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COMMITTEE ON ECONOMIC, SOCIAL  
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL  
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Replies by the Government of Cyprus to the list of issues (E/C.12/CYP/Q/5)  
to be taken up in connection with the consideration of the fourth and fifth  
periodic reports of Cyprus (E/C.12/CYP/5)\* \*\***

[10 March 2009]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* The annexes to the present report are available for consultation from the Committee secretariat.

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## Introduction

The present document provides responses to the issues and questions submitted to the Government of Cyprus with regard to the consideration of its Fourth and Fifth Periodic Report (1998-2007) (E/C. 12/CYP/5, 10 December 2008) - hereinafter the “responses to the Questions”.

Like the Fourth and Fifth Periodic Report (1998-2007), dated 6 August 2007 (E/C.12/CYP/5), 21 October 2008) hereinafter the “Periodic Report”, the present document was prepared by the Law Commissioner of the Republic who, pursuant to a Decision of the Council of Ministers, is entrusted with ensuring compliance of Cyprus’ reporting obligations under the international human rights instruments. The information and data, on the basis of which the present document was compiled, was provided by the Ministries having competence for the specific matter (i.e. the Ministry of Education and Culture, the Ministry of Foreign Affairs, the Ministry of Health, the Ministry of the Interior, the Ministry of Justice and Public Order, the Ministry of Labour and Social Insurance, the Statistical Service of Cyprus), as well as the Law Office of the Republic and the Police.

The information contained in the present document was discussed with all the above at ad hoc meetings with the Law Commissioner during the drafting stages. The present document will be communicated to all the above upon submission.

### I. GENERAL INFORMATION

***Question 1. Please explain how the Covenant is reflected in the Constitution. Please provide examples of cases in which individuals have invoked economic, social and cultural rights before a national court. What steps are being taken to ensure that victims of violations of economic, social and cultural rights have access to effective judicial remedies, and what court orders and judgments are being enforced?***

1. The Covenant is reflected in many articles of the Constitution. Part II of the Constitution which provides for the Fundamental Rights and Liberties, includes provisions which reflect the articles of the Covenant. The Constitution provides the following economic, social and cultural rights:

(a) Article 9: Right to a decent existence, social security and social insurance, protection of the workers and assistance to the poor;

(b) Article 18 par. 7: Provides that, until a person attains the age of sixteen, the decision as to the religion to be professed by her/ him shall be taken by the person having the lawful guardianship of such person;

(c) Article 20: Right to education, including the right to free and compulsory primary education, and liberty of individuals and institutions to give instructions or education;

(d) Article 21 para 2: Right to form trade unions and to join trade unions;

(e) Article 21 para 3: Right of trade unions to function freely and subject to no limitations other than those prescribed by law and that are absolutely necessary only in the interests of the security of the Republic, or constitutional order, or public safety, or public order, or public health or public morals, or for the protection of the rights and liberties guaranteed by the Constitution to any person;

(f) Article 22: Right to marry and have a family;

(g) Article 26: Right to work and right to adequate protection to workers;

(h) Article 27: Right to strike;

(i) Article 28 para 1: Right to equality before the law, administration and justice;

(j) Article 28 para 2: Provides that, the rights in the Constitution will be exercised without discrimination of any kind.

2. There have been many instances in which individuals invoked economic, social and cultural rights before domestic courts. Most cases involve the invocation of the right to education, right to strike, right to work, right to pension and protection of motherhood. In such cases individuals invoke the Constitution, and/ or the ICESCR, and/ or domestic legislation on the issue:

(a) On the right to education: the case of Stella Theodoulidou via her father and guardian Andreas Theodoulides and others v Cyprus Republic via Ministry of Education (case no. 689/89), 6 November 1989. The applicants filed recourse to the Supreme Court seeking the annulment of the decision of the educational authorities which did not allow them to get registered at the (public) school of their choice. According to the existing law, students whose parents live in a village or town of an educational region, are registered only in the school of their region. As a result, the applicants were not allowed to register at the school of their choice but at the school of their region. The applicants argued that the refusal of the authorities to allow them to register in the (public) school of their choice violated their right to education guaranteed in the Constitution and the ICESCR. The Supreme Court decided that the right to education refers to the liberty of parents to choose between public and private education for their children and not the liberty to choose which public school their children will attend. As a result, the recourse was rejected;

(b) On the right to strike: the case Concerning the article 146 of the Constitution, Organisation of Crushed Stone and Sand Industrialists v Protection of Competition Commission (case no. 734/91), 25 February 1992. The applicants recourse to the Supreme Court alleging that the decision of the Protection of Competition Commission, according to which, the permanent suspension of the sales of their product was detrimental to the rights of consumers and as such violated the Protection of Competition Law (L. 13(I)/2008) violated their right to strike recognised in the Constitution (article 27) and the ICESCR. The Supreme Court stated that the right to strike, protected under the Constitution, requires an employer-employee relationship, something which had not been the case. The restrictions to the right to strike refer to employees only. As such the decision of the applicants to suspend the sale of their product was not a strike in the sense of article 27 of the Constitution. The recourse was rejected;

(c) On the protection of motherhood:

- (i) The case of Andriani Foka alia Loizidou v M. I. Motokinissi Ltd (civil appeal 11419), 26 March 2004. The applicant recourse to the Industrial Claims Tribunal claiming that during probation period, she was unlawfully dismissed from her employment because she was pregnant. According to the Protection of Maternity Law (L. 100(I)/1997, as amended) an employer is prohibited to give notice to an employee of termination of employment during the period commencing from the time the employee will notify the employer with a certificate of pregnancy and ending after three months of the end of the expiry period of maternity. The Industrial Claims Tribunal accepted that the applicant did not duly notify her employer of her pregnancy and as such the provisions of the Protection of Maternity Law (L. 100(I)/1997, as amended) were not applicable. The Supreme Court on appeal did not revoke the first instance decision and rejected the appeal;
- (ii) The case of Andreas Koiliaris Ltd v District Work Officer (criminal appeal no. 6053), 14 July 1998. The complainant alleged that she was prevented from returning back to her previous employment because after maternity leave, she was required to perform work different from the one before maternity leave. The Protection of Maternity Law (L. 100(I)/1997, as amended) provided that the maternity leave shall not affect the seniority or the right to get a promotion or the right to return to the tasks the employee performed prior to maternity leave, or other similar work with the same wage level. The District Court found the employer guilty of violating the Protection of Motherhood Law because with their behavior they prevented the complainant from returning to her previous tasks after maternity leave. The Supreme Court on appeal did not revoke the first instance decision and rejected the appeal;

(d) On the right to pension: the case Concerning article 146 of the Constitution, Tasoulas Pelide and Cyprus Republic via the Department of Social Insurance, (recourse no. 1650/99), 15 June 2001. The applicants' recourse to the Supreme Court challenging the decision of the Social Insurance Department to reject their application for social pension. The applicants invoked article 9 of the Constitution (right to decent existence and social security) in order to make a direct claim via the Constitution for social pension. The Supreme Court rejected their application on the ground that according to the law, those who can receive social pension are those who do not receive any other pension through any scheme and those who remain unsecured and outside of the scope of the legislation for social security. The applicants in the particular case received old age and widow's pension respectively. As such they were not allowed to receive social pension on top of their pension;

(e) The right of access to court guaranteed by the Constitution as one of its fundamental rights and liberties: victims of violation of economic, social and cultural rights as well as of other fundamental rights and liberties also included in Part II of the Cyprus Constitution can challenge to the Supreme Court of Cyprus decisions or omissions of the authorities as being contrary to the constitutional provisions guaranteeing the rights, or as being based on laws which are contrary to the constitutional provisions or on laws contrary to treaties ratified by Cyprus (Article 146). Victims of violation can obtain redress in such proceedings by way of annulment of the relevant

decision. Annulment can be followed by civil proceedings for damage caused by the decision that was annulled by the Supreme Court (Article 146.6). Remedies for violation are also expressly provided in different laws concerning violation of rights protected by them. In addition, it has been established by case-law in 2001, (by Judgment of the Supreme Court of Cyprus in the Case of Yiallourou v. Evgenios Nicolaou Civil Appeal No 9931, Judgment of 8 May 2001) that violation of human rights is an actionable right which can be pursued in civil courts against those perpetrating the violation, for recovering from them, inter-alia, just and reasonable compensation for pecuniary and non-pecuniary damage suffered as a result and or other appropriate civil law remedies for the violation. The right to pursue civil proceedings for human rights violations is by virtue of the judgment exercisable both against the state and private persons. Court judgments and orders are enforced. The State is not aware of any case in which, following a finding of violation by domestic courts, there was no enforcement of the relevant judgment;

Copy of the relevant part of the Constitution (Part II, Articles 6-35) is attached hereto.

**Question 2.** *Please indicate whether the National Institution for the Protection of Human Rights conforms to the Paris principles and why it has not been accredited by the ICC until now. Please indicate whether the National Institution's mandate covers economic, social and cultural rights and cite examples of case law.*

3. In 2004 the President, at the time, of the National Institution for the Protection of Human Rights (NIPHR) identified the incompatibility of the Memorandum of Establishment of NIPHR with the Paris Principles and held consultations with the High Commissioner for Human Rights in Geneva in an effort to bring the Institution into conformity, which would allow for the NIPHR's accreditation by the ICC. Following that, suggestions have been made to the Government in the Annual Report of the NIPHR for the period 2003-2006 for modifications to the constitution of the Institution. Efforts are being currently carried out in order to bring the structure of the NIPHR into line with the Paris Principles.

**Question 3.** *In view of the fact that the State party's report was communicated to the National Institution for the Protection of Human Rights and NGOs, please indicate the nature of their contribution to the report.*

4. The term of office of the President of the NIPHR expired on 17 June 2008 and of its other members on 17 October 2008. In view of the considerations referred to in the reply to the question 2 above, the appointment of the new President and members is at a concluding phase, while pending final approval by the Council of Ministers. The NIPHR is expected to resume full function in the very near future.

**Question 4.** *Please explain the mandate of the Ombudsman created by the Combating of Racism and other Discrimination Law no. 42/04 and cite examples of cases dealt with by mechanism. Has the Ombudsman's Office been afforded sufficient fund to cope with the additional duties bestowed upon it by its new function as equality body?*

5. In order to advance the existing anti-discrimination regime and bring it in line with EU legislation, a new body of law was introduced, prior to Cyprus' accession to the EU. The



Combating of Racial and Some Other Forms of Discrimination Law (Ombudsman), 2004 (L.42(I)/2004) provides for protection from discrimination on the grounds of racial or ethnic origin, national origin, disability, age, religious or other beliefs, sexual orientation, age or gender. The Law includes the ground of “national origin” in the Ombudsman’s mandate. Furthermore, under this law, the Ombudsman is empowered to examine discrimination complaints against alleged violations of rights guaranteed by a long list of international conventions and treaties ratified by the government of Cyprus. Specifically, the Ombudsman is empowered to: 1) Combat direct and indirect discrimination as well as any other form of discrimination forbidden by law, 2) Promote equality in the enjoyment of rights and freedoms safeguarded by the Cyprus Constitution and by international conventions ratified by Cyprus as referred to explicitly in the Law, irrespectively of race, community, language, color, religion, political or other beliefs, national or ethnic origin, 3) Promote equal opportunities irrespectively of the grounds listed in the previous section as well as the grounds of sexual orientation and special needs, in the area of employment, access to vocational training, working conditions including pay, membership of trade unions or other associations, social insurance and medical care, education and access to goods and services including housing.

