information campaigns concerning migration and integration. It considered that considerable steps have been taken to combat misleading propaganda

relating to immigration and emigration, and accordingly found these measures to conform with Article 19§1 of the Charter (Conclusions 2015).

The Committee recalls that statements by public actors are capable of creating a discriminatory atmosphere. Racist misleading propaganda indirectly allowed or directly emanating from the state authorities constitutes a violation of the Charter (Centre on Housing Rights and Evictions (COHRE) v Italy, Complaint No. 58/2009, decision on the merits of 25 June 2010). The Committee stresses the importance of promoting responsible dissemination of information, and of deterring the promulgation of discriminatory views. It considers that in order to combat misleading propaganda, there must be an effective system to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere (Conclusions 2019, Albania). In its previous conclusion, the Committee asked whether such a system exists in Cyprus, and if so it requested detailed information on its activities (Conclusions 2019).

The report does not provide information on this point.

Due to the failure to provide the requested information on the system available to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere, the Committee concludes that the situation in Cyprus is not in conformity with Article Article 19§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

In its previous conclusion (Conclusions 2015), the Committee recalled that States have an obligation to take measures or undertake programmes to prevent the dissemination of false information to departing nationals, as well as to prevent the misinformation of foreigners wishing to enter the country. Authorities should take action in this area as a means of preventing illegal immigration and trafficking in human beings (Conclusions 2006, Slovenia). The Committee asked for complete and up-to-date information on any measures taken to target illegal immigration and in particular, trafficking in human beings (Conclusions 2015).

The report provides detailed information on the legal framework related to trafficking in human beings, the policy and strategic framework, the measures taken to address human trafficking and to support and protect victims, as well as prevention measures undertaken by the authorities.

Conclusion

Due to the failure to provide the information listed below the Committee concludes that the situation in Cyprus is not in conformity with Article 19§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter. List of information missing:

- information regarding the services and assistance available to migrant workers in categories other than refugees or recipients of subsidiary protection;
- information on the system available to monitor discriminatory, racist or hate-inciting speech, particularly in the public sphere.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 2 - Departure, journey and reception

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 19§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee deferred, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral.

Immediate assistance offered to migrant workers

Under this provision, States are obliged to adopt special measures for the benefit of migrant workers, beyond those which are provided for nationals to facilitate their departure, journey and reception (Conclusions III (1973), Cyprus). Reception means the period of weeks which follows immediately from the migrant workers’ arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty (Conclusions IV, (1975) Statement of Interpretation on Article 19§2).

In its previous conclusion (Conclusions 2015), the Committee asked that the next report provide a complete and up to date description of the circumstances under which help may be given to migrants upon reception when they encounter difficulties.

The report indicates that as soon as migrant workers registered as employees with Cyprus residence, they are entitled to register under the National Health System and are entitled to receive full healthcare benefits.

In its previous conclusion, the Committee also asked whether it was the case that migrants or other residents of Cyprus had been refused financial assistance with healthcare, and requested that the next report provide disaggregated statistical information concerning the number of patients having applied for subsidised healthcare provision, and the number of applications accepted or refused (Conclusions 2015).

The report indicates that according to the recent national health system reform, that took place between 2019 and 2020, all migrant workers, including third country nationals, registered as employees with Cyprus residence are entitled to register to National Health System and are entitled to receive full healthcare benefits.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 19§2 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 3 - Co-operation between social services of emigration and immigration states

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 19§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee considered that the situation in Cyprus was in conformity with Article 19§3 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

In its previous conclusion (Conclusions 2015), the Committee noted that that the Social Welfare Services had 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. The Committee asked whether other contacts/agreements are established between Cypriot authorities and authorities in other States Parties in relation to migrant workers' rights, other than those related to the safeguarding of children (Conclusions 2015).

The report does not provide the requested information. The Committee notes from another source that, for example, Cyprus has concluded bilateral agreements on social protection of migrants with Austria, Bulgaria, Czech Republic, Greece, the Netherlands, Romania, Serbia, Slovakia, Switzerland and the United Kingdom (ILO, "Migrant access to social protection under Bilateral Labour Agreements: A review of 120 countries and nine bilateral arrangements", ESS – Working Paper No. 57, 2017).

