



## **Quality in Gender+ Equality Policies**

European Commission Sixth Framework Programme  
Integrated Project

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## **Issue Histories Cyprus: Series of Timelines of Policy Debates**

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## Introduction

### 1.1 A short history of the development of (gender) equality law or (gender) equality strategies or plans

In her introduction to the *Cyprus National Report on the Implementation of the Beijing Platform for Action* (1995), K. Agapiou-Iosephides suggests that both theories of intentional institutional change and path dependency theories are relevant for understanding gender policy developments in Cyprus. Theories of intentional institutional change explain reforms in the context of the compliance with International Organizations' legal instruments. Many policy changes introduced during the pre-accession period, for example, are based on goal-oriented adaptation strategies (in fact, the need to harmonize with EU Directives is inscribed in the opening paragraphs of these laws' text). Not only did the government have to proceed to important legislative reforms in order to adopt the *acquis communautaire*, but it also had to introduce the necessary administrative changes for the relevant implementation and establish monitoring mechanisms. These reforms were not voluntary, as in the case of ratifying EU conventions, but mandatory, since Cyprus' primary obligation as a pre-accession country was to comply with the *acquis communautaire*. Path dependency theories of change, Iosephides suggests, are useful in explaining how resistance to such reforms takes place and how pre-existing practices mediate the pressure for change.

Theories seeking to account for institutional change in terms of path dependency may be equally important in shedding light on how change occurs, how it is rooted in a specific context and how obstacles or resistance to change are taking place in a given political system incrementally. Adaptation pressure does not translate into domestic structural change without frictions. Indeed, pre-existing institutions and practices evolve into a "multi-level gatekeeper system"<sup>1</sup> and mediate these pressures, influencing structural outcomes (Beijing 1995 Report, p. 7).

While these two theoretical frameworks are important for us in furthering our understanding of achievements and obstacles encountered at the implementation level of policy reform in general, they might not suffice for analyzing and evaluating policy reform from the particular perspective of gender equality. For example, gender equality policies might be enacted (or even imposed) and women as agents might still be excluded from the process of theorizing, introducing and implementing policy change. Or obligatory juridical changes carried out in order to comply with EU Directives and membership requirements might not cause any domestic friction because of the political and economical benefits ensuing from EU accession. The absence of friction on gender equality reforms might actually deprive a society from one of the essential conditions for challenging patriarchal structures and mainstreaming gender in political life, that is, agonistic dialogue and public debates.

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<sup>1</sup> TOFARIDES, M. (2003) "Urban Policy in the European Union: A Multi-Level Gatekeeper System", Ashgate (cited in Agapiou-Iosephides).

Until the beginning of Cyprus' EU accession process, gender equality policies were not systematically designed, pursued or integrated in the process of modernization and nation state building. The term "women's issues," prevalent in state discourse since the establishment of the Republic of Cyprus in 1960, has been used to articulate, institutionalize and promote women's welfare and social status. At the same time, the use of the term "women's issues" in policy has had some negative effects. First, it has rendered invisible the need to specify the normative ideals (e.g., equality, human rights) which guide the way we deal with "women's issues." In the first post-independence decades, addressing "women's issues" was treated as the natural follow up of economic and social development. Second, the use of the term "women's issues" (as opposed to "women's rights" or "gender equality") came to recognize women as a historical and social category and acknowledge the fact that gender makes a difference (e.g. inequality). At the same time, however, the reference to "women's issues" came to institutionalize the promotion of women's rights as something supplementary to and inconsequential for dominant patriarchal structures. A first instance of this supplementary approach to "women's issues" is the subsuming of new mechanisms which were established to promote specifically gender equality under the authority and regulation of pre-existing institutions. The National Machinery for Women's Rights, for example, is under the umbrella of the Ministry of Justice and has no executive power. Up until today, there has been no National Action Plan for Gender Equality (gender equality policies are accommodated in the National Action Plan for Social Inclusion and the National Plan for Employment). Furthermore, despite the commitment to establish a National Equality Committee (outlined both in the CCRP Report and the National Report against Racism etc)<sup>2</sup> no such Committee has been established yet. Instead a new branch has been introduced to the Ombudswoman's office.

A second instance of the supplementary approach to gender equality policy, more serious than the first as it points to a structural exclusion rather than an institutional weakness, is the conditional definition of women's citizenship rights in the Constitution. The principle of equality of women and men and the prohibition of discrimination on the ground of sex is explicitly guaranteed in the Cyprus Constitution of 1960, article 28, which reads as follows:

- 1. All persons are equal before the law, the administration and justice, and are entitled to equal protection thereof and treatment thereby.*
- 2. Every person shall enjoy all the rights and liberties provided for in this Constitution without any direct or indirect discrimination against any person on the ground of his community, race, religion, language, **sex** [emphasis added], political or other convictions, national or social descent, birth, colour, wealth, social class, or on any ground whatsoever, unless there is express provision to the contrary in this Constitution.*

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<sup>2</sup> The establishment of an Equality Committee which will deal with issues relating to access to employment, vocational training, promotion, equal pay and conditions of employment is included in the list of Priorities outlined in the National Report of the Republic of Cyprus on the Implementation of the Conclusions of the European and World Conference Against Racism. The authority responsible for establishing the Committee is the Ministry of Labour and Social Insurance and the end of June 2002 is designated as the "envisaged date for introduction." The bill was enacted into Law on 6/12/2000 (Law No. 205(I)/2002).

3. No citizen shall be entitled to use or enjoy any privilege of any title of nobility or of social distinction within the territorial limits of the Republic.

4. No title of nobility or other social distinction shall be conferred by or recognized in the Republic.

The universality of the principle of equality, however, is abridged by the very Constitution which guarantees it. Paragraph 2 of the article, which states, “unless there is express provision to the contrary in this Constitution,” suggests that under some conditions equality is suspended. This reservation is enacted in a discriminatory manner in two cases. Article 2, paragraph 7 (a) and (b) of the Constitution states that a married woman shall belong to the community to which her father belongs. In the case of unmarried minors, if the father is unknown and he or she has not been adopted, the minor belongs to the community to which his or her mother belongs. Also, article 198 of the Constitution states that any person born in Cyprus on or after the date of the coming into operation of the Constitution shall become on the date of his [sic] birth a citizen of the Republic if on that date his [sic] father has become a citizen of the Republic or would but for his death have become such a citizen (this means that constitutionally re-inscribed norms of patrimony came to regulate ethnic borders between the Turkish and Greek communities as through mixed marriages women were stripped of their nationality and national rights).

Citizenship is defined according to the ‘blood line’ (*Jus sanguinis*). Until the Law 168(I) 2001 was passed, *Jus sanguinis* also meant by ‘male blood line’. The Cyprus Citizenship Laws of 1967-1983 regulated that the acquisition of Cypriot citizenship was possible only when a person descended in the male line from a Cypriot citizen. Section 5 (3) of that Law, however, provided for an exception to that general rule and gave the Minister of the Interior the discretionary power to decide whether the children of a Cypriot woman could become citizens of the Republic even though their father was an alien. The practice followed by the Immigration and Aliens Department in examining such applications was to give the children Cypriot citizenship only when their father had already become a Cypriot citizen after their birth, when the children could not apply for any other citizenship or when the minor had served in the National Guard.