6. During the first phase of its functioning the Anti-Discrimination Body (ADB) has dealt with a great number of complaints, surpassing 700. Specific examples:

(a) Migration and integration:

- (i) Investigation and issuing of a report regarding an incidence of racist violence and attack against a Cypriot person with African origin from a number of youngsters. The Ombudsman, under her capacity as ADB, noted the failure of the police to fulfil its functions regarding the sanctions against the perpetrators and the protection of the victim. Following the intervention of the ADB the Chief of the Police sent to all Police Directorates guidelines considering the appropriate action towards racist incidence;
- (ii) Investigation was conducted and reports were consequently issued regarding the recent attacks against residences of immigrants from a group of youngsters in Ipsonas and racist incidences in schools. The approach held by the ADB is that such type of incidences is unacceptable in a democratic society and that inter-cultural education should be reinforced in order to promote tolerance and combat xenophobia. In addition, she underlined that adequate measures for the prosecution of perpetrators of such should be taken;

(b) Asylum: A systemic investigation took place regarding the reception conditions of asylum seekers in the Kofinou Reception Centre. In her Report the Ombudsman underlined the necessity of ensuring and upgrading living conditions to a decent level as well as limiting the length of stay in the Centre. A number of corrective measures were taken after the Ombudsman’s intervention;

(c) Religious views: A complaint was submitted by a Jehovah Witness regarding her denial to be submitted to blood transfusion and the reluctance of the doctors to offer an alternative form of therapy. In her Report the Ombudsman underlines that the State’s responsibility to ensure public health services without discrimination on the basis of religion includes the responsibility to respect the wish of Jehovah Witnesses to refuse blood transfusion;

(d) Persons with disabilities: The issue of access to two performance theatres was examined and the investigation illustrated the serious deficiencies regarding the access to public buildings of persons with disabilities. It was underlined in the report that the problems of access to the two theatres will be eliminated not only once physical access is ensured but also once all measures are taken in order to safeguard the enjoyment of a theatrical play with equal terms for persons with disabilities as with any other visitor;

(e) Age: A main area of investigation has been the issue of age limits regarding access to housing services. The Ombudsman underlined that administration should act within the limits set by the principle of equality which excludes any evident unequal treatment or any unacceptable equalization of different situations.

7. The functional funds (i.e. staff salaries) are covered from the budget of the Ombudsman's Office, since the officers who constitute the Anti-Discrimination Agency are employed as staff in the Ombudsman's Office. In this regard, the funds are considered by the State to be sufficient. However, the Ombudsman has stated that additional financial support is needed for a further preventive and informative action.

***Question 5. Please indicate whether human rights education is provided in schools at all levels and whether awareness about human rights, in particular economic, social and cultural rights, is raised among State officials and judiciary schools.***

8. The main objectives of the activities that are organized in public schools are to inform and sensitize all stakeholders involved in the educational process regarding human rights. In schools, the whole issue is approached using the interdisciplinary method in a variety of subjects such as Language, History, Civics and Geography. In this effort, a number of governmental and non-governmental organizations are involved which offer their expertise and knowledge. The methods and activities used are mainly the following: participatory teaching and active learning methods; projects, group work and simulations; use of drama, role playing, case studies; use of research techniques in the school and the community; debates on human rights with the participation of students, parents and teachers; developing school, class and family charters of rights - making comparisons with the United Nations Convention on the Rights of the Child; preparation of educational material; essay and drawing competitions. The achievements that are carried out are, among others, the following: raising of public awareness for human rights and democratic procedures; educating stakeholders in the related areas; differentiating teachers and students' attitudes; strengthening of Human Rights Education in the educational system at all levels; clarifying the role and strengthening the capacities of the mass media for Human Rights Education, using the appropriate language and pictures; promoting active involvement of NGOs in the realization of the goals of Human Rights Education at different levels; adopting a new approach to Human Rights Education and providing new curricula and teaching methods.

9. The Children's Rights Commissioner, an institution established by law in 2007 (The Commissioner for the Protection of Children's Rights Law, 2007 (L. 74(I)/2007), who has very wide competence towards ensuring protection and promotion of children's rights has been very active in the direction of promoting public awareness and sensitivity in relation to children's rights. In this respect, the Commissioner carries out a number of activities within schools (such as seminars for teachers, workshops for students, meetings of the Commissioner with children and/or teachers, dissemination of printed material, etc). The Children's Rights Commissioner has

programs aiming at creating public awareness addressed to state officials, groups of professionals (such as welfare officers in 2008, teachers of all levels of education in 2009). Examples of these are:

- (a) Commissioner's visits to schools where the Commissioner discusses with the staff (and children) the implementation of Human Rights with special emphasis on children's rights;
- (b) A seminar addressed to a large number of educationalists with the subject "Education in Human Rights" organized by the Commissioner together with the Ministry of Education and Culture on the 13-14/03/2009 with two basic targets:
  - (i) Awareness and sensitization of a large group of educationalists on the issue of Human Rights in general and more specifically children's rights;
  - (ii) The training of the said educationalists as to how they can use in class the Council of Europe tool "Comasito, Manual on Human Rights Education for Children";
- (c) A seminar addressed to a large number of teachers of pre-primary education organized by the Ministry of Education and Culture with the participation of the Commissioner held on 05/03/2009 with the subject "Citizenship in early childhood" with a basic target to investigate how civil and political rights can be developed in early childhood;
- (d) A series of seminars (one in each District) addressed to educationalists organized by the Association for Combating violence in the family (an NGO) with the participation of the Commissioner, with the aim to strengthen educationalists so as to enable them to identify victims of domestic violence among the children and to properly handle them.

10. The Children's Rights Commissioner also has a program aiming at addressing members of the judiciary. At the moment there is no judiciary school in Cyprus.

## **II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)**

### **A. Article 2 (para. 2) - Non-discrimination**

***Question 6. Please indicate whether the new primary anti-discrimination legislation (E/C12/CYP/5 para 16) provides protection from discrimination on all grounds. Please also explain why not a single case is before the courts under the new primary anti-discrimination legislation. Which measures have been taken to bring to the attention of vulnerable groups the new complaint procedures open to them? Is legal aid provided to the victims to pursue their claims?***

11. The Equal Treatment (Racial or Ethnic Origin) Law, 2004 (Law 42(I)/2004), and the Equal Treatment in Employment and Occupation Law (Law 58(I)/2004, as amended), were enacted for harmonizing with European Union Council Directives (2000/43 the former and 2000/78 and 2000/43 the latter). Law 42(I)/2004, thus provides protection from discrimination on racial or ethnic grounds in the public and private sectors in matters of social protection, health treatment, social services, training, and access to goods and services. Law 58(I)/2004, as amended, provides

protection from discrimination specifically in the spheres of employment and occupation on any of the above grounds, and also on grounds of religion, belief, sexual orientation, disability and age.

12. There is at the moment a case pending before the courts alleging age discrimination by reason of the fact that policemen retire at the age of 55, whereas senior police officers at the age of 60 (The Pension Law, 1997 (Section 12(2) of L. 97(I)/97, as amended).

13. The Government believes that in view of the effective awareness raising as to the Anti-Discrimination Body (Ombudsman), aggrieved people complain to the said Body, where they find redress in a more expedient manner, faster and with no costs.

14. The measures taken to bring to the attention of vulnerable groups the new complaint procedures open to them include the following:

(a) The Police Human Rights Office, translated in Greek and published more than 5,000 leaflets and texts including the Declaration 690 (1979) of the General Assembly of the Council of Europe and CPT (The Committee for the Prevention of Torture), which were distributed to all police officers and to the public;

(b) The Ministry of Justice and Public Order, as the responsible authority for monitoring the implementation of the Community Action Program Against Discrimination (2001-2006), coordinated the submission of awareness raising proposals on seminars and other activities held in Cyprus in the years 2005, 2006 and 2007;

(c) An Information Campaign "For Diversity against Discrimination" was launched, by the Minister of Justice and Public Order on 18<sup>th</sup> September 2004. The campaign will continue until the end of 2009;

(d) Within the framework of the European Year (2007) the MJPO edited and circulated four publications dealing with the issues of non-discrimination:

- (i) National Strategy and Priorities for the European Year 2007 - Equal Opportunities for All - Cyprus (Greek and English version);
- (ii) National Activities of the European Year of Equal Opportunities for All (2007) - Let's make Equality a Reality (Greek and English version);
- (iii) Report of the Republic of Cyprus Against Discrimination in the fields of the EU Acquis - Policy and measures against discrimination (Revised Edition 2007 - Greek and English);
- (iv) Brief Prescription and evaluation of the 12 Network Projects of the European Year (2007) Co financed by the European Commission;

(e) The Ministry of Justice and Public Order, as the National Implementing Body of the Year 2007 of Equal Opportunities for All and following the legacy of the Year, drafted the National Framework document on priorities and challenges for the Year 2008. In its capacity, as the Progress anti-discrimination contact point supported two Projects for funding by the

European Commission. One Project led by the Ministry of Education and Culture which includes awareness raising activities addressed to pupils, educators, parents and community associations and another led by the European Institute of Cyprus which deals with complimentary awareness raising activities tailored to specific target groups and a wider audience including businesses, NGOs/civil society, workers/employees, third country nationals (with emphasis to migrant women) and also people at risk of being discriminated against. These Projects were approved by the European Commission and Grant Agreements were recently signed with the Ministry of Education and Culture and the European Institute of Cyprus. The general aim of the two Projects will be to promote the debate on discrimination and diversity in Cyprus and to foster the dissemination of information on EU and national policy and legislation in the antidiscrimination field;

(f) The Ministry of Justice and Public Order also supported the promotion and implementation of the 2008 European Year of Intercultural Dialogue and actively participated in many activities organized by the Ministry of Education and Culture. Within the framework of this Year, the Ministry of Justice and Public Order disseminated the 4 publications that were edited and co-financed within the framework of the European Year of Equal Opportunities for All (2007);

(g) The Cyprus Police in cooperation with associations or the leadership of various ethnic groups residing in Cyprus periodically organize open to public social events in an attempt to bring the ethnic groups and the Police closer and to build better mutual understanding and respect;

(h) Cyprus Police produced a leaflet containing information on the rights of persons in custody entitled "Notice to persons in Custody". The leaflet, printed in English, Arabic, Russian, Chinese and Turkish, was handed to persons placed under detention provides information to detainees as to their rights to inform a relative, access to a lawyer and access to a doctor. The leaflet was distributed to police stations with the aim that police officers hand it to detainees;

(i) Funding through the state budget and EU Programmes (e.g. the Community Action Programme to Combat Discrimination and Equal Initiative) NGOs, religious groups (Maronites, Latins and Armenians) and the Turkish Community;

(j) Closer co-operation, comprehensive websites and web-links among all the members of Governmental and non-governmental organizations and bodies and also link to the Commission Year's webpage <http://equality2007.europa.eu>, as well as direct link to the Anti-discrimination unit [http://ec.europa.eu/employment\\_social/fundamental-rights/index-de.htm](http://ec.europa.eu/employment_social/fundamental-rights/index-de.htm) and the Fundamental Rights Agency (FRA) <http://fra.europa.eu>. As the Ministry of Justice and Public Order is also dealing with Gender Equality, the website was upgraded and includes direct link to the webpage: [http://ec.europa.eu/employment\\_social/gender\\_de.html](http://ec.europa.eu/employment_social/gender_de.html);

(k) KISA (Action for Equality, Support, Anti-Racism) was a partner in the project "Social Rights for Asylum Seekers, Social Rights for All", implemented under the EQUAL Initiative and funded by the European Social Fund and the Republic of Cyprus. The aim of this pilot project was to contribute to the implementation of the social rights of asylum seekers and refugees. The target group (50 asylum seekers) received language and orientation to Cyprus training, vocational training in three occupations (assistant cooks, assistant secretaries and

assistant cooling engineers) and were placed in selected enterprises relevant to the training they had received. Although most of the project's activities were concluded in July 2007, many of the participants were still employed at the end of the year;

(l) In 2007, KISA, CFPA (Cyprus Family Planning Association) and the Association for the Prevention and Handling of Violence in the Family conducted a Public Awareness Raising Campaign to Combat Trafficking in Women for Sexual Exploitation, with the production and circulation of leaflets, billboards and TV and radio.

15. Under the Legal Aid Law (L. 165(I)/2002, as amended), free legal aid is afforded concerning civil proceedings brought against the Republic for violations of human rights specifically referred to in that Law. These include violation of the rights safeguarded by the International Covenant on Economic, Social and Cultural Rights and the International Convention on Civil and Political Rights, the UN Convention on the Elimination of all Forms of Racial Discrimination, the UN Convention on the Elimination of all Forms of Discrimination against Women, and the European Convention for the Protection of Human Rights.