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 19§3 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 4 - Equality regarding employment, right to organise and accommodation

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 19§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee considered that the situation in Cyprus was not in conformity with Article 19§4 of the Charter on the grounds that treatment not less favourable than that of nationals is not ensured for migrant workers with respect to:

- remuneration and working conditions;
- housing assistance.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of non-conformity and the questions raised in its previous conclusion.

Remuneration and other employment and working conditions

The Committee recalls that States are obliged to eliminate all legal and de facto discrimination concerning remuneration and other employment and working conditions, including in-service training, promotion, as well as vocational training (Conclusions VII (1981), United-Kingdom).

In its previous conclusion (Conclusions 2015), the Committee considered that the situation in Cyprus was not in conformity with Article 19§4 of the Charter on the grounds that treatment not less favourable than that of nationals is not ensured for migrant workers with respect to remuneration and working conditions. The Committee considered that, in general, despite the applicable legal framework, there was considerable evidence of exploitation of migrant workers in Cyprus, who also have little access to training and promotional opportunities and do not enjoy the guarantee of equal rights in practice (Conclusions 2015).

The report indicates that the Public Employment Services (PES) of the Department of Labour offer all job seekers who have access to the labour market, without any discrimination, assistance in finding employment, through registration, job search services and placement services, which include vocational guidance, counselling and referrals to training programmes and job vacancies. Furthermore, all job seekers can participate in the Employment Subsidization Schemes that are promoted by the Department of Labour.

The report further states that EU citizens, recognised refugees, persons with subsidiary protection status and persons with temporary protection status, as well as all victims of trafficking and /or sexual exploitation, have free access to employment and the services provided by the Public Employment Service. Asylum seekers have access to specific sectors of employment regulated by a ministerial order. The report emphasises that the range of these sectors has been expanded in 2019. Other non-EU citizens that legally reside in Cyprus and have a work permit have access to employment equal to Cypriots. The report further states that the most important legislative measure that has been taken for the protection of workers who are not covered by specific legislation or collective agreements is the introduction of the National Minimum Wage applied as from 1 of January 2023 (outside the reference period).

In its previous conclusion, the Committee took note of the introduction of the Recognition of Professional Qualifications Act 2008 and asked for further information on how non-EU migrants can have their qualifications recognised (Conclusions 2015). The report indicates that although the Recognition of Professional Qualifications Act only applies to EU nationals, non-EU migrants have equal rights of recognition of their professional qualifications and

license to practice a regulated profession by the national competent authorities, as long as they secure a work permit for temporary employment with an employer who has or will apply for a permit to employ third country nationals.

In its previous conclusion, the Committee asked what remedies, such as compensation, are available for migrant workers in situations of labour exploitation, and what sanctions may be imposed on employers by the inspectors or other competent bodies (Conclusions 2015).

The report indicates that the Department of Labour Relations strives through strict recommendations to ensure that the employer pays outstanding wages and benefits to the employee. In case the employer fails to do so, a sanction imposed to the employer is not granting him the permission to replace the employee. Furthermore, the Department of Labour Relations with a view to the proper implementation of labour legislation and the safeguarding of employees' rights, focuses on the enforcement, monitoring and inspection of the application of the labour legislation. In this respect it continues to carry out inspections with emphasis in workplaces where most vulnerable group of workers are employed.

The current report states that according to the decision of Council of Ministers taken in 2019, the complaint resolution mechanism has become more effective. In particular, the aforementioned decision provides for the abolition of the relevant Committee of the Resolution of Complaints by third country nationals, which was constituted by representatives of the Department of Labour Relations (Ministry of Labour and Social Insurance), the Civil Registry and Migration Department (Ministry of Interior) and the Immigration Department (Police of Cyprus). The complaints related to labour matters are now examined directly by the Department of Labour Relations, which in turn informs the Civil Registry and Migration Department. The report indicates that this new procedure has proven to be more efficient as the examination time has reduced significantly (approximately 3 weeks from the date the complaint was filed).

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

The Committee recalls that this sub-heading requires States to eliminate all legal and de facto discrimination concerning trade union membership and as regards the enjoyment of the benefits of collective bargaining (Conclusions XIII-3 (1995), Turkey). This includes the right to be founding member and to have access to administrative and managerial posts in trade unions (Conclusions 2011, Statement of interpretation on Article 19§4(b)).

The Committee noted previously that Trade Union Laws of 1968 to 1996 apply to all workers who work in Cyprus irrespective of their nationality. Consequently, migrant workers have the same right with respect to trade union membership and collective bargaining like Cypriot nationals (Conclusions 2015).