Since the ratification of the CEDAW convention Cyprus has passed and amended a series of laws that eliminated these forms of discriminations (see section 1.4). Though the specific problem has been recently resolved with Law No. 168(I) 2001, the exclusionary presuppositions behind this legal exclusion are important to trace as they tend to survive and resurface in other patriarchal definitions of citizenship and rights as in the case of the patrimonial definition of refugee identity.

Refugees in Cyprus as defined by national (political) and social policy are the Greek Cypriots who became refugees after the Turkish invasion and the division of Cyprus. Refugees are also the children of the first generation of refugees. Refugee Identity, however, as a legal and social identity which renders its holder eligible for certain social benefits such as housing

subsidies,<sup>3</sup> low loans interest loans and other financial and social benefits is, until today, granted only to the first generation and the children of the male refugees of the first generation. In other words, refugee identity is passed only from father to son. Despite the recent debate on the exclusionary character of refugee politics, the government refuses to change relevant laws on grounds of “national interest.” The debate was terminated by passing a Law Amendment for the Population Registry Law in July of 2007. According to this Law Amendment, all refugees of both matrilineal and patrimonial descent are granted Refugee Identity for “ethical reasons.” There is a note in the Law, however, which clarifies that only refugees by patrimonial descent have access to social benefits.

The issue of refugee status by matrilineal descent (προσφυγική ταυτότητα εκ μητρογονίας) was officially discussed in the Parliament on February 3 2005. A question was posed by Christos Clerides (MP of ΕΥΡΩΚΟ) on the government policy on refugee housing and social problems. Addressing the open question of extending refugee identity to cases of children whose mothers (and not the fathers) are displaced, Andreas Christou, Minister of State, stated the criteria for claiming “displaced person” status and underlined the importance of “maintaining refugee identity of the refugees and their children until the final return.”<sup>4</sup>

The issue was discussed repeatedly by the Parliamentary “Committee of Refugees-Enclaved-Suffering” (Κοινοβουλευτική Επιτροπή Προσφύγων-Εγκλωβισμένων-Αγνοουμένων-Παθόντων) where a relevant Law Amendment Proposal had been submitted. This Law Amendment was not presented for a vote because it was deemed that such a move would have the following ramifications:

1. The population rate of displaced people would increase by a disproportionate amount in relation to the 1974 (immediately after the invasion) displaced rate, such that it would put at risk the credibility of state data presented to foreign governments and international organizations who provide financial support for Cyprus and require the real numbers and the real events.
  2. The number of voters in the registers of the occupied territories would increase, causing a decrease of voters registered to vote in the free territories
  3. The number of new people eligible for housing and other financial benefits which are given to the displaced would increase drastically, posing the need for millions of pounds in state expenditures which would be impossible to cover by the state budget.
- The adoption of the proposal to award “displaced person” status to those born by displaced mothers would mean the immediate increase of the displaced 32% to 42% (45,000 people), a rate which would increase immensely if including the descendants of these people.

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<sup>3</sup> The housing subsidy ranges between £8.000 and 12.000 CYP, based on the situation.

<sup>4</sup> Απάντηση ημερομηνίας 27 Ιανουαρίου 2005 του Υπουργού Εσωτερικών κ. Ανδρέα Χρίστου στην ερώτηση με αρ. 23.06.008.04.397, ημερομηνίας 5 Νοεμβρίου 2004, του βουλευτή εκλογικής περιφέρειας Λευκωσίας κ. Χρίστου Κληρίδη. Πρακτικά της Βουλής των Αντιπροσώπων, Συνεδρίαση 3ης Φεβρουαρίου 2005 (Αρ. 18)

The minister concluded his reply by stating: "Taking all these into consideration along with the developments in our national problem, you realize that the government, at present, is unable to change its policy on refugee identifications.

The issue took a new turn in 2006 when Markella Isaia Chakka made an appeal to the Supreme Court asking for a cancellation of the Ministerial Council Decision which defined eligibility for refugee benefits on the grounds of patrimonial descent. According to Chackka's appeal, the decision was a violation of the principle of equality as defined in both the Constitution and in European Law on gender equality. The Parliamentary Committee for Refugees examined again "The need for undoing the injustice and extending the refugee identity also to the descendants of refugee mothers" (Η ανάγκη άρσης της αδικίας και παραχώρησης της προσφυγικής ιδιότητας και στα παιδιά από μητέρες πρόσφυγες). The issue however is still classified on the Parliament Online Archive as "pending". The same year (9.11.2006) a Law Amendment proposal was submitted by MP A. Angelides, on the behalf of the Parliamentary group of the DIKO Party entitled "The Population Registry (Amendment) (No. 2) Law of 2006" (Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) (Αρ. 2) Νόμος του 2006). The aim of the law proposal was to terminate the sex discrimination and unjust treatment of refugee descendants, on grounds of The Constitution and a relevant decision by the Ombudswoman. Similar law amendment proposals were deposited the following year, on 25.1.2007 by Lefteris Papachristoforou, PM of DISI (Ο περί Αρχείου Πληθυσμού (Τροποποιητικός) Νόμος του 2007) and on 14.6. 2007.

The discussion of the Law Amendment by the Parliamentary Committee started on Jan 22 2007. The proposed amendment would change Article 119 of the Population Registry Law so that children of first generation displaced parents would be considered second generation displaced until the age of 18, with the right after this age to designate as their permanent address their place of birth or their place of residence. The President of the Movement of Refugee and Displaced Mothers also testified before the Committee and submitted a memorandum asking for the amendment of the law so that it is harmonized with the *Aquis*, and the principles of equality, non-discrimination and rule of law. She also testified that despite the Committee's repeated inquiries to the Statistics Service for the real numbers of refugees of maternal and paternal descent since 1974, the Service declined to reply on grounds that such data were not available.

The President of the temporary Committee of the Pancyprian Refugees' Union, Christakis Paschalis, mentioned before the committee that the PRU discussed the problem with the Women's Movement and they agree that there is unjust treatment and ask the government and the Parliament to waive this injustice, while at the same time avoiding any side effects or negative results for the country. A representative of the ministry of Finance referred to the huge financial cost for the State Budget if such a law amendment was to be passed, while the General Director of the ministry of State said there is nothing to be added to the content of the letters already submitted by the Minister of Interior to the Committee.

