

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**

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**FIFTH REPORT  
ON THE NON-ACCEPTED PROVISIONS  
OF THE REVISED EUROPEAN SOCIAL CHARTER**

**Cyprus**

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## I. OVERVIEW

The European Social Charter is based on a ratification system which enables States Parties, subject to certain minimum requirements, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the revised European Social Charter (Article 20 of the 1961 Charter) and it allows states, at any time subsequent to ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.

It is in the spirit of the Charter for States Parties to progressively increase their commitments, tending towards acceptance of additional and eventually all provisions of the Charter where possible, as opposed to an *à la carte* stagnancy.<sup>1</sup>

The procedure on examination of reports on non-accepted provisions is provided for by Article 22 of the European Social Charter of 1961. According to this provision, the States Parties shall send to the Secretary General, at appropriate intervals as requested by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of their ratification or by subsequent notification. The Committee of Ministers shall determine from time to time in respect of which provisions such reports shall be requested and the form of the reports to be provided.

In September 2022, the European Committee of Social Rights (ECSR) adopted a decision to henceforth implement the procedure on non-accepted provisions in respect of all States Parties to either Charter, in a reinforced manner. The current procedure provides for submission of written information by States Parties in accordance with a pre-established calendar, and additional bilateral meetings when it is deemed to represent an added value.

The written information submitted by the States Parties shall be made public upon its reception, and the national and international social partners, non-governmental organisations, national human rights institutions, equality bodies and other stakeholders are given the possibility to provide comments within three months after receipt of the written information.

### 1. The situation of Cyprus as regards the non-accepted provisions of the European Social Charter

Cyprus ratified the European Social Charter on 7 March 1968 and the revised European Social Charter on 27 September 2000, accepting 63 of its 98 paragraphs. In October 2011, Cyprus accepted to be bound by 8 additional provisions of the revised Charter, bringing the total of accepted provisions to 71 of the 98 paragraphs.

Cyprus has not yet accepted the following 27 provisions of the revised Charter: Articles 2§4, 3§4, 4§§1 to 4, 7§§5 and 9, 8§4, 13§§1 and 4, 16, 17§§1 and 2, 18§§1 to 3, 21, 22 (a, c and d), 23, 26§§1 and 2, 27§1, 30, 31§§1 to 3.

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<sup>1</sup> The opening paragraph of Part I of the revised European Social Charter reads “The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised”, followed by the heading of all rights contemplated by the Charter. Part III, Article A, provides that “each of the Parties undertakes [...] to consider Part I of this Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part”, followed by the rules on the choices available as regards provisions that Parties can declare to be bound by and which determine the modalities of monitoring under Part IV of the Charter. See [CM\(2022\)196-final](#).

## 2. Previous examinations

This is the fifth examination by the ECSR of the provisions of the revised Charter not yet accepted by Cyprus. The first four examinations took place in 2006, [2012](#), [2015](#) and [2020](#); the four ECSR reports are available on the [Council of Europe \(CoE\) website](#).

The previous (fourth) examination of non-accepted provisions was carried out in 2020 based on the report submitted by the Cypriot authorities. The ECSR concluded that the situation in respect of Articles 4§3, 8§4, 21 and 26§1 was compatible with the requirements of the Charter and that these provisions could therefore be accepted.

As regards the other non-accepted provisions, the ECSR was of the view that the information provided was not sufficient to make a proper assessment of the situation in respect of Articles 4§1, 4§2, 7§5, 16, 17§1, 17§2, 18§1, 18§2, 18§3, 23 and 27§1. With respect to Articles 2§4, 3§4, 4§4, 7§9, 13§1, 13§4, 26§2, 30, 31§1, 31§2 and 31§3, the ECSR considered that the situation did not appear to be fully in conformity with the Charter.

## 3. Current examination

Based on the procedure on non-accepted provisions, Cyprus was invited to submit written information, which was registered in April 2025 and subsequently published on the [CoE website](#).

The present examination covers the following non-accepted provisions of the revised Charter:

- Article 2§4 – The right to just conditions of work
- Article 3§4 – The right to safe and healthy working conditions
- Article 4§§1 to 4 – The right to a fair remuneration
- Article 7§§5 and 9 – The right of children and young persons to protection
- Article 8§4 – The right of employed women to protection of maternity
- Article 13§§1 and 4 – The right to social and medical assistance
- Article 16 – The right of the family to social, legal and economic protection
- Article 17§§1 and 2 – The right of children and young persons to social, legal and economic protection
- Article 18§§1 to 3 – The right to engage in a gainful occupation in the territory of other Parties
- Article 21 – The right to information and consultation
- Article 22 (a, c and d) – The right to take part in the determination and improvement of the working conditions and working environment
- Article 23 – The right of elderly persons to social protection
- Article 26§§1 and 2 – The right to dignity at work
- Article 27§1 – The right of workers with family responsibilities to equal opportunities and equal treatment
- Article 30 – The right to protection against poverty and social exclusion
- Article 31§§1 to 3 – The right to housing.

Having examined the information submitted by Cyprus, the ECSR considers that the situation in respect of Articles 8§4, 17§2, 21, 22 (a, c and d) and 26§§1 and 2 is compatible with the requirements of the Charter. These provisions could therefore be accepted immediately.

As regards Articles 2§4, 3§4, 4§§3 and 4, 7§9, 13§§1 and 4, and 16, the ECSR considers that the current legal framework or the situation in practice is only partially compatible with the requirements of the Charter. It encourages the Government to take the necessary steps enabling acceptance of these provisions as soon as possible.

As regards Articles 4§§1 and 2, 7§5, 17§1, 18§§1 to 3, 23, 27§1, 30 and 31§§1 to 3, the ECSR considers that further information is necessary to assess whether the situation in law and/or practice is compatible with the requirements of the Charter.

The ECSR remains at the disposal of the Government for enhanced dialogue on the Charter provisions and the relevant case law,<sup>2</sup> and invites Cyprus to undertake further commitments under the Charter as soon as possible so as to consolidate the paramount role of the Charter in achieving social and economic progress and ultimately a greater unity among the Council of Europe member states by guaranteeing and promoting common social human rights standards.

The next examination of the provisions not yet accepted by Cyprus will take place in 2030.

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<sup>2</sup> In the light of the 2022 Charter system reform, States Parties to the Charter can benefit from enhanced dialogue with the Charter's monitoring bodies – constructively and in a spirit of cooperation – as a tool to reach a common understanding of problematic issues that may permit to identify possible solutions to such issues which are suitable for and acceptable to the State Party concerned. Enhanced dialogue may also serve as a means of enabling technical assistance. See [CM\(2022\)114 final](#).

## **II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS OF THE REVISED EUROPEAN SOCIAL CHARTER**

### **Article 2§4 – The right to just conditions of work: eliminating risks in inherently dangerous or unhealthy occupations**

“With a view to ensuring the effective exercise of the right to just conditions of work, the Parties undertake: [...]

4. to eliminate risks in inherently dangerous or unhealthy occupations, and where it has not yet been possible to eliminate or reduce sufficiently these risks, to provide for either a reduction of working hours or additional paid holidays for workers engaged in such occupations”.

#### **Situation in Cyprus**

According to the report, Cyprus has a legal framework on occupational safety and health (OSH) that is fully harmonised with the EU *acquis*. The Safety and Health at Work Laws of 1996 to 2023, along with the associated secondary legislation, transcribe the 1989 Framework Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work and the EU’s daughter directives. Consequently, it is the duty of every employer to ensure the safety, health and well-being of all their employees at work. Each employer must identify and implement appropriate preventive and protective measures in accordance with the prescribed hierarchy of hazard control, based on risk assessment, to adequately deal with OSH-related risks.

Article 9(2) of the Organisation of Working Time Laws of 2002 to 2007 provides that night workers whose work involves specific risks or significant physical or mental stress may not work for more than eight hours at night in any 24-hour period. Under Article 9(3), if the meaning of night work involving specific risks or significant physical or mental strain has not been defined by law or collective agreement, it must be agreed through consultation between the employer and employee representatives, in accordance with the law’s provisions and the written risk assessment.

The authorities conclude that Article 2§4 of the Charter deviates from the European OSH legal framework set out above and cannot therefore be accepted. Alternative measures (such as reduced working hours) or additional benefits (such as extra paid leave) are not acceptable substitutes for specific, practical and continuous prevention and protection measures, which are tailored to each and every workplace and in line with the EU’s OSH directives. Such measures are essential to ensure minimum legal OSH standards.

#### **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 2§4 of the Charter imposes two obligations on States Parties. Firstly, they are required to take the necessary measures to eliminate risks in inherently dangerous or unhealthy occupations. Secondly, they must provide compensatory measures for as long as these risks are not eliminated or sufficiently reduced. The aim of these measures is to limit the period of exposure to risk and provide sufficient and regular rest periods for those affected, enabling them to recover from the stress and fatigue and stay alert. It is important to note that compensatory measures should not be considered a substitute for preventive and protective measures.

States Parties have some discretion in determining which occupations are classed as hazardous or unhealthy. However, they must at least consider occupations and sectors that are clearly dangerous or unhealthy, such as mining, quarrying, steelmaking and shipbuilding, as well as occupations that expose workers to ionising radiation, extreme temperatures or excessive noise levels.

Where risk elimination is not possible or where risk has not yet been eliminated or reduced, Article 2§4 provides for two forms of compensation: a reduction in working time and additional paid leave. In view of the emphasis placed on the interests of health and safety, other approaches to reducing risk exposure may also be employed to ensure compliance with the Charter. Such approaches must be assessed on a case-by-case basis. The ECSR has considered that financial compensation, an additional day's leave, a maximum weekly working time of 40 hours, early retirement and food supplements are not relevant or appropriate measures for achieving the aims of Article 2§4.

Any measures intended to compensate workers for residual risk exposure must be governed centrally and should not be left to agreements between social partners.

The ECSR notes that, in Cyprus, legal provisions aimed at reducing working time or exposure, where risk cannot be fully eliminated, are limited to night work involving specific risks or significant physical or mental strain. In the absence of provisions designed to reduce exposure in other residual risk situations, the ECSR considers that the legal framework is only partially compatible with the requirements of the Charter. The ECSR encourages the Government to take the necessary steps enabling acceptance of Article 2§4 of the Charter as soon as possible.

### **Article 3§4 – The right to safe and healthy working conditions: promoting the development of occupational health services**

“With a view to ensuring the effective exercise of the right to safe and healthy working conditions, the Parties undertake, in consultation with employers’ and workers’ organisations: [...]

4. to promote the progressive development of occupational health services for all workers with essentially preventive and advisory functions.”

#### **Situation in Cyprus**

According to the report, the Department of Labour Inspection has taken steps to promote the development of occupational health services in line with the action plan for the establishment and operation of a health surveillance system for workers. The 2017 Safety and Health at Work (Health Surveillance) Regulations set out plans for the gradual development of occupational health services, a process which has already begun for certain occupations and working activities. Based on these regulations, six ministerial orders were published, determining the medical examinations required for six categories of workers: workers exposed to asbestos; workers carrying out certain activities in ports; those working at height on masts and poles; workers in mines and quarries; workers whose jobs involve contact with plant protection products in facilities where these products are manufactured, standardised, packaged or repackaged; and workers carrying out activities involving anticancer drugs in the healthcare sector.

Implementing the ministerial orders involves occupational health physicians providing services to employers whose activities are covered by the orders. The number of companies contracting such physicians to provide these services to their employees is gradually increasing, including among employers who are not legally required to do so. The Department of Labour Inspection plans to draw up further ministerial orders to extend occupational health coverage to additional occupations and professional activities, based on the needs and working conditions in Cyprus.

On these grounds, the authorities conclude that Article 3§4 cannot be accepted for the time being.

## **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 3§4 of the Charter requires the promotion, in consultation with employers' and workers' organisations, of the progressive development of occupational health services. Such services must be in place throughout the country and be accessible to all workers, in all sectors of the economy and all businesses. If occupational health services have not been introduced by every company, the authorities must develop a strategy, in consultation with employers' and workers' organisations, for that purpose.

The relevant indicators for assessing compliance with Article 3§4 are the number of occupational physicians, the number of businesses providing occupational health services, the number of workers supervised by these services, expressed as a proportion of the total workforce, and trends in this data. The ratification of ILO Convention No. 161 on occupational health services (1985) and the transposition of Council Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work (1989) are also of relevance. In addition, the impact of the strategy to promote the progressive development of occupational health services in small and medium-sized enterprises must be evaluated.

