

## — Cyprus and the European Social Charter —

### Signatures, ratifications and accepted provisions

Cyprus ratified the European Social Charter on 07/03/1968 and the Revised European Social Charter on 27/09/2000, accepting 63 of its 98 paragraphs.

In October 2011 Cyprus accepted to be bound by 9 additional provisions of the Revised Charter, bringing the total of accepted provisions to 72 of the 98 paragraphs.

It accepted the Additional Protocol providing for a system of collective complaints on 06/08/1996, but has not yet made a declaration enabling national NGOs to submit collective complaints.

### The Charter in domestic law

Once published in the official Gazette, treaties concluded in accordance with the Constitution take precedence over any domestic law (including the Constitution), on condition that such treaties are applied by the other party (Arts 169 and 179 of the Constitution).

### Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22 <sup>1</sup>
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3						Grey = accepted provisions				

<sup>1</sup> Sub-paragraph b. accepted

### Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted [reports concerning Cyprus](#) in 2006, 2012, 2015 and 2020.

Further information on the reports on non-accepted provisions is available on the [relevant webpage](#).

## Monitoring the implementation of the European Social Charter <sup>1</sup>

### I. Collective complaints procedure <sup>2</sup>

#### Collective complaints (under examination)

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#### Collective complaints (proceedings completed)

##### 1. Complaints inadmissible or where the Committee has found no violation

*Association for the Protection of All Children (APPROACH) Ltd v. Cyprus (Complaint No. 97/2013)*

The European Committee of Social Rights decided to strike out the case from the list of complaints on 12 May 2014.

##### 2. Complaints where the Committee has found a violation which has been remedied

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##### 3. Complaints where the Committee has found a violation and where progress has been made but not yet examined by the Committee

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##### 4. Complaints where the Committee has found a violation and where progress has been made but which has not yet been remedied

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##### 5. Complaints where the Committee has found a violation, which has not yet been remedied

*University Women of Europe (UWE) v. Cyprus (Complaint No.127/2016)*

- Violation of Article 20 (Right to equal opportunities and treatment in employment and occupation without sex discrimination)

[Decision on the merits of 6 December 2019.](#)

Follow up:

- Recommendation [CM/RecChS\(2021\)4](#) (Adopted by the Committee of Ministers on 17 March 2021 at the 1399th meeting of the Ministers' Deputies).
- [Assessment](#) of the European Committee of Social Rights on the follow-up (February 2023).

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<sup>1</sup> The Committee monitors compliance with the Charter under two procedures, the reporting system and the collective complaints procedure, according to Rule 2 of the Committee's rules: « 1. The Committee rules on the conformity of the situation in States with the European Social Charter, the 1988 Additional Protocol and the Revised European Social Charter. 2. It adopts conclusions through the framework of the reporting procedure and decisions under the collective complaints procedure ».

Further information on the [procedures](#) may be found on the [HUDOC database](#) and in the [Digest of the case law of the Committee](#).

<sup>2</sup> Detailed information on the Collective Complaints Procedure is available on the [relevant webpage](#).

## II. Reporting system <sup>3</sup>

### Reports submitted by Cyprus

Between 1970 and 2023, Cyprus has submitted 21 reports on the application of the 1961 Charter and 17 on the application of the Revised Charter.

The [16<sup>th</sup> report](#), submitted on 20/12/2021, concerns the follow-up given to the relevant decisions of the Committee in the framework of the collective complaints procedure.

The assessments of the Committee on the follow up to decisions in complaints have been published in February 2023.

The [17<sup>th</sup> report](#), which was submitted on 24/02/2023, covers the accepted provisions of the Social Charter relating to thematic group 4 "Health, social security and social protection", namely:

- 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 children and young persons to social, legal 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 opportunities and equal treatment (Article 27);
- the right to housing (Article 31).

Conclusions with respect to these provisions will be published in March 2024.

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<sup>3</sup> Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter have been divided into four thematic groups. States present a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter is reported on once every four years.