## Pre-QUING Period

### Discussion of Policies: developmentalism, national discourse and “women’s issues”

In the post-independence period, the discourse of developmentalism was prevalent in the discussion of “women’s issues.” Women have been portrayed as symbols of productivity, tradition and family morality (e.g., the figure of the Cypriot Female Farmer, “i Kypria Agrotissa”). In the post-74 Greek Cypriot national discourse, women were usually portrayed as symbols of national suffering, endurance and courage (e.g., the figure of the Cypriot Mother, [“i Kypria Mana”] the mothers of the missing, the refugee mothers, etc.). Indicative of this gendered aspect of both national mourning and national politics of liberation is the “refugee stamp.” The new refugee stamp, adopted by the Ministry of Transportation in 1977 (and still in use), represents a lamenting woman sitting by the barbed wire (woodcut by artist A. Tassos, “Kypros ;74”). The nationalization of female suffering and the feminization of national pain are two political tropes which remain dominant until today. A review, for example, of many MPs’ parliamentary speeches on the occasion of the celebration of May 8 as Women’s Day shows the frequent use of these tropes.<sup>5</sup>

In May 1988, by a decision of the Council of Ministers, the Permanent Central Agency for Women's Rights was established. The agency was to deal with “all matters concerning women” and “satisfied a long-standing demand by women's organizations” (First CEDAW Report). The Agency’s mission, as described in the initial CEDAW report, was the following:

*The Agency is composed of representatives of the Government and of women's organizations and is playing a very significant role in the formulation, coordination and monitoring of the implementation of the Convention. Its plan of action on women covers a broad spectrum of activities based on the provisions of the Convention (ibid.).*

The Permanent Central Agency for Women's Rights had competence in receiving and channelling complaints and in carrying out inquiries either on its own initiative or on application. The structure of the Agency was almost identical to that of the National

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<sup>5</sup> In the Beijing 1999 Report, the predicament of the refugee women is graphically described in exposing the results of Armed Conflict:

*One of the most tragic manifestations of these violations is the one with which the displaced women of Cyprus have been tragically struck by. The refugee status and displacement of the Cypriot women as an aftermath of the 1974 Turkish invasion, has been accompanied by the violation of their fundamental human rights, a violation which inflicted serious harm and injury to individuals, families and communities through moral degradation, humiliation, loss of the family, home, property and work place, and too often, by the loss or disappearance of loved ones.*

*The consequences of displacement on the Cypriot family were destructive as were the implications on the economy and the very social fabric of the island. Moreover, massive unemployment which usually follows such upheavals has had detrimental effects particularly on the working women, and in general on all women who they, themselves, are indeed the real victims of such refugee situations.*

The female gendering of representations of land, displacement and suffering have often served rather than questioned the patriarchal definition and regulation of citizenship and political participation. Whereas the drama of Greek Cypriot women refugees becomes a means to represent the violations of Human Rights in Cyprus, the refugee rights of women refugees and their children become unable to be represented in Government refugee policies for purposes of national interest (see the chronological outline of the debate on matrilineal refugee rights in section 1.5).

Mechanism which replaced it in 1993. The competence of the Agency to promote policy change was undermined to a great extent by its lack of political power, something which is acknowledged in the initial CEDAW report:

*Owing to the fact that the Agency has no decision-making powers and cannot supervise or apply anti-discriminatory legislation, a conclusion and result of an inquiry usually takes the form of a recommendation (ibid).*

In accordance with Article 18 of the CEDAW, Cyprus submitted its Initial and Second Periodic Report {CEDAW/C/CYP/1-2} in 1994, covering the period 1985-1993, which was examined by the CEDAW Committee in January 1996. The marginalization of gender equality politics by the discourses of economic development and national struggle is both represented in and replicated by Cyprus' initial CEDAW report in 1994. The opening paragraph of the report reads as follows:

*On the attainment of its independence in 1960, Cyprus had all the symptoms of underdevelopment. The Government and people of Cyprus have worked hard ever to achieve the highest possible economic and social development. However, the fast and uninterrupted social and economic development which characterized the post-independence period was brought to an abrupt end by the invasion of Cyprus by Turkey in 1974 (CEDAW 1994 Report, p. 4).*

In the same report, the narrative of the "huge social and economic problems created by the Turkish invasion and occupation" is repeatedly used as a rationale for the lack of developments in the area of gender equality policies, while social welfare measures taken to alleviate the problems of the displaced are foregrounded as measures which also had a "profound importance" for women: "These measures relieved refugee women from their traditional responsibilities in the family and allowed them to take up employment outside the house and therefore to contribute to the family income." (p. 4). Remaining unquestioned in this appraisal of social developments, however, is what kinds of jobs women took up.

The first Cyprus CEDAW Report does not examine issues of systemic discrimination and structural exclusion against women. Participation and equality are understood from the perspective of women's freedom rather than from the perspective of gender mainstreaming. The same limitation characterizes the analysis of obstacles. Social attitudes and prejudice are identified as major problems but there is no reference to structural sexism and discrimination:

The most serious obstacles encountered in the implementation of the Convention are the social attitudes and practices based on traditional and stereotyped ideas regarding the roles of men and women. Thus the changing of the mentality of the Cypriot people, both men and women, has become a priority issue in women's policies (CEDAW 1988)

To that end, the 1988 CEDAW Report suggests that the Permanent Central Agency for Women's Rights is playing a very significant role, "trying to involve the mass media, the educational system and non-governmental organizations in a systematic and organized campaign on equality". The only structural obstacle identified in the Report is the influence of

the Family Law by the laws of the church. In fact, it is stated that “[t]he influence of the church hindered the evolution and modernization of the Family Law”.

The most important policy during the pre-QUING period was the modernization (and secularization) of Family law (discussed in chapter 3.1). Apart from the modernization of family law, the three QUING issues remain underdeveloped during the pre-QUING period. Equality in employment is defined “as equal pay for work of equal value” and women’s equal access to the labour market is linked to the provision of child-care for working-parents.

The absence of women from the centres of decision making is not defined as a major obstacle towards promoting equality. Yet, the number of women holding positions in the Government was very low. The first women to be elected in the Parliament were Ayla Kiazim (July 31 1960, who was elected to replace the Turkish Cypriot MP Halit Kiazim Shemshentin), and Rina Katselli (May 24 1981). The latter, on her first day in the Parliament, made a performative appearance, choosing to wear a traditional Cypriot dress and to put on the traditional scarf (chemberi). In the Parliamentary election of 1991, only three women candidates were elected and in the local (municipal elections) of 1986 of the 252 municipal councillors only 35 were women (12,2 %). The first (and only) woman minister during the pre-QUING period was Angelidou, appointed in 1993 in the Ministry of Education.

## **Pre-QUING Legal Measures**

### **Pre-QUING Ratifications of International conventions**

#### **1962 - 1968**

The European Convention for the Protection of Human Rights and Fundamental Freedoms and all the Protocols thereof (39/62, 118/68).

#### **1964 – 1991**

European Social Charter (ratified by law No. 64/67 as amended by Laws 5/75, 31/88 and 203/91).

#### **1967 - 1999**

International Convention on the Elimination of All Forms of Racial Discrimination (ratified by law No. 12/67 as amended by Laws 11/92, 6(III)/95 and 28(III)/99).