***Question 7. Please indicate the interactions between the Anti-Discrimination Agency, the Equality Authority and the Cypriot Equality Agency. Please cite examples on how they deal with cases falling under their perspective mandates.***

16. The Equality Authority has been established with the Equal Treatment in Employment and Occupation Law (L. 58(I)/2004, as amended), transposing Directive 2000/78/EC and all employment-related matters in Directive 2000/43/EC. The aim of this law is to set the frame for the elimination of discrimination on the grounds of race or ethnic origin, religious or other views, age or sexual orientation in the field of occupation and employment. Therefore, the Ombudsman in her capacity as Equality Authority examines complaints from both the public and private sector concerning (section 4 of the abovementioned law):

- (a) Conditions of access to employment and occupation;
- (b) Access to all levels of professional orientation and vocational training;
- (c) Working conditions;
- (d) Participation in any organization of employers or employees.

17. As to the Anti-Discrimination Body, please see reply to question 4.

18. There is no immediate interaction between the three bodies. As regards the Cypriot Equality Agency, it is clarified that it holds the mandate for the National Machinery for Women Rights, which operates within the Ministry of Justice and Public Order. It has a coordinating and consultative role and does not examine individual complaints.

***Question 8. Please explain why members of minority groups are not represented in parliament and why the 24 seats assigned to Turkish Cypriots remain unfilled. Please explain what extent the 1975 Vienna Agreement III regarding the treatment of Turkish Cypriots living in the state party is being applied.***

19. The Constitution of the Republic of Cyprus recognizes as a religious group (the Constitutional reference is not “minorities”, “national minorities” or “ethnic minorities”) “a group of persons ordinarily resident in Cyprus professing the same religion and either belonging to the same rite or being subject to the same jurisdiction thereof the number of whom, on the date of the coming into operation of this Constitution, exceeds one thousand out of which at least five hundred become on such date citizens of the Republic”.

20. Members of the three religious groups of Cyprus (Maronite, Armenian and Latin) are represented in Parliament. Together with all other citizens residing in the government controlled areas of Cyprus, they have the right to elect and be elected at the general parliamentary elections. The President of the House of Representatives, Mr. Marios Garoyian, in fact, is a member of the Armenian religious group. In addition, each religious group has the right to elect one representative among the group’s members in order to represent the group in the House. There are therefore three elected representatives in the House of Representatives, one for each minority group.

21. These representatives exercise advisory functions on legislation concerning their respective religious group in matters of religion, education, marriage, etc.

22. Under provisions of the Constitution, (Article 2.3) the aforementioned groups (Maronites, the Armenians and the Latins) were given the option of belonging to one of the two Communities of Cyprus, that is, the Greek or Turkish Community. All three groups opted to belong to the Greek Community. Their membership in one of the two Communities in Cyprus ensures that all constitutional provisions and electoral laws governing participation and the right to vote and be elected in the national parliament (The House of Representatives) and in local elections, (municipal and communal elections) are applicable to the members of religious groups in the same way as to all other members of the Greek Community. They can be candidates and vote for candidates in all such elections.

23. The Turkish community, as a whole, in 1963 withdrew from the Constitutional organs of the State, and has constantly declined to return to the 1960 Constitution institutions, as well as to participate in the public affairs of the State through representatives to be elected or appointed, as the case may be, under the provisions of the Constitution. Furthermore, following the invasion of Cyprus by Turkey in July and August 1974, and the continuing occupation of 36% of the Republic, the majority of the Turkish Cypriot community lives either in the territory of the Republic which is under the occupation of Turkey, or abroad. In the absence as at present, pending the abnormal situation described above, of one of the two Communities of Cyprus, the Government of the Republic and the House of Representatives are effectively not bicomunal. When in 1985, by resolution of the House (under Article 62.1 of the Constitution) the number of seats in the House was increased to 80, out of that number, 24 seats were allotted by the resolution to Representatives to be elected by the Turkish Community under Article 62 of the Constitution, and these 24 seats of the House remain accordingly vacant, to be filled by 24 Representatives of the Turkish Community. In other words, although the number of seats in the House is 80, the Greek Community actually elects Representatives for only 56 of those seats (that is, for 70% of the total number of seats, this being the percentage allotted to it by Article 62.2 of the Constitution) since the remaining 24 seats (that is, 30% of the total number of

seats, this being the percentage allotted to the Turkish Community by Article 62.2), must be filled by Representatives elected by the Turkish Community from among its members, as provided by Article 62.2 of the Constitution.

24. Nevertheless, as stated in para. 13 of the State party's Periodic Report, a special law was enacted in 2006, The Exercise of the Right to Vote and be Elected by Members of the Turkish Community with Ordinary Residence in the Free Areas of the Republic (Temporary Provisions) Law, 2006 (L. 2(I)/2006) by virtue of which Turkish Cypriots in the government controlled area are given the right to vote and stand for election for all national elections (municipal, parliamentary and presidential). In addition, by virtue of the Election of Member of the European Parliament Law, 2004 (L. 101(I)/2004, as amended) Turkish Cypriots were given the right to vote and stand for election in the elections for the members of the European Parliament, irrespective of their place of residence in Cyprus. In fact, a Turkish Cypriot stood for election in the 2004 elections. In view of the forthcoming 2009 elections, the Ministry of Interior is taking special measures to inform Turkish Cypriots of the practicalities of participating in the said elections and to facilitate their participation (to stand as a candidate and/or to vote).

25. The sole reference in the Third Vienna Agreement of August 1975 regarding Turkish Cypriots was the following:

“Turkish Cypriots at present in the South of the Island will be allowed if they want to do so, to proceed North with their belongings under an organized programme and with the assistance of UNFICYP”.

26. This part of the Agreement was enforced. The provisions of the Agreement concerning the Greek Cypriots, however, were never applied by the Turkish side.

27. The main aim of the Agreement was, in fact, to allow “Greek Cypriots at present in the North of the Island [to be] free to stay and that they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the North.”

28. In 1974 there were 20,000 Greek Cypriots in the Turkish-occupied areas, mostly residing in the Karpass peninsula.

29. Despite the provisions of the Third Vienna Agreement, the enclaved Greek Cypriots were subjected to constant harassment and restrictions by the Turkish side, with many Greek Cypriots forced to leave in 1978. At present there are only 482 Greek Cypriots living in the areas of the Republic of Cyprus occupied by Turkey.

30. Furthermore, it should be noted that the Government of Cyprus unilaterally adopted, in 2003, a package of measures for the benefit of the Turkish Cypriot community, which has led to tangible economic and other benefits to the Turkish Cypriots. These measures, totalling 35 million euros per annum, include free medical and pharmaceutical care and other social benefits for the Turkish Cypriots. Turkish Cypriots have the opportunity to acquire, have access to, and make full use of their rights as citizens of the Republic of Cyprus, as well as the benefits arising from the accession of Cyprus to the European Union.



**Question 9. Please indicate whether the Turkish Community is afforded the right to use their language in official transactions in accordance with the 1960 Constitution.**

31. All official papers and documents which are used in official transactions are available in both official languages (Greek and Turkish) in accordance with the 1960 Constitution (registration certificates, identity cards, and passports).

**Question 10. Please explain why Roma, Pontian Greeks and Maronites are still discriminated against and what effective measures are taken to effectively address manifestations of prejudice and discrimination affecting them.**

32. The legal framework and the continuously evolving institutions of the Republic of Cyprus are evidence of the systematic efforts of the State to target all potential discriminatory overdues and address, in practice, the specific needs of ethnic minorities. The information presented in summary hereby is proof to the fact that allegations for discrimination as raised in the relevant question are unfounded.

33. Part II of the Constitution of Cyprus, which sets out the Fundamental Rights and Liberties, incorporates and expands upon the rights and liberties safeguarded by the European Convention for the Protection of Human Rights and Fundamental Freedoms. The constitutional structure of Cyprus embodies all norms necessary for the promotion and protection of human rights and secures the separation of powers, particularly the independence of the Judiciary.

34. The principle of non-discrimination is specifically incorporated in Article 28 of the Constitution which guarantees that “all persons are equal before the law, the administration and justice and are entitled to equal protection thereof and treatment thereby”; and furthermore that, every person shall enjoy all the rights and liberties provided for in the Constitution “without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, sex, political or other convictions, national or social descent, birth, color, wealth, social class, or on any other ground whatsoever, unless there is express provision to the contrary in this Constitution”.

35. Cyprus has also ratified almost all international instruments relevant in the context of human rights and has accepted the compulsory jurisdiction of the European Court of Human Rights. By virtue of Article 169 of the Constitution of Cyprus, the ratified international instruments have superior force vis-à-vis the internal law of Cyprus. Furthermore, within the framework of harmonization with the EU acquis, Cyprus has enacted a significant number of anti-discrimination legislation.

36. The Cypriot Authorities have taken steps to improve awareness among the legal community and the general public of the provisions against racial discrimination contained in international legal instruments ratified by Cyprus. In doing so, particular attention is given to the ways in which these provisions complement and strengthen the protection against discrimination afforded by primary antidiscrimination legislation.

37. The government takes measures towards eliminating any possible discrimination against Maronites and Cypriot Roma, groups that could be referred to by international standards as

ethnic minorities. Extensive report on the measures taken can be found in the country report of Cyprus submitted to the Council of Europe under the Framework Convention for the Protection of National Minorities<sup>1</sup> and the European Charter for Regional or Minority Languages.<sup>2</sup> The Pontian Greeks are not ethnic minorities of Cyprus. On the contrary, being citizens of Greece, and as such, members of the European Union, they enjoy additional privileges as EU citizens (see also reply to Question 40).

***Question 11. Please comment on allegations that non-nationals amount to 30% of the prison population. Please also indicate whether applicants for asylum are still placed in prison throughout the process of examination of their claims and explain the reasons why in some cases rejected asylum seekers have been detained for 6 to 10 months in police detention which are not adequate for long stay.***

38. The reason that non-nationals amount to 30% of the total prison population of Cyprus is that in most cases they are detained for offences linked to their illegal stay. Asylum seekers may be arrested by the Police after examination and rejection of their application by the Asylum Service and if they continue to reside in Cyprus illegally, since they have ceased to be considered asylum seekers.

39. In Cyprus, there are no detention centers operating exclusively for rejected asylum seekers. The Law does not define a specific time limit for an alien to stay in detention after the rejection of his asylum claim at first and second instance, since this depends from various factors, which are:

(a) After a second-instance rejection of an asylum claim, an alien may appeal to the Supreme Court, an action which does not have suspensive effect, unless an interim order is issued by the court. The length of the detention, apart from the provisions of the Alien's And Immigration Law (Cap. 105, as amended) is specified in the case law of the Republic;

(b) The issuing of travel documents for the deportation of an alien may be a time consuming procedure, especially in difficult cases, such as when individuals have already disposed their travel documents, or do not carry any travel documents whatsoever.

40. The Detention Centers are operated by the Police. The detention of asylum seekers is often necessary for reasons clearly stated in the Refugee Law (L. 6(I)/2000, as amended), the Aliens' and Immigration Law (Cap. 105, as amended) as well as the Case Law. The Asylum Service may intervene in those cases, where the detention of an asylum seeker is deemed to be unjustified by the Law, and therefore makes sure that the Law is applied correctly.

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<sup>1</sup> Second Report Submitted by Cyprus pursuant to Article 25, Paragraph 1 of the Framework Convention for the Protection of National Minorities, ACFC/SR/II(2006)006, Strasbourg, 27 October 2006. The Third Report of Cyprus is due to be submitted by 01/05/2009.

<sup>2</sup> Second Periodical Report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter, MIN-LANG/PR(2008) 1, Strasbourg 18 January 2008.

41. More specifically, according to the Refugee Law (L. 6(I)/2000, as amended) detention is allowed, by a Court Order and for a maximum of 32 days, in cases where the asylum seeker has destroyed or threw away his/her travel documents or if fake documents were used. If the application has been rejected by the Asylum Service and the Refugee Reviewing Authority and a deportation order has been issued, one can also be detained. After the expiry of the 32 days the asylum seeker is set free. According to Aliens and Immigration Law (Cap. 105, as amended) detention is also possible on the basis of deportation and detention orders. Such an order can be issued when a person was a prohibited irregular immigrant prior to his or her application for asylum and/or in the case the person has been sentenced to imprisonment for a criminal offence (1 month), following which the person is considered to be an “unwanted” immigrant. Execution of the deportation order is suspended pending the final determination of the asylum application. A deportation and detention order, considered to be an administrative act, may be challenged at the Supreme Court of the Republic by filing a habeas corpus application and/or filing an application under article 146 of the Constitution.