Occupational health services specialise in occupational medicine and have preventive and advisory functions that go beyond mere workplace safety. They contribute to risk assessments and prevention measures in the workplace, health supervision of workers and training in occupational safety and health. They also assess the impact of working conditions on worker health. These services must be equipped and staffed to identify, measure and prevent work-related stress, aggression and violence.

The ECSR notes that, although Cyprus has transposed the above-mentioned Directive 89/391/EEC, it has not yet ratified ILO Convention No. 161 on occupational health services. Furthermore, while a plan of action has been devised to create a system for monitoring workers' health, this has not yet been fully implemented.

In light of the above, the ECSR considers that the legal framework and the situation in practice are only partially compatible with the requirements of the Charter. The ECSR encourages the Government to take the necessary steps enabling acceptance of Article 3§4 of the Charter as soon as possible.

## **Article 4§1 – The right to a fair remuneration**

"With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake:

1. to recognise the right of workers to a remuneration such as will give them and their families a decent standard of living".

### **Situation in Cyprus**

According to the report, the Ministry of Labour and Social Insurance's main objectives are to guarantee a decent minimum wage throughout Cyprus and to ensure fair competition between companies in terms of labour costs. Following studies carried out by the Ministry in co-operation with the European Commission and the International Labour Office, and after dialogue with social partners, the 2022 Minimum Wage Order entered into force on 1 January 2023, repealing the previous order which had only applied to certain occupations with low trade union representation.

The 2022 Minimum Wage Order stipulated that all full-time employees should receive an initial gross monthly wage (before taxes) of at least €885, rising to at least €940 after six months of continuous

employment with the same employer. Since 1 January 2024, the initial minimum monthly wage has been €900, rising to €1 000 after six months of continuous employment with the same employer. The minimum wage is adjusted every two years, a process which began in 2024.

Some occupations are not covered by the 2022 Minimum Wage Order. For example:

- the minimum wage for 13 occupations in the hotel industry is set out in Order No. 268/2023 on the minimum wage in the hotel industry, which came into force on 1 June 2023;
- the wages of domestic workers, farm workers, livestock workers and sailors are determined either by a collective agreement, where applicable, or by a written agreement between the employer and the employee.

The authorities state that, pending further scrutiny, the rights under Article 4§1 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 4§1 of the Charter guarantees the right to fair remuneration capable of ensuring a decent standard of living. It applies to all workers, including civil servants and contractual staff in the state, regional and local public sectors, branches or jobs not covered by collective agreement, atypical jobs and special regimes or statuses.

To be considered fair within the meaning of Article 4§1, the minimum wage paid in the labour market must be no less than 60% of the average national net wage. This assessment is based on net amounts, i.e. after taxes and social security contributions have been deducted.

In countries with a statutory minimum wage, the net value of this wage for a full-time worker is used as a basis for comparison with the net average full-time wage (calculated either across all sectors of the economy, or, if this is not possible, across a representative sector such as manufacturing or several sectors). In other cases, the minimum wage set by collective agreement, or the lowest wage actually paid is used as the reference.

When the net minimum wage is between 50% and 60% of the net average wage, it is for the State Party to establish whether this wage is sufficient to ensure a decent standard of living. Particular consideration will be given to the costs of healthcare, education, transport, etc.

The ECSR notes that, since 1 January 2024, the national gross minimum monthly wage is €1 000 after six months of employment with the same employer (excluding certain sectors). It considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of Article 4§1 of the Charter. In particular, it needs information on the amount of the national net average wage; should the net minimum wage be between 50% and 60% of the net average wage, it also needs information to establish that this wage is sufficient to ensure a decent standard of living.

### **Article 4§2 – The right to a fair remuneration: increased rate of remuneration for overtime work**

“With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake: [...]”

2. to recognise the right of workers to an increased rate of remuneration for overtime work, subject to exceptions in particular cases”.

### **Situation in Cyprus**

It appears from the information contained in the report that the situation has not changed.

The report states that the law provides for overtime pay for employees working in the retail, hotel or catering industries. It also provides information on compensation and/or time off in lieu of remuneration for overtime worked during the week, as well as for overtime worked on Sundays and public holidays.

There is no specific legislation for other occupations, but almost all collective agreements stipulate a minimum overtime pay rate.

The authorities emphasise that legislating for matters that are subject to collective bargaining would contradict the voluntary nature of industrial relations in Cyprus. In the light of this fact, they believe that Article 4§2 cannot be accepted.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 4§2 is linked to Article 2§1 (a provision that Cyprus has accepted), which guarantees the right to reasonable daily and weekly working hours. Overtime is work performed in addition to normal working hours.

According to Article 4§2, work performed outside normal working hours must be paid at a rate higher than the standard wage, as it requires extra effort from the worker.

Granting leave to compensate for overtime (in lieu of increased remuneration) is in conformity with Article 4§2, provided that such leave is longer than the overtime worked.

Systems that combine payment at the standard rate with time off in lieu of remuneration for overtime are also in conformity with Article 4§2.

Article 4§2 may be implemented through collective agreements, legislation or regulations, or by any other means adapted to the circumstances of each country, provided that the provisions apply to all workers. Conversely, any restrictions on increased remuneration for overtime must be provided for by law, pursue a legitimate objective and be proportionate to that objective.

The ECSR takes note of the information provided by the Government. It considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of Article 4§2 of the Charter. In particular, it needs information on the provisions of collective agreements concerning overtime remuneration rates (and/or compensatory leave for overtime) and the proportion of workers covered by these collective agreements in occupational categories other than the retail, hotel and catering industries.

### **Article 4§3 – The right to a fair remuneration: equal pay for work of equal value**

“With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake: [...]

3. to recognise the right of men and women workers to equal pay for work of equal value”.

## Situation in Cyprus

The report states that the Law on equal pay for men and women for the same work or work of equal value (Law No. 177(1)/2002, as amended) guarantees the right to adequate remuneration and equal pay for men and women for work of equal value.

Various measures have been taken to promote equal pay for men and women for work of equal value. These measures include: (1) the enforcement of equal pay legislation; (2) pay transparency; and (3) certification.

### 1. Mechanisms for enforcing equal pay legislation

In recognition of the obstacles that victims of gender pay discrimination face when lodging claims, the authorities have increased ex officio inspections. The Labour Inspectorate is responsible for collecting data primarily aimed at detecting direct discrimination in terms of pay, providing employers and employees with information on legislation and the right to file a complaint, and offering employers practical guidance on compliance. Since 2022, targeted and detailed inspections have been carried out, focusing on economic activities with significant gender pay gaps. Following these inspections, recommendations are made to employers regarding corrective measures relating to recruitment procedures, pay structures and promotion policies, such as equal representation of men and women at senior management levels.

The report states that pay discrimination is more easily detected when a complaint has been submitted. Therefore, lodging complaints is encouraged and supported by other measures, such as pay transparency and special training for labour relations officers.

### 2. Pay transparency

The Ministry of Labour and Social Insurance is seeking to improve the implementation of equal pay legislation by focusing on greater pay transparency to detect and prevent discrimination. To this end, a tripartite technical committee, comprising the main employer organisations and trade unions, has been set up to draft new legislation by 2026 to promote pay transparency. The new legislation will require employers to publish gender pay gap statistics, implement gender-neutral job evaluations and introduce pay structures. It will also provide for measures to support employers, employees and their representatives.

To develop suitable infrastructure, provide training for employers and social partners and implement awareness-raising campaigns, European co-funding has been obtained for two projects. The first, the eValueJobs project, running from December 2024 to June 2026, involves developing gender-neutral job evaluation tools and carrying out training, information and awareness-raising activities to promote the widespread use of gender-neutral job evaluation and classification systems. The second, the Support Measures for Pay Transparency project, running from January 2025 to December 2027, involves developing the infrastructure required to implement pay transparency legislation in practice.

### 3. Certification for promoting gender equality in the workplace

Set up in 2014, the National Certification Body for the implementation of good gender equality practices in the workplace is pursuing its work. Each year, a call for applications is issued, inviting employers to apply for certification. The certification criteria have evolved over time in order to adapt to societal and legislative changes, such as the need to encourage fathers to take family leave. By the end of 2024, 87 companies and organisations had been recognised for their policies and practices aimed at ensuring equal pay, attracting and retaining individuals from the gender which is under-represented, improving gender parity in decision-making positions, introducing gender-neutral job evaluation and classification systems and implementing work-life balance policies and policies to prevent and address harassment, including sexual harassment.

The authorities state that, pending further scrutiny, the rights under Article 4§3 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 4§3 of the Charter guarantees the right to equal pay without gender discrimination. In pursuance of this article, States Parties are under an obligation to:

- recognise in legislation the right to equal pay for equal work or work of equal value;
- ensure access to effective remedies when this right has not been guaranteed;
- ensure pay transparency and enable job comparisons;
- maintain effective equality bodies and other relevant institutions.

In particular, pay transparency is instrumental in the effective application of the principle of equal pay for work of equal value. It helps identify gender bias and discrimination, facilitating the implementation of corrective measures by workers, employers, their organisations and the relevant authorities. In order to ensure adequate pay transparency in practice, states should take measures such as those outlined in the European Commission recommendation of 7 March 2014 on strengthening the principle of equal pay between men and women through transparency, including an obligation for employers to regularly report on wages and produce disaggregated data by gender. The possibility of making job comparisons is essential to ensuring equal pay. Failure to recognise and satisfy the obligation to ensure pay transparency in practice may lead to a violation of Articles 4§3 and 20 of the Charter (see [University Women of Europe \(UWE\) v. Cyprus, Complaint No. 127/2016, decision on the merits of 5 December 2019](#), §§156-157, violation of Article 20.c of the Charter on the ground that pay transparency is not guaranteed in practice: “due to the lack of pay transparency and hence of information on comparable jobs and pay levels, it may be difficult for a potential victim of gender pay discrimination to successfully bring a case to court”).

In addition, the ECSR notes that, according to Eurostat data, the unadjusted gender pay gap in Cyprus fell from 14.2% in 2014 to 9.9% in 2020, but has since risen steadily (reaching 11% in 2021, 11.9% in 2022 and 12.2% in 2023), while the average for the EU-27 has fallen (from 12.3% in 2021 to 12.2% in 2022 and to 12% in 2023). Furthermore, in 2023, the unadjusted gender pay gap in Cyprus (12.2%) was higher than the EU-27 average (12%) for the first time since 2014.

In light of the above, the ECSR considers that the legal framework and practice are only partially compatible with the requirements of Article 4§3 of the Charter. It encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

### **Article 4§4 – The right to a fair remuneration: reasonable period of notice for termination of employment**

“With a view to ensuring the effective exercise of the right to a fair remuneration, the Parties undertake: [...]

4. to recognise the right of all workers to a reasonable period of notice for termination of employment”.

## Situation in Cyprus

It appears from the information contained in the report that the situation has not changed.

The Termination of Employment Law lays down the minimum periods of notice that must be given by an employer to terminate an employment contract. There is no minimum notice period for employees with less than 26 weeks' service. For employees with 26 weeks' service or more, the minimum notice period depends on the length of time for which they have been employed:

| Length of employment              | Minimum notice period |
|-----------------------------------|-----------------------|
| 26 – 51 weeks (6 months – 1 year) | 1 week                |
| 52 – 103 weeks (1 – 2 years)      | 2 weeks               |
| 104 – 155 weeks (2 – 3 years)     | 4 weeks               |
| 156 – 207 weeks (3 – 4 years)     | 5 weeks               |
| 208 – 259 weeks (4 – 5 years)     | 6 weeks               |
| 260 – 311 weeks (5 – 6 years)     | 7 weeks               |
| 312 weeks or more (6 years+)      | 8 weeks               |

Employees may be entitled to a longer period of notice by virtue of custom, law, collective agreement or other arrangement.

In the case of employees in the hotel and catering industry, the minimum notice period is prescribed by the relevant legislation for hotel and catering services.

The authorities state that, pending further scrutiny, the rights under Article 4§4 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

## Opinion of the European Committee of Social Rights

The ECSR points out that the main purpose of Article 4§4 of the Charter, which requires a reasonable period of notice to be given before terminating employment, is to allow the persons concerned time to look for other work before their current employment ends, while they are still receiving wages.

The ECSR assesses situations on a case-by-case basis. The main criterion for assessing whether a period of notice is reasonable is length of service. For example, the ECSR concluded that the following periods of notice were not in conformity with the Charter: one week's notice after less than six months' service; two weeks' notice after more than six months' service; less than one month's notice after one year's service; eight weeks' notice after at least fifteen years' service.