#### **1968**

The U.N. Convention on the Political Rights of Women (ratified by law No. 107/68).

#### **1969**

International Covenant on Economic, Social and Cultural Rights (ratified by law No. 14/69).

International Covenant on Civil and Political Rights (ratified by law No. 14/69).

#### **1970**

Convention against Discrimination in Education (ratified by law No. 18/70).

**1979**

Convention on the Legal Status of Children Born Out of Wedlock (ratified by law No. 50/79).

**1983**

The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of others (ratified by law No. 57/83).

**1985**

Ratification of the Convention on the Elimination of All Forms of Discrimination against Women (ratified by Law 78/1985). The Republic of Cyprus ratified the Convention with a single reservation on Article 9, paragraph 2. This reservation was withdrawn on 28 June, 2000.

**1987**

Ratification of the Convention No. 100 of the International Labour Organization (ILO) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value (ratified by Law No. 313/87).

**1992-2003**

The First and Second Optional Protocols to the International Covenant on Civil and Political Rights 17(III)/92, 12(III)/99 and 10(III)/03.

**1993**

The Protocol amending the European Social Charter (10(III)/93).

**1994**

The Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption 26(III)/94.

**Pre-QUING Domestic Law Reforms and New Laws****1979****Law No. 50/79**

By Law No. 50/79 the Republic of Cyprus ratified the European Convention on the Legal Status of Children Born Out of Wedlock. Under that law, paternal affiliation of every child born out of wedlock might be established by voluntary recognition or by judicial decision.

**1985**

By Law No. 78/85 Cyprus ratified the Convention on the Elimination of All Forms of Discrimination against Women by Law No. 78/85. In the Second CCPR periodic report, the ratification of the Convention is noted as a significant step: "This Convention has provided since its ratification the general framework for government policy in promoting the advancement of women in Cyprus" (CCRP, p. 10).

**1987**

**Maternity Protection Law of 1987**

The Law provides for maternity leave of 12 weeks for all employed women with full pay, nursing breaks and the protection of pregnant women from dismissal and from work which may be detrimental to them or their child's health (Law No. 54/87 and No. 66/88).

**Equal Pay Law**

Equal Pay Law for Men and Women for Work of Equal Value Law of 1989 (Law No. 158 of 1989).

**Law No. 199/87**

Law No. 199/87 amended the social security legislation introducing compulsory insurance for unmarried rural women above the age of 35 [Ο περὶ Κοινωνικῶν Ασφαλίσεων (Τροποποιητικῆς) Ἀρ.2 Νόμος του 1987 [N.199/87]. Υποχρεωτικὴ ασφάλιση των ἀνῶπαντρων θυγατρῶν ἀγροτῶν που εἶναι ἄνω των 35 χρῶνων.]

**1988**

Law No. 26/88 amending the income tax legislation granting women the same rights as men regarding tax allowances and deductions.

**1989**

**Law No. 95 of 1989**

This Law amended article 111 of the Constitution according to which matters of marriage and divorce were governed exclusively by the law of the Church and the jurisdiction of these matters belonged to the ecclesiastical courts. The amendment of the Constitution made possible the enactment of the Family Courts Law of 1990.

**1989**

**Law No.158 of 1989**

The Equal Pay between Men and Women for Work of Equal Value (Law No.158 of 1989) provides, inter alia, that if there is a breach of contract based on unequal treatment one may file a civil action for breach of contract to the District Court with a right to appeal to the Supreme Court.

**1990**

Law No. 21/90 on civil marriage

**Law No. 23/90**

Law No. 23/90 on Family Courts. As a consequence of this law, family courts were set up and all matters relating to family relations were transferred there.

Amendment of the Termination of Employment Law and enactment of new legislation for full compliance with the EU Directive 97/81/EC concerning part-time work.

**Law No. 61/90**

Pensions (amendment) Law of 1990 (social insurance of women farmers).

**Law No. 216/90**

According to article 5 of the Relations between Parents and Children Law No. 216/90, the father was no longer the sole guardian of the child and both parents had the right and duty to exercise parental care. Moreover, according to article 6 of the same Law, when the court had to decide to grant parental care to one of the parents, its primary consideration must be the interests of the child. It must respect equality between the parents and could not discriminate on the basis of sex, language, religion, convictions, race, ethnic or social origin or economic situation. Both parents had an obligation to provide for the maintenance of the child.

**Law No. 243/90**

Law No. 243/90 on the legal status of children born out of wedlock aimed at bringing Cypriot legislation in line with the provisions of the relevant European convention, which had been ratified by law No. 50/79

**1991****Law No. 232 of 1991**

The Property Rights of Spouses (Regulation) Law, 1991 (Law No. 232 of 1991) was enacted with a view to granting equal rights and responsibilities to women and men with regard to the acquisition, administration and sharing of family property and the payment of maintenance by one spouse to the other spouse in the case of a separation or to the former spouse in the case of a divorce. Under this new Law the marital couple decide jointly on all matters relating to the marriage and each contributes to meeting the needs of the family in accordance with his/her means.

**Commissioner of Administration (Ombudsman) Law of 1991 to 2004****L. 3/1991, L. 98(I)/1994, L. 101(I)/1995, L. 1(I)/2000, L. 36(I)/2004**

Ο περί Επιτρόπου Διοικήσεως (Βασικός) Νόμος του 1991 και οι Τροποποιητικοί Νόμοι του 1994, 1995, 2000 και 2004, εκδόθηκαν με δημοσιεύσεις στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 3 του 1991 (Βασικός Νόμος), και οι Τροποποιητικοί Νόμοι Αριθμός Ν. 98(I) του 1994, Αριθμός 101(I) του 1995, Αριθμός 1(I) του 2000 και Αριθμός Ν. 36(I) του 2004

The Commissioner of Administration (Ombudsman) Law of 1991 and the 1994, 1995, 2000 and 2004 amendments were published in the official Gazette of the Republic of Cyprus in accordance with article 52 of the Constitution.

**Law No. 187 of 1991**

According to article 9 of the Convention on the Legal Status of Children Born Out of Wedlock, the child born out of wedlock had the same right of succession in the estate of its father and mother and of a member of its father's or mother's family as if it had been born in wedlock. To give effect to the above provision, the Government had enacted Law No. 187 of 1991 on the legal status of children under which, once a child was registered, it acquired

from the time of its birth the legal status and rights of a child born in marriage in relation to both its parents and their relations.

#### **Law No. 47(I)/1994**

The Violence in the Family (Prevention and Protection of Victims) Law of 1994 deals with domestic violence. The Law condemns any act of violence within the family, raises substantially the penalties for violence and provides protection to victims mainly by empowering the Court to issue restraining orders prohibiting the aggressor from entering or staying in the marital home. In addition, the Violence in the Family (Prevention and Protection of Victims) Law of 1994:

- clarifies that rape can be committed within marriage
- speeds up trials dealing with cases of domestic violence
- facilitates the reporting of violent incidents
- provides for the appointment of Family Counsellors
- provides for the setting up of an Advisory Committee to monitor the implementation of the Law, and a Multidisciplinary Group of Experts to provide the necessary assistance to children and young victims.