### **B. Article 3 - Equal rights of men and women**

***Question 12. Please indicate whether the State party implements or envisages implementing a comprehensive strategy, including clear goals and timetables to modify and eliminate negative cultural attitudes and practices as well as stereotypes that discriminate against women in the State party. Please also inform whether the State party has carried out awareness raising campaigns aimed at the elimination of stereotypes associated with men and women’s traditional roles in the family and in society at large.***

42. The National Machinery for Women’s Rights has initiated the preparation of the first National Action Plan on Gender Equality, covering the period 2007-2013, which was adopted by the Council of Ministers in 2007. This Plan aims at a holistic approach of gender equality issues and the implementation of gender mainstreaming in six priority areas, namely: employment, education, science and research, decision making, violence and gender stereotypes. The above mentioned Action Plan was formulated on the basis of the Beijing Platform for Action as well as EU policies, and in particular the Road Map and the European Pact for Gender Equality.

43. The National Action Plan on Gender Equality gives particular emphasis on education and the elimination of gender stereotypes. Under the chapter of education are included inter alia the following measures:

- (a) Comprehensive Research/Study on Education and Gender;
- (b) Comprehensive Plan for the sensitization/training of teaching staff in the various levels of Education;
- (c) Formulation of Education material which integrates gender perspective and promotes gender equality;
- (d) Introduction of Gender Studies in the University of Cyprus;
- (e) European Seminars on Education and Gender and Education and Gender Studies;

(f) Research on Gender and New Technologies;

(g) Strategies for the promotion of Women at the decision making positions in Education at all levels, as well as the teachers' unions;

(h) Plan for the sensitization/training of teachers on sexual/reproductive rights and preparation of educational material;

(i) Broadening/Strengthening of Programs on Health Education, Sex Education, gender equality, communication and partnership.

44. The National Action Plan on Gender Equality under its special chapter on Gender Stereotypes includes inter alia the following measures reflecting the role of the mass media in forming and reshaping public consciousness:

(a) Training programs to sensitize the owners and operators of media bodies on subjects related to gender equality with the prime purpose of combating stereotypes;

(b) The establishment of incentives to encourage and facilitate the emergence of a larger number of women in decision making in the mass media;

(c) The conduct of extensive and comprehensive research related to the way the Cypriot mass media use women in their programs and advertisements;

(d) Programs in the mass media for the promotion of women's issues, female personalities and generally the participation of women in all civil sectors;

(e) Programs for the sensitization of men regarding their role in family life.

45. The National Machinery for Women's Rights has pursued some commendable initiatives during the last years in this field, aiming at changing stereotypes and creating new consciousness regarding the roles of women in the society and also in encouraging girls to pursue education which leads to wider career choices. Efforts within this framework included:

(a) The implementation in 2004-2005, of the EU Program "Women in the business world - Enhancement of female entrepreneurship", aiming at the enhancement of women's entrepreneurship. The program included inter alia a survey conducted among 15-17 year-old high school students as regards to their perceptions of gender equality in the business field and women's entrepreneurship. Based on the results of the survey it was suggested to the Ministry of Education that courses on entrepreneurship be included in its curricula;

(b) The implementation of the EU Program "Gender equality - A responsibility of both sexes" (2005-2006). The target groups were men and women of all ages, children in elementary schools, high-school students and young people, decision makers, chambers of commerce, employers' organizations, trade unions, other NGOs including youth boards, and youth chambers.

46. The project had the following aims:

(a) To create and increase awareness among all target groups as to the necessity for and benefits from the involvement of men in the promotion of gender equality;

(b) To positively influence the attitudes of both sexes and especially young people attitudes regarding gender-specific roles in work and family life;

(c) To look into and bring to light how young and high-school students perceive the role of men and fathers, how they experience the «absence» of the father and other family activities, and to what extent the education system trains children as regards gender equality;

(d) To motivate men and women to share more of household and family responsibilities with their partner;

(e) To exchange experiences and transfer good practices between partners of the program;

(f) To involve decision makers and NGOs in promoting the change of the traditional gender power order in work and private life so as to promote gender mainstreaming;

(g) To promote among all groups involved, the idea of creating a family-friendly work environment.

47. A series of activities took place in order to promote the above objectives. In order to reach the public, decision makers, NGOs, employers' organizations, chambers of commerce and youth chambers, press conferences both in Cyprus and the partner countries (Malta, Greece and Italy) were organized, an informative leaflet was developed and distributed, and a media campaign was launched.

48. Activities for sensitizing children and teachers through the education system included, the organization of two competitions, one among 10-12 year-old children in primary schools for writing a storybook, and the other among 13-15 year-old high-school students for writing a scenario (script) for a TV series, the preparation of a questionnaire targeted at high-school students between the age of 16 and 18, the carrying out of a survey among high-school students in order to identify their attitudes towards gender roles in work and family life was conducted, and the participation in seminars and the Cyprus Education Fair.

49. To the extent that the output of the project was measurable, the results showed that all of the project's objectives were met and, in some cases, results obtained exceeded the targets set and the promoters' expectations. Particularly successful were the activities targeted at children and young people, the response of whom was unexpectedly high.

50. In addition, the NMWR has funded several other projects carried out by NGOs in this field, including a series of lectures on Gender Equality in the Secondary Schools by the Cyprus Equality Observatory, the production of a documentary film, challenging gender stereotypes and the unequal power within family life, by the Mediterranean Institute of Gender Studies, a series of workshops for the empowerment of young women and girls by the Cyprus Family Planning Association.

51. The Police organize campaigns against domestic violence aiming at the elimination of stereotypes. These campaigns include informational leaflets and booklets, posters, publications and public appearances. The last campaign, which was organized during the week of November 24<sup>th</sup> 2008 on the occasion of the day on the elimination of violence against women (November 25<sup>th</sup>), was based on the slogan “Domestic Violence is a double crime”. It is worth noting that, according to Police statistics, 80% of the domestic violence complainants are women.

***Question 13. Please elaborate on the specific measures adopted to increase women’s participation in public and political life (para. 607 of the State party’s report). Why the quota system has failed to increase the number of women at all decision making levels?***

52. Information campaigns through the Mass Media, empowerment programs for female candidates, sensitization campaigns for young people as well as training programs for women and men elected, are measures taken by the National Machinery under EU Programs, in view of the Parliamentary and Local Elections in 2006. As a result, the percentage of women elected, increased from 19% (18.6%) to 21% (20.7%) in the local councils and from 11% (10.7%) to 14% (14.3%) in the House of Representatives.

53. Most political parties have introduced the quota system to favor the participation of women in their decision-making bodies. Some of them have also quotas for their candidate lists. However, this has been made possible through the parties’ memorandum/constitution and not through legislation.

54. The NMWR in view of 2006 Parliamentary and Local Authorities elections had launched a campaign aiming at increasing women’s participation in Parliament and the Local Authorities. Part of this campaign had been devoted to contacts/ meetings with the leaders of all political parties during which positive action measures to accelerate de facto equality in political life, have been discussed.

55. In addition, under the National Action Plan on Gender Equality (2007-2013) and in particular under its special chapter on the “Balanced Participation of Women and Men in Political/Social and Economic life”, measures for the introduction of targets and quotas have been included, such as the target of 40% for the participation of women in political life, the introduction of a quota of 30% of women in ballots in municipal, parliamentary and euro-parliamentary elections, and a quota of 30% of women in the appointments in all public committees and boards. These measures will be discussed in depth with the civil society, taking into account the critical perception prevailing in Cyprus regarding the use of quotas, even among Women’s Organisations.

***Question 14. Please explain why there is no specific law prohibiting sexual harassment in the work place.***

56. There are specific legal provisions on sexual harassment in the workplace in the Law on Equal Treatment of Men and Women in Employment and Vocational Training (L. 205(I)/2002, as amended).

57. According to section 12 of the said Law, any action that constitutes sexual harassment is prohibited, whether it is isolated or repeated. Such conduct is punishable with a fine and/or imprisonment up to 6 months (Section 30). Direct or indirect discrimination due to the rejection or reporting of such action is also prohibited by the same section. Sexual harassment is defined in the said Laws as any form of unwanted verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment.

### **III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)**

#### **A. Article 6 - The right to work**

***Question 15. Does the statistics provided by the State party (E/C12/CYP/5 paras. 29 to 35) include third country migrants who reside and/ or work in Cyprus? Please supply more detailed information on the migrants working without papers who are said to represent 1 in every 6 or 7 workers.***

58. Matters related to undeclared work and illegal employment are discussed with the social partners, through permanent and ad-hoc tripartite bodies. Unless otherwise specified, the statistics provided by the Statistical Service of Cyprus refer to the permanent residents of Cyprus, i.e. persons residing or having the intention to reside for 12 months or more, irrespective of their nationality.

***Question 16. Please give information on the situation of the thousands of Turkish Cypriots workers employed in the South of the State party. Which measures have been taken to ensure proper registration of Turkish Cypriots who travel on a daily basis to work in the government controlled part of Cyprus?***

59. Turkish Cypriots are registered in the Social Insurance scheme and they have the same rights as all citizens in Cyprus, either employed or self-employed. Regardless of the fact that they reside in the Turkish-occupied area of the State and travel daily to the Government-controlled area for work, their employer is obliged to pay contributions on their behalf to both the Social Insurance Fund and other related funds. Thus they have all the resulting benefits of the Social Security Scheme as long as they meet the specific requirements that apply equally to all entitled persons. There is no particular distinction for the Turkish Cypriots and each employer has an obligation to comply with the Social Insurance Law that equally applies to all his/her employees. Informative leaflets have been issued on all funds handled by the Social Insurance Services, to inform employers about their obligations.

***Question 17. In light of information that youth employment rate fluctuates at low levels and female employment rate is well below the male one (E/C12/CYP/5 para. 31), please provide detailed and accurate information on the steps taken to increase employment opportunities for young persons and women, including the technical and vocational courses offered to them and on the policies designated to reduce their unemployment.***

60. The measures taken to increase employment opportunities for young persons and women and to reduce their unemployment are the following:

(a) The Protection of Maternity Law (L. 100(I)/1997, as amended) has been amended in 2007 and 2008 increasing maternity leave from 16 to 18 weeks for natural mothers and from 14 to 16 weeks for adoptive mothers. Also, the period that the mother is allowed one (1) hour off work every day for the purpose of breastfeeding and/or childcare is increased from 6 to 9 months from the day of confinement or the day when the maternity leave starts in case of an adoption;

(b) In 2008, informative leaflets on the protection of maternity and on sexual harassment in the workplace were published and disseminated by the Department of Labor. A Code of Good Practice for Pregnant Women at Work and informative leaflets on the rights of victims of discrimination on the grounds of age, sexual orientation, race and ethnic origin, religion and belief will be published in 2009;

(c) Since 2006, the Public Employment Services provide a personalized approach to jobseekers that belong to vulnerable social groups (including women and young persons). This approach is based on the recording of the personal characteristics, skills, knowledge and employment aspirations of each job seeker and it leads to the formation and implementation of a personal action plan. Through this process, the job seeker receives the necessary vocational guidance and he/she is guided to either an appropriate job placement, or further training for the enhancement of his/her knowledge and skills. The personalized approach will continue to be provided by employment counsellors. In 2009 a vocational guidance tool will be developed and applied for job seekers;

(d) A close cooperation with local authorities and social partners in the promotion of employment of vulnerable groups is being developed by the Department of Labor. Currently, the Department is in the process of developing technical cooperation with local authorities and social partners;

(e) A Committee for the Reconciliation of Work and Family Life, presided by the Department of Labor, is being set up at the moment. Within six months from its formation, the Committee will draft a specialized study and a plan of action for the reconciliation of work and family life;

(f) In 2008, a study was drafted by the Department of Labor for the Development of Targeted Programs for the Employment of Young People. The study recommends the development of an active labor market policy targeting young people and proposes specific measures for the increase of employment and the reduction of unemployment of young people.