Payment of wages in lieu of notice is acceptable, provided that the sum paid is equivalent to that which the worker would have earned during the corresponding period of notice.

The ECSR observes that, in Cyprus, the statutory minimum periods of notice are short and that there is no notice period for workers with less than six months' service.

In light of the above, the ECSR considers that the legal framework is only partially compatible with the requirements of Article 4§4 of the Charter. It encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

### **Article 7§5 – The right of children and young persons to protection: a fair wage or other appropriate allowances for young workers and apprentices**

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake: [...]

5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances”.

#### **Situation in Cyprus**

The report states that the Minimum Wage Orders of 2022 and 2023 (see above, Article 4§1 of the Charter) apply to all workers, including young workers.

Where persons under the age of 18 are employed on an occasional basis for periods of not more than two consecutive months, the minimum wage in cash may be reduced by 25%. This 25% reduction may not apply simultaneously with any other reductions provided for in the Minimum Wage Order of 2022.

The authorities state that, pending further scrutiny, the rights under Article 7§5 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

#### **Opinion of the European Committee of Social Rights**

The ECSR points out that, under Article 7§5 of the Charter, domestic law must provide for the right of young workers to a fair wage and of apprentices to appropriate allowances. This right may result from statutory law, collective agreements or other means.

To assess compliance with Article 7§5, the ECSR applies a methodology similar to the one adopted for Article 4§1, taking into account net wages (after deduction of both social security contributions and taxes). The young worker's wage may be less than the adult starting wage, but any difference must be reasonable and for a limited time. For fifteen to sixteen-year-olds, a wage 30% lower than the adult starting wage is acceptable. For sixteen to eighteen-year-olds, the difference may not exceed 20%.

The adult reference wage must be sufficient to comply with Article 4§1 of the Charter. If it is too low, even a young worker's wage which respects the percentage differentials mentioned above will not be considered fair.

The ECSR takes note of the information provided by the Government. It considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it needs clarification on the adult reference wage (see

Article 4§1) and allowances paid to apprentices. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 7§5 of the Charter as soon as possible.

### **Article 7§9 – The right of children and young persons to protection: regular medical controls for young workers**

“With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake: [...]

9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control”.

#### **Situation in Cyprus**

The report states that the Safety and Health at Work (Protection of Young People) Regulations of 2012, as amended in 2015, and the Management of Safety and Health Issues at Work Regulations of 2021 contain provisions related to the medical control of young persons at work. These regulations also include provision for mandatory specific written risk assessments for young persons at work. The Department of Labour Inspection enforces these regulations but does not currently have any data on the medical control of young persons at work.

In accordance with the Safety and Health at Work (Health Surveillance) Regulations of 2017, medical examinations to monitor workers’ health are gradually being enforced but for now only for a few occupations and working activities; work performed by young persons is not yet included in these occupations and activities.

In light of the above, the authorities conclude that Article 7§9 of the Charter cannot be accepted for the time being. They will review the situation once the relevant data on the medical surveillance of young persons at work are available.

#### **Opinion of the European Committee of Social Rights**

The ECSR points out that under Article 7§9 of the Charter, domestic law must provide for compulsory regular medical check-ups for under eighteen-year-olds employed in occupations specified by national legislation. These check-ups must be adapted to the specific situation of young workers and the particular risks to which they are exposed. They may be carried out by the occupational health services if these services have the specific training to do so.

This obligation entails a full medical examination on recruitment and regular check-ups thereafter. The intervals between check-ups must not be too long.

It appears from the information provided that regular medical check-ups for persons under 18 years of age are not currently prescribed.

In light of the above, the ECSR considers that the legal framework is only partially compatible with the requirements of Article 7§9 of the Charter. It encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

## **Article 8§4 – The right of employed women to protection of maternity: regulation of the employment in night work**

“With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake: [...]

4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants”.

### **Situation in Cyprus**

It appears from the information contained in the report that the situation has not changed. The Protection of Maternity (Safety and Health at Work) Regulations of 2002, as amended in 2015, transpose European Directive 92/85/EEC (as amended) on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding. Under the national regulations, employers must not allow workers to perform night work during their pregnancy and for a period following childbirth, subject to submission of a medical certificate stating that this is necessary for the safety or health of the worker concerned.

The authorities state that, pending further scrutiny, the rights under Article 8§4 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

### **Opinion of the European Committee of Social Rights**

The ECSR recalls that Article 8§4 of the Charter requires States Parties to regulate night work for pregnant women, women who have recently given birth and women nursing their infants, in order to limit the adverse effects on the health of the woman. The regulations must:

- only authorise night work where necessary, having due regard to working conditions and the organisation of work in the firm concerned;
- lay down conditions for night work performed by pregnant women (prior authorisation by the Labour Inspectorate (where applicable); prescribed working hours; breaks; rest days following periods of night work; the right to be transferred to daytime work in case of health problems linked to night work, etc.).

In the light of the information provided by the Government, the ECSR reiterates that the situation in respect of Article 8§4 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

## **Article 13 – The right to social and medical assistance**

“With a view to ensuring the effective exercise of the right to social and medical assistance, the Parties undertake:

1. to ensure that any person who is without adequate resources and who is unable to secure such resources either by his own efforts or from other sources, in particular by benefits under a social security scheme, be granted adequate assistance, and, in case of sickness, the care necessitated by his condition;

[...]

4. to apply the provisions referred to in paragraphs 1, 2 and 3 of this article on an equal footing with their nationals to nationals of other Parties lawfully within their territories, in accordance with their obligations under the European Convention on Social and Medical Assistance, signed at Paris on 11 December 1953.”

### **Situation in Cyprus**

The report provides information on the situation concerning Article 13, making no distinction between paragraphs 1 and 4 of the provision.

According to the report, the general health system (GHS) covers all citizens who are permanent residents in Cyprus, including members of their families.

Notable examples of categories of persons covered by the GHS are:

- citizens of non-EU countries (third-country nationals) who have a permanent residence permit in Cyprus or have the right of equal treatment in the social insurance sectors, in accordance with the Aliens and Immigration Law (as well as their dependants);
- refugees and persons with supplementary protection status who are resident in Cyprus and who have been granted refugee or subsidiary protection status, in accordance with the Refugees Law (as well as their dependants).

In the case of undocumented migrants, access to healthcare is subject to conditions different from those which apply to local workers. People who applied for a residence permit on the ground that they were able to meet their healthcare needs without the support of the Cypriot authorities cannot claim healthcare benefits.

The GHS covers all medical care needs of beneficiaries, including chronic, rare and serious conditions. The right to healthcare within the GHS is independent from the payment of contributions; beneficiaries without any income (unemployed, children, etc.) have equal access to healthcare services.

Vulnerable persons are thoroughly supported through the Guaranteed Minimum Income (GMI). Over the years, the implementation of the benefit has evolved, with the aim of supporting vulnerable groups with specialised needs even more comprehensively. Particular emphasis is placed on supporting people with medical problems through the provision of a care allowance. In addition, the legislation includes measures aimed at supporting persons with disabilities.

The GMI may be granted to Cypriot and European citizens who have been lawfully and continuously resident in Cyprus for at least the five years immediately preceding the application. On certain conditions, it may also be granted to third-country nationals who are long-term residents in Cyprus, refugees (excluding asylum seekers) and victims of trafficking or exploitation of persons.

The Social Welfare Services, acting within their competencies, may provide assistance to people who are in extremely urgent or/and emergency need due to personal circumstances or an unexpected or urgent situation in accordance with Article 11 of the Guaranteed Minimum Income legislation.

In light of the above, the authorities conclude that paragraphs 1 and 4 of Article 13 of the Charter cannot be accepted for the time being.

## Opinion of the European Committee of Social Rights

The ECSR points out that Article 13§1 of the Charter provides for the right to benefits, for which individual need is the main criterion for eligibility. The system of assistance must be universal in the sense that benefits must be payable to “any person” on the sole ground that they are in need, without any requirement as to affiliation to a social security scheme, professional activity or payment of contributions.

Social assistance must be “appropriate”, that is, it must enable its recipients to cover their basic needs and to live a decent life. In order to assess the level of assistance, basic benefits, additional benefits and the poverty threshold in the country (set at 50% of the median equivalised disposable income and calculated on the basis of the Eurostat at-risk-of-poverty threshold) are taken into account. Assistance is appropriate where the monthly amount of assistance benefits – basic and/or additional – paid to a person living alone is not manifestly below the poverty threshold.

Everyone who lacks adequate resources must be able to obtain free of charge, in the event of sickness, the care necessitated by their condition. Medical assistance includes free or subsidised healthcare or payments to enable persons to pay for the care required by their condition. The right to medical assistance should not be confined to emergency situations.

As regards personal scope, the ECSR points out that, under Article 13§1, States Parties have an obligation to provide adequate social and medical assistance to all persons in need, both their own nationals and nationals of States Parties lawfully resident within their territory, on an equal footing. Equality of treatment must be guaranteed once a foreign national is lawfully within the territory of a State Party. A condition in respect of length of residence in the country is not in keeping with this provision.<sup>3</sup>

The ECSR further considers that under Article 13§1, States Parties are required to provide foreign nationals in an irregular situation in their territory with emergency social and medical assistance (accommodation, food, clothing and emergency care) to cope with an urgent and serious state of need. By definition, no condition of length of presence can be set on the right to emergency assistance.<sup>4</sup>

In accordance with Article 13§4 of the Charter, States Parties are required to provide foreigners without resources who are lawfully present in their territory (but not resident) with such urgent social and medical assistance as is necessary to cope with an immediate state of need (see above).<sup>5</sup>

The right to assistance and the right to emergency social assistance must be supported by a right of appeal, which must be effective in practice.

As regards the situation in Cyprus, the ECSR notes that the requirement to have been lawfully and continuously resident in Cyprus for five years in order to be eligible for the guaranteed minimum income is excessive.

The ECSR further points out that emergency social and medical assistance should be available to foreign nationals who are lawfully present in Cyprus but who do not have resident status and, in some cases, also to persons in an irregular situation.

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<sup>3</sup> [Conclusions 2013, Statement of interpretation on Article 13§§1 and 4](#) and, for example, [Conclusions 2017, France, Article 13§1](#).

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

In addition, the report does not contain information on the amounts of the guaranteed minimum income or on any other assistance that may be provided to persons without sufficient resources. The ECSR is therefore not in a position to assess whether the level of social and medical assistance is adequate.

In light of the above, the ECSR considers that the legal framework is only partially compatible with the requirements of the Charter. It encourages the Government to take the necessary steps enabling acceptance of Article 13§§1 and 4 of the Charter as soon as possible.

## **Article 16 – The right of the family to social, legal and economic protection**

“With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.”

### **Situation in Cyprus**

According to the report, schemes that help address poverty and social inclusion include:

- the guaranteed minimum income: an income replacement allowance, which aims to ensure a socially acceptable standard of living for persons and families lawfully residing in Cyprus and whose income and other economic resources are insufficient to meet their basic needs;
- scheme supporting pensioner households on low incomes: a cash benefit scheme for pensioner households whose total annual income is below the poverty threshold;
- child benefit and single-parent benefit: child benefit is awarded to families who have been lawfully and continuously resident in Cyprus for at least the five years immediately preceding the application. Single-parent families receiving child benefit are also entitled to a single-parent benefit for each dependent child, provided the single parent and the dependent child have been lawfully and continuously resident in Cyprus for at least the five years immediately preceding the application; for European citizens, Article 68 of EU Regulation 883/2004 applies;
- subsidy for childcare services: for children aged 0-4.5 years who are enrolled in eligible kindergartens and nurseries;
- (new) grant scheme for residential care: a monthly grant for long-term care in care homes and other similar institutions for older persons or persons with disabilities.

The Social Welfare Services have various programmes aimed at (1) providing support and strengthening families to enable them to effectively exercise their roles and responsibilities and (2) preventing the aggravation of conditions that might lead to family disruption. These programmes include family support and preventive services, counselling, family guidance, including specialised services for families experiencing violence and services for children in the care of the Director of Social Welfare Services.

The provision of accessible, affordable and quality social care programmes at local level is a key priority for the Government. Under EU Regulation 360/2012 and Commission Decision 2012/21/EU, NGOs and local authorities may receive state aid if they fulfil certain criteria for the purpose of developing and running quality social care programmes, including childcare services, long-term social care services to the elderly and persons with disabilities, counselling programmes and other specialised programmes covering specific needs, such as violence in the family, unaccompanied minors and victims of trafficking.