Following a [decision taken by the Committee of Ministers in April 2014](#), States having accepted the collective complaints procedure are required, in alternation with the abovementioned report, to provide a simplified report on the measures taken to implement the decisions of the Committee adopted in collective complaints concerning their country. The alternation of reports is rotated periodically to ensure coverage of the four thematic groups.

Detailed information on the Reporting System is available on the [relevant webpage](#). The reports submitted by States Parties may be consulted in the [relevant section](#).

## Situations of non-conformity <sup>4</sup>

### Thematic Group 1 "Employment, training and equal opportunities" - Conclusions 2020

► *Article 152 – Right to work – Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)*

The duration of alternative military service amounting to almost three years is excessive and constitutes a disproportionate restriction on the right to earn a living freely entered upon.

► *Article 153 - Right to work - Free placement services*

It has not been established that free placement services operate in an efficient manner.

► *Article 1051 - Right to vocational training -technical and vocational training - Access to higher technical and university education*

It has not been established that the right to vocational education is effectively guaranteed.

► *Article 1055 - Right to vocational training - Full use of facilities available*

It has not been established that nationals of other States Parties to the Charter who are lawfully resident or regularly working in Cyprus are granted equal treatment with respect to fees and financial assistance in higher education.

► *Article 1552 - Right of persons with disabilities to independence, social integration and participation in the life of the community - Employment of persons with disabilities*

It has not been established that:

- persons with disabilities are guaranteed effective protection against discrimination in employment;
- persons with disabilities are guaranteed effective and equal access to employment.

► *Article 1553 - Right of persons with disabilities to independence, social integration and participation in the life of the community- Integration and participation of persons with disabilities in the life of the community*

It has not been established that:

- persons with disabilities have effective access to transport;
- persons with disabilities have effective access to communication technologies;
- persons with disabilities have effective access to cultural and leisure activities.

► *Article 20 – Right to equal opportunities and treatment in employment and occupation without sex discrimination*

Pay transparency is not guaranteed.

► *Article 24 – Right to protection in case of dismissal*

- The employees who have not been employed with their employer for a continuous period of 26 weeks (probationary period) are not entitled to protection against dismissal.
- The categories of persons excluded from protection against unlawful dismissal goes beyond what is allowed under the appendix to the charter.

### Thematic Group 2 "Health, social security and social protection" - Conclusions 2021

► *Article 351 - Right to safe and healthy working conditions - Health and safety and the working environment*

It has not been established that safety representatives and safety committees are consulted in the implementation of national policies and strategies at company level.

► *Article 1153 - Right to protection of health - Prevention of diseases and accidents*

It has not been established that adequate measures were taken to prevent accidents.

► *Article 1251 – Right to social security – existence of a social security system*

- The minimum level of unemployment benefit is manifestly inadequate;

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<sup>4</sup> Further information on the situations of non-conformity is available on the [HUDOC database](#).

- The minimum level of sickness benefit is manifestly inadequate;
- The minimum level of old age benefit is manifestly inadequate;
- The minimum level of maternity benefit is manifestly inadequate.

► *Article 12§4 – Right to social security – Social security of persons moving between states*

The right to maintenance of accruing rights is not guaranteed to nationals of all other States Parties.

### **Thematic Group 3 « Labour rights » - Conclusions 2018**

According to applicable rules, Conclusions 2022 only refer to the information submitted by the Cypriot Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above). However, there were no decisions concerned in 2022.

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2018.

► *Article 2§1 - Right to just conditions of work - Reasonable working time*

Weekly working time for some categories of employees may exceed 60 hours.

► *Article 2§3 - Right to just conditions of work - Annual holiday with pay*

Not all employees have the right to take at least two weeks of uninterrupted holiday during the year.

► *Article 4§5 – Right to a fair remuneration – Limits to wage deductions*

- There are no guarantees in place to prevent workers from waiving their right to limitation of deduction from wages;
- Deductions from wages may deprive civil servants, state employees, blue collar workers, seafarers and their dependents of their means of subsistence.

► *Article 6§4 – Right to bargain collectively – Collective action*

The legislation in force requires that a decision to call a strike must be endorsed by the executive committee of a trade union.