61. Additionally, with a view to increasing employment opportunities for women and promoting the reconciliation of work and family life, the Social Welfare Services, under the Ministry of Labor and Social Insurance, lay emphasis on social care provision. Towards this end:

(a) The Social Welfare Services implement the Grants-in-Aid Scheme with the aim of providing services and programs on a local level. Specifically, the Social Welfare Services provide technical assistance and monetary support, in the form of grants, to not-for-profit voluntary organisations (community councils and NGOs) for the development and operation of services such as day-care centres for pre-school children, after-school centres for school-aged children, home care, day-care and residential care services for elderly persons and persons with disabilities;



(b) A Project co-financed by the European Social Fund was implemented during the period 2005-2008 for the expansion, promotion and improvement of social care services for children, the elderly, persons with disabilities and other dependent family members. Based on the findings of a study conducted within the framework of this Project, grants were provided in the period 2006-2008 to 31 care programs developed through partnerships between NGOs and local authorities;

(c) A new Project has been submitted for co-financing by the European Social Fund Project under the programming period 2007-2013 of the Structural Funds. This Project, which is being promoted within the framework of reconciling work and family life, consists of two pillars, i.e. (1) Subsidization of care for pre-school age children whose mothers face difficulties entering the labour market. (2) Subsidization of the use of new technology and automation for the provision of care services for the elderly and people with disabilities.

62. Furthermore, a project concerning flexible forms of employment was implemented, with the objective to attract to the labour market unemployed or economically inactive women, who would like to work on the basis of some kind of flexible employment arrangements, and who remain unemployed or inactive because of the lack of appropriate opportunities. The end objective was the increase of the female employment rate which, in 2004 was 54% in comparison to 80% of males. The project was also expected to contribute to the reconciliation of family and working life. In addition, the modernization of work organization through the utilization of flexible forms of employment was expected to have a positive impact on the individual businesses by contributing to the retention of operational cost and to the improvement of their competitiveness. The project was co-funded by the European Social Fund and the Cyprus Government.

***Question 18. Please explain why asylum seekers can not access employment for the first six months after they file their application for refugee status and why after this period the Government only allows them access to jobs in agriculture and farming where they reportedly suffer poor working and living conditions?***

63. The prohibition of employment for asylum seekers during the first six months aims to combat the abuse of this right by foreign workers who, after the end of their fixed-term contract, file asylum applications in order to extend their stay in Cyprus. Furthermore, the policy of restricting employment during the first six months is a deterrent for third country nationals living abroad to submit an abusive (non-genuine) asylum application solely for the purpose of employment. Occupations and economic sectors where asylum seekers may be employed, following the decision of the Minister of Labor and Social Insurance dated 10/10/2008, have been extended in order to include more sectors of the economy (e.g. commerce, delivery service, fishery etc) taking into account the situation in the labor market.

#### **B. Article 7 - The right to just and favourable conditions of work**

***Question 19. In light of information given by the State party (para. 106 of the State party's report) that the gender wage gap in Cyprus (25%) is at high level, please give information on the concrete measures taken or envisaged to enforce the Equal Pay Between Man and Women for the Same Work or for Work of Equal Value Law of 2002.***

64. Eliminating gender stereotypes, eventually leading to gender pay gaps, is a key priority and an integral part of Cyprus' national employment policy. Towards this end, the Ministry of Labor and Social Insurance has prepared a package of proposed measures (with a projected total cost of €4 mil, approximately USD\$5.1 mil) expected to be co-financed by the European Social Fund. The proposed measures will be implemented from 2009 to 2013. The measures include specialized training programs for inspectors, aiming at strengthening the existing inspection mechanisms for the enforcement of the equal pay legislation, financing equality schemes promoted by enterprises, establishing a Certification Body competent for issuing certifications to enterprises for adopting policies promoting gender neutrality in the workplace. Furthermore, measures for eliminating occupational and sectoral segregation will be promoted, including interventions in education issues, such as training programs for high-school teachers providing occupational guidance in schools, the elimination of gender stereotypes in school books and study programs, etc., with the aim of eliminating stereotypes as regards the choice of occupation and encouraging students in engaging in occupations, through which, they will be able to develop their skills and competences, regardless of their gender. Lastly, the proposal includes campaigns for raising awareness on equal pay and generally equality in employment in general.

***Question 20. According to information before the Committee, domestic workers, making up the largest group of migrant workers, continue to work up to 14 to 16 hours per day, seven days per week and under exploitative conditions when the legal maximum work week is between 36 to 38 hours. In this context, please explain why domestic workers and "artists" are the two only categories of workers whose contracts depend on the Ministry of Interior. Please also explain why domestic servants are excluded from the application of the Safety and Health at Work Law and the Organisation of Working Time Law (paras. 113 and 124 of the State party's report) and why they remain outside the system of fixing of minimum wages. Which specific and concrete measures have been taken in accordance to the previous recommendations of the Committee to protect them?***

65. The Ministerial Committee for the Employment of Third Country Nationals is undergoing a revision of the policy for the employment of domestic workers. Within the framework of this revision, the aforementioned Committee has recently decided that starting on the 1<sup>st</sup> January 2009, the gross wages of domestic workers will be yearly readjusted (every January), according to the price index. Furthermore, discussions will continue on the increase of their basic salary.

66. Housemaids work 42 hours per week, resulting from 7 hours of work per day for six days per week, in accordance to their contract of employment. Employers of housemaids and artists have the obligation to deposit a health insurance certificate for their employees at the Civil Registry and Migration Department. In relation to the minimum wage, it has been defined with a Ministerial Decision of the Ministerial Council at 282 Euro plus social insurance with further provisions for housing and feeding, if they do not stay in the house of their employer.

67. In accordance to the contract of employment for the artists, prepared by the Ministry of Labor and Social Insurance, they receive a weekly pay of 205 euro (without any deductions), amount payable at the end of each week. The salary corresponds to 36 hours of work per week for six days per week.

68. These two categories have been handled, separately from others, by the Ministry of Interior since no Cypriots or citizens of member States of the European Union were interested for these jobs. The involvement of the Ministry of Labor for all other categories is to examine whether the recruitment of third country nationals is necessary or not. Recently the Council of Ministers introduced a new procedure for the entry of third country nationals to work as artists which directly involves the Ministry of Labor as well (see reply to question 27).

69. A study is currently in process for the procedure of entry and employment of housemaids as well.

70. Domestic workers are not excluded from the provisions of the Organisation of Working Time Law (L. 63(I)/2002, as amended). Section 3 of the said Law, applies to all private or public businesses, establishments, undertakings and private/public sector activities. With regard to third country nationals employed as domestic workers in Cyprus, the prospective employer, in order to receive the relevant visa/ work permit is obliged to sign a contract of employment (which is duly authorised and stamped by the competent authority) that explicitly states that the working hours are set to a weekly maximum of 42 hours.

71. As regards the reason why domestic workers are excluded from the application of the Minimum Wage Order, the Order refers only to certain occupations. Consequently, in accordance with the dominant practice in Cyprus, a relevant agreement amongst Social Partners is required in order for new occupations to be included in the Minimum Wage Order.

72. In order to be able to fully calculate the level of pay of domestic workers it is important to take into account subsistence costs and the cost of accommodation which are exclusively borne by the employer. When these costs are taken into account the level of pay for domestic workers approximates the level designated in the Minimum Wage Order. The Ministry of Labour and Social Insurance is considering the introduction of a national minimum wage, which if so decided, will be put up for discussion with the social partners.

73. Any contravention to the terms and conditions of the written employment contract provides domestic servant employees the right to file a complaint with the District Labor Relations Office, which will examine the complaint with a view to reaching a mutually acceptable agreement to resolve the dispute. During the examination of these complaints the employee may be represented by his attorney, and in cases where there is violation of the contract by the employer, and it is deemed impossible for the employee to continue being employed by the same employer, a release from the employment contract may be issued providing the employee the right to seek employment elsewhere.

***Question 21. Is the minimum wage sufficient to provide workers and their families an adequate standard of living? How is this minimum wage determined and on what basis? Please indicate how minimum wage for workers covered by collective agreements is determined (para. 92 of the State party's report).***

74. In accordance with a decision by the Council of Ministers, the Minimum Wage was gradually increased, and in 2008 had reached 50% of the national median wage. This percentage is considered to provide employees covered by the Minimum Wage Order an adequate standard of living. Minimum wages for workers covered by collective agreements is freely determined

following negotiations between employers and trade unions (in accordance to the provisions laid down in the Industrial Relations Code). Factors usually taken into consideration during the negotiation process are wage increases in other sectors/enterprises, increases to the Consumer Price index and average monthly wages.

### **C. Article 8 - Trade union rights**

***Question 22. Please indicate why the Industrial Relations Code of 1977 for the settlement of labour relations has no force of law and why its recommendations are not binding. Please illustrate how this code assisted in settling labour disputes and provide concrete examples. Does the Code cover all labor relations? Please explain the mandate of the Arbitration Committee and why its decision is not binding on parties.***

75. The Industrial Relations Code provides the basis for the voluntary industrial relations system of Cyprus. Cyprus has a long tradition of voluntarism and tripartite cooperation, of which the Industrial Relations Code was and remains the result of this tradition. The Code is essentially a procedural agreement which lays down the rules to be followed when labor disputes arise. It has no force of law because the signatory parties (State, Employers Organisations and Trade Unions) freely decided to voluntarily regulate industrial relations as the main method to promote the use of collective agreements. In accordance with this policy, for the last 47 years (the Code of 1977 was preceded by the so called Basic Agreement of 1962), collective agreements have been the predominant method of regulating terms and conditions of employment.

76. The Department of Labor Relations of the Ministry of Labor and Social Insurance is the competent authority providing free mediation services in all cases regarding the application of the Industrial Relations Code. The Mediation Service of the Department mediates approximately 200 to 250 labor disputes every year.

77. The freely agreed voluntary system over the years has shown very good results with trade union density rates at a considerably high rate (58% in 2006), and collective agreement coverage (sectoral and company level agreements) estimated at over 65%. An equally important feature of any industrial relations system is its ability to enforce, not necessarily by legislative measures, conflict resolution mechanisms that safeguard industrial peace and, to this effect, figures regarding strikes in Cyprus prove that abidance to the provisions of the Industrial Relations Code have led to very low levels of strikes. For example in 2007 only 6 strikes took place leading to the loss of 8,436 workdays.

78. The Industrial Relations Code covers the private sector and also regulates industrial relations in semi-government organizations and local authorities. In the Government sector, the rules of the Industrial Relations Code do not apply, since in any case, neither the government as an employer, nor the Pancyprian Public Servants Trade Union, as a trade union, had signed the Industrial Relations Code, back in 1977. In this case, a different set of rules applies to the public sector, with collective negotiations held between the trade union and the Government, through the Joint Staff Committee. The Joint Staff Committee is the recognized official consultative body in the public service, and consists of members from the government and the trade union side.

79. On the point regarding the mandate of the Arbitration Committee and why its decision is not binding to the parties, it is assumed that this refers to the Agreement on the Procedure for the Settlement of Labor Disputes in Essential Services, and not to arbitration referred to in the Industrial Relations Code, which is binding. For this reason a relevant analysis is provided in reply to question 23.

***Question 23. Article 10 and 27 of the Constitution deal with strikes in essential services as does article 1.2 of the Agreement on the Procedure for the Settlement of Labor Disputes in Essential Services. Please complement information provided in the State party's report (para. 154) as to the services which are considered as essential and clarify how disputes in essential services are settled.***

80. The definition of essential services is read in conjunction with Article 1.1 which states that "essential services means services whose interruption would endanger the life, personal safety, or health of part or the whole of the population". This would include a number of semi-government organizations like the Cyprus Electricity Authority, the Cyprus Telecommunications Authority, Water Boards etc. As regards the provision of healthcare this would include all public hospitals and other services that offer exclusive healthcare services, for example cancer care units. Reading through Article 1.2 it is clear that the remaining services included under the provisions of the Agreement are mainly public services (Prisons, Government controlled electromechanical repair services, air traffic controllers of the civil aviation authority, port control etc). As regards other services considered as essential, this can also be done on a case to case basis, since any arising disputes have to be resolved through the procedures laid down by the Industrial Relations Code. In such cases, if doubt arises whether a specific service should be considered as an essential service, the designated mediator of the Department of Labor Relations will decide on how the dispute should be dealt.