In its previous conclusion, the Committee asked what redress migrants may seek if they are prevented from exercising their rights to trade union membership, and it reserved its position on this issue (Conclusions 2015). The report indicates that all employees irrespective of nationality can file a complaint with the Trade Union Registrar, and where provisions of the Trade Union Laws are violated, legal action can be taken.

Accommodation

The Committee recalls that the undertaking of States Parties under this sub-heading is to eliminate all legal and de facto discrimination concerning access to public and private housing (European Roma Rights Centre (ERRC) v. France, Complaint No. 51/2008, decision on the merits of 19 October 2009, §§111-113). It also recalls that there must be no legal or de facto restrictions on home-buying (Conclusions IV (1975), Norway), access to subsidised housing or housing aids, such as loans or other allowances (Conclusions III (1973), Italy).

In its previous conclusion, the Committee considered that the fact that the Government provides Housing Schemes to Cypriot Citizens and EU nationals, which are not extended to

third country nationals legally residing in Cyprus shows that the situation is not in conformity with Article 19§4 c) of the Charter on the ground that migrant workers do not enjoy treatment which is not less favourable than that of nationals with respect to housing assistance (Conclusions 2015).

The report does not provide any information on this point. The Committee thus reiterates its conclusion of non-conformity.

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 19§4 of the Charter on the ground that treatment not less favourable than that of nationals is not ensured for migrant workers with respect to accommodation.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in Cyprus to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee points out that no targeted questions were asked in relation to Article 19§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current report cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee concluded that the situation in Cyprus was not in conformity with Article 19§6 on the grounds that:

- sponsors must be resident in the host State for a minimum of two years prior to being granted family reunion;
- spouses must be over the age of 21 years prior to being eligible for family reunion; and
- the residence permit of a family member of the sponsor may be revoked if the sponsor’s residence permit is terminated and the family member does not have an independent right of residence.

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non-conformity.

Scope

In its previous conclusion (Conclusions 2015), the Committee considered that the scope of the right to family reunion was not in conformity with the Charter because under Section 18LV of the Aliens and Immigration Act, the sponsor must have remained legally in the host country for a period of at least two years before their family can join them.

The report states that “The Republic of Cyprus intends to revise the national legislation on family reunification by lifting the sponsor’s minimum residence period requirement”. Therefore, the Committee understands that the situation has not changed during the reference period and the two-year residence period condition is still valid.

The Committee has accepted that a state does not have to allow the families of all migrant workers to join them as soon as they take up residence. A waiting period of one year is acceptable under the Charter, however, periods of 18 months and longer have been held by the Committee to be excessive (Conclusion 2011, Statement of interpretation on Article 19§6). Therefore, the imposition of a two-year waiting period in this regard is disproportionate and cannot be justified under the Charter. The Committee thus concludes that the situation is not in conformity with Article 19§6 of the Charter.

In its previous conclusion (Conclusions 2015), the Committee noted that under Section 18L(5) of the Immigration Act, the authorities shall not permit entry into the Republic of Cyprus to the spouse for family reunification purposes if they have not attained the age of twenty-one years. The Committee notes that this age requirement could entail a waiting-period of greater than one year for some couples. The Committee considered that the maximum period of one year must apply without discrimination to all migrants and their families regardless of their specific situations, save for legitimate intervention in cases of forced marriage or fraudulent abuse of immigration rules (Conclusions I (1969), II (1971), Germany). The Committee considered that this age threshold is an undue hindrance to family reunion and therefore concluded that the situation was not in conformity with the Charter in this regard.

The report states that “The Republic of Cyprus intends to revise the national legislation on family reunification by lifting the sponsor’s minimum residence period requirement and, also,

by reviewing the spouse's minimum age requirement". Therefore, the report confirms that the situation has not changed during the reference period and the age requirement of twenty-one years for spouses remains valid. The Committee reiterates that the situation is not in conformity with the Charter.

Conditions governing family reunion

In its previous conclusion (Conclusions 2015), the Committee took note that under Section 18LZ, the authorities "may reject an application for entry and stay or revoke or not renew a residence permit for family members on grounds of public policy, public security or public health." The Committee previously asked for more information on the procedure and what may count as a "public policy ground" for refusal.