### **Thematic Group 4 “Children, families, migrants” - Conclusions 2015**

According to applicable rules, Conclusions 2019 only refer to the information submitted by the Cypriot Government on the follow-up given to the relevant decisions of the European Committee of Social Rights in the framework of the collective complaints procedure (see above). However, there were no decisions concerned in 2019.

For the most recent Conclusions adopted concerning the relevant Articles, see Conclusions 2015.

► *Article 7§1 – Right of children and young persons to protection - Prohibition of employment under the age of 15*

The duration of light work during non-school days is excessive.

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of young persons subject to compulsory education*

- The duration of light work during school term for children aged 13-15 is excessive;
- The duration of light work for children subject to compulsory education on non-school days is excessive.

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

Treatment not less favourable than that of nationals is not ensured for migrant workers with respect to:

- remuneration and working conditions;
- housing assistance.

► *Article 19§6 – Right of migrant workers and their families to protection and assistance - Family reunion*

- 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;
- The residence permit of a family member of the sponsor may be revoked where the sponsor's residence permit is terminated and the family member does not yet have an independent right of residence.

► *Articles 19§10 – Right of migrant workers and their families to protection and assistance - Equal treatment for the self-employed*

The grounds of non-conformity under Articles 19§4(c) and 19§6 apply also to self-employed migrants.

► *Article 27§3 – Right of workers with family responsibilities to equal opportunity and treatment – Illegality of dismissal on the ground of family responsibilities*

Courts can only order reinstatement of an unlawfully dismissed employee in cases where the enterprise concerned has more than 20 employees.

**The Committee has been unable to assess compliance with the following rights:**

**Thematic Group 1 “Employment, training and equal opportunities”**

- ▶ Article 1§1 - Conclusions 2020
- ▶ Article 1§4 - Conclusions 2020
- ▶ Article 10§3 - Conclusions 2020
- ▶ Article 10§4 - Conclusions 2020
- ▶ Article 15§1 - Conclusions 2020

**Thematic Group 2 “Health, social security and social protection”**

- ▶ Article 3§2 - Conclusions 2021
- ▶ Article 3§3 - Conclusions 2021
- ▶ Article 11§1 - Conclusions 2021
- ▶ Article 11§2 - Conclusions 2021
- ▶ Article 12§3 - Conclusions 2021
- ▶ Article 14§2 - Conclusions 2021

**Thematic Group 3 “Labour rights”**

- ▶ Article 6§2 - Conclusions 2018
- ▶ Article 29 - Conclusions 2018

**Thematic Group 4 “Children, families, migrants”**

- ▶ Article 7§10 - Conclusions 2015
- ▶ Article 19§1 - Conclusions 2015
- ▶ Article 19§2 - Conclusions 2015
- ▶ Article 19§8 - Conclusions 2015
- ▶ Article 19§12 - Conclusions 2015

### **III. Examples of progress achieved in the application of rights under the Charter (non-exhaustive list)**

#### **Thematic Group 1 "Employment, training and equal opportunities"**

- ▶ Abolition of criminal sanctions and other coercive measures as "disciplinary occupational measures" for seafarers (Act of 11 June 1976 amending the Merchant Shipping Act).
- ▶ In 2003, incorporation of *acquis communautaire* on equal treatment of men and women in employment.
- ▶ Act 113(I)/1999 on Education and Training of Children with Special Needs and its 2001 implementing regulation place emphasis on the education of the large majority of children with special needs within mainstream schools. In its decision dated 31 October 2006, the Cypriot Equality Body criticised this law holding that it introduced indirect discrimination on the ground of special needs in the field of education and asked the Attorney General to revise the law.
- ▶ Law No. 127(I)/2002 guarantees that persons with disabilities are equally treated with other employees by their employer as regards the procedure for application for employment, recruitment, promotion, dismissal, compensation, training and other terms and conditions of employment. A 2004 amendment of the law also provides for the prohibition of any direct and indirect discrimination.