#### **QUING Period**

##### **Discussion of QUING Period Policies: Accession and reform as goal-oriented adaptation strategies: from development to equality**

For Cyprus, the beginning of the QUING Period coincides with the onset of the pre-accession period. The application for full membership came up in 1990 and the EU Commission gave a positive Opinion on Cyprus' application in 1993. The accession negotiations started in March 1998 and ended in December 2002 in Copenhagen after hard negotiations to conclude the chapters under negotiation. The accession of Cyprus to the EU was ratified with the signing of the accession treaty at the Stoa of Attalos on April 16th 2003.

Mostly due to Cyprus's harmonization with the *aquis communautaire*, but also to bring legislation in line with relevant international instruments, several legislative measures for gender equality have been passed over the last few years. As Chrystalla Ellina has argued, the case of rabid gender equality policy change in Cyprus during the EU accession process shows that supranational institutions can become external agents of change and play a progressive role in reshaping social policy in general and gender equality processes in particular even in candidate countries that are resistant to change.<sup>6</sup>

Cyprus applied for EU Membership on July 4, 1990 and the EU Commission gave a positive Opinion on Cyprus' application in 1993. The concluding section of the Commission's Opinion on Cyprus' application to join the European Community stated the following:

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<sup>6</sup> Chrystalla Ellina (2003) *Promoting Women's Rights: The politics of gender in the European Union*. New York: Routledge.

Cyprus' geographical position, the deep-lying bonds which, for two thousand years, place the island at the very fount of European culture and civilisation, the strong European influence on the values shared by the people of Cyprus, which is obvious and the cultural, political, economic and social life of its citizens, the numerous and various contacts with the Community, all these elements lend Cyprus, beyond all doubt, its European identity and character and confirm its European trends.

Even though Cyprus' accession process coincided with the geopolitical turn in EU identity discourse, the fact that Cyprus was part of the Ottoman Empire for more than 400 years and is inhabited by a quite large Moslem population was never considered as an issue of concern (Diez 2004<sup>7</sup>). In fact, the fashioning of Cyprus' Europeanness was used both by the EU to reinforce and normalize the geopolitical approach to European identity, and by Cyprus to commemorate and reiterate its Greekness.

After examining the report of the European Union Observer on Cyprus on March 6th 1995, the EU Council of Ministers concluded that the negotiations would start on the basis of the proposals of the Commission, six months after the conclusion of the 1996 Intergovernmental Conference (IGC), taking into account the results of the Conference. He also considered that the accession of Cyprus to the EU should bring increased security and prosperity to both communities on the island. Six months after the conclusion of the 1996 Intergovernmental Conference the Council of Ministers decided to start the accession negotiation process. Cyprus together with five other countries from Eastern and Central Europe commenced its accession negotiations on March 30, 1998. Cyprus' EU Accession Treaty was signed on April 17, 2003, granting Cyprus observer status. Cyprus became a full EU member on May 1, 2004. Cyprus' EU accession was linked from the very beginning to the solution of the Cyprus problem, both at the National and European level. The expectation that Cyprus' EU accession would serve as a catalyst for the solution of the Cyprus problem was inscribed in the Presidency Conclusions of the 1997 Luxembourg European Council: "the accession negotiations will contribute positively to the search for a political solution to the Cyprus problem through the talks under the aegis of the United Nations, which must continue, with a view to creating a bizonal, bicomunal federation" (ibid., p. 131). Thomas Diez is one of the political scientists who have criticized this political investment in the "catalyst effect"<sup>8</sup>

Most of the policies listed in this report (new laws, law amendments, gender equality policy bodies established, etc) demonstrate that the European accession process was a catalyst for fast policy change. However, what such long lists of policies (mostly law reforms) fail to demonstrate is that systemic discrimination and the patriarchal structures of the Cypriot state

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<sup>7</sup> Diez points out that Cyprus' Europeanness "was never in doubt during the accession assessments, even though its geographical location (and its food) make it a clear member of the Middle East. No one doubted the European credentials even of the island's north, by and large populated by Muslims. Instead, the (Greek) Cypriot government successfully represented the island as being the cradle of European civilisation" (Thomas Diez, *Europe's Others and the Return of Geopolitics Cambridge Review of International Affairs, Volume 17, Number 2, July 2004, p. 328*).

<sup>8</sup> Diez, T. (2002) 'Last Exit to Paradise? The European Union, the Cyprus Conflict and the Problematic "Catalytic Effect" ', in: Thomas Diez (Ed.), *The European Union and the Cyprus Conflict: Modern Conflict, Postmodern Union* (Manchester, Manchester University

and political life are still in place and that gender equality law reform for purposes of harmonization with the *acquis* has not been accompanied by awareness raising and cultural change in the workplace, the family and fields of political participation and decision making. The lack of public debates on issues of gender equality suggests, to some extent, that the receptivity of the society to new ways of thinking gender has not been troubled, challenged, or reformed and that new public spaces for democratization have not been enacted. That “structured dialogue” for EU accession has not been accompanied by a social dialogue and cultural change in Cyprus can be attributed, in part, to the fact that the accession process was conducted as a process of fast law reform, with the Parliament, the Ministries and the Law Commissioner as the main actors and the society as the silent recipients. Even in those cases where some public debates took place, law reform was presented by the Government as mandatory change (because EU prescribed so) and not as part of a process of modernization or a national plan to combat discrimination and inequality. In fact, in many cases, the appeal to national interest was used to justify policy change and law reform as a necessary compromise rather than an opportunity for promoting equality. When on May 15, 1997 the Cypriot Parliament was discussing the decriminalization of homosexuality and religious activists gathered outside the parliament building to protest the proposed repeal of Cyprus’ sodomy law holding signs “No to Sodom and Gomorrah in Cyprus” and “Cyprus is the island of saints, not homosexuals,” inside the parliament the rhetoric of “European reason” was used to call attention to the mandatory character of reforms. Foreign Minister Ioannis Kasoulides called on the House of Representatives’ Legal Committee to repeal the 1889 law as soon as possible in order to comply with a 1993 European Court of Justice ruling (*Modinos v. Cyprus*, judgement of 22 April 1993,. paras. 20-25.), while assistant Attorney General Loukis Loukaides suggested there might otherwise be further European legal challenges. No protesters though gathered outside the Parliament to protest the recent governmental decision not to eliminate the legal discrimination against children born to displaced mothers in acquiring the status of displaced person (Decision of the Council of Ministers, No. 40872 dated 20.4.1994) on the grounds that such a “measure” would increase disproportionately the percentage of the displaced persons in 1974 and distort “the real picture of the displaced population of Cyprus” while also increasing the beneficiaries of the various housing plans and other grants for displaced persons to such a level that the Government will not be in the position to bear the economic burden.