Financial benefits and allowances are awarded under criteria and conditions that may not be met by all persons residing in Cyprus. This applies in particular to third-country nationals who must have

been permanently and continuously resident in Cyprus for at least five years in order to be eligible for certain financial benefits.

In these circumstances, the authorities conclude that they cannot accept Article 16 of the Charter.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 16 of the Charter imposes a requirement to promote the social, legal and economic protection of family life by such means as social and family benefits, provision of family housing, benefits for the newly married and other appropriate means.

States Parties are free to choose the means by which they ensure the social, legal and economic protection of the different types of family that make up their population.

The principle of equality and non-discrimination forms an integral part of Article 16.<sup>6</sup>

Article 16 guarantees a right to decent housing for families, which entails *inter alia* promoting and providing adequate housing for families, having regard to their needs. Housing benefits specifically targeted at families must also be available (e.g. grants or subsidies for the purchase or construction of family homes, tax relief on mortgage repayments, subsidised rent for families, housing allowances). Equal treatment for nationals of other States Parties and refugee families with regard to the payment of housing subsidies must be ensured.<sup>7</sup> The requirement to have been resident for five years to be eligible for housing benefits is excessive.<sup>8</sup> The right of families to decent housing and in particular the right not to be deprived of shelter also applies to families who are in an irregular situation in the country.<sup>9</sup>

The effectiveness of the right to adequate housing in terms of Article 16 requires its legal protection through adequate procedural safeguards. Furthermore, the obligation to promote and provide housing extends to security from unlawful eviction.

States Parties are required to ensure that childcare facilities are available, affordable and of good quality. Families should have access to appropriate social services, especially in times of difficulty, including family counselling and psychological support for the upbringing of children. Spouses must have equal rights and duties within the couple. In cases of family breakdown, Article 16 requires the provision of legal arrangements to settle marital conflicts and, in particular, conflicts relating to children. Any restrictions of custodial rights should be based on adequate and reasonable criteria laid down in legislation and should not go beyond what is necessary for the protection and best interest of the child and the rehabilitation of the family.

States Parties are required to provide family mediation services that are easily accessible to all families. In particular, families must not be dissuaded from availing themselves of such services for financial reasons. If mediation services are free of charge, this constitutes an adequate measure to this end. Otherwise, a possibility of access for families when needed should be provided.

Article 16 applies to all forms of domestic violence and violence against women and States Parties are required to ensure adequate protection against such violence in both law and practice (violence against children is addressed under Article 17, or Article 7§10 where States Parties have not accepted Article 17).

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<sup>6</sup> [European Roma Rights Centre v. Greece, Complaint No. 15/2003](#), decision on the merits of 8 December 2004, §26.

<sup>7</sup> [Conclusions 2019, Austria, Article 16](#).

<sup>8</sup> [Conclusions XVIII-I \(2006\), Denmark, Article 16](#).

<sup>9</sup> [Defence for Children International v. Belgium, Complaint No. 69/2011](#), decision on the merits of 23 October 2012, §136.

States Parties are required to ensure the economic protection of the family by appropriate means, in particular through family or child benefits provided as part of social security. These benefits must constitute an adequate income supplement for a significant number of families. The level of benefit should be adjusted as necessary to keep pace with inflation. Other forms of economic protection, such as birth grants, additional payments to large families or tax relief in respect of children, are also relevant to the implementation of this provision.

States Parties must ensure equal treatment of nationals of other States Parties who are lawfully resident or regularly working in their territory with respect to family benefits. As with Article 12§4 of the Charter and based on the Appendix, Article 16 precludes length of residence requirements as far as contributory benefits are concerned; States Parties may, however, apply a length of residence requirement as regards non-contributory benefits on condition that the length is not excessive. In this respect, the ECSR considers that periods of 1 year, and, a fortiori, 3 to 5 years are manifestly excessive and as such in violation of Article 16 of the Charter.<sup>10</sup>

In light of the above (in particular the length of residence requirement for benefits), the ECSR considers that the legal framework is only partially compatible with the requirements of Article 16 of the Charter. It encourages the Government to take the necessary steps enabling acceptance of this provision as soon as possible.

In addition, the ECSR needs further information to assess whether the situation in law and practice is compatible with Article 16 of the Charter in respect of the rights and obligations of spouses, the legal arrangements for the settlement of family disputes, the levels of family benefits, the access of foreign nationals to family benefits and the measures taken to ensure access to adequate housing.

## **Article 17§1 – The right of children and young persons to social, legal and economic protection**

“With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
- b. to protect children and young persons against negligence, violence or exploitation;
- c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family’s support”.

### **Situation in Cyprus**

As regards Article 17§1(a) of the Charter, the report refers to the Social Welfare Services (SWS) competence to establish and maintain institutions and services to protect children against negligence, violence or exploitation, and provide special assistance to those under the age of 18 who are deprived of their family’s support. The SWS policies aimed at ensuring the availability of accessible, affordable and quality social care services at the local level are implemented in collaboration with stakeholders (non-governmental organisations and local authorities). In this respect, the report refers to the state scheme aid under Regulation 360/2012 for the provision of services of general economic interest.

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<sup>10</sup> Conclusions XIV-1 (1998), Sweden, Article 16; [Conclusions XVIII-1 \(2006\), Denmark](#), Article 16.

The Cypriot authorities note that the current legislative framework does not define the criteria for “sufficient and adequate” institutions and services. For this reason, they still refrain from accepting this provision.

As regards Article 17§1(b) of the Charter, Law 91(I)/2014 has been enforced providing for the prevention and combating of sexual abuse and sexual exploitation of children and child pornography. The law transposes provisions of the Directive 2011/93/EU and of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). Within the framework of the National Strategy and Action Plan for combating sexual abuse and exploitation of children and child pornography (2016–2019) and based on the Council of Ministers Decision No. 80.430 of 21 March 2016, the Children’s House was established in 2017. The Children’s House operates under the supervision and in cooperation with the SWS as well as with other relevant services (Police, Health and Mental Health Services, Ministry of Education, Culture, Sports and Youth, etc.). The Children’s House provides child-friendly services to children victims of sexual abuse and/or sexual exploitation, based on a multidisciplinary approach.

Laws concerning the protection of children and families apply to those who are legally residing in Cyprus. However, in emergency situations involving negligence, violence or exploitation of a child who is not legally residing in the country, specific provisions are in place to safeguard the child’s well-being.

As regards Article 17§1(c) of the Charter, the report states that laws concerning the protection of children and families apply to those who are legally residing in Cyprus. However, in emergency situations involving negligence, violence or exploitation of a child who is not legally residing in the country, specific provisions are in place to safeguard the child’s well-being. No changes have been made to the relevant legislation and its practical implementation.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 17§1 covers a number of issues: the legal status of the child; rights of children in public care; protection of children from violence, ill-treatment and abuse; children in conflict with the law; the right to assistance.

Article 17§1 guarantees the equal right of all children and young persons to have the care, the assistance, the education and the training they need, in particular by providing for the establishment and maintenance of institutions and services sufficient and adequate for this purpose.<sup>11</sup> The ECSR considers that immediate assistance under this provision is essential for all persons under the age of 18 years (unless under the applicable law majority is attained earlier), without prejudice to the other specific provisions provided by the Charter, in particular by Article 7.

The ECSR points out that it examines on a case-by-case basis whether institutions and services are “sufficient and adequate” for the purpose mentioned in Article 17§1(a) of the Charter. It is therefore not necessary for States Parties to clarify the notion of “sufficient and adequate” in domestic law.

Any restriction or limitation of parents’ custodial rights should be based on criteria laid down in legislation and should not go beyond what is necessary for the protection and best interest of the child and the rehabilitation of the family.

The long-term care of children outside their home should take place primarily in foster families suitable for their upbringing. Children placed in institutions are entitled to the highest degree of satisfaction of their emotional needs and physical well-being as well as to special protection and assistance.

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<sup>11</sup> [European Roma Rights Centre \(ERRC\) and Mental Disability Advocacy Centre \(MDAC\) v. Czech Republic, Complaint No. 157/2017, decision on the merits of 17 June 2020, §§131 and 134.](#)

States Parties' legislation must prohibit and penalise all forms of violence against children, including all forms of corporal punishment, in the home, as well as in all educational settings, public and private and in all alternative care settings. Application of paragraph 1(b) of Article 17 is of particular importance, because failure to apply it will expose a number of children and young persons to serious risks to their lives or physical integrity. States Parties must take the necessary and appropriate measures to guarantee the minors in question the care and assistance they need and to protect them from negligence, violence or exploitation, thereby posing a serious threat to the enjoyment of their most basic rights, such as the rights to life, to psychological and physical integrity and to respect for human dignity.

In its previous assessment (2020), the ECSR noted that further information was needed to assess whether the institutions and services were sufficient and adequate for the purpose of achieving the aims of Article 17§1 of the Charter.

The ECSR notes that the report submitted by the Government does not contain any new information. It therefore reiterates that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, the ECSR needs clarification on the following points: the legal status of the child; the protection from ill-treatment and abuse; the rights of children in public care; the situation of children in conflict with the law; the right to assistance; child poverty. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 17§1 of the Charter as soon as possible.

## **Article 17§2 – The right of children and young persons to social, legal and economic protection: education**

“With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed: [...]

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.”

### **Situation in Cyprus**

The Primary and Secondary Education (Compulsory Attendance and Provision of Free Education) Laws of 1993-2024 provide that public education in Cyprus is free and compulsory for all children residing in the country up to the age of 15. Specifically, according to Article 3(1): “Attendance of compulsory pre-primary education, primary and lower secondary school (Gymnasium) is compulsory until the pupil completes lower secondary education (Gymnasium) or until the age of 15, whichever occurs first”. “Compulsory pre-primary education” means the children’s compulsory attendance in kindergarten, which includes the pre-primary class.

The authorities state that, pending further scrutiny, the rights under Article 17§2 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

## Opinion of the European Committee of Social Rights

The ECSR points out that Article 17§2 of the Charter requires States Parties to establish and maintain an education system that is both accessible and effective. There must be *inter alia* a functioning system of primary and secondary education which includes an adequate number of schools fairly distributed over the geographical area (in particular between rural and urban areas). The number of children enrolled in school should reach 100% of those of the relevant age. Class sizes and the teacher pupil ratio must be reasonable. There must be a mechanism to control the quality of teaching and the methods used. Education must be compulsory until the minimum age for admission to employment.

The ECSR further points out that access to education is crucial for every child's life and development.<sup>12</sup> Equal access to education must be ensured for all children. In this respect particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children in care, pregnant teenagers, teenage mothers, children deprived of their liberty. Children belonging to these groups must be integrated into mainstream educational facilities and ordinary educational schemes. Where necessary, special measures should be taken to ensure equal access to education for these children.

In addition, measures must be taken to encourage school attendance and to actively reduce the number of children dropping out or not completing compulsory education and reduce the rate of absenteeism.<sup>13</sup>

Primary and secondary education must be free of charge. This covers the basic education system. Hidden costs such as books or uniforms must be reasonable and assistance must be available to limit their impact on the most vulnerable groups.

In light of the above, the ECSR considers that the situation in respect of Article 17§2 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately. However, the ECSR wishes to underline that once accepted, state reports on Article 17§2 should contain information on indicators such as the number of children enrolled in school as a percentage of the number of children of the relevant age; the number and the geographical distribution of schools; the teacher pupil ratio; the mechanism(s) to monitor the adequacy of the educational system; the measures taken to ensure that children of vulnerable groups have access to education; absenteeism and dropout rates; costs associated with education.

## Article 18§1 – The right to engage in a gainful occupation in the territory of other Parties

“With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake:

1. to apply existing regulations in a spirit of liberality”.

### Situation in Cyprus

According to the report, the employment of third-country nationals in Cyprus is generally of a temporary nature and aims to address labour market shortages that cannot be met by Cypriot or EU citizens, in line with the principle of ‘Community Preference’ and relevant EU regulations. More specifically, third-country nationals may be admitted for employment purposes only when job

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<sup>12</sup> [International Commission of Jurists \(ICJ\) and European Council for Refugees and Exiles \(ECRE\) v. Greece, Complaint No. 173/2018, decision on the merits of 26 January 2021, §201.](#)

<sup>13</sup> [Conclusions 2003, Bulgaria.](#)

vacancies cannot be filled by Cypriot or EU citizens, or by non-EU nationals who are legally and permanently residing in Cyprus and are already part of the local labour market.