The report does not provide any answer to the Committee's question. The Committee considers that reunification procedures with many grounds for authorities to reject the family reunion application or withdraw their permit, might give excessive discretion to the authorities, and pose a risk of abuse. In addition, applicants may never be fully prepared and cannot know what they will be asked during a reunification procedure, if the grounds in this regard are not sufficiently clear. The Committee therefore concludes that the situation is not in conformity with the Charter in this regard.

In its previous conclusions, the Committee recalled that restrictions on family reunion which take the form of requirements for sufficient or suitable accommodation to house family members should not be so restrictive as to prevent family reunion (Conclusions IV (1975) Norway). In the previous conclusion (Conclusions 2015), the Committee asked for details on the accommodation requirement in Cyprus. The report does not provide any answer to the Committee question. Therefore, the Committee concludes that the situation is not in conformity with the Charter in this regard due to the failure to provide the required information. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

In the previous conclusion (Conclusions 2015), the Committee asked what level of means is required in order to exercise the right to family reunion. The report does not provide any answer to the Committee's question. Therefore, the Committee concludes that the situation is not in conformity with the Charter in this regard due to the failure to provide the required information. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

In the previous conclusion (Conclusions 2015), the Committee asked whether the scope of health requirements which can lead to refusal is restricted to the conditions permissible under the Charter. In the meantime, the Committee deferred its conclusions on this matter. The report does not provide any answer to the Committee question. Therefore, the Committee concludes that the situation is not in conformity with the Charter in this regard due to the failure to provide the required information. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter.

In the previous conclusion (Conclusions 2015), the Committee found that children and the spouse of the sponsor, who have completed five years residence in the Republic have the right to an autonomous residence permit which will be independent from the sponsor. The Committee concluded that the situation was not in conformity with the Charter on the ground that the residence permit of a family member of the sponsor may be revoked if the sponsor's residence permit is terminated and that the family member does not yet have an independent right of residence.

In response, the report states that family reunification permits are not revoked simultaneously with the sponsor's permit. When the sponsor is granted time to renew their permit, the family members' permits remain valid. The report states that in the "unlikely scenario" that the family

reunification permit of a family member is revoked due to the sponsor's permit being revoked, "adequate time is granted to the family members for settling their stay in the Republic under different provisions of the legislature." The report also indicates that "family members' permits are only revoked if the sponsor does not settle their stay within a reasonable time". The Committee recalls that once a migrant worker's family members have exercised the right to family reunion and have joined him or her in the territory of a State, they have an independent right under the Charter to stay in that territory (Conclusions XVI-1 (2002), Article 19§8, Netherlands). Therefore, the Committee concludes that the situation is not in conformity with the Charter because family members are not guaranteed an independent right to stay in the territory once they joined the sponsor in the territory of the host state as a result of family reunification.

In its previous conclusions (Conclusions 2015), the Committee found that under the domestic legislation, migrants must pass a new language test (Level A2) for permanent residence. In addition, migrants must demonstrate knowledge of the "current political and social situation in Cyprus." The Committee asked whether a migrant or their family member who fails to pass the test for permanent residence may remain in the country, for example with a temporary residence permit. The Committee reserved its position on conformity at the time.

The report does not provide any answer to the Committee's question. The Committee therefore concludes that the situation is not in conformity with the Charter on this point due to the failure to provide the required information. The Committee considers that this failure to provide information amounts to a breach by Armenia of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 19§6 of the Charter on the grounds that:

- Sponsors must be a resident in the host State for a minimum of two years prior to being granted family reunion;
- Spouses must be over the age of 21 years prior to being eligible for family reunion;
- The residence permit of a family member of the sponsor may be revoked if the sponsor's residence permit is terminated and the family member does not yet have an independent right of residence.

Due to the failure to provide the information listed below, the Committee concludes that the situation in Cyprus is not in conformity with Article 19§6 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter. Information missing:

- Information on the procedure for entry and stay or revoke or not renew a residence permit for family members on grounds of public policy and what may count as a "public policy ground" for refusal;
- Details on the accommodation requirement in Cyprus;
- The level of means required in order to exercise the right to family reunion;
- whether the scope of health requirements which can lead to refusal is restricted to the conditions permissible under the Charter;
- Whether a migrant or their family member who fails to pass the language test for permanent residence may remain in the country, for example with a temporary residence permit.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 7 - Equality regarding legal proceedings

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Cyprus to be in conformity with the Charter, pending receipt of the information requested.

