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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

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SUMMARY RECORD OF THE 10th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 8 May 2009, at 3 p.m.

Chairperson: Mr. MARCHÁN ROMERO

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Fifth periodic report of Cyprus (continued) (E/C.12/CYP/5; E/C.12/CYP/Q/5 and Add.1; HRI/CORE/CYP/2007)

1. At the invitation of the Chairperson, the members of the delegation of Cyprus resumed their places at the Committee table.
2. Ms. KOURSOMBA (Cyprus) said that a document providing answers to the Committee's questions on developmental health had been distributed in the meeting room.
3. All economic migrants arrived in Cyprus having already secured work on a temporary basis. That model of controlled migration had been adopted because the country's population was small, its economy was significantly affected by global economic developments and, since May 2004, there had been a large influx of European citizens. The system allowed third-country nationals to live and work in Cyprus for a set period of time, during which they were protected by law.
4. Unemployment was very low, with the figure for young people being slightly higher than for the population as a whole. Programmes were in place to combat youth unemployment. Long-term unemployment was virtually negligible.
5. Irregular migrants fell into three categories: those who had arrived legally and remained on the island after their work permit had expired; those who had entered illegally, mostly from the occupied areas of the island; and asylum-seekers whose asylum applications had been refused. Once identified as illegal migrants, they were obliged to leave the country.
6. Asylum-seekers were not allowed to work for the first six months of their stay in Cyprus, a measure aimed at combating exploitation of the asylum regime. They were entitled to benefits during that period, after which they could seek employment. If they failed to find work, they continued to receive benefits. There were no homeless people in Cyprus. Asylum-seekers or others who had nowhere to stay were provided with hotel accommodation by the Government until a more permanent solution could be found.
7. The minimum wage currently stood at €791 for the first six months and €840 thereafter. It was calculated to give workers a decent standard of living. Employees and pensioners whose income was insufficient could apply for supplementary benefits; applications were adjudicated on an individual basis. Pension supplements were available to Cypriot citizens, European Union nationals and third-country nationals who were permanently resident in Cyprus.
8. There were currently as many women as men working in the civil service, the public sector and the private sector. The National Machinery for Women's Rights was working with several NGOs to encourage more women to take positions in politics and in decision-making. While

many women had high-paid jobs with a fair wage, there was a gender pay gap among unskilled and non-professional workers. The Government was aware of the need to remedy that situation and was taking measures to do so.

9. Everyone, including foreigners, had the right to join a trade union. Cypriot unions had different sections for women, third-country nationals, and Turkish Cypriots. Although Turkish Cypriots were Cypriots, trade unions provided special sections for them because of their special circumstances, as many of them travelled every day to work in the Government-controlled areas.

10. Social Insurance was mandatory and covered all who contributed to the scheme. The Government had a programme to identify people who were not registered and prompt them to do so. Those who did not pay Social Insurance were covered by social assistance schemes.

11. Marriage between a Turkish Cypriot and a Greek Cypriot was not considered a mixed marriage because both parties were Cypriots. That term was applied to marriages between Cypriot nationals and people of other nationalities. Any civil marriage solemnized under the marriage law of the State was valid. In accordance with the right to freedom of religion, people could have a religious marriage of their choice. If that marriage was solemnized in Cyprus by a State-registered marriage officer, the marriage was recognized under the law, otherwise it was not.

12. If a Turkish Cypriot married a Turkish national in Turkey, the marriage was recognized in Cyprus, but marriages in the occupied areas of Cyprus were not recognized, since they were solemnized under a regime that was not legal in the Government-controlled areas. Similarly, marriages solemnized under the rites of the Muslim faith in the Government-controlled areas were not recognized because no officers of the Muslim faith had registered under the law.

13. The anti-trafficking legislation described in the State party's report (E/C.12/CYP/5, paras. 72-74) contained provisions relating to women, children and pornography. All the provisions relevant to children had direct references to the Convention on the Rights of the Child and to the best interests of the child.

14. The Ministry of Health had several schemes relating to sexual and reproductive health, including special programmes on family planning, contraception and abortion. A family planning NGO ran programmes in cooperation with the Government, disseminating information and distributing contraceptives. On the recommendation of the Commissioner for the Protection of the Rights of the Child, information on abortion had been published and efforts had been made to promote dialogue on the issue between young people and their parents. Steps were also being taken to introduce the topic of family planning throughout the education system in order to provide children with adequate information from an early age.

