



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/CYP/CO/5
12 June 2009

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Forty-second session
4 to 22 May 2009

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

Concluding observations of the Committee on Economic, Social and Cultural Rights

Cyprus

1. The Committee considered the combined fourth and fifth periodic report of Cyprus on the implementation of the Covenant (E/C.12/CYP/5) along with the written replies to the list of issues at its 9th and 10th meetings, held on 8 May 2009 (E/C.12/2009/SR.9 and 10), and adopted, at its 18th meeting, held on 18 May 2009, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the combined fourth and fifth periodic report of the State party, which was prepared generally in conformity with the Committee's guidelines. However, it regrets the late submission of this periodic report and invites the State party to submit its reports from now on in a timely manner. The Committee also regrets that insufficient information was provided on the involvement of civil society organizations and the National Human Rights Institution in the preparation of the State party's report.

3. The Committee notes with appreciation the comprehensive written replies given by the State party to the list of issues, as well as the open and constructive dialogue with the delegation which included a number of representatives from different ministries.

B. Positive aspects

4. The Committee welcomes the important legislations enacted by the State party, namely:
 - The 2004 comprehensive anti-discrimination framework;
 - The 2002 Law on the Equal Pay between Men and Women for the Same Work or for Work of Equal Value, the Law on the Equal Treatment of Men and Women in Employment and Vocational Training and the amendment to the Maternity Law;
 - The 2000 Violence in the Family Law and the establishment of an Advisory Committee on Family Violence;
 - The Anti-Trafficking legislation enacted in 2007 which notably creates a national mechanism of cooperation for the identification and protection of trafficking victims.
5. The Committee also commends the establishment by Law 74 (I) of 2007 of the Children's Rights Commissioner and the awareness-raising activities which have already been conducted by this mechanism.
6. The Committee welcomes the expansion of the employment sectors available to asylum-seekers as of October 2008 which enhances their opportunities to provide for a decent living for themselves and their families.
7. The Committee takes note with satisfaction of the State party's intention to sign and ratify the Optional Protocol to the Covenant on Economic Social and Cultural Rights.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee views the continuous partition of the country as a major difficulty which hinders the ability of the State party to ensure the implementation of the Covenant throughout the country.

D. Principal subjects of concern and recommendations

9. The Committee notes with concern that the National Institution for the Protection of Human Rights has yet to comply with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights.

The Committee recommends that the State party adopt the necessary measures to enable the National Institution for the Protection of Human Rights to fully conform with the Paris Principles. The Committee also urges the State party to ensure that economic, social and cultural rights are fully covered by the mandate of the National Human Rights Institution and that the necessary resources are allocated for its effective functioning.

10. The Committee is deeply concerned that de facto discrimination persists against third country migrants, Turkish Cypriots and members of national minorities, especially Roma and Pontian Greeks. The Committee is also concerned about the lack of anti-discrimination case law despite the measures adopted by the State party to enhance its legal and institutional mechanisms aimed at combating discrimination. The Committee notes with concern that Turkish Cypriots continue to face administrative and linguistic obstacles to obtain official documents. (art.2, para.2)

The Committee urges the Government to intensify awareness-raising campaigns about the anti-discrimination legal framework and ensure that free legal aid is effectively provided to victims in order to pursue their claims before all appropriate courts of the State party. The Committee also recommends that the Government take all appropriate measures to overcome administrative and linguistic obstacles faced by Turkish Cypriots to obtain official documents.

11. The Committee is concerned that the Ombudsman's office has not been provided with sufficient human and financial resources to cope with its additional duties bestowed upon it by its new function as an Anti-discrimination Body. (art. 2, para. 2)

The Committee calls upon the State party to increase human and financial resources allocated to the new Anti-discrimination Body in order to ensure an effective functioning of this institution.

12. The Committee notes with regret that in spite of the 2002 law amendment, children of women with displaced person status are still not entitled to a Refugee Identity Card and are only entitled to a Certificate by Descent which does not enable them to access any benefits. (arts. 2, para. 2; and 9)

The Committee urges the Government to adopt effective measures to end the discriminatory treatment of children of women with displaced person status.

13. The Committee is concerned at the persisting de facto discrimination against women in the State party, particularly with regard to working and promotion opportunities in employment and to the gender remuneration gap which remains the widest of the European Union. The Committee is also concerned that women are still underrepresented at the decision-making levels in both the public and private sectors. (art. 3)

The Committee calls upon the State party to ensure a full implementation of the measures outlined in the National Action Plan on Gender Equality 2007-2013, in particular those aimed at increasing the level of participation of women in the labour market as well as in the public service and to ensure equal treatment between women and men, including equal remuneration for work of equal value. The Committee also encourages the State party to further strengthen the financial and human resources, as well as the authority and status of the National Machinery for Women's Rights.

14. The Committee is concerned that third country migrants continue to have a limited access to employment and suffer from labour exploitation and social isolation, especially those working in the farming and agricultural industry. The Committee is further concerned that while third country migrants represent a large percentage of the island's population and legally live in the country, the State party has not yet adopted an effective policy for their integration. (arts. 6 and 7)

The Committee also urges the State party to ensure strict control over the terms of employment and working conditions of migrant workers by strengthening financial and human resources of the labour inspectorate. The Committee also encourages the State party to consider ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and to adopt and implement an effective integration policy for lawful immigrants.

15. The Committee regrets that the State party has not provided sufficient information or data on the undocumented migrants working in the State party who continue to be subject to discrimination with regard to working conditions and wages. (art.7)

The Committee requests the State party to take effective measures to prevent discrimination against undocumented migrants. It also encourages the State party to promote the regularization of undocumented immigrants so as to enable them to enjoy fully their economic, social and cultural rights. The State party should also provide information on the situation of undocumented migrant workers in its next periodic report.