#### **Thematic Group 2 "Health, social security and social protection"**

- ▶ Regulation of health and safety in agriculture and extension of the Labour Inspectorate's purview to include this sector (Act No. 22/1982).
- ▶ Preventive and protective measures against asbestos (Act No. 47(1)/2000 and Reg. No. 104/2000) in conformity with *acquis communautaire*. The Protection against Radiation Act, No. 115(I)/2002 transposes Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation, and Regulation No. 497/2002 transposes Council Directive 97/43/Euratom of 30 June 1997 on health protection of individuals against the dangers of ionising radiation in relation to medical exposure.
- ▶ Screening for breast cancer was introduced in two districts in September 2003 and February 2004 respectively. The programme will be introduced in the other two districts in 2005.
- ▶ Introduction of a proper system of social security (Act No. 106/1972); introduction of General Health Scheme in 2001, covering whole population.
- ▶ An individual right to free counselling is guaranteed through the social welfare services with the aim of supporting individuals and families at times of crisis.

#### **Thematic Group 3 "Labour rights"**

- ▶ Abolition of restrictions on trade unions' right to elect their own representatives freely (Act No. 381/1991 amending the Trade Unions Act); protection of union membership (Termination of Employment Acts 1967-1994 and the Trade Unions Acts 1965-1996).
- ▶ Safeguarding of police officers' right to bargain collectively (Section 52 §1 of the 1989 Police Act No. 27)
- ▶ Defence Regulations 79A and 79B, which authorised the requisitioning of workers and the prohibition of strikes in cases other than those permitted by the Revised Charter, were repealed by an Order of the Council of Ministers published in the Official Gazette on 22/09/2006.
- ▶ The Law No. 10(III)/2012, amending the Law which ratified the ILO Convention 135 regarding Workers Representatives, was adopted and contains provisions as regards workers representatives' rights to access the workplace. The amending Law clearly specifies that worker's representatives have the right to enjoy such



facilities as may be necessary for the proper exercise of their functions, including access to the workplace with due respect for the rights of property and management, in order to apprise workers of the potential advantages of unionisation.

#### **Thematic Group 4 “Children, families, migrants”**

- ▶ Regulation of the prohibition of dismissal during maternity leave (Maternity Protection Act No. 54/1987, as amended by Act No. 48 (I) of 1994); possibility of court-ordered reinstatement for unlawfully dismissed employees in firms with twenty or more employees (Act No. 61 (I) 1994).
- ▶ The period during which maternity allowance is paid has increased from 16 to 18 weeks (Social Insurance (Amendment) Law 110(I) of 2007).
- ▶ Prohibition of the employment of children under the age of 15 and compulsory education for all children up to the age of 15 (Protection of Young Persons at Work Act of 2001) Article 7§1 and 3 – prohibition of employment under the age of 15.
- ▶ Guarantees in the event of expulsion (Aliens and Immigration Act No. 54/1976). 2000 Regulations amending the Aliens and Immigration Act No. 54/1976 providing for the right to family reunion.
- ▶ Legal Aid Act No. 165(I) of 2002 provides for legal aid to persons with low income and for proceedings both before civil and criminal courts regarding cases in respect of violation of human rights and include family cases.
- ▶ New legislation, L. 91(I)/2014 , which revises the legal framework for the prevention and combating sexual abuse and sexual exploitation of children and child pornography was adopted. It provides for a holistic approach to combating sexual offences committed against children and also addresses specifically offences committed online.
- ▶ Clause 6 of Section 54 of the Children Law that made reference to corporal punishment has been repealed (Government Gazette 21/6/2013).
- ▶ The Maternity Protection Legislation (L. 100(I)/1997) was amended in 2011 to enhance the protection given to pregnant workers. Pregnant workers are entitled to a maternity leave of 18 weeks in total, including 2 weeks compulsory leave before the expected birth and 9 weeks compulsory leave after the birth, upon presentation of a medical certificate stating the estimated date of delivery. Additional maternity leave is provided for in certain cases. All pregnant workers are entitled to a maternity leave, regardless of the time for which they have been working for a specific employer.