15. Historically, refugee status had been inherited from the father only, creating an anomaly over time which violated people's rights. The issue was constantly debated in Government, and had been raised by the National Institution for the Protection of Human Rights. The proposals currently before Parliament involved changing the entire scheme, reducing the financial assistance to refugees and allowing men and women to benefit equally.

16. The reason for the lengthy family reunification process was the legal requirements involved. As they had been enacted in accordance with a European Union directive (Council Directive 2003/86/EC), the problem was not limited to Cyprus.
17. Prior to 1960, there had been fewer than 1,000 Roma people living in Cyprus. Under the Constitution at that time, they could not form a separate religious group or community and so had been treated as members of the Turkish Cypriot community, enjoying the same rights as that group. The result was that, by modern international law standards, their minority rights were being violated. At the same time, she noted, Roma were provided with special housing.
18. The 2005 circular issued by the Ministry of Education had been intended merely to gather information on the number of foreign children in Cypriot schools, for the use of the competent authorities. There were no plans to withdraw the circular. There had been no known cases in which it had prejudiced children's right to education. All children, including those of illegal immigrants, were ensured a place in school. Special arrangements were made for Roma children: bilingual teachers were hired, for example, and school breakfasts and psychological and social welfare programmes provided.
19. Mr. MICHAELIDES (Cyprus) said that, while the unemployment rate had generally been around 3 per cent since the 1980s, on rare occasions rising as high as 4.5 per cent, some groups were worse affected than others. For the past three years, the unemployment rate for young people between the ages of 15 and 24 had stood at 9 or 10 per cent, and for women it had been between 0.5 and 0.9 of a percentage point above the national average; the long-term unemployed had accounted for less than 1 per cent of the workforce. The Government had adopted legislation to encourage equality of treatment and to subsidize the employment of women workers and the activities of women entrepreneurs, and had encouraged flexible types of employment such as part-time work, which was traditionally favoured by the female workforce. Some 60 per cent of women were in the workforce, which was the highest rate among the Mediterranean countries of the European Union.
20. Under the national Social Insurance scheme, employers and workers each contributed 6.8 per cent of wages, and the Government also contributed. While most workers paid their contributions, there were some who did not, especially in sectors such as construction, where it was difficult to carry out labour inspections. The Ministry of Labour and Social Insurance had in recent months begun targeting the building industry to increase compliance.
21. All contributors to the social insurance scheme enjoyed the same benefits, whether they were Greek or Turkish Cypriots, European Union nationals or third-country nationals. If foreign nationals were victims of industrial accidents and subsequently returned to their home countries, their benefits were transferred to their accounts in their countries of origin.
22. Social insurance coverage was harmonized within the European Union, but for other countries such as Australia, Canada, Egypt and the Libyan Arab Jamahiriya, the Government had concluded bilateral agreements. It was currently negotiating further agreements with the Russian Federation, the Republic of Moldova, the Syrian Arab Republic and New Zealand. Such agreements made it possible for workers to accrue time spent working in various countries and thereby qualify for social insurance.

23. Minimum wages were generally set in collective agreements. In some sectors, where collective bargaining had been ineffective, the Government had established a minimum wage amounting to about half of the national median wage, which was applicable to clerks, shop assistants, childcare staff, personal care attendants, security guards and attendants in hospitals and homes for the elderly.
24. Mr. VEIS (Cyprus) said that the Combating of Trafficking in Human Beings and Sexual Exploitation of Minors Law covered not only trafficking and sexual exploitation, but also the exploitation of minors at work. Penalties were harsher for an offence against a minor. For example, 10-year sentences were applicable for the sexual exploitation of an adult, but double that if the victim was a minor. Other laws specifically protecting minors included the law on family violence and the law on protection of witnesses, which allowed minors testifying in criminal cases to do so by video recording so that they did not have to appear in court.
25. The Government had successfully prosecuted a significant number of cases of sexual exploitation of minors. The penalties imposed took into consideration the seriousness of the offence and the impact on the victims. Cases were considered to be suspended if the Attorney-General temporarily withdrew them - for example for humanitarian reasons or if a witness denied testimony. Cases were considered to be interrupted if they were halted because the accused or a witness was absent. In both situations, the cases remained active.
26. Ms. NICOLAOU (Cyprus) said that the Public Assistance and Services Law was based on a constitutional provision that guaranteed the right to a decent standard of living and social protection. If the income of anyone resident in Cyprus was insufficient to cover their basic or special needs, supplementary benefit was provided.
27. Asylum-seekers were entitled to benefits amounting to €637 per month including rental allowance. A family of four received €1,338 or, if the children were over 14, €1,593.
28. Ms. KOURSOUNBA (Cyprus), referring to the question of the exclusion of migrant workers from certain benefits, said that no worker, Cypriot or foreign, who failed to meet the qualifying conditions could receive a pension.
29. Migrant workers generally did not work in Cyprus for more than four years. If they came from 1 of the 11 countries with which Cyprus had bilateral agreements, the pension contributions they accrued in Cyprus would count towards their pension benefits in their home country and would be transferred. Those who came from countries that had not yet concluded bilateral agreements were indeed disadvantaged, and should bring pressure to bear on their Governments to conclude such agreements.
30. Mr. MICHAELIDES (Cyprus) said that social insurance benefits were paid without regard to the nationality of the worker. Migration policy was implemented in such a way that anyone from a country without an agreement with Cyprus who came to work in Cyprus must hold an employment contract on arrival. It was therefore impossible for them to be registered as unemployed.
31. In the case of industrial accidents, invalidity benefits were paid - sometimes for life - regardless of how long the worker had contributed to the scheme or the whereabouts of the