In the previous conclusion, the Committee took note that under the Legal Aid Act, all forms of legal aid assistance available to nationals of Cyprus were also available to migrant workers and their families and asked that the next report describe conditions which are applied to determine eligibility for legal aid.

The Committee takes note that under Legal Aid Law (Law 165(I)/02), legal aid is granted to persons with low income and for proceedings both before civil and criminal courts regarding cases in respect of violation of human rights and includes family cases. According to Article 7 of this Law, the court before which the proceedings are pending or the court of the district in which the applicant usually resides, is competent to decide on the legal aid requests. The court grants the legal aid if it considers that because of their financial situation, the applicant is eligible for legal aid, or, because of the gravity of the case and other circumstances of the case, it is desirable to grant legal aid in the interests of justice.

In response to the previous question raised by the Committee as to under what conditions refugees may receive legal aid and assistance, the report refers to the provisions of the Legal Aid Law which provide that legal aid is also granted to asylum seekers for filing a recourse before the Supreme Court against the rejection of their application for asylum. Legal aid is granted also for filing a recourse against revocation of the status of refugee.

In the previous conclusion (Conclusions 2015), the Committee also asked whether migrant workers had the right to free assistance of an interpreter. The report underlines that the provisions of free legal aid under the provisions of the Law also include the interpreters' fee and the costs of translating the application form for free legal aid.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 19§7 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee points out that no targeted questions were asked in relation to Article 19§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee deferred its conclusions pending receipt of the information requested. In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of deferral.

In the previous conclusion (Conclusions 2015), the Committee took note that the relevant sections of the Aliens and Immigration Act allows the competent Minister to expel a third party national from the territory on serious grounds of public policy or public security, and asked whether the Minister is required to consider the individual circumstances of the person when making a decision to expel a foreigner.

In reply, the report underlines that when issuing an expulsion order, the Minister makes an individual assessment of each case, and personal circumstances of the alien are taken into consideration, especially the best interests of the child, family life, the state of health of the foreigner, and the principle of non-refoulement.

In the previous conclusion (Conclusion 2015), the Committee noted that temporary work migrants are required to retain the same job and employer during their stay. In case their employment relationship is terminated due to the fault of the employer, they shall be allowed a limited time to search for another position. The Committee asked how long this period may be, and whether they can be expelled following the end of this period.

In reply, the report states that following the grace period in order for the foreigner to search for another position, the foreigner can be expelled according to national law. The Committee also notes from the website of the Civil Registry and Migration Department of the Ministry of Interior that the grace period is one month.

In the previous conclusion (Conclusions 2015), the Committee recalled that States must ensure that foreign nationals served with expulsion orders have a right of appeal to a court or other independent body, even in cases where national security, public order or morality are at stake (Conclusions V (1977), United Kingdom). It asked whether such an appeal exists and what is the procedure.

In reply, the report indicates that all foreign migrants served with an expulsion order have a right to appeal to the Administrative Court, regardless of the reasons of the expulsion order.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 19§8 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 9 - Transfer of earnings and savings

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee concluded that, pending receipt of the information requested, the situation in Cyprus was in conformity with the Charter. In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to its previous question.

In the previous conclusion (Conclusions 2019), the Committee took note that the Capital Movement Law 115(I)/2003, abolished all transfer restrictions previously applicable to migrant workers. With reference to its Statement of Interpretation on Article 19§9 (Conclusions 2011), the Committee asked whether there are any restrictions on the transfer of the movable property of migrant workers.

The report does not provide any answer in this respect. The Committee concludes that the situation in Cyprus is not in conformity with Article 19§9 of the Charter due to the failure to provide the information on whether there are any restrictions on the transfer of the movable property of migrant workers. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 19§9 of the Charter due to the failure to provide the information listed below. The Committee considers that this failure to provide information amounts to a breach by Cyprus of their reporting obligations under Article C of the Charter. List of questions/Information missing:

- whether there are any restrictions on the transfer of the movable property of migrant workers.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 10 - Equal treatment for the self-employed

The Committee takes note of the information contained in the report submitted by Cyprus.

On the basis of the information in the report the Committee notes that there continues to be no discrimination in law between migrant employees and self-employed migrants in respect of the rights guaranteed by Article 19.

However, in the case of Article 19§10, a finding of non-conformity in any of the other paragraphs of Article 19 ordinarily leads to a finding of non-conformity under that paragraph, because the same grounds for non-conformity also apply to self-employed workers. This is so where there is no discrimination or disequilibrium in treatment.