81. Dealing with disputes in essential services does not differ significantly from the procedures followed under the provisions of the Industrial Relations Code. The Agreement on the Procedure for the Settlement of Labor Disputes in Essential Services complements the Industrial Relations Code, since it only deals with disputes over interests. According to the Industrial Relations Code (Part II, B), disputes over rights (settlement of grievances), if a dispute is not settled at the mediation stage then it is referred to binding arbitration. This also applies to essential services.

82. Concerning disputes over interests, in accordance with the Industrial Relations Code, if the Ministry cannot effect a mutually acceptable solution to a dispute it shall at the request of either side, declare the dispute as having reached a deadlock and either side will be free to take any lawful measures in furtherance or support of their claims or interests. However, before such measures are taken, 10 days notice should be given to the other side and communicated to the Ministry. It is at this stage that the Agreement on the Procedure for the Settlement of Labour Disputes in Essential Services complements and extends the procedures laid down by the Industrial Relations Code. Accordingly, in the case of essential services both sides are required to accept the referral of the dispute to an Arbitration Committee. It is due to the nature of the labour dispute that the decision of the Arbitration Committee is not binding since the dispute refers to the conclusion of a new collective agreement or the renewal of an existing collective agreement or, in general, out of the negotiation of a new claim. Under these circumstances it is not possible for an Arbitration Committee's decision to be binding, but it does assist in providing

possible compromises for the two sides to reach a mutually acceptable agreement. This is also further strengthened by the requirement of both sides to justify in writing the reasons of non-acceptance of the Arbitration Committee's decision.

83. Further to the above the Agreement on the Procedure for the Settlement of Labour Disputes in Essential Services also provides for an increased period of notice in the case either side wishes to resort to industrial action (25 days instead of 10 according to the Code), thus providing an additional period during which further talks can be held to reach a final solution.

84. Finally, in all cases of industrial action in prescribed essential services, a minimum service is obligatory, ensuring the continuation of the provision of services.

#### **D. Article 9 - The right to social security**

***Question 24. Please indicate the measures taken to ensure that migrant workers who contribute to the social security system, have effective access to social security benefits such as unemployment or sickness benefits while in Cyprus and pensions once they leave the country.***

85. The Social Insurance legislation covers all who engage in a livelihood occupation in Cyprus, irrespective of their nationality. Moreover, under the Social Insurance scheme, all insured persons (Cypriots, European citizens and third country nationals) have the same rights and obligations. Under the law, any person who meets certain conditions becomes entitled to benefits (unemployment benefit, sickness benefit, maternity benefit, marriage assistance, funeral assistance) and pensions (old-age pension, disability, and orphan). When a person moves to any country worldwide, and has the right to a pension (old age, disability, orphan, etc.), then their pension is sent to them to their new country of residence.

***Question 25. Please indicate the measures taken or envisaged to accelerate the process of issuing residence permit for asylum seekers which is necessary to access rights in the field of health care provision, social welfare and education.***

86. The State expects that with the establishment of the new Database of the Asylum Service, these delays will be limited to the minimum. However, the Confirmation Letter given to asylum seekers upon submission of asylum application gives them full access to the rights accorded to them, if their application is approved, as provided by the Law and the Reception Conditions Regulations (health care provision, social welfare and education etc).

#### **E. Article 10 - Protection of the family, mothers and children**

***Question 26. Please indicate whether there is a specific provision in legislation that criminalizes and punishes domestic violence. Please supply additional updated information on cases of domestic violence where perpetrators were prosecuted and punished. Please explain why in case of violence against women, it is necessary to have at least one witness in order to convict the perpetrator. Are shelters available for victims of domestic violence? Please also supply information on the cooperation among the various Government departments working on this issue and on the human and financial resources allocated to the implementation of the law for the prevention of domestic violence.***

87. Domestic violence was criminalized on 1994 by Law 47(I)/1994, later replaced by the Violence in the Family Law (L. 119(I)/2000, as amended). For the years 2003-2007, on average 420 domestic violence criminal cases were investigated by the Police annually. A study on Domestic Violence cases, filed in Court in 2005 (to be published) indicated that in 2005 Criminal Courts returned a ratio of 64% conviction to 36% innocence court decisions.

88. Under the Law in the case of domestic violence against women, the victim's testimony is sufficient to convict the perpetrator and no other corroboration is necessary (section 16). Furthermore, by a way of an exemption to the Evidence Law (Cap. 9, as amended) (as it existed at the time, now under revision), the spouse of a person charged with domestic violence is a competent witness if the spouse is the victim of violence and a competent and compellable witness if the victim of the violence is another member of the family (section 20).

89. Sheltering women victims of domestic violence and their minor dependants in specific premises is undertaken by non governmental organizations, with the support of the State.

90. The related domestic violence government agencies as well as non governmental organizations, cooperate on the basis of the Manual of Interdepartmental Cooperation on Domestic Violence, which was drafted by the Advisory Committee on Domestic Violence (establish by the Law on Domestic Violence) and was adopted by the Council of Ministers of the Republic on 16/05/2002. Through the Grants-in-Aid Scheme, the Government (Social Welfare Services) provides grants to the Association for the Prevention and Handling of Family Violence (a non-governmental organization) for the operation of a Shelter for women and children who are victims of domestic violence.

91. As regards the Social Welfare Services, it is not possible to determine the human and financial resources allocated solely for the implementation of the family violence law because the issue of violence is far-reaching and involves services that are not confined only to victims of violence. Specifically, though Family Counsellors have been appointed, in accordance with the law, to handle family violence cases after referral, follow up services provided by other Welfare Officers depend on the nature of the problems experienced by the family and may include counselling, provision of information on other available services and referrals where needed, financial assistance, foster care and residential care of children. Indicatively, during 2008 the Social Welfare Services employed a total of 268 professional staff (214 permanent and 54 on contract) and 215 institutional officers (117 permanent and 98 on contract) and had a total budget of € 229,142,273 (approximately USD\$292 mil).

***Question 27. Please indicate whether the Government intends to reform the system of artist visa (paras. 70 and 74 of the State party's report), which is reportedly still used for facilitating trafficking and forced prostitution. Please clarify whether it is the women themselves who apply for the visas or the establishment owners? Please provide information on the measures taken to improve the identification of the victims and to make shelters for victims of trafficking available.***

92. The Council of Ministers approved on 29/10/2008, the proposal submitted by the Minister of Interior reviewing the policy for the entry, residence and employment of third country nationals in the Republic as artists. The Ministerial Committee for the Employment of Third Country Nationals, has decided that the new policy will be implemented starting February 1<sup>st</sup> 2009.

93. The new policy consists of the following:

(a) Abolition of special visas for artists. All third country nationals entering the Republic to be employed as artists will be issued employment permits as creative artists (writers, composers, painters etc) or as performing artists (actors, dancers, singers, etc). The categories “creative artists” and “performing artists” are specified in the policy papers;

(b) Procedures for the issuing of temporary residence and employment permits: The applications for employment of third country nationals as artists will be submitted to the Department of Labour by the employer and will be examined by a committee consisting of representatives from the Department of Labour, the Department of Civil Registry and Migration Department, the Cyprus Tourism Organization and the Aliens and Immigration Unit of the Police. The committee will examine the applications according to specific criteria concerning the qualifications of the artists, their previous experience, their reputation abroad etc. Also there will be criteria for determining the number of artist that can be employed in each establishment in order to avoid entry of individuals who falsely claim to be artists. After the approval of the application, the employer will have to apply to the Civil Registry and Migration Department for the issue of the temporary residence and employment permit, considering that all the conditions set in the Aliens and Immigration Law (Cap. 105, as amended) are fulfilled. The procedures are similar to those that are in effect for all foreign workers. Breach of contracts of employment will be investigated by the Department of Labour Relations. The Police will intensify raids in various establishments that employ artists;

(c) Revision of the contract of employment;

(d) Revision of the legislation regulating Private Employment Agencies.

94. The Cyprus Police organizes specialized training to members of the Police Force concerning Trafficking in Human Beings. Members of the Criminal Investigation Department, Immigration Department, Crime Intelligence and Crime Prevention Units attend such seminars organized by the Office of Combating Trafficking in Human Beings which take place at the Cyprus Police Academy. During these seminars emphasis is given on identifying victims of trafficking, understanding of the current Law and the differences between illegal immigration and trafficking in human beings. Also, the head of the Office Combating Trafficking in Human Beings gives lectures on trafficking in human beings at the Crime Investigation Department courses, the Sergeant courses, the Inspector courses and at Alien and Immigration courses. The aim of these lectures is to sensitize police officers and give guidelines on how to identify victims and investigate and prosecute cases of trafficking.

95. Furthermore, members of the Police attend to seminars related to trafficking in human beings, which are organized by Governmental and/or non Governmental Organizations in Cyprus and abroad.

96. Finally, members of the Office of Combating Trafficking in Human Beings attend CEPOL courses concerning trafficking in Human Beings. Furthermore, the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, 2007 (L.87/(I)/2007), see paras. 73 and 74 of the State’s Periodic Report, provides, inter alia, for a national mechanism of cooperation between governmental services and non-governmental organisations for the



identification of victims and the implementation of responsibilities stipulated in the Law for the protection of victims and the safeguarding of their rights. Such responsibilities include mandatory referral of suspected victims to the Social Welfare Services who inform them of their rights and immediately refer them to the Police, which is the competent agency for establishing their status. Supportive services for victims of trafficking are offered by the Social Welfare Services and include public assistance, counselling and accommodation.

97. There are currently two shelters in Cyprus. One is run by the Government (Social Welfare Services) and the other by the non-governmental organisation STIGMA. Victims who do not wish to stay in these shelters may be offered accommodation in rented flats or specially equipped rooms in State Homes for the Elderly and Persons with Disabilities.

***Question 28. Please give examples of prosecution under the 2000 Combating of Trafficking in Persons and Sexual Exploitation of Children Law and the 2001 Protection of Witnesses Law. Please indicate why the penalties stipulated in the 2000 Trafficking Law are not severe enough and are not commensurate with those prescribed for other grave crimes.***

98. In July 2007, the Combating of Trafficking of Human Beings and of Sexual Exploitation of Children Law of 2000 (Law No. 3(I)/2000) was replaced by the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, 2007 (Law No. 87(I)/2007) (see paras 73 and 74 of the State's Periodic Report), which is comprehensive and applicable in all its forms, considering the aquis commonautaire, international conventions and protocols, as well as the domestic legislation.

99. According to Section 47 of Law 87(I)/2007, the Minister of Interior is the national coordinator for combating trafficking in human beings. Also according the Law, a multidisciplinary coordinating group was established with the task to take all the necessary measures for combating trafficking and exploitation of human beings and to protect the victims. The National coordinator is the head of the multidisciplinary coordinating group.

100. Regarding the penalties, the 2007 Law foresees increased penalties for the criminal offences foreseen in relation with the 2000 Law (e.g. trafficking of adults - max. 10 years, trafficking of children - max. 20 years, trafficking and exploitation of human organs - max. 25 years, labour exploitation - max. 10 years, sexual exploitation of adults - max. 10 years, sexual exploitation of children - max. 20 years, child pornography - max. 10 years and/or €43 000 (aprox.). The severity of the penalties imposed depends on the decision of the judge.