A work permit is required for the employment of third-country nationals. A basic precondition of this permit is the absence of prospects to meet the specific needs of the employer by local work force. In addition, work permits are only granted to employers who meet specific eligibility criteria.

In these circumstances, the authorities conclude that they cannot accept Article 18§1 of the Charter.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 18 applies to employees and the self-employed who are nationals of States Parties to the Charter. This provision also covers members of their family allowed into the country for the purposes of family reunion.

Article 18§1 is concerned with administrative practice rather than legal aspects. A State Party may comply with this provision even where its legislation on the employment of aliens contains strict rules, provided that these rules allow some administrative discretion and are applied in a liberal spirit.

Economic or social reasons might justify limiting access of foreign workers to the national labour market. This may occur, for example, with a view to addressing the problem of national unemployment by means of favouring employment of national workers. However, the implementation of such policies limiting access of third-country nationals to the national labour market should neither lead to a complete exclusion of nationals of non-EU (or non-EEA) States Parties to the Charter from the national labour market, nor substantially limit the possibility for them of acceding the national labour market.

The ECSR's assessment is based on figures showing the refusal rates for work permits, for both first-time and renewal applications. To this end, the figures supplied must be broken down by country; they must also distinguish between first-time applications and renewal applications.

The ECSR takes note of the information provided by the Government. It considers that further information, in particular statistical data concerning the refusal rates for work permits, is necessary to assess whether the situation in law and practice is compatible with the requirements of Article 18§1 the Charter.

### **Article 18§2**

“With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake: [...]

2. to simplify existing formalities and to reduce or abolish chancery dues and other charges payable by foreign workers or their employers”.

### **Situation in Cyprus**

In its report, the Government does not provide any information concerning Article 18§2.

### **Opinion of the European Committee of Social Rights**

As regards the formalities for obtaining the documents needed for engaging in a professional occupation, the ECSR points out that conformity with Article 18§2 of the Charter presupposes the possibility of completing such formalities in the country of destination as well as in the country of origin and obtaining the residence and work permits at the same time and through a single

application. It also implies that the documents (residence/work permits) will be delivered within a reasonable time.<sup>14</sup>

States Parties are under an obligation to reduce or abolish chancery dues and other charges paid by foreign workers or their employers. In order to comply with this obligation, States Parties must, first of all, not set an excessively high level for the dues and charges in question, i.e. a level likely to prevent or discourage foreign workers from seeking to engage in a gainful occupation and employers from seeking to employ foreign workers. In addition, States have to make concrete efforts to progressively reduce the level of fees and other charges payable by foreign workers or their employers.

In the absence of information provided by the Government, the ECSR is not in a position to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, the ECSR needs clarification on the administrative formalities and timeframes for obtaining the documents needed for engaging in a professional occupation as well as on the amounts of chancery dues and other charges. In the meantime, it encourages the Government to pursue its efforts and to consider accepting Article 18§2 of the Charter as soon as possible.

## **Article 18§3**

“With a view to ensuring the effective exercise of the right to engage in a gainful occupation in the territory of any other Party, the Parties undertake: [...]

3. to liberalise, individually or collectively, regulations governing the employment of foreign workers”.

### **Situation in Cyprus**

As regards Article 18§3, the Government refers to the information provided under Article 18§1 of the Charter.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that under Article 18§3 of the Charter, States Parties are required to liberalise periodically the regulations governing the employment of foreign workers in the following areas:

- Access to the national labour market  
States Parties may make foreign nationals’ access to employment on their territory subject to possession of a work permit, but they cannot ban nationals of States Parties in general from occupying jobs for reasons other than those set out in Article G of the Charter. In particular, the application of “priority rules”, i.e. rules that give priority access to the labour market for foreign workers who are nationals of other European states forming part of the same economic area, would be contrary to Article 18§3 of the Charter.<sup>15</sup>
- Recognition of certificates, qualifications and diplomas  
States Parties must make efforts to liberalise regulations governing the recognition of foreign certificates, professional qualifications and diplomas, progressively reducing the disadvantages for foreign workers to engage in a gainful occupation due to lack of recognition of foreign diplomas or professional qualifications substantially equivalent to those issued by national authorities, schools, universities or other training institutions.

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<sup>14</sup> [Conclusions XVII-2 \(2005\), Portugal, Article 18§2.](#)

<sup>15</sup> [Conclusions 2016, Italy, Article 18§3; Conclusions 2012, Statement of interpretation on Article 18§§1 and 3.](#)

- Rights in the event of loss of employment

As a rule, the loss of employment should not lead to the cancellation of the residence permit, as this would require the worker to leave the country as soon as possible. The validity of the residence permit should in fact be extended to give them enough time to find a new job.<sup>16</sup>

The ECSR takes note of the information provided by the Government. It considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of Article 18§3 of the Charter. In particular, it needs statistical data concerning the refusal rates for work permits (see Article 18§1) as well as clarification on the legislation concerning recognition of qualifications and diplomas and the rights in the event of loss of employment. In the meantime, the ECSR encourages the Government to pursue its efforts and to consider accepting Article 18§3 of the Charter as soon as possible.

## **Article 21 – The right to information and consultation**

“With a view to ensuring the effective exercise of the right of workers to be informed and consulted within the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice:

- a. to be informed regularly or at the appropriate time and in a comprehensible way about the economic and financial situation of the undertaking employing them, on the understanding that the disclosure of certain information which could be prejudicial to the undertaking may be refused or subject to confidentiality; and
- b. to be consulted in good time on proposed decisions which could substantially affect the interests of workers, particularly on those decisions which could have an important impact on the employment situation in the undertaking.”

### **Situation in Cyprus**

The Government states that the conditions pertaining to information and consultation have not changed.

Furthermore, no changes have been observed regarding the size of Cypriot enterprises (which are mainly micro-enterprises), thus negating the possibility of applying the provisions of Article 21 to a large percentage of employees, or a large number of enterprises.

Under these circumstances the Government declares that this provision cannot be accepted.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that Article 21 of the Charter entitles workers and/or their representatives (trade unions, staff committees, works councils or health and safety committees) to be informed of any matter that could affect their working environment, unless the disclosure of such information could be prejudicial to the undertaking. They must also be consulted in good time on proposed decisions that could substantially affect their interests, particularly ones that might have a significant impact on the employment situation in their undertaking.

States Parties may exclude from the scope of this provision those undertakings employing less than a certain number of workers, to be determined by national legislation or practice. The thresholds established by Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002, i.e. undertakings with at least 50 workers or establishments with at least 20 workers in any one EU member state are in conformity with this provision. All categories of workers (in other words,

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<sup>16</sup> [Conclusions XXII-1 \(2020\), Germany, Article 18§3.](#)

all workers with an employment contract with an undertaking, whatever their status, length of service or workplace) must be taken into account when calculating the number of workers covered by the right to information and consultation.

The rights under Article 21 must be effectively guaranteed. In particular, administrative and/or judicial procedures must be available to workers or their representatives who consider that their right to information and consultation within the undertaking has not been respected. There must also be sanctions for employers who fail to fulfil their obligations.

In its 2006 report, the ECSR took note of the particular situation of the labour market in Cyprus: about 97% enterprises employed less than 20 workers and about 99% enterprises employed less than 50 workers; moreover, about 94% of all enterprises were family-run, employing up to 4 workers.

The ECSR notes that in 2023, according to statistical data published on the website of the Government, 94,8% of the enterprises were employing less than 10 persons, and 0,1% (156 enterprises) were employing 250 persons and over. The enterprises in the size group 0-9 were employing 38,1% of the total number of persons employed, and the enterprises in the size group 250+ were employing 25,3% of the total number of persons employed.

The ECSR further notes that Law 78(I)/2005 on Establishing a General Framework of Information and Consultation of Employees applies to both public and private companies pursuing economic activities, provided that the company employs at least 30 workers. The threshold is calculated on the basis of the average number of workers, with a contract of employment of a fixed or indefinite term or on part-time, who have been employed by the undertaking in the previous two years (Commission Staff Working Document on the review of the application of Directive 2002/14/EC in the EU ([SEC\(2008\)334](#))).

According to Law 78(I)/2005 (Article 5), information shall cover recent and possible developments of the activities and the financial situation of the undertaking. Information and consultation shall cover the situation, structure and possible changes regarding employment within the undertaking (including any preventive measures planned in the event of declining employment levels) as well as decisions that may lead to substantial changes in the organisation of work or employment contracts (including collective redundancies). Information shall be provided, and consultations shall be conducted, “at the appropriate time”.

In light of the above, the ECSR considers that the situation in respect of Article 21 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately. However, the ECSR wishes to underline that once accepted, state reports on this provision should contain *inter alia* information on remedies available and sanctions when employers fail to meet their obligations with regard to information and consultation.

## **Article 22 – The right to take part in the determination and improvement of the working conditions and working environment**

“With a view to ensuring the effective exercise of the right of workers to take part in the determination and improvement of the working conditions and working environment in the undertaking, the Parties undertake to adopt or encourage measures enabling workers or their representatives, in accordance with national legislation and practice, to contribute:

- a. to the determination and the improvement of the working conditions, work organisation and working environment;
- b. to the protection of health and safety within the undertaking;
- c. to the organisation of social and socio-cultural services and facilities within the undertaking;
- d. to the supervision of the observance of regulations on these matters.”

## Situation in Cyprus

According to the report, the Management of Safety and Health Issues at Work Regulations of 2021 (Regulatory Administrative Action (R.A.A.) 158/2021) replaced the Management of Safety and Health Issues at Work Regulations of 2002, aiming to strengthen various occupational safety and health (OSH) provisions, including those relating to the right of workers to take part in the determination and improvement of the working conditions and working environment in every workplace in Cyprus.

Under the said Regulations, the following two Orders were issued in 2021 to regulate the duties, the functioning and the training of the safety committees: 1) the Management of Safety and Health Issues at Work (safety committees) Order (R.A.A. 237/2021) and 2) the Management of Safety and Health Issues at Work (training of employees, self-employees, members of ESYPP and members of safety committees) Order (R.A.A. 238/2021).

Additionally, the Safety and Health at Work (Code of practice for the consultation of employer and employees on safety and health issues) Order (R.A.A. 240/2021) was issued, streamlining the procedures for the appointment of safety representatives in all workplaces, the functioning of safety committees, highlighting the obligation of employers to assign one or more workers to engage in activities of prevention and protection against risks to the safety and health of employed persons. These workers must be sufficiently trained and have knowledge and experience in safety and health at work issues. In cases where these capabilities within a workplace are not available/adequate, the employer may assign the carrying out of protective and preventive work to external services or external consultants.

The authorities state that, pending further scrutiny, the rights under Article 22 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

## Opinion of the European Committee of Social Rights

The ECSR points out that under Article 22 of the Charter, the workers' right to take part in the determination and improvement of the working conditions and working environment implies that workers' representatives may contribute, to a certain extent, to the employer's decision-making process. The great majority of workers (at least 80%) must be granted the right to participate, by themselves or through their representatives, in the shaping and improvement of their working conditions and environment.<sup>17</sup>

Article 22 applies to all undertakings. However, pursuant to the Appendix to the revised Charter, the term "undertaking" is to be understood as "referring to a set of tangible and intangible components, with or without legal personality, formed to produce goods or provide services for financial gain and with power to determine its own market policy". Consequently, even though this provision may apply to workers in state-owned enterprises, not all public sector workers are covered by this provision.<sup>18</sup>

Workers must have legal remedies when the rights under Article 22 are not respected. There must also be sanctions for employers who fail to fulfil their obligations under this provision.

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<sup>17</sup> [\*Syndicat des Agrégés de l'Enseignement Supérieur v. France\*, Complaint No. 211/2022, decision on the merits of 15 May 2024](#), §63.

<sup>18</sup> *Ibid.*, §§63-65; [\*European Council of Police Trade Unions \(CESP\) v. Portugal\*, Complaint No. 40/2007](#), decision on the merits of 23 September 2008, §42; [\*CESP v. Portugal\*, Complaint No. 60/2010](#), decision on the merits of 17 October 2011, §36.

In the light of the information provided by the Government, the ECSR considers that the legal situation in respect of Article 22 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately. However, the ECSR wishes to underline that once accepted, state reports on this provision should contain information on the practical implementation of the legislation as well as on remedies available and sanctions when employers fail to fulfil their obligations with regard to the right of workers to take part in the determination and improvement of the working conditions and working environment.