Another negative effect of top-down change through fast law reform was that the state continued to be the protagonist of juridical and institutional change. As a consequence of this, and because the process of harmonization for purposes of EU accession was carried out only in the Greek Cypriot part of Cyprus (the Government of the Republic of Cyprus being *de jure* and *de facto* a *Greek Cypriot Government*), reforms related to gender equality have been legally effective only in the south part of the island, for the Greek Cypriot community. The Turkish Cypriot community, caught in the exceptional status of what Moira Killoran has called “pirate state” (1994), has not undergone or participated in the policy reforms analyzed in this history report.<sup>9</sup> The measures which the Government has introduced

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<sup>9</sup> Article One of Protocol No. 10 (ON CYPRUS) of the Accession Treaty states that “The application of the *acquis* shall be suspended in those areas of the Republic of Cyprus in which the Government of the Republic of Cyprus does not exercise effective control” (AA2003/ACT/P1/en, p. 4705).

since 2003 for the support of Turkish Cypriots have so far not included any reference to gender equality and the rights of Turkish Cypriot Women (Some instances of law reform and establishment of gender equality authorities in the Turkish Cypriot society are listed in a separate section). There are two questions that such a problem poses: First, would certain gender equality law reforms introduced in the north by the Turkish Cypriot Administration be recognized as legally “effective” by the EU given the illegality of TRNC (Turkish Republic of Northern Cyprus)? Second, why are bi-communal women’s efforts to promote inter-ethnic cooperation and reconciliation featured in the CEDAW as well as other reports as measures for promoting gender equality when such efforts have been often tainted as anti-patriotic (and acts which jeopardize national interest) both by the State and by the political Parties? Women’s initiatives in the field of inter-ethnic contact and cooperation are tolerated by the state only when labelled as cultural initiatives and stripped of their political meaning, codified as “inter-personal” contacts. The status of these activities as political acts is paradoxically reinstated in the CEDAW reports, these activities being represented as emblematic of women’s participation in the area of peace building.

### **QUING Period Strategic Development Plans**

#### **Strategic Development Plan of 1994-1998**

In the Strategic Development Plan (SDP) of 1994-1998 women appear as a category in a three page section titled “The place of Woman” (Θέση της Γυναίκας)<sup>10</sup> in the category “Social and Other Services”. It is stated that the rate of women’s participation in the labour force is one of the highest in Europe. It is noted, however, that the “equal treatment of men and women” has not been established yet. Traditional perception and prejudice against women along with the lack of child-care arrangements are identified as the main obstacles to women’s participation in all fields of social and economic activity. The institutional promotion («κατοχύρωση») of equality and the fight against any form of discrimination are defined as major goals of the SDP:

The central aim of the plan is to effect equal treatment of men and women, to eliminate all kinds of discriminations and prejudice against women and to promote the full and equal participation of women in all sectors of social, economic and political activity. One particularly important aim is the harmonization wherever this is possible with the established conditions in EU (η εναρμόνιση όπου είναι δυνατό [emphasis added] με τις επικρατούσες συνθήκες στην Ε.Ε.) (p. 271).

The measures and plan outlined under this aim are:

1. Strengthening the National Mechanism for the Rights of Women so that it can respond efficiently to its mission of coordination, planning and observation of the implementation of measures and policies that affect women and the prospects for EU Accession.
2. Implementation of programs of work training for women, and technical and financial support of women in economic life (particular emphasis is put on agro-tourism and sectors of contemporary technology).

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<sup>10</sup> Θέση της Γυναίκας, Strategic Development Plan, 1994-1998, Planning Bureau, Nicosia: Printing Office of the Republic, 1994, GR (p. 271-273).

3. Improvement of the support structure for working parents so that they can combine family and job responsibilities. Parental Leave for the case of children, the implementation of flexible work schedules, and state support for setting up childcare centres at the workplace are among the measures under consideration.
4. A common program of education for boys and girls, encouragement of girls to follow the path of technical training, encouragement of boys and girls to fully develop their personality without gender bias.
5. Information dissemination and sensitization of the society on issues that concern women for the purpose of changing mentality and prejudice against women
6. Encouragement and support of organizations which promote equality and resolve problems encountered by women.
7. Dealing with the “phenomenon of violence against women inside and outside the family” through legal measures and partnerships with organizations and relevant agencies.
8. Efforts to increase the participation of women in social and public life, elimination of the discrimination against women in terms of promotion to higher salary ranks, and better representation of women in decision-making centres.
9. Examination of the possibility to establish an Equal Opportunities Committee which would examine complaints for discrimination against women in the workplace.

Besides these measures, SDP outlines measures for EU harmonization:

1. Prompting a more effective implementation of Equal Pay Laws, with technical support from The International Labour Organization and the EU.
2. Establishment of the legal framework for the promotion of equal opportunities in the fields of hiring, promotion, education and work conditions.
3. Preparation of rules regarding measures for the protection of maternity (pregnancy, child-birth, breastfeeding).
4. Promotion of measures for the social insurance of self-employed women farmers.

We must note that no disaggregated data are provided for any sector of development and that gender mainstreaming of targets and measures is not attempted in any field of planning (employment, violence or citizenship). In sectors related to employment such as welfare, social support and child care, all problems identified and targets and measures outlined refer to the generalized category of “disadvantaged persons” and “the family.”

The provision of child care and pre-primary education is identified as a measure for facilitating the entrance of women into the labour force. The immediate goal is to provide education for all children aged over 4.5 and the long term goal is to gradually cover children aged three years and above. It is clarified though that these goals must be pursued without expanding the public provision of education. Measures include the provision of private pre-primary education and grants-in-aid schemes; with the state’s being role being focused on regulation, monitoring and quality assurance.

### Strategic Development Plan of 1999-2003

This Plan has exactly the same structure and the same categorization of women's issues as the previous plan ("The place of woman", p. 368-373). The overall appraisal of development during the 1994 to 1998 period is very positive, with particular emphasis put on the increase (1%) of women's participation in the labour force and the closeness of the rate of women's participation in Cyprus to that of the EU. There is no reference however to the kinds of job positions filled by women, no presentation of gender disaggregated data on unemployment and no reference at all to the pay gap:

Generally, during this period, the stable improvement of the place and role of woman in socioeconomic life of our country has continued. Women in particular have further reinforced their role in the labour market with an increase of their participation in the economically active population for those aged 15-64 from 56% in 1994 to 57% in 1998, a rate which ranges in the same levels as the corresponding rates of EU countries. It is noted that the general structural changes in the economy that took place during this period contributed to a turn of women's employment from the agricultural sector to services. Specifically, women employment in the sector of services during the period 1994-98 increased to 45% while the corresponding rates for the agriculture and manufacturing (μεταποίηση) sectors were 38% and 27% correspondingly (p. 369).