101. During 2007, the Cyprus Police investigated 17 cases of sexual exploitation of minors, 11 of them under the Combating of Trafficking in Persons and Sexual Exploitation of Children Law of 2000 (Law No. 3(I)/2000) and 6 under the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, 2007 (L. 87(I)/2007). All of the above mentioned cases were submitted before Court and 22 persons were accused for the cases. In 9 cases the accused persons were convicted as follows:

- 6 years imprisonment
- 4 years imprisonment
- 2 years imprisonment
- 14 months imprisonment
- 6 months imprisonment
- 6 months imprisonment
- 5 months imprisonment
- 4 months imprisonment
- €2,000 fine

102. As regards the remaining cases:

- 2 were acquitted
- 1 is still pending before Court
- 2 were suspended
- 3 were interrupted

103. During 2008, the Cyprus Police investigated 12 cases of sexual exploitation of minors under the Combating of Trafficking and Exploitation of Human Beings and the Protection of Victims Law, 2007 (L. 87(I)/2007). As regards the above cases:

- 5 are still pending before Court
- 1 was acquitted
- 1 was convicted to 10 years imprisonment
- 1 was otherwise disposed
- 4 are still under investigation

***Question 29. Please indicate whether the Government intends to withdraw the subjective condition of “having a good character” (para. 256 of the State party’s report) as one of the conditions for the spouse of a Cypriot to acquire the Cypriot citizenship. Could the State party be more specific as to the special circumstances which will enable the Council of Ministers to allow registration of an alien spouse of a Cypriot citizen, despite the fact that he/she entered or resides in the Republic illegally (para. 257 of the State party’s report)?***

104. The term “good character”, included in Section 110(2) of the Civil Registry Law (L. 141(I)/2002, as amended) constitutes a prerequisite for the registration as a Cyprus citizen of an alien spouse as well as for acquiring the Cyprus citizenship by any other alien under section 110(1) of same Law, and thus cannot be excluded from the criteria.

105. The law provides the right to refuse granting citizenship to any person who is deemed to be not of good character i.e. has a criminal record or is considered dangerous for public security or public order reasons. Entering or residing illegally is a different reason limiting the acquisition of the Cyprus citizenship by spouses of Cypriot citizens (2<sup>nd</sup> provision of section 110(2) of same Law). Such spouses can nevertheless acquire the citizenship under Section 110(1) of same Law, as can children born to the mother who has entered, or resided illegally in the Republic of Cyprus.

106. A bill is pending before the House of Representatives amending Law 141(1)/2002 to ensure that the Council of Ministers will have the power to approve the granting of citizenship to a foreign spouse who entered or resided illegally in the Republic for special humanitarian reasons, by the process of registration under Section 110(2).

***Question 30. Please comment on the allegation that it is reportedly almost impossible for migrants to exercise their rights to family reunification because of the obstacles they encounter to meet the law’s conditions.***

107. In order for a third-country citizen to exercise his right of family reunion based on the Aliens and Immigration (Amendment) Law, 2007 (L. 8(I)/2007) the following should apply:

- (a) Proof that he is a holder of a residence permit valid for at least one year, and has the prospect of obtaining the right of permanent residence permit in the Republic;
- (b) Proof that he has legally remained in the Republic for a period of two years;
- (c) Proof of residence suitable for housing his family;
- (d) Proof of an insurance covering illnesses for him and his family; and
- (e) Proof of means of support, sufficient for him and his family.

108. In relation to the members of the family (husband/wife and children below 18 years of age):

- (a) They should be outside Cyprus during the submission of the application;
- (b) The marriage should have been performed one year before the submission of the application and the husband/wife is above 21 years of age;
- (c) The minor children aged 15-18 should be unmarried and not living independently from the provider;
- (d) Proof of medical examinations for illnesses as defined by the current regulations of the World Health Organization; and

(e) The family members, as well as the provider, should be holders of a valid passport for at least two years.

109. Since the above provisions are based on the relevant Directive of the European Union No 2003/86/EC, there is not much room for the State to amend them unilaterally. The State does not share the view that it is impossible for migrants to exercise the right of family reunification in the Republic.

#### **F. Article 11 - The right to an adequate standard of living**

***Question 31. Please indicate how the State party determines the poverty line and what is the percentage of the population living under the poverty line.***

110. The relative and not the absolute notion of poverty is used by the Statistical Service of Cyprus. The relative poverty line used is the 60% cut-off point of the median equivalized household income. In 2006, 15.6% of the population lived below the poverty line.

***Question 32. Please provide updated information on the results of the various housing policies and programs, including those for displaced persons. Please also indicate how the Rent Control Law as amended prevents forced evictions and complies with the Committee's General Comment no. 7. Please also provide updated information on the achievement of the Housing Finance Corporation (HFC), which provides loans to persons of low or moderate incomes for housing purposes.***

111. Currently the various Governmental Programs, under implementation, are the following:

(a) Housing programs for displaced persons (i.e. displaced following the 1974 Turkish invasion and subsequent ongoing occupation of 36% of the territory of the Republic of Cyprus):

- (i) Low-cost housing program: mainly in urban areas, which provides for the construction of houses in comprehensively designed housing estates, suitable for the temporary accommodation for the displaced families and for future use as housing estates for low income families;
- (ii) Self-help Housing program on Government land: mainly in suburban and rural areas, provides serviced building plots in approved areas as well as a grant-in-aid to displaced families for the purchase of building materials for the construction of their own house, according to the architectural plans provided by the Government;

(c) Self-help Housing program on private land: mainly in urban areas, for displaced families who own a building plot and want to built their own house by themselves. The Government provides a grant-in-aid for the purchase of building materials only;

(d) Purchase of a house or apartment program: mainly in urban areas, which provides for grants-in-aid and loans to displaced families who wish to buy a house or an apartment from the private sector, provided they meet established criteria:

- (i) The government has unified the government housing schemes for non-displaced persons, targeted at low income families, persons living in disadvantaged areas and large families, in an attempt to achieve uniformity and improvement of the criteria used, as well as of the provision of the various housing schemes. The new unified housing scheme was introduced on 1.1.2007;
- (ii) Housing programs provided by the Cyprus Land Development Corporation.

112. The Cyprus Land Development Corporation (C.L.D.C), established in 1980 provides social housing for the needs of low and medium income families. Apart from urban areas, where it provides houses and building sites, it has also interest for rural areas which lack land with suitable infrastructure for residential development. Areas that suffer from proximity to the buffer zone in between the National Guard ceasefire line and the Turkish Forces ceasefire line, where private sector does not undertake housing investment, falls also within the scope of the C.L.D.C.

***Question 33. Given the increasing presence of Turkish Cypriot citizens in the Government controlled part of Cyprus, please explain how the Government will make sure that they do not face difficulties in having their property reinstated or being compensated for loss of such property.***

113. The Turkish Cypriot properties which have been abandoned as a result of the Turkish invasion in 1974, came under the management and custody of the Minister of Interior according to the provisions of the Turkish Cypriot Properties (Administration and Other Matters) (Temporary Provisions) Law 1991 (L.139/91). Until a final settlement to the Cyprus problem is reached, the Minister, as the Custodian of Turkish Cypriot properties, has to meet the needs of Greek Cypriot displaced persons and at the same time to protect the rights of the legal owners of the Turkish Cypriot properties.

114. Turkish Cypriots who return from the occupied areas or from abroad and live permanently in the Government controlled areas are entitled with the consent of the Custodian to use their properties. There are several cases where Turkish Cypriot houses and agricultural land were returned to the legal owners. In cases where Greek Cypriot displaced persons have been temporarily using those properties, measures were taken by the Government to provide all necessary help under alternative provisions.

115. Turkish Cypriot houses that have been abandoned are restored by the Government of the Republic. During the last five years, the Government spent on average €8 millions per year for restoring/ maintaining Turkish Cypriot houses. Also, €3 millions were spent during the last 5 years for the conservation of Turkish Cypriot Mosques in the Government controlled areas.

116. Compulsory acquisition of Turkish Cypriot properties, as it is for all properties, is not allowed, except in rare cases where the public interest is served. A just and equitable compensation as provided by the Constitution and the Law is deposited in the special fund of the Custodian. In cases where Turkish Cypriot owners have been settled permanently abroad before 1974 or are residing in the Government controlled areas, are immediately eligible to payments (if the affected person lives in the occupied areas, is eligible to compensation after a solution to the Cyprus question is reached).

117. Turkish Cypriots who have been settled permanently abroad before 1974 or are residing in the Government controlled areas can sell their property and/ or transfer their property to their children/ heirs with the consent of the Minister.

***Question 34. Please indicate what measures are taken or envisaged to improve the housing conditions of the migrants who live in old dwellings which reportedly do not comply with building and sanitary requirements and to ensure that Roma families are no longer left without access to basic facilities such as water and electricity.***

118. There is no specific policy regarding the housing conditions for migrants who live in Cyprus. The employer is responsible for offering suitable housing conditions for the migrant worker who comes to Cyprus under a temporary employment/ residence permit. The Social Welfare Services provide social welfare benefit to those migrant workers whose salary is under the minimum wages.

119. Roma (Turcophones) are entitled to welfare treatment as Cypriot citizens: basic housing, health care, schooling for the children and a monthly allowance to care for their basic needs until employed. Roma families currently live in Turkish Cypriot houses temporarily allocated to them pending a settlement to the Cyprus question and/ or the return of the rightful owners of the said properties, as well as in two housing projects, one in Limassol and one in Pafos. All housing units are equipped with all basic amenities such as water (drinking water incl.) and electricity supply, telephone line installation, sewage etc.

120. In the Limassol District the vast majority of Roma reside in Turkish-Cypriot houses, under the same conditions as above (temporarily) and in the Pafos District the vast majority of Roma reside in Makounta, Stavrokonnou and Chrysochou villages. The measures taken by the Cyprus Government, aiming to close the gap between Roma and the rest of the Cypriot society may be summarized as follows:

(a) In 2005, 2006 and 2007 the repairs/ improvements for 20 Turkish-Cypriot houses inhabited by Roma in the Limassol District cost €136,688, €121,310 and €111,643 respectively;

(b) The Government of Cyprus has also created two housing projects, one in Limassol and the other in Pafos, consisting from 16 and 24 prefabricated housing units respectively for the Roma. The aforementioned housing units are equipped with all basic amenities such as water (drinking water incl.) and electricity supply, solar water heaters, telephone line installation, sewage etc.;

(c) The cost for the 16 prefabricated housing units in Limassol amounted to €547,905. In 2006, the repairs as well as the creation of a children's playground amounted to €29,046. In 2007, the Government paid €34,172 for the installation of solar water heaters;

(d) In 2003, the cost for the housing project in Pafos together with the repairs for 3 Turkish-Cypriot houses inhabited by Roma amounted to €461,322;

(e) Furthermore, in 2004 the Government of Cyprus paid €136,688 for the repairs/improvements for 10 Turkish-Cypriot houses where Roma reside. In 2006 and 2007 the Government of Cyprus paid for the same purpose €17,086 and €4,995 respectively.

121. The Municipality of Limassol in co-operation with the Government of Cyprus has created the Bi-communal Multi-Functional Center on the premises of the old Turkish-Cypriot Elementary School which is situated in the old Turkish-Cypriot quarter. The Center is offering mostly social services to both Greek-Cypriots and Turkish-Cypriots, including Roma, who are living in Limassol. In the District Administration Office works a Turkish-Cypriot as a translator helping Turkish-Cypriots, including Roma who visit the Office for the issue of various documents such as Identity Cards, Passports etc. The District Administration Office is in direct contact on a daily base with the Roma to solve the problems in housing, education and any other problems facing in the government controlled area of the Republic.

**G. Article 12 - The right to the highest attainable standard of physical and mental health**

***Question 35. Please indicate whether Public Health Services are being made available to everyone in the State party and how it is ensured that migrants benefit from the same coverage as Cypriots.***

122. Every Cypriot citizen has access to Medical and Public Health Services. Health care is provided by the Government Medical Services and the private medical sector. The Government Medical Services can be used by any person who chooses to be treated at a Government Medical Institution.

123. Concerning migrants, a committee of the Ministry of Health examines every case individually and issues a card, which allows free access to Medical and Public Health Services. This card is also used by Cypriot citizens with low income.

124. Concerning asylum seekers, the Ministry of Health acts in cooperation with the Asylum Services. The Health Services have always had an individual approach. Until the asylum application is examined, the asylum seeker receives medical services in the public sector for free. In the case that asylum is rejected, until the whole medical procedure is completed, the applicant still receives medical services for free. In the case that asylum is provided, the migrant is treated like any Cypriot citizen and receives medical and public Health Services according to his/her income.

***Question 36. Please provide information on the mental health policy in place in the State party. Please indicate how the authorities intend to tackle the problem of mental health patients being increasingly transferred to Homes for the Aged, and if an increased allocation of funds to outpatient care as well as the opening of more day centers is foreseen.***

125. Mental Health Services' (MHS) policy is to avoid the relocation of non-elderly patients of the psychiatric hospital to housing facilities for elderly. The main policy in this area, as far as the patients of the psychiatric hospital is concerned, is to re-integrate them, as soon as possible, into their family/ relative environment. Currently, the establishment of shelter houses/ flats is also promoted, as part of a project which is co-funded by the European Social Fund and includes a provision for creating such houses/flats at a national level by 2012.