## **Article 23 – The right of elderly persons to social protection**

“With a view to ensuring the effective exercise of the right of elderly persons to social protection, the Parties undertake to adopt or encourage, either directly or in co-operation with public or private organisations, appropriate measures designed in particular:

- to enable elderly persons to remain full members of society for as long as possible, by means of:
  - a. adequate resources enabling them to lead a decent life and play an active part in public, social and cultural life;
  - b. provision of information about services and facilities available for elderly persons and their opportunities to make use of them;
- to enable elderly persons to choose their life-style freely and to lead independent lives in their familiar surroundings for as long as they wish and are able, by means of:
  - a. provision of housing suited to their needs and their state of health or of adequate support for adapting their housing;
  - b. the health care and the services necessitated by their state;
- to guarantee elderly persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institution.”

### **Situation in Cyprus**

According to the report, Cyprus has adopted a National Strategy on Active Ageing for the years 2025-2030 and an associated Action Plan for 2025-2027. This framework aims to promote the integration of older persons into society, prevent social isolation and abuse, combat age discrimination, and support older persons' participation in social, cultural and economic life. The National Strategy for the Health of Older People, previously developed by the Ministry of Health, has been integrated into the National Strategy on Active Ageing.

In order to provide adequate resources to older persons enabling them to lead a decent life and play an active part in social and cultural life, the Social Welfare Services (SWS) provide state aid to NGOs and local authorities in order to run Adult Centres. The SWS also ensure the inspection of the Adult Centres. In addition, older persons beneficiaries of the social card are entitled to 50% discount on regular bus fares, and older persons beneficiaries of the Low-Income Pensioners Scheme are entitled to free use of the buses. The beneficiaries of the social card are also entitled to discount on theatre tickets, and the Department of Antiquities has improved the accessibility to certain archaeological sites, monuments and museums through adequate infrastructure.

The Ministry of Education runs a variety of programs for life-long learning such as the Adult Education Centres and the State Institutes of Further Education, and the Cyprus productivity Center of the Ministry of Labour and Social Insurance organises digital skills courses for people aged 55 and over.

Older persons (through the organisations that represent them) have the opportunity to inform both the executive (through the Third Age Body) and legislative (through the House of Elderly Persons) authorities about their needs and challenges, as well as to submit proposals for improving their quality of life.

Information about available services and facilities is provided through the Older Persons Benefits Guide and the new Government portal, where citizens can find all information concentrated with a simple structure and improved accessibility. In addition, Service Centres operate with the aim of helping citizens in cases of difficulty in submitting an application electronically.

As regards access to social protection, and specifically residential care, a new Grant Scheme has been approved by the Council of Ministers in November 2024; its implementation has started. This scheme significantly increases the number of beneficiaries, as it also includes beneficiaries of the Low-Income Pensioners Scheme, and the maximum monthly amount of the subsidy (from around €800 to €1 300). Beneficiaries of the guaranteed minimum income (GMI) are entitled to a subsidy of up to €400 monthly for home care, provided they need these services based on an assessment of their needs.

As regards guaranteeing older persons living in institutions appropriate support, while respecting their privacy, and participation in decisions concerning living conditions in the institutions, neither the legislative framework nor practice has been changed. The SWS regulate the minimum standards of establishments providing social care. The legislative framework does not provide for participation concerning living conditions in the institutions.

In light of the above, the Government concludes that this provision cannot be accepted.

### **Opinion of the European Committee of Social Rights**

Under Article 23 of the Charter, States Parties shall combat age discrimination in a range of areas beyond employment, namely in access to goods, facilities and services, healthcare, education, services such as insurance and banking products, participation in policy making/civil dialogue, allocation of resources and facilities. An adequate legal framework is required to combat age discrimination in these areas. There should also be a legal framework on assisted decision making for the older persons guaranteeing their right to make decisions for themselves unless it is shown that they are unable to make them.

To assess the adequacy of resources, all social protection measures guaranteed to older persons and aimed at maintaining income level allowing them to lead a decent life and participate actively in public, social and cultural life are taken into account. The emphasis is on minimum level of pensions, but other complementary cash benefits available to older persons are also considered. These resources are compared with the median equivalised income in the country concerned. Additionally, the ECSR takes into consideration indicators relating to at-risk-of-poverty rates for persons aged 65 and over.<sup>19</sup>

Although Article 23 only refers to the “provision of information about services and facilities”, paragraph 1b presupposes the existence of services and facilities. Therefore, it is not only information relating to the provision of information about these services and facilities that is examined but also the services and facilities themselves. In doing so, the ECSR examines the existence, extent and cost of home help services; community based services; specialised day care provision (e.g. for persons with dementia and related illnesses); and services such as information, training and respite care for families caring for older persons, in particular highly dependent persons; as well as cultural leisure and educational facilities available to older persons. In addition, States Parties must have a

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<sup>19</sup> [Conclusions 2013, Statement of interpretation on Article 23.](#)

system for monitoring the quality of services, a procedure for complaining about the standard of services and an appropriate regulation of fees for services.

Housing law and policy must take account of the special needs of older persons. There shall be sufficient supply of adequate and appropriate housing for older persons, and assistance for the adaptation of homes and provision of sheltered/supported housing to allow older persons to remain in their own homes for as long as possible. There must also be health care programmes and services (in particular primary health care services including domiciliary nursing/health care services) specifically aimed at older persons, mental health programmes for any psychological problems in respect of the older persons, as well as adequate palliative care services.

Older persons living in institutions must be guaranteed the right to appropriate care and adequate services, the right to privacy, the right to personal dignity, the right to participate in decisions concerning the living conditions in the institution, the protection of property, the right to maintain personal contact with persons close to them and the right to complain about treatment and care in institutions.

The situation in practice is of particular importance in order to assess whether the effective exercise of the right of older persons to social protection is ensured.

The ECSR takes note of the information provided by the Government and recognises that Cyprus has taken important steps to promote active ageing and social participation of older persons. However, it considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it needs information on the legislative framework about combatting age discrimination and supporting decision making; policies, strategies and measures to move away from the institutionalisation of older persons; housing policies and strategies, the supply of sheltered/supported housing and the range of accommodation options for older persons; healthcare programmes specifically designed for older persons; levels of old-age/social pensions and other complementary cash benefits for older persons. In the meantime, the ECSR encourages the Government to pursue its efforts and to consider accepting Article 23 of the Charter as soon as possible.

## **Article 26§1 – The right to dignity at work**

“With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers’ and workers’ organisations:

1. to promote awareness, information and prevention of sexual harassment in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct”.

### **The situation in Cyprus**

According to the Government, Law 205(I)/2002 on Equal Treatment of Men and Women in Employment and Vocational Training, as amended, is in conformity with Article 26§1 of the Charter. The law provides for the intervention of Equality Inspectors, who are tasked *inter alia* with investigating complaints, preparing reports and, if required, testifying before the court. They are also responsible for informing employers and workers on equality in employment and for ensuring that employers’ vacancy announcements comply with anti-discrimination rules.

Additionally, the Committee for Gender Equality in Employment and Vocational Training undertakes awareness-raising campaigns targeted at both employers and employees about legislation on equal treatment of men and women, with an emphasis on preventing and addressing sexual harassment in the workplace.

The authorities state that, pending further scrutiny, the rights under Article 26§1 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

### **Opinion of the European Committee of Social Rights**

Under Article 26§1, States Parties have no obligation to enact legislation relating specifically to sexual harassment, provided that the general legal framework ensures an effective protection in law and in practice against harassment in the workplace or in relation to work.

This provision requires States Parties to take appropriate preventive measures (such as information, awareness-raising and prevention campaigns in the workplace or in relation to work) to combat sexual harassment. In particular, workers should be informed about the nature of the behaviour in question and the available remedies.

The ECSR points out that domestic law must guarantee workers effective protection against harassment. Such protection must include the right to appeal to an independent body in the event of harassment, the right to obtain adequate compensation and the right not to be retaliated against for upholding these rights. In addition, the right to reinstatement should be guaranteed to workers who have been unfairly dismissed or have been pressured to resign for reasons related to sexual harassment.<sup>20</sup>

The ECSR further points out that, from the procedural standpoint, effective protection of workers requires a shift in the burden of proof, making it possible for a court to find in favour of the victim on the basis of sufficient *prima facie* evidence and the personal conviction of the judge or judges.<sup>21</sup>

In the light of the information provided by the Government, the ECSR reiterates its earlier findings that Article 26§1 could be immediately accepted by Cyprus.

### **Article 26§2**

“With a view to ensuring the effective exercise of the right of all workers to protection of their dignity at work, the Parties undertake, in consultation with employers’ and workers’ organisations: [...]

2. to promote awareness, information and prevention of recurrent reprehensible or distinctly negative and offensive actions directed against individual workers in the workplace or in relation to work and to take all appropriate measures to protect workers from such conduct.”

### **The situation in Cyprus**

According to the report, Cyprus has ratified ILO Convention No. 190 on violence and harassment in the world of work and the drafting of an implementing law is underway in the House of Representatives. The draft law covers unacceptable conduct and practices or threats made individually or repeatedly in the workplace that have resulted or are likely to result in physical, psychological, sexual or economic harm. Further, the text provides for procedures for complaints, examination of complaints, judicial proceedings, employer liability and compensation.

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<sup>20</sup> [Conclusions 2005, Republic of Moldova](#), Article 26§1; [Conclusions 2022, Finland](#), Article 26§1.

<sup>21</sup> [Conclusions 2018, Azerbaijan](#), Article 26§1.

The authorities state that, pending further scrutiny, the rights under Article 26§2 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

### **Opinion of the European Committee of Social Rights**

The ECSR points out that under Article 26§2 of the Charter, States Parties are required to take all necessary preventive and compensatory measures to protect individual workers against recurrent reprehensible or distinctly negative and offensive actions directed against them at the workplace or in relation to their work, and to combat moral harassment.

The ECSR welcomes the ratification of ILO Convention No. 190 on violence and harassment in the world of work (which will enter into force for Cyprus on 4 March 2026). It also acknowledges the adoption of the Law 42(I)/2025, titled “The Prevention and Combating of Violence and Harassment in the Workplace”, which aligns with the requirements of Article 26§2 of the Charter.

In light of the above, the ECSR considers that the situation in respect of Article 26§2 is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately. However, the ECSR wishes to underline that once accepted, state reports on this provision should contain information on the practical implementation of the legislation.

### **Article 27§1 – The right of workers with family responsibilities to equal opportunities and equal treatment**

“With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

1. to take appropriate measures:
  - a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
  - b. to take account of their needs in terms of conditions of employment and social security;
  - c. to develop or promote services, public or private, in particular child daycare services and other childcare arrangements”.

### **Situation in Cyprus**

According to the report, a new legislation was introduced in 2022, which was amended in April 2024 and December 2024. It provides for paid parental leave, for carers’ leave, for leave on the ground of *force majeure* as well as for the right to request flexible working arrangements for working parents and carers.

As regards parental leave, the legislation provides that each parent has an individual right to 18 weeks of parental leave for each child. This duration is extended to 23 weeks in the cases of widowed parents and single parents (in cases of loss of custody or non-recognition of the child by the other parent). Parental leave can be taken up until the child reaches the age of 15 (21 in case of a child with disability).

Each working parent is granted an allowance which partly compensates for his/her loss of salary during parental leave. From 31 March 2025 onwards, the allowance is granted for a total period of

8 weeks for the first child, 10 weeks for the second child, 12 weeks for the third child and 14 weeks for the fourth child and for every child after that. These periods are extended by 4 weeks in case of a child with severe disability or moderate mental disability, and by 6 weeks in case of total disability.

Self-employed parents are allowed to the same parental leave benefit as employed parents.

For periods of parental leave for which an allowance is not provided, employees are credited with the insurable earnings.

Labour rights when receiving parental leave, carers' leave and leave on the ground of *force majeure* are guaranteed as follows:

- rights acquired or in the process of being acquired by the employee on the date of commencement of the leave, will be maintained as they stand until the end of the leave;
- the above rights as well as changes to them, which arise from legislation, collective labour agreements or practice, apply after the end of the leaves;
- the take up of the above leaves does not unfavourably affect the employees' seniority nor their right to promotion or their return to work in equivalent positions with the same level of remuneration and benefits;
- employees who have taken the above leaves benefit from potential improvements in working conditions, from which they would have benefited if they had not taken the leave (excluding commissions);
- the period of absence from work during the take up of the above leaves is considered as period of employment for the purpose of calculating the paid annual leave the employee is entitled;
- the period of absence from work during the above leaves is considered as period of employment for the purpose of applying the Termination of Employment Law;
- taking up the above leaves does not interrupt the continuity of employment.