Despite this positive appraisal of the developments, it is stated that, "the equal treatment and equal opportunity between men and women has not been fully achieved in practice" (p. 369). As in the CEDAW reports, this is attributed to two main reasons, "traditional conception and social prejudice against women" and "problems regarding the care of children." Inequality in the field of employment is located in the fields of promotion, hiring, conditions of work and access to work. The limited participation of women in political life and centres of decision-taking is also mentioned, as well as the issue of violence against women "inside and outside the family," which is identified as a "serious social problem". However, there is no discussion and analysis of the problem. Harassment in the workplace is not mentioned as a form of violence, neither is sexual trafficking. The problem of gender violence is identified strictly with domestic violence. Indirectly, it is also delineated as a domestic problem since there is no reference to gender violence in the section on police training or reference to the social protection of victims in the section on social welfare.

As in the previous SDP, there is no gender mainstreaming approach to any of the issues of employment, citizenship and violence. Social policy and welfare are not connected to employment and women are nowhere identified as a socially or economically vulnerable group. Single parent families are only mentioned as a new social reality and the economic vulnerability of single, predominantly, female parents is not addressed («Οι μονογονεϊκές οικογένειες, οι μεικτοί γάμοι, η φροντίδα παιδιών από αλλοδαπές φροντίστριες, α αυξημένη τάση άτεκνων ζευγαριών για υιοθεσία παιδιών και οι επαναδημιουργημένες οικογένειες, αποτελούν μερικά από τα νεότερα κοινωνικά δεδομένα (363)»). Instead, in the social analysis references are made to "the contemporary family, in its form and function with both spouses being employed" and to "low income persons."

In the discussion of employment, as in the previous SDP, no gender disaggregated data are presented, with the exception of comparative data for Cyprus and the EU (the participation in the labour force in 1998 for men was 84.4% compared to 78 % in European Union countries, and the participation for women was 56% compared to 58% in EU countries). Such comparisons underline the relevantly high rates of labour participation in Cyprus compared to those in EU but under emphasise the broad gap between men and women in Cyprus. The unemployment gap between men and women is also overstepped by emphasizing the low unemployment rate: “Unemployment remained low across all categories of employees, even among those considered vulnerable such as young people, higher education graduates, women and old people” (72).

Women as a category are mentioned in two particular employment measures:

-“Maintaining conditions of full employment for all the categories in the labour force, even those who are considered vulnerable, such as young people, higher education graduates, women and old people and persons with special needs” (5)

-“Development (αξιοποίηση) of the inactive female labour force” (7).

Flexible forms of employment are outlined as a measure, however this measure is not linked to the employment of women (as in the next SDP, 2004-2006):

-“Promotion of flexible forms of employment, like contractual employment (εργασία με σύμβαση), part-time employment (μερική απασχόληση), limited time schedule employment (εργασία με μειωμένο ωράριο), flexible time schedule employment, tele-working (τελεργασία) etc, based on the contemporary needs of the labour market.”

The goals outlined in the 1999-2003 plan in the section “the place of women” are the following:

- The increase of women in political and public life and decision making posts
- Introduction of legal measures that promote and improve the place of women
- Introduction of measures to facilitate the combination of work responsibilities with family responsibilities
- Combating of prejudice and discrimination against women

Specific measures include:

- Increasing the participation of women in public and political life and decision-making centres up to at least 30%
- Combating sexual harassment in the workplace and illegal trafficking and exploitation of women (this is the first time we see references to these issues)
- Gender management and gender mainstreaming in all government programs and policies
- Continuation of law reform on equality of employment, maternity, parental leave and modernization of family law

Like in the 1994-1998 SDP, in the 1999-2003 SDP child care provision is linked to increasing opportunities for women. The emphasis is on childcare for rural areas and areas of socioeconomic deprivation. It is also emphasized that the state’s role will be that of gate

keeper by establishing criteria and checking on providers. The promotion of expanded daycare is outlined as a goal. This is to be promoted by connecting the provision of grants-in-aid to community providers (“koinotika”) with their responsibility to make arrangements for expanded day schedules.

#### Strategic Development Plan of 2004-2006

In the 2004-2006 SDP women are categorized and marginalized in the special section “Woman’s Place” but instead gender mainstreaming is applied, rendering women a frequent point of reference in various sections. In the section on “Development of Human Capital – Promotion of Equal Opportunities and Strengthening Social Cohesion” there is a specific reference to gender equality:

*Emphasis will be given to the promotion of equality between the sexes, which will include measures to increase the participation rate of women in the labour market and reduce the pay gap differential between men and women, as well as measures to reconcile family and working life (p. 13).*

In Pillar 2, “Enhancement and Modernisation of Entrepreneurial Activity” there is a specific reference to “[s]upporting entrepreneurship among population groups with limited participation in entrepreneurial activity, with an emphasis on young people and women.” Indicative actions include the provision of grants to the secondary and tertiary sectors to encourage women and youth entrepreneurship, covering part of the investment expenditure for start-ups with particular emphasis on knowledge intensive activities, new economy and utilisation of innovative projects.

Two institutions are mentioned in the SDP as important for promoting gender equality, the National Mechanism and the Equal Opportunities Committee. Specifically, the goals regarding equality institutions are the following:

- *“Reinforcing the mechanisms for Gender Equality and for Promoting Women’s Rights. This measure aims at the modernisation of state structures in the field of equality among men and women”*
- *“Setting up of an “Equal Opportunities Committee” for supervising the implementation of the equality principle”*
- *“Strengthening the National Mechanism for Women’s Rights”*

One of the contradictions between the analysis for the previous years and the goals set for the future (e.g. “improvement of women’s participation in the labour market”) is that the problem of discrimination against women in employment is diminished in the absence of the presentation of comprehensive gender disaggregated data. It is stated for example that “[w]omen’s unemployment rate dropped to 4.6% in 2003 from 7.8% in 2000, contrary to men’s unemployment rate that increased,” without any data on the categories and types of women’s employment (see tables on page 29):

*There was significant improvement of the unemployment rates of women, in comparison to those of men, between 2000 and 2003. The employment participation*

*rate of women between 15 and 64 reached 60.2% in 2003 in comparison to 59% in 2002 thus surpassing the EU targets, which are 57% for 2005 and 60% for 2010. In general, the gender employment gap fell from 19.8 percentage points to 18.6 while the gender unemployment gap fell from 1.6% to 0.8% between 2002 and 2003. At the same time, the rate of inactive women not seeking a job but willing to have one also fell (from 3.5% in 2002 to 3.0% in 2003). According to data of the Statistical Service, the gender difference of the national average pay fell from 26% in 2001 to 25% in 2002 (p. 27).*

The presentation of data on unemployment in these tables suggests that women's unemployment in Cyprus is much lower than the average in EU, which in a way diminishes the urgency of addressing women's unemployment.