16. The Committee reiterates its concern (E/C.12/1/Add.28, para. 13) about the precarious situation of domestic workers and considers that the restrictions imposed on them to change their employers increase their vulnerability and prevent them from reporting abusive working conditions. (art.7)

The Committee urges the State party to ensure that the working conditions of domestic workers are adequately regulated and inspected, so that they may enjoy the same legal protection as other workers including with regard to the minimum wage.

17. The Committee is concerned that the minimum wage is not sufficient to provide a decent standard of living for workers and their families. (art. 7)

The Committee urges the State party to take the necessary legislative measures in order to ensure that the minimum wage enables workers and their families to enjoy a decent standard of living and that the minimum wage standard is effectively enforced.

18. The Committee is concerned about the administrative obstacles which prevent third country migrants and asylum-seekers from enjoying their economic, social and cultural rights and especially their rights to social security and family reunification. The Committee is deeply

concerned about the number of cases of asylum-seekers with specific needs who are denied access to necessary specialized medical care available to nationals and EU citizens. (art.9)

The Committee calls upon the State party to provide asylum -seekers and third country migrants with free legal aid on their economic, social and cultural rights. The Committee also urges the State party to make sure that asylum-seekers, especially the homeless are no longer imposed conditions not prescribed by law which result in the denial of the rights to social security they are entitled to. The Committee urges the State party to ensure that asylum-seekers with special medical needs have access to specialized medical care, targeted welfare benefits and facilities for the early identification and rehabilitation of the victims of torture.

19. The Committee is concerned that domestic violence against women and children continues to be widespread in the State party and often goes unreported. (art.10)

The Committee urges the State party to adopt an effective strategy to combat domestic violence and to allocate the necessary human and financial resources for the implementation of this strategy. The Committee calls upon the State party to include in its next periodic report information on cases of domestic violence brought to justice and on the sanctions imposed. The Committee also urges the State party to ensure that specialized shelters for victims or those under risk of violence are made available in order to ensure their security as well as their physical and mental integrity.

20. The Committee remains deeply concerned at the extent of trafficking in women for the purposes of sexual exploitation in the State party in spite of the abolition of the system of artiste visa which facilitated trafficking in human beings. (art. 10)

The Committee urges the Government to ensure a strict control over the new work permit system, intensify its efforts to bring to justice those involved in human trafficking and strengthen its efforts to protect trafficked women. The Committee also recommends that the national cooperation mechanism between government services and non-governmental organizations stipulated in the new law be strengthened and put into effect.

21. The Committee is also concerned that the State party has not adopted any specific policy to address the sub-standard housing of third country migrants and asylum-seekers and still considers that employers are responsible for offering suitable housing conditions. The Committee remains concerned at the poor living conditions of some Roma's families in spite of the two housing projects set up by the Government, (art.11)

The Committee urges the State party to take remedial action to improve conditions of housing and provide more housing units, housing facilities, credits and subsidies to low-income families and disadvantaged and marginalized groups. In this regard, the Committee reminds the State party of its general comment No. 4 (1991) on the right to adequate housing according to which State parties must demonstrate, inter alia, that they have taken whatever steps are necessary, either alone or on the basis

of international cooperation, to ascertain the full extent of homelessness and inadequate housing within their jurisdiction.

22. The Committee expresses concerns about the lengthy detention of irregular migrants and rejected asylum-seekers in inadequate conditions. (art.11)

The Committee recommends that the State party ensure that asylum-seekers be detained only when it is absolutely necessary and that the time which rejected asylum-seekers and irregular migrants spend in detention is limited to a strict minimum. The Committee also urges the State party to ensure that the conditions of migrants' detention meet United Nations standards.

23. The Committee, recalling its previous concluding observations (E/C.12/1/Add.28 para. 16) expresses concern about the lack of adequate medical facilities for persons suffering from mental disabilities and illnesses who are often transferred to Homes for Aged or to institutions which are unable to meet their special requirements. (art.12)

The Committee urges the State party to adopt the necessary measures legislative or otherwise to address the lack of medical institutions for persons suffering from mental disabilities and illnesses as a matter of priority. The Committee also recommends that regular inspections be conducted in order to prevent mistreatment of mentally ill patients.

24. The Committee is concerned about the still limited opportunities for Cypriot Turkish speaking children to receive instruction in their native language.(art.13)

The Committee urges the State party to take all appropriate measures to increase opportunities for Turkish Cypriot children to receive teaching in their mother tongue. The Committee also encourages the State party to strengthen its efforts to ensure that education in school meets the needs of a diverse society and revise school curricula to include a better understanding of the contribution of Cypriot's communities and minorities to the State party's history.

25. The Committee expresses deep concern about the circular issued by the 2004 Ministry of Education which request all schools to report to immigration authorities the contact details of the parents of foreign children who enrol for school. The Committee considers that the 2004 circular gives rise to direct or indirect discrimination against migrant children and hinder their access to education. (art.13)

The Committee recalling its general comment No. 13 (1999) on the right to education according to which education must be accessible to all especially the most marginalized and disadvantaged groups, in law and in fact, without discrimination on any of the prohibited ground, calls upon the State party to consider withdrawing this circular.

26. The Committee recommends that the State party consider ratifying the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

27. The Committee requests the State party to disseminate the present concluding observations widely among all levels of society, to translate and publicize them in the national languages of Cyprus and to inform the Committee on the steps taken to implement them in its next periodic report. It also encourages the State party to continue engaging non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its next periodic report.

28. The Committee requests the State party to submit its sixth periodic report by 30 June 2014.