The Committee has found the situation in Cyprus not to be in conformity with Articles 19§1, 19§4, 19§6, and 19§9 of the Charter. Accordingly, for the same reasons as stated in the conclusions on the abovementioned Articles, the Committee concludes that the situation in Cyprus is not in conformity with Article 19§10 of the Charter.

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 19§10 of the Charter as the grounds of non-conformity under Articles 19§1, 19§4, 19§6 and 19§9 apply also to self-employed migrants.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 11 - Teaching language of host state

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in Cyprus to be in conformity with Article 19§11 of the Charter, pending receipt of the information requested.

In the previous conclusion (Conclusions 2015), the Committee took note that Article 20 of the Constitution safeguards the right to education for all pupils, not only Cypriot children but also children of migrants and that the Ministry of Education and Culture (MoEC) offers free and accessible education to all pupils at all educational levels (primary, secondary general, secondary technical and vocational education). It asked for any statistics concerning the number and percentage of migrant children who have access to the education system.

In reply, the report provides a table which indicates the percentage of children with a migrant background that attend primary education schools and do not have Greek as their mother tongue. According to the table, the number of such children in primary education was 6728 in 2015-2016 school year (13.5% of all pupils in primary education) and 8985 in 2022-2023 school year (17.8% of all pupils in primary education).

In the previous conclusion (Conclusions 2015), the Committee noted that in 2010/11 the number of secondary education students requiring language classes was 1253, and in 2013/14 the number of such students declined to 777. The Committee asked what caused the precipitous decline in students deemed to require additional language assistance at secondary school, and whether all children who were provided with language assistance at primary school continue to be afforded special assistance at secondary school level.

In reply, the report states that if the children have not reached proficiency level B1, according to the Common European Framework of Reference for Languages during their attendance in primary school, then they will receive additional language support in secondary school. It is also noted that in primary education, in the last two school years (2021-2022 and 2022-2023), the time allocated to schools to support children with a migrant background in learning the Greek language has almost doubled (2751 hours in 2017-2018 school year and 4625 hours in 2022-2023 school year).

Concerning the Committee’s question as to what caused the precipitous decline in students deemed to require additional language assistance at secondary school, the report indicates that in terms of implementation programme, nothing had changed in the school year 2013-2014 compared to previous years. During the 2012-2013 and 2013-2014 school years, as in the previous years, the participants were given the right to register in official Greek language certification exams, free of charge.

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 19§11 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 12 - Teaching mother tongue of migrant

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee points out that no targeted questions were asked in relation to Article 19§12 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee deferred its conclusions, pending receipt of the following information:

- whether there are any funds available to assist migrant children whose families cannot afford to pay the fees for their language education in private schools;
- how many schools offer a full choice of languages, and whether they are accessible to all migrants who would wish to benefit from these optional language classes and whether there is any provision of foreign language education in the state system at primary school and early secondary school.

In the previous conclusion (Conclusions 2015), the Committee also took note that adult migrants, refugees and asylum seekers as well as their children above fifteen years of age 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 (including language classes). The Committee asked what the level of fees is for such programmes, and whether assistance is available to those without the means to pay.

Concerning the first question, the report indicates that the Ministry of Education, Sport and Youth subsidises the attendance at private schools only for languages that are most represented among migrant children, i.e., in the cases of recognised religious minorities and Turkish Cypriot citizens. Any other grants that may be provided concern initiatives of the private schools themselves.

In reply to the second question of the Committee, the report indicates that in primary education, the schools participating in the School and Social Inclusion Actions Programme (109 out of 329 primary schools throughout Cyprus) provide the opportunity for children with a migrant background to participate in lessons of their mother tongue, on an optional basis, in afternoon classes. The programme is the continuation of the Zones of Educational Priority and is co-financed by the European Social Fund and the Republic of Cyprus.

In reply to the third question of the Committee, the report states that the tuition fee for the participation in one of the groups for the entire school year is 55 euros. In rural areas, the tuition is half the cost on an annual basis (22,5 euros) (for migrants and non-migrants).