beneficiary. Thus workers from countries that had not concluded agreements with Cyprus could receive such benefits after their return to their home countries. As to pensions, workers who accrued a credit of 13 years of contributions were eligible, again regardless of the beneficiary's whereabouts or the existence of a bilateral agreement. The main purpose of the bilateral agreements was to facilitate workers' accrual of contribution qualifying periods.

32. Mr. KOLOVSOV asked whether legislation and policy had effectively eradicated sex tourism. He wondered whether children were still employed in the fishing and tourism industries.

33. Ms. BARAHONA RIERA asked whether the Cyprus Land Development Corporation (CLDC) built housing in the buffer zone. She also asked whether the homes constructed as part of housing programmes for low-income families were available to Turkish Cypriots.

34. Mr. SADI asked for information on the recommendations of the Committee of Experts on the integration of foreigners. He asked whether the NGOs in Cyprus that worked to promote cultural exchange received any Government support.

35. Ms. KOURSOU MBA (Cyprus) said that, although Cyprus had a very good law against sexual exploitation, its effectiveness had yet to be assessed. It was a start and would help with understanding the issue, but the problem of sexual exploitation could not be solved by legislation alone.

36. Legislation prohibiting the employment of children under 15 and, for some types of work, under 18, had brought child labour under control.

37. No building was permitted in the buffer zone; the scheme referred to in the report (E/C.12/CYP/5, para. 314) related to areas near the buffer zone where young people in particular were being encouraged to move. Such building programmes would bring people together and create communities.

38. The CLDC had been established in order to finance programmes for displaced people. Greek Cypriots had had to move from their homes and were therefore displaced people and eligible for those programmes. Turkish Cypriots had not had to abandon their houses, so would probably not be eligible, but the delegation would confirm in writing whether that was the case.

39. She said that the Government gave financial support to NGOs; the delegation would send further information in writing.

40. Ms. MICHAELIDES (Cyprus) said that the Government had prepared action plans and programmes to assist the integration of third-country nationals in Cyprus. All European Union (EU) Directives with a bearing on migrants legally residing in EU member States had been transposed into domestic legislation. In addition, integration measures would soon be taken under the European Union Fund for the Integration of Third-country Nationals, drawing on both national resources and the European Fund.

41. At its last meeting, the Committee of Experts had decided that a draft comprehensive action plan should be ready for discussion by early June 2009.

42. Mr. KEDZIA asked whether it was Government policy to follow the recommendation of the Advisory Committee on the Council of Europe Framework Convention for the Protection of National Minorities concerning the gradual protection of emerging minorities.

43. Ms. KOURSOUNBA (Cyprus) said that the Framework Convention left it open to individual States to define ethnic minorities. The Framework Convention's wording was somewhat vague but it seemed to relate to peoples who had traditionally lived in a State - in Cyprus, those listed in paragraph 500 of the report (E/C.12/CYP/5). The Government was currently considering whether Cypriot Roma and European Roma were Cypriot ethnic minorities who should be protected. In practice, they were granted protection, but adding them to the list of official national minorities would require an amendment to the Constitution, and the Council of Europe had accepted that that was the case. The Government was not ready to accept that foreign nationals in Cyprus could be considered as emerging ethnic minorities. Special measures were in place for Turkish Cypriots in the Government-controlled zone, but they were Cypriots, not a minority group.

The meeting rose at 4.50 p.m.