126. A bill to regulate the provision of community mental health care to persons with psychological disturbances and other related matters is now under preparation by the Law Commissioner. Consultation process is taking place among the state actors and the NGOs having interest in the issue. The bill, which is expected to be enacted before the end of the year aims to provide an answer to the existing problems.

127. Concerning the expenditures for outpatient care and day centers, gradually they are rising for community units and services. In particular, the Strategic Development Plan of MHS 2007-2013, predicts the establishment of Day Centers and Community Center/Groups for Mental Health in each district, by the end of 2013.

***Question 37. Please supply information on the coverage under the Compulsory Health Insurance, who is covered and who is not and the basis on which coverage is determined. In particular, please indicate the health problems covered and why certain diseases such as gynaecology are not covered.***

128. Free of charge or at reduced fees care is provided by the Government Medical Services to certain groups of the population:

- (a) Persons to whom services are provided free-of-charge
- (i) The President of the Republic, the members of the Council of Ministers, the Members of the House of Representatives;
  - (ii) Active and retired civil servants, members of the educational service, of the police force and the armed forces;
  - (iii) The dependants of (i) and (ii) above;
  - (iv) Members of families with 4 or more children;
  - (v) Full time students in recognized tertiary and degree level courses of Cyprus private and certain state educational institutions and of other countries;
  - (vi) War pensioners;
  - (vii) Persons in receipt of public assistance;
  - (viii) Single persons whose annual income does not exceed €15,377.41 and members of families whose annual income does not exceed €30,754.83 increased by €1,708.60 for each dependent child;
  - (ix) Persons suffering from certain chronic diseases;
  - (x) Since 2003, Turkish Cypriots have received free medical and pharmaceutical care totalling €25 mil.



- (b) Persons to whom services are provided at reduced fees
  - (i) Single persons whose annual income is between €15,377.41 and €20,503.22;
  - (ii) Members of families whose annual income is between €30,754.83 and €37,589.23 increased by €1,708.60 for each dependent child.
- (c) Fee-Paying Patients

129. Persons not under categories (a) and (b) can make use of the Government medical services against payment of the prescribed.

130. Fee-paying patients may have the fees for costly in-patient treatment reduced, depending on the level of their income.

131. The Health Services provide the following:

- (a) Out-patient care by general practitioners and specialists care to both out-patients and inpatients;
- (b) The necessary drugs and pharmaceutical material;
- (c) Diagnostic and paramedical examinations;
- (d) Hospitalization;
- (e) Dental care, except for dentures which are provided to certain low income groups;
- (f) Medical rehabilitation and provision of prosthetic and orthopaedic appliances;
- (g) Domiciliary visits, in exceptional cases (in life-saving circumstances or to avert serious disability);
- (h) Transportation of the patient.

132. The Government Medical Institutions and Services General Regulations of 2000 up to 2007, specify the Health Services provided, which include gynaecological and other related health services.

***Question 38. Please indicate what measures have been adopted to address the high rate of children and young people consuming alcohol, tobacco, drugs and other harmful substances.***

133. The Ministry of Education created a “Health and Citizenship Education Committee” consisting of representatives from different departments of the Ministry of Education and Culture, representatives of the Ministry of Health and the Cyprus Anti-drug Council. The main objectives of this Committee are:

- (a) To disseminate information regarding prevention programs within the school system;

- (b) To formulate health education training courses for teachers;
- (c) To reinforce and enrich health promotion programs in the schools' curriculum;
- (d) To support and supervise the implementation of school;
- (e) To monitor the implementation of national strategies in schools, such as "National Anti-drug Policy" and "National Crime Prevention Policy".

134. The wide spectrum of activities covers, among other issues, health and safety at schools, drug abuse, smoking, self-esteem, stress management as well as other harmful substances.

135. Mental Health Services (MHS) provide primary prevention services to schools, associations, and other community organizations through seminars, education and experiential interventions as well as structured prevention programs which have duration of 13 sessions.

136. The MHS also provide focused prevention programs through the functioning of specialized Centers in Nicosia and Limassol. These centers aim at adolescents and their families and they provide differentiated and highly professional services by Clinical Psychologists, Counsellors, Art, Drama Therapists etc.

137. The MHS are in close collaboration with the Ministry of Education in all their prevention programs and participate with their representative in the central Coordination Committee for Health Citizenship Education in Schools. They also cooperate with the National Coordinating Body of Cyprus, the "Anti-Drugs Council" in the formation of Strategies and Action Plans as well as in their implementation.

#### **H. Articles 13 and 14 - The right to education**

***Question 39. Does the Government envisage abrogating the circular issued in 2005 requesting all school headmasters in primary and secondary education to notify the Immigration authorities about migrant children enrolled in order to investigate their legal status?***

138. The specific circular asks headmasters to communicate to the Civil Registration and Migration Department the children's names, address as well as telephone number and parents' names. The Ministry of Education and Culture has clearly stated its policy by a Directive to the headmasters to enroll all students without requiring their parents present a valid permit. The Ministry of Education and Culture has never refused registration to any migrant child and will continue to enroll all migrant children in public schools, irrespective of the residency status of their parents. For the moment there is no intention to amend the circular.

***Question 40. According to information before the Committee, Pontian Greek children suffer de facto segregation in schools. It is also reported that Roma children suffer discrimination in access to education as the result of parents of school children rejection. Please comment on this information and provide any available information on the measures to combat discrimination against children belonging to vulnerable groups.***

139. The State cannot accept that Roma and Pontian Greeks students are discriminated against. Student enrolment in public schools is based on Educational Districts' jurisdictions. According to a law that provides for the enrolment of students "pupils should enrol to the nearest school to the place they live". The concentration of foreign students in specific areas, which has immediate impact in the enrolment of their students, is a result of the preference of the families to reside close to their fellow compatriots.

140. In its effort to address the problem of high migrant student enrolment in specific schools and in order to promote tolerance and dialogue as well as to eliminate stereotypes through education, the Ministry of Education and Culture has set in place the program for Zone of Educational Priority (ZEP). The policy for the Zones of Educational Priority derived from the strategy of positive discrimination (UNESCO), which is based on the unequal treatment of inequalities. Each ZEP consists of one Gymnasium (lower secondary school), the main primary schools, in degraded areas with a pupil population coming from families of a low socioeconomic and educational level. The criteria for defining an area as ZEP is a high share of migrant or foreign language speaking pupils, a high number of drop-outs and high incidence of violent and anti-social behavior (young delinquency). In September 2008 a new ZEP was established in the Larnaca area, in addition to the three that were previously established in Lefkosia and Pafos.

141. Pontian Greek Students fall into the "Greeks of the Diaspora" category. Students belonging to this category can claim a number of positions for entrance in the High and Higher Educational Institutions (3% of the admitted Cypriot students) based on GCSE/ GCE or other equivalent examinations. Furthermore, the Cyprus Government awards a number of scholarships to Greeks of the Diaspora based on financial need. These scholarships may reach €3.845 each, per annum. In addition, Greeks of the Diaspora who do not receive a scholarship are provided with meal coupons which are equivalent to €5.15 each and are valid during weekdays at the University restaurants.

142. In addition, the Social Support Office of the Academic Affairs and Student Welfare Service provides guidance on financial problems. Students with very serious financial problems may be subsidized by the Student Welfare Fund. The Fund is supported financially by the University of Cyprus as well as external contributions and donations.

***Question 41. Please indicate the measures taken to ensure that Turkish Cypriot children enjoy education in their own language.***

143. According to the Cyprus Constitution, the institution of the two Communal Chambers, Greek and Turkish, had jurisdiction over educational issues relating to their respective community. Following the call by the Turkish Cypriot leadership in 1963 for partition of Cyprus, and the withdrawal of Turkish Cypriots from their posts in the Civil Service, a special Law was enacted (by virtue of the "law of necessity"), which inter-alia transferred such issues to the Ministry of Education and Culture established by the said Law. Today, Turkish speaking students attend public schools, which are under the authority of the Ministry of Education and Culture.

144. The Ministry of Education and Culture in its effort to enhance the academic achievement of Turkish Cypriot students, has developed a strategic plan which represents part of the government's agenda for education reform, and aims to improve the public schools by closing

the achievement gap. The Ministry of Education and Culture developed and implemented programs for the Turkish-speaking students where the emphasis is based on the following:

- (a) Greek-Turkish interpreters are employed at schools with large numbers of Turkish Cypriot students;
- (b) Free breakfast is provided to all Turkish-speaking students who attend public schools;
- (c) Free lunch is provided to all Turkish-speaking students who attend all-day public primary schools;
- (d) The Adult Education Centers offer free of charge Turkish and Greek language classes to Turkish-Cypriot students and their parents;
- (e) Poor and Roma students receive financial support (e.g. school uniform, stationary, registration fees and insurance cover);
- (f) Two Turkish Cypriot teachers are employed full-time at the Agios Antonios Primary School, in Lemesos, to teach the Turkish language and culture to Turkish Cypriot students both in morning and afternoon classes. The same applies for the Agios Antonios Gymnasium;
- (g) At the Agios Antonios Primary School, in Lemesos, a students' bilingual calendar and a bilingual newspaper is published with articles both in Greek and Turkish. The same activities apply for the Agios Antonios Gymnasium.

145. Regarding the promotion of Turkish language in high as well as higher-level education the following apply:

- (a) Turkish Language is offered as an elective class in Upper Secondary Education Curriculum;
- (b) The Adult Education Centers as well as the State-Funded Education Institutions offer free of charge Turkish language classes to Greek Cypriot students and their parents and Greek language classes to Turkish Cypriot students and their parents;
- (c) The official languages of the public universities in Cyprus are the languages of the Constitution: Greek and Turkish;
- (d) Since its establishment, the University of Cyprus offers a four-year B.A. degree programme in Turkish Studies. Turkish Studies deal with Turkish and other Turkic languages, history, literature and Turkish Studies. At the University of Cyprus thematic emphases are set by the local and regional contexts and especially that of the Turkish Cypriot community, as well as the wider region.

146. The University has a substantial Turcological Collection of approximately 17,350 turcological books and 800 periodical titles, which aims to meet the educational and research needs of the Department of Turkish and Middle Eastern Studies, as well as those of external researchers. The Library includes the collections of Halasi-Khun Tibor, Andreas Tieze and Louis Bazin and the daily Turkish-Cypriot Press.

***Question 42. Are teachers properly trained to teach in a multicultural environment and to react to any manifestation of racism or discriminatory attitudes?***

147. A comprehensive strategy for in-service training of teachers has been adopted, which provides for the systematic identification of training needs and planning of specific programs to address these needs for upgrading the skills of teachers at various stages of their career, keeping them at the forefront of technological and educational developments and compensating for any weaknesses they may exhibit. The strategy promulgates a combination of institutional and school-based training variety of forms of training aiming at a balance between theoretical and practical training.

148. In addition to the in-service training programs already carried out by the Pedagogical Institute, in the context of the new strategy a novel program has just been introduced for on-the-job training, mentoring and assistance of newly appointed teachers.

149. In this framework, the teachers in Cyprus have the opportunity to receive appropriate training offered to them through conference and seminars in the area of teaching “teaching in a multicultural environment”. Moreover, in some cases schools implemented intervention programs in order to examine new ways of facilitating teachers’ ability to deal with issues related to multicultural environment.

**I. Article 15 - Cultural rights**

***Question 43. Please provide updated information on results of the work of the recently appointed Committee of Experts on the integration of non-nationals (paras. 495 and 406 of the State party’s report). Please also provide the Committee with more specific information as to what will be covered by the policy framework for the integration of migrants.***

150. The Committee of Experts is currently preparing its recommendations and the first draft of the Preface of the New Curriculum was presented to the Council for Primary and Secondary Education on January 19<sup>th</sup>, 2009.

151. Please also refer to paragraph 10 regarding the comprehensive program for the integration of immigrant students in secondary schools adopted recently by the Council of Ministers (Decision Reference Number [67.598], Dated July 30th, 2008).

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