Conclusion

The Committee concludes that the situation in Cyprus is in conformity with Article 19§12 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 2 - Parental leave

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked in relation to Article 27§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral, or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion, the Committee found that the situation in Cyprus was in conformity with Article 27§2 of the Charter, pending receipt of the information requested, i.e. whether the parental leave is remunerated (Conclusions 2015). The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

Remuneration

In its previous conclusions (Conclusions 2015), the Committee found the situation in Cyprus in conformity with Article 27§2 of the Charter pending receipt of the information requested, **i.e.** whether the parental leave is remunerated.

In reply, the report states that under the Parental Leave and Force Majeure Leave Law of 2012 (47(I)/2012), employees are entitled to 18 weeks (126 days) or up to 23 weeks (161 days) if widowed, without pay, for each child until it becomes eight years old. The report also states there is a new draft legislation approved on 16 December 2022 (outside the reference period) aligned with the Directive (EU) 2019/1158 on work-life balance for parents and carers.

Once this legislation comes into force, 18 weeks of parental leave will be provided for each parent for each child until the child is eight years old. The employee on parental leave will be remunerated for 8 out of 18 weeks by the Social Insurance Fund (56 days of paid leave). The paid leave is extended by four weeks in the case of a child with a severe disability or a moderate mental disability (84 days of paid leave in total) and by six weeks in the case of a child with total disability (98 days of paid leave in total). In these cases, the paid leave may be taken until the child reaches the age of 18. The report also indicates that the Government plans on extending the right to parental leave to the self-employed by the second quarter of 2023.

The Committee recalls the following: remuneration of parental leave plays a vital role in the take up of childcare leave, in particular for fathers or lone parents (Conclusions 2011, Armenia); States must ensure that an employed parent is adequately compensated for his/her loss of earnings during the period of parental leave; the modalities of compensation is within the margin of appreciation of the States Parties and may be either paid leave (continued payment of wages by the employer), a social security benefit, any alternative benefit from public funds or a combination of such compensations; regardless of the modalities of payment, the level must be adequate (Conclusions 2015, Statement of Interpretation on Article 27§2); unpaid parental leave is not in conformity with Article 27§2 (Conclusions 2019, Ireland, Malta).

The Committee understands from the report that parental leave in Cyprus will be remunerated only if and when new legislation comes into force. [It also understands that there will not be any arrangements for remunerating parents on parental leave beyond 8 weeks (12 or 14 in the case of disability of the child).] The Committee concludes that Cyprus is not in conformity with Article 27§2 on the ground that employees on parental leave are not remunerated during the reference period.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right of workers with family responsibilities to parental leave.

According to the report, the right to parental leave was not affected by the Covid-19 crisis, and periods for which insured persons received special Covid benefits were considered working periods.

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 27§2 of the Charter on the ground that employees on parental leave were not remunerated during the reference period.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by Cyprus.

The Committee recalls that no targeted questions were asked in relation to Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral, or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion, the Committee considered that the situation in Cyprus was not in conformity with Article 27§3 of the Charter on the grounds that courts can only order the reinstatement of an unlawfully dismissed employee in cases where the enterprise concerned has more than 20 employees (Conclusions 2015). The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of non-conformity.

Effective remedies

In its previous conclusions (2015, 2011 and 2005), the Committee considered that the situation in Cyprus was not in conformity with Article 27§3 of the Charter on the grounds that courts can only order the reinstatement of an unlawfully dismissed employee in cases where the enterprise concerned has more than 20 employees.

In its reply, the report states that the Government plans to take the necessary steps to bring the situation into conformity, but it does not provide any further information regarding this issue.

The Committee recalls that workers dismissed on such illegal grounds must be afforded the same level of protection afforded in other cases of discriminatory dismissal under Article 1§2 of the Charter (Conclusions 2007, Finland). In particular, courts or other competent bodies should be able to order the reinstatement of an employee unlawfully dismissed (Conclusions 2007, Finland) and/or to award a level of compensation that is sufficient both to deter the employer and proportionate the damage suffered by the victim (Conclusions 2005, Estonia).

The Committee reiterates its previous conclusion of non-conformity on this point.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

The report states that there were no exceptions to the prohibition of dismissal on the grounds of family responsibilities during the Covid-19 pandemic and there was no ceiling on compensation for unlawful dismissal applied during the Covid-19 crisis in relation to family responsibilities.

Conclusion

The Committee concludes that the situation in Cyprus is not in conformity with Article 27§3 of the Charter on the ground that courts cannot order reinstatement of an unlawfully dismissed employee in cases where the enterprise concerned has fewer than 20 employees.