The policies outlined for promoting women's access and participation are developed with reference to Guideline 6: Gender Equality (In Guideline 5, in examining the reasons for which the inactive population does not seek employment, "personal or family responsibilities" is identified as the main reason, about 38.5% of the total population but more than 54.6 %amongst women). The section on Gender Equality opens by stating the Objectives of the European Employment Strategy:

- Through an integrated approach combining gender mainstreaming and specific policy actions, encourage female labour market participation and achieve a substantial reduction in gender gaps in employment rates, unemployment rates, and pay.
- By 2010, in order to reconcile work and private life, to provide childcare to at least 90% of children between three years old and the mandatory school age, and at least 33% of children under three years of age.

### Data / Trends of the employment of women

- The employment of women is becoming a key factor for the economy since it is the main source for the development of the tertiary sector (84.7% of women are employed in the tertiary sector in relation to 61.7% of men).
- The participation rate of women (between 15 and 64) in the labour market showed a significant increase between 2000 and 2003 (from 57.3% in 2000 to 63.1% in 2003) while on the contrary the participation rate of men remained at the same levels (81.3% and 82.0% respectively).
- The gender employment gap (19.8 percentage points) is almost non-existent amongst the youth (2 percentage points).
- The participation of girls in the secondary technical/vocational training remains at low levels (16% of students are girls).
- The employment rate of women graduates of tertiary education continues to increase (34.8% in 2003 in comparison to 32.0% in 2001).

Performance, in general, within the framework of the Lisbon Strategy as well as the national strategic targets for 2006 are shown in the table below:

#### Labour Market Performance and Employment Indicators and Objectives

Performance Indicators	Cyprus			EU - 15	European target	Strategic target 2006
	2001	2002	2003	2003		
Overall Employment rate (15 – 64)	67,9	68,5	69,2	64,4	70 in 2010 Lisbon target	70.0+
Employment rate of older workers (55 – 64)	49,1	49,2	50,2	41,7	50 in 2010 Stockholm target	52,0
Employment rate of women (15-64)	57,1	59,0	60,2	56,0	60 in 2010 Lisbon target	62,0
Unemployment rate	4,0	3,3	4,1	8,1	2,8 average rate of the 3 most advanced Member States	3,5
Long-term unemployment rate	0,9	0,7	1,0	3,3	0,9 average rate of the 3 most advanced Member States	0,9
Youth Unemployment rate	8,2	7,7	8,9	15,9	5,6 average rate of the 3 most advanced Member States	7,5
Unemployment rate of women	5,7	4,2	4,6	8,9	3,3 average rate of the 3 most advanced Member States	4,0

## **QUING Period Legal Measures**

### **QUING Ratifications of International Conventions**

#### **1992-2003 (continues to 2003)**

The First and Second Optional Protocols to the International Covenant on Civil and Political Rights 17(III)/92, 12(III)/99 and 10(III)/03.

#### **1996**

The Additional Protocol to the European Social Charter providing for a System of Collective Complaints (9(III)/96).

#### **1997**

The ILO Convention on Part Time Job 6(III)/97.

#### **1999 (continues to 2003)**

The European Convention for the Protection of Human Rights and Fundamental Freedoms and all the Protocols thereof (11 (III)/99, 35/86, 25(III)/92, 41(III)/93, 8(III)/95, 18(III)/00, 13(III)/02 and 1(III)/03.

#### **2000**

The Revised European Social Charter (27(III)/2000).

Reservation on Article 9 of the CEDAW Convention, paragraph 2, is withdrawn on 28 June, 2000.

#### **2002**

The Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women 1(III)/02.

The U.N. Convention on Consent to Marriage Minimum Age for Marriage and Registration of Marriages 16(III)02.

Ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, ratified by Law 1(III)/2002.

Ratification of the Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Law 13(III)/2002.

### **QUING Domestic Law Reforms and New Laws**

#### **1995**

Social Pension

#### **1995**

The Social Pension Law (L.25(I)/1995) introduces a social pension for men and women who were not covered by any other social security scheme. This affected mainly women (e.g.

housewives and self-employed rural women, who were previously excluded from the Social Security Scheme).

### **1997**

Maternity Protection Law (L. 100(I)/1997) enacted, consolidating all pre-existing relevant legislation and providing for the extension of the application of its provisions to foster mothers. Out of the total minimum period of 16 weeks of maternity leave, 9 weeks must be taken (compulsory) during the period beginning the second week before the presumed week of confinement. Law 100(I)/1997 protects women from unlawful dismissal during maternity.

The minimum period of maternity leave provided by Maternity Protection (Amendment) Law of 1994 (L. 48 (I)/1994) is extended to 16 weeks as from 1.1.1997.

### **2000**

Maternity Protection amendment Laws No. 45(I)/2000 and No. 64(I)/2002 further improve the protection of maternity.

#### **Law No. 119(1)/2000**

Law on Violence in the Family (Prevention and Protection of Victims) of 2000 has been enacted in order to effect substantial improvements based on the experience gained since the enactment of the initial law in 1994. It contains several new provisions such as:

- taking the testimony of victims of violence by electronic means
- protection of victims in court while giving evidence
- setting up a fund to meet certain immediate needs of victims
- establishment of a shelter where victims can have protection.

#### **Trafficking of Persons and Sexual Exploitation of Minors Law, 2000 (L.3(I)/2000)**

The Law is in line with the corresponding Joint Action of 24 January 1997, adopted by the Council of the European Union on the basis of Articles K3 of the Treaty on the European Union concerning action to combat trafficking in human beings and sexual exploitation of children. The Law criminalizes such activities, provides for severe punishments as well as protection, compensation and rehabilitation of victims and extends the jurisdiction of Cyprus' courts. Offences under this Law, including the trafficking and sexual exploitation of women and children, the use of children for pornography and the production, display, showing or transmission of such productions could be extraditable and could also be predicated offences for the purposes of confiscation of the illicit proceeds, under the Anti-Money Laundering Law (L. 61(I)/1996, as amended). A very important element of Law 3(I)/2000, is the appointment of the Director of the Department of Social Welfare as the Guardian of Victims of Sexual Exploitation, who is responsible for the provision of humanitarian support and assistance to the victims, as well as for the channelling of complaints to the competent authorities for investigation.

## **2001**

### **The Protection of Witnesses Law, 2001 (L. 95(I)/2001)**

The Law was enacted in June 2001, corresponding to EU Resolutions of 23rd November 1995, on the protection of witnesses in the fight against international organized crime, and of 20th December 1996 on individuals who co-operate in the fight against organized crime.

The Court, before which any proceedings take place, is empowered to take measures to protect any vulnerable witnesses needing protection from all forms of direct or indirect threat, pressure or intimidation. Such measures include the exclusion of the public from the courtroom and providing for a witness needing protection to give his/her testimony in circumstances which will allow such a witness not to face the accused (by the use of a special partition or a closed television circuit).

### **Amendment to the Citizenship Law No. 168(I) of 2001.**

By this Law the children of a female Cypriot citizen, if they were born in Cyprus, automatically acquire Cypriot citizenship. If born abroad, they keep the right to acquire Cypriot citizenship upon