The authorities state that, pending further scrutiny, the rights under Article 27 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

### **Opinion of the European Committee of Social Rights**

Article 27§1 of the Charter addresses the issue of reconciliation of work and family responsibilities.

Under Article 27§1(a), States shall ensure that workers with family responsibilities are not discriminated against. They shall take positive action, in particular by means of vocational guidance, training and re-training, to provide people with family responsibilities with equal opportunities in respect of entering, remaining and re-entering employment.

When the quality of standard employment services available to everyone is adequate, there is no need to provide extra services for people with family responsibilities.<sup>22</sup>

Under Article 27§1(b), States must take measures concerning the length and organisation of working time. Workers with family responsibilities should be allowed to work part-time or to return to full-time employment. Periods out-of-employment due to family responsibilities should be taken into account when determining the right to and calculating the amount of pension. Crediting of periods of childcare leave in pension schemes should be secured equally to men and women.

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<sup>22</sup> In 2020, the ECSR deferred its conclusions on Article 10§3 (right to vocational training: vocational training and retraining of adult workers) and Article 10§4 (right to vocational training: long-term unemployed persons), see [Conclusion 2020, Article 10§3, Cyprus](#) and [Conclusions 2020, Article 10§4, Cyprus](#).

Under Article 27§1(c), States shall develop child day care services and other childcare arrangements, and make them available and accessible to workers with family responsibilities. In addition, parents should be allowed to reduce or cease work because of the serious illness of a child. Where a State has accepted Article 16, childcare arrangements are dealt with under that provision.

The ECSR takes note of the information provided by the Government. It acknowledges Cyprus' legislative progress in protecting the rights of workers with family responsibilities. The extension of leave rights, financial support and employment protection represent important steps toward compliance with Article 27§1(a) and (b). However, the ECSR considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it needs information on active labour market policies and measures for workers with family responsibilities as well as on availability of and access to child day care services and other childcare arrangements. In the meantime, the ECSR encourages the Government to pursue its efforts and to consider accepting Article 27§1 of the Charter as soon as possible.

## **Article 30 – The right to protection against poverty and social exclusion**

“With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake:

- a. to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance;
- b. to review these measures with a view to their adaptation if necessary.”

### **Situation in Cyprus**

It appears from the information contained in the report that the situation has not changed.

The Social Welfare Services are responsible for social policies aiming at reduction of poverty and social exclusion by means of provision of accessible and affordable social care programmes, including childcare services for children up to the age of compulsory education.

The Law 109(I)/2014 introduced a Guaranteed Minimum Income (GMI). The benefit aims to ensure a socially acceptable minimum standard of living for persons (and families) legally residing in Cyprus whose income and other economic resources are insufficient to meet their basic and special needs. Supplementary allowances and services include rent allowance or house loan interest allowance, subsidies for municipality and other levies (with no specified amounts), extraordinary needs, as well as care and assistance needs.

Law 109(I)/2014 extended public assistance for low-income earners, pensioners with low incomes and other vulnerable groups of people.

The GMI is provided in the form of monetary support and/or services; the entitlement to the benefit is guaranteed for the claimant if all the conditions laid down by law are satisfied. One of the conditions is to be registered with the Public Employment Service and actively seek employment (the rationale and the objective being the social integration of people in need). Moreover, the Welfare Benefit Administration Service works closely with other governmental institutions to tackle obstacles hindering the employability of those in need. For example, with the cooperation of the Ministry of Education, an educational program on learning the Greek language was set in place, for both third country nationals and nationals of other member states. Additionally, GMI beneficiaries were referred to the Human Resource Development Authority for training in the “Free entrepreneurship program

for unemployed GMI beneficiaries” under the Cyprus Recovery and Resilience Plan. Again, the rationale involves preparing those in need with the knowledge and skills facilitating them to enter the labour market.

The Cypriot authorities reiterate their concern whether the categories of support prescribed by Article 30 of the Charter apply also to people outside the scope of the current national legislation.

### **Opinion of the European Committee of Social Rights**

As regards the personal scope, the ECSR points out that Article 30 of the Charter is not applicable with regard to migrants in an irregular situation.<sup>23</sup>

The ECSR further points out that Article 30 requires States Parties to adopt an overall and coordinated approach, which should consist of an analytical framework, a set of priorities and measures to prevent and remove obstacles to access fundamental social rights. There should be in place monitoring mechanisms involving all relevant actors, including civil society and persons affected by poverty and social exclusion. This approach must link and integrate policies in a consistent way, moving beyond sectoral or target group approach.

The measures taken must be aimed at preventing and removing obstacles to access to fundamental social rights, in particular employment, housing, training, education, culture and social and medical assistance, addressing the multidimensional phenomena of poverty and social exclusion. They should strengthen access to social rights, their monitoring and enforcement, improve the procedures and management of benefits and services, improve information about social rights and related benefits and services, combat psychological and socio-cultural obstacles to accessing rights, and where necessary, specifically target the most vulnerable groups and regions.<sup>24</sup>

Access to fundamental social rights is assessed by taking into consideration the effectiveness of policies, measures and actions undertaken. As long as poverty and social exclusion persist, there should be an increase in the resources deployed to realise social rights. Adequate resources should be allocated to attain the objectives of the strategy. The measures should be adequate in their quality and quantity to the nature and extent of poverty and social exclusion in the country.

To assess national situations, the Eurostat at-risk-of-poverty rate (the percentage of people living under the poverty threshold, which is set at 60% of the equivalised median income) before and after social transfers is used as a comparative value. Other key indicators include the level of resources (and any increase/decrease) allocated to attain the objectives of the strategy and to target groups.

In its 2013 statement of interpretation concerning Article 30, the ECSR underlined that the economic crises should not have as a consequence the reduction of the protection of the rights recognised by the Charter. The governments are bound to take all necessary steps to ensure that the rights of the Charter are effectively guaranteed at a period of time when beneficiaries need the protection most.<sup>25</sup>

The ECSR takes note that the Cyprus National Reform Programme 2024 includes social inclusion and fight against poverty under one of its policy objectives, and lists measures to promote social inclusion and activation of vulnerable groups of population. The ECSR also notes that according to Eurostat data, the share of population living at risk of poverty or social exclusion in Cyprus has declined over the last 5 years, from 18.9% in 2019 to 17.1% in 2024 (i.e. below the EU-27 average in 2024: 21%) – this is a positive development.

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<sup>23</sup> [European Federation of National Organisations working with the Homeless \(FEANTSA\) v. the Netherlands, Complaint No. 86/2012, decision on the merits of 2 July 2014, §211.](#)

<sup>24</sup> [Conclusions 2013, Statement of interpretation on Article 30.](#)

<sup>25</sup> Ibid.

The ECSR takes note of the information provided by the Government. It considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it needs information on the overall approach to combat poverty and social exclusion; on how the authorities measure poverty and social exclusion; on the measures implemented and the existence of coordination mechanisms for these measures; on data related to the budgetary resources allocated to combating poverty and social exclusion; on monitoring mechanisms covering all areas of the combat against poverty and social exclusion. In the meantime, the ECSR encourages the Government to pursue its efforts and to consider accepting Article 30 of the Charter as soon as possible.

## **Article 31 – The right to housing**

“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard;
2. to prevent and reduce homelessness with a view to its gradual elimination;
3. to make the price of housing accessible to those without adequate resources.”

### **Situation in Cyprus**

The report does not provide any information concerning Article 31§§1 and 2 of the Charter.

As regards Article 31§3, the report states that the challenge of ensuring affordable housing, traditionally concentrated in major urban centres like Limassol and Nicosia, has now spread to other areas. This issue has been exacerbated by increased foreign demand for properties and rising construction costs due to inflationary trends. As a result, access to affordable housing remains one of the most pressing social problems in the country. To address this, the Government has introduced various support measures in recent years, such as subsidising mortgage interest rates, providing financial assistance for purchasing or constructing homes, and offering incentives for housing in mountainous or disadvantaged regions. However, these measures have not fully resolved the issue, particularly for young people and young couples, who continue to face significant barriers in accessing affordable homes.

A new housing policy, announced in October 2023, allocates approximately €77 million over five years and introduces multi-level actions aimed at both increasing the housing stock and facilitating citizens’ access to affordable options. Initiatives like the “Renovate and Rent” scheme (2024) encourage the renovation of dormant housing properties with an obligation to rent them at affordable prices for four consecutive years. This will lead to the increase of the supply of the housing stock, as well to the improvement of the quality of the properties, available for affordable rent. The “Build to Rent” program incentivises developments that include affordable housing units alongside private projects.

Complementary schemes target specific groups, notably young people and young couples up to 41 years of age, providing financial support for the purchase of homes up to 150 m<sup>2</sup>. An Aid Scheme launched in May 2022 under the Cyprus Recovery and Resilience Plan 2021-2026 introduced incentives to private sector, and more specifically to owners or tenants of existing buildings in the inner city of Nicosia, to renovate their properties with the primary goal of converting them into affordable student accommodation.

These combined efforts reflect Cyprus’ commitment to ensuring that housing remains within reach for all citizens, particularly those facing financial constraints.

The authorities state that, pending further scrutiny, the rights under Article 31§3 appear to be effectively ensured in practice. Nonetheless, at this juncture, they are not in a position to envisage the formal acceptance of this article. The formal acceptance of additional provisions of the Charter entails a complex internal process. Given current institutional capacities and prioritisation frameworks, they have deemed it appropriate to defer consideration of formal acceptance to a later stage.

### **Opinion of the European Committee of Social Rights**

Under Article 31§1 of the Charter, States must guarantee to everyone the right to adequate housing. Adequate housing means a dwelling which is: 1) safe from a sanitary and health point of view and possesses all basic amenities (such as water, heating, waste disposal, sanitation facilities and electricity); 2) not over-crowded, i.e. the size of the dwelling must be suitable in light of the number of persons and the composition of the household in residence; 3) with secure tenure supported by the law.

To ensure that the housing stock is adequate, public authorities shall take appropriate measures, such as conduct an inventory of the housing stock; apply injunctions against owners who disregard obligations; adopt urban development rules and maintenance obligations for landlords; and take safeguards against the interruption of essential services such as water, electricity and telephone. Public authorities shall also promote access to housing for different groups of vulnerable persons, such as low-income persons, unemployed persons, single parent households, young persons, persons with disabilities, including those with mental health problems. Hence, beyond legal provisions effective implementation is necessary.

Article 31§2 addresses the issue of prevention and reduction of homelessness. States must take action to prevent groups of vulnerable people from becoming homeless, in particular by ensuring access to social housing and setting up procedures to limit the risk of eviction. Evictions should be governed by rules of procedure, which are sufficiently protective of the rights of the persons concerned. There shall be legal protection of persons threatened by eviction, including an obligation to consult the parties affected to find alternative solutions to eviction, and an obligation to fix a reasonable notice period before eviction. Evictions, if they could not be avoided, must be carried out under conditions which respect the dignity of the persons concerned. Evictions carried out at night or during the winter period shall be prohibited by law, and authorities must adopt measures to re-house or financially assist the persons concerned.

To prevent homelessness, there shall be access to emergency measures, such as shelter, accompanied with procedures to find more permanent housing. The conditions in temporary shelters shall enable living in keeping with human dignity.

Article 31§3 addresses the affordability of housing, in particular for persons with limited resources. Housing is deemed affordable when a household can afford to pay the initial costs associated with housing (mortgage, deposit, advance rent) as well as the current rent and/or other costs (utility, maintenance and management costs) on a long-term basis and still be able to maintain a minimum standard of living, as defined by the society in which the household is located. Social housing should target the most disadvantaged and housing benefits shall be available at least for low-income and disadvantaged groups. More specifically, States Parties are required to adopt comprehensive housing benefit systems to protect low-income and disadvantaged sections of the population and must ensure an adequate supply of affordable housing. Waiting periods for the allocation of housing must not be excessive, and legal and non-legal remedies must be available when waiting periods are long.

Finally, the rights to housing must be guaranteed without discrimination, in particular in respect of Roma or travellers.

The ECSR takes note of the information provided by the Government. It considers that further information is necessary to assess whether the situation in law and practice is compatible with the requirements of the Charter. In particular, it needs information:

- as regards Article 31§1
  - on the definition of the notion of 'adequate housing' in law;
  - on the percentage of the population living in inadequate housing, and the measures taken to improve the situation;
  - on the authorities with overall responsibility for ensuring compliance with the applicable standards on housing adequacy, whether these authorities may carry out inspections, the frequency of such inspections, and the follow-up given to decisions of non-compliance;
  - on whether there is access to judicial or other remedies concerning the right to adequate housing;
- as regards Article 31§2
  - on the legal framework applicable to forced evictions;
  - on the measures taken to prevent categories of vulnerable people from becoming homeless and to reduce the number of persons in a situation of homelessness;
- as regards Article 31§3
  - on the measures taken to ensure an adequate supply of affordable housing, including with respect to the number of applications for social housing, the average waiting time for the attribution of social housing, the remedies available;
  - on housing benefits, whether in the framework of the housing benefit system or in the framework of social assistance.

In the meantime, the ECSR encourages the Government to pursue its efforts and to consider accepting Article 31 of the Charter as soon as possible.

# APPENDIX I: Factsheet on Cyprus and the European Social Charter

(April 2024)

## Signatures, ratifications and accepted provisions

Cyprus ratified the European Social Charter on 7 March 1968 and the Revised European Social Charter on 27 September 2000, accepting 63 of its 98 paragraphs.

In October 2011, Cyprus accepted to be bound by 8 additional provisions of the revised Charter, bringing the total of accepted provisions to 71 of the 98 paragraphs.

Cyprus accepted the Additional Protocol providing for a system of collective complaints on 6 August 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 (Articles 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](#) of the Council of Europe website.

## Monitoring the implementation of the European Social Charter<sup>26</sup>

### I. Collective complaints procedure<sup>27</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>26</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 [relevant pages](#) of the Council of Europe website and in the [HUDOC database](#) and the [Digest of the case law of the Committee](#).

<sup>27</sup> Detailed information on the collective complaints procedure is available on the [relevant page](#) of the Council of Europe website.

## II. Reporting system<sup>28</sup>

### Reports submitted by Cyprus

Between 1970 and 2024, Cyprus has submitted 21 reports on the application of the 1961 Charter and 18 on the application of the revised Charter.

The [17<sup>th</sup> report](#), which was submitted on 24 February 2023, concerns the accepted provisions relating to thematic group 4 “Children, families and migrants” (Articles 7, 8, 16, 17, 16, 19, 27 and 31).

Conclusions with respect to these provisions have been published in March 2024.

On 24 November 2023, Cyprus submitted an [ad hoc report on the cost-of-living crisis](#).<sup>29</sup>

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<sup>28</sup> Following a [decision taken by the Committee of Ministers in 2006](#), the provisions of the Charter had been divided into four thematic groups. States presented a report on the provisions relating to one of the four thematic groups on an annual basis. Consequently each provision of the Charter was reported on once every four years.

Following a [decision taken by the Committee of Ministers in 2014](#), States having accepted the collective complaints procedure were 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 was rotated periodically to ensure coverage of the four thematic groups.

Following a [decision taken by the Ministers' Deputies in 2022](#), the provisions on which States Parties are required to report are now divided into two groups with a report on one group to be submitted every two years. This means that all accepted Charter provisions are to be examined for each State every four years.

Detailed information on the reporting system is available on the [relevant page](#) of the Council of Europe website. The reports submitted by States Parties may be consulted [here](#).

<sup>29</sup> Following the [reform package adopted in 2022](#) with a view to modernising the European Social Charter system ([CM\(2022\)114-final](#)), the European Committee of Social Rights and the Governmental Committee have decided to request an ad hoc report on the cost-of-living crisis to all State parties.

## Situations of non-conformity<sup>30</sup>

### Thematic Group 1 “Employment, training and equal opportunities” – Conclusions 2020

► *Article 1§2 – 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 1§3 – Right to work – Free placement services*

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

► *Article 10§1 – 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 10§5 – 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 15§2 – 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 15§3 – 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 workers 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 3§1 – 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 11§3 – Right to protection of health – Prevention of diseases and accidents*

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

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<sup>30</sup> Further information on the situations of non-conformity is available in the [HUDOC database](#).

► *Article 12§1 – Right to social security – Existence of a social security system*

- The minimum level of unemployment benefit is manifestly inadequate;
- 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 workers may exceed 60 hours.

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

Not all workers 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 2023**

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

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

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 8§1 – Right of employed women to protection of maternity – Maternity leave*

The minimum amount of maternity benefit is inadequate.

► *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 accommodation.

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

- 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.

► *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§1, 19§4, 19§6 and 19§9 apply also to self-employed migrants.

► *Article 27§2 – Right of workers with family responsibilities to equal opportunity and treatment – Parental leave*

Workers on parental leave were not remunerated during the reference period.

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

Courts cannot order reinstatement of an unlawfully dismissed worker in cases where the enterprise concerned has fewer than 20 workers.

The Committee also considered that the failure to provide requested information on Articles 7§7, 7§8, 7§10, 8§2, 19§1, 19§6 and 19§9 amounted to a breach by Cyprus of its reporting obligations under Article C of the Charter.

**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”**

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### **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 No. 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 workers 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 Regulation 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 September 2006.
- ▶ The Law No. 10(III)/2012, amending the Law which ratified the ILO Convention 135 regarding Workers Representatives, was adopted; it 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 workers in firms with twenty or more workers (Act No. 61 (I) of 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.

## APPENDIX II: Vilnius Declaration



**PRESIDENCY OF LITHUANIA**  
**Council of Europe**  
May – November 2024  
**PRÉSIDENCE DE LA LITUANIE**  
**Conseil de l'Europe**  
Mai – Novembre 2024



MINISTRY  
OF SOCIAL SECURITY AND LABOUR  
REPUBLIC OF LITHUANIA



European  
Social  
Charter

Charte  
sociale  
européenne



### **High-Level Conference on the European Social Charter** *“a step by member States to take further commitments under the Charter”* 3-4 July 2024, Vilnius, Lithuania

## VILNIUS DECLARATION

1. In the Reykjavik Declaration (May 2023), the Heads of State and Government of the Council of Europe confirmed that “[s]ocial justice is crucial for democratic stability and security” and “reaffirm[ed their] full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system”. They proposed the holding of a high-level conference on the European Social Charter (ETS No. 35, (revised) ETS No. 163, “the Charter”) “as a step to take further commitments under the Charter where possible”.
2. At the 133rd Ministerial Session on 17 May 2024, the Committee of Ministers reiterated that social justice and the Council of Europe’s action on social rights play a crucial role for democratic stability and security. The Ministers restated their commitment to the European Social Charter system and, in their decisions, underlined the importance of the Charter and its monitoring procedures, and welcomed the organisation of a high-level conference.
3. Following the principles set out in the Vienna Declaration and Programme of Action (adopted in 1993 at the World Conference on Human Rights), all “human rights are universal, indivisible, interdependent and interrelated”. These rights include social rights, such as rights related to work, education, housing, social protection, health and well-being, and the human rights aspects of the environment. Combating inequality and social exclusion is vital for all, especially for disadvantaged individuals. It is also crucial for the implementation of the Sustainable Development Goals as defined by the United Nations 2030 Agenda for Sustainable Development.
4. The Council of Europe was established in the belief “that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation”. Social progress was enshrined in the Statute of the Council of Europe (ETS No. 1) as a cornerstone of lasting peace. The Russian Federation’s ongoing war of aggression against Ukraine has had both immediate and lasting fallout as regards the enjoyment of human rights, including social rights for Ukrainians and all persons affected, and, very significantly, for women and children. The repercussions were and continue to be felt across Europe and throughout the world, including on the global economy and trade, particularly with increases in the cost of living and worsening food insecurity.
5. Social justice and the respect for, and the protection and implementation of social rights, as guaranteed in particular by the European Social Charter system, are crucial for promoting democratic security and stability. It is also very important to respond to new or emerging challenges and avoid the risk of further erosion of social rights protection and increasing inequalities, in order to maintain social cohesion in our societies.

6. Through its monitoring, reporting and collective complaints mechanisms, the Charter provides effective governance inputs, through both the European Committee of Social Rights and the Governmental Committee of the European Social Charter and European Code of Social Security (“the Governmental Committee”), in the pursuit of social justice and the protection of social rights.

7. On the occasion of this High-Level Conference, which coincides with the 25th anniversary of the entry into force of the revised European Social Charter and the 75th anniversary of the Council of Europe, the representatives of Council of Europe member States:

- a. underline the importance of having a robust and responsive social rights framework across Europe, underpinned in particular by relevant treaty law, including the European Social Charter system. It is the collective duty of member States to promote respect for, and the continuing development of, social rights, both as human rights and also as vectors of economic growth, social progress and social cohesion, peace, security and stability;
- b. affirm that military aggression and breaches of peace are incompatible with States’ human rights obligations in general, and, in particular, with their social rights obligations; in this context, welcome the solidarity shown towards the people of Ukraine and the social protection offered by Council of Europe member States to those who are temporarily displaced;
- c. acknowledge the possibility offered by the Charter for States Parties to increase progressively their commitments aimed at respecting, protecting and implementing social rights, a process that can and should be further strengthened through constructive and enhanced dialogue between the competent national authorities and the organs of the Charter, together with social partners;
- d. welcome the commitment of member States of the Council of Europe to promote social justice and, in particular, the efforts made by member States to accept a high level of commitment to social rights, and the effective action taken by the States Parties to the European Social Charter to address the findings and conclusions of the European Committee of Social Rights when necessary;
- e. recall that the Council of Europe Development Bank, in line with its unique social mandate, contributes to strengthening social cohesion through projects with social value in its member countries;
- f. welcome the decisions adopted by the Council of Europe Committee of Ministers to improve the implementation of the Charter system and its monitoring arrangements. This includes an invitation to the European Committee of Social Rights to apply, where possible, the existing Charter provisions to new and emerging social policy challenges and to strengthen the role of the Governmental Committee in respect of follow-up and reflection;
- g. acknowledge the crucial role of national executives and legislatures in strengthening the protection of social rights through legislative action, in particular the part parliaments play in the ratification process of international treaties, and the acceptance of additional commitments under the Charter.

8. Consequently, the representatives of Council of Europe member States:

- a. commit to respect, protect and implement social rights in general and, for the States Parties to the Charter, to pay continued attention to the challenges and opportunities to implement the Charter’s requirements and, to this end, encourage States Parties to make full use of all available possibilities for enhanced dialogue between the organs of the Charter, States Parties and social partners;
- b. encourage member States to consider ratifying the revised European Social Charter (1996) in an effort, alongside the policy approaches of member States, to support the Council of Europe’s stated aim of facilitating economic and social progress;
- c. propose to keep under review the possibilities for acceptance of additional commitments under the Charter, including the collective complaints procedure;

- d. invite the Committee of Ministers of the Council of Europe to:
- i. enable further discussions with national as well as competent local and regional authorities, and social partners, in order to promote a rights-based approach to social policy and the sharing of knowledge and good practice in responding to persistent and emerging common problems and challenges. The following areas might be covered:
    - inequalities, low incomes and social exclusion, housing and demographic change;
    - any form of discrimination having an impact on the full enjoyment of social rights;
    - the social rights dimension related to the Reykjavik Declaration commitment “to [strengthen the] work on the human rights aspects of the environment”;
    - persistent and emerging challenges in the area of work, with the necessary attention being paid to freedom of association and collective bargaining, new forms of employment, the transition to a green economy, digitalisation, including the advent of artificial intelligence, technological change, work-life balance and, very significantly, the questions of participation and dignity (such as the protection against all forms of harassment, including sexual harassment) in the workplace;
  - ii. give increased priority to co-operation activities in the field of social rights with a view to improving the implementation of the Charter in the light of the monitoring outcomes of the European Committee of Social Rights and related Committee of Ministers recommendations. The “social rights” component of the Council of Europe Action Plan for Ukraine “Resilience, Recovery and Reconstruction” 2023-2026, is an inspiring example of such activities;
  - iii. ensure co-operation among Council of Europe entities and committees in the area of social rights, and continue to work together while exploring possibilities to increase co-operation with other international organisations as well as with the European Union in promoting social rights as guaranteed by the European Social Charter and its protocols;
  - iv. remain open to considering possible measures for further optimising the Charter system;
  - v. explore regularly the need to convene this High-Level Conference to address contemporary social policy challenges, also taking into account the expected outcomes.

## **APPENDIX III: Digest of the case law of the ECSR**

Link: [DIGEST OF THE CASE LAW OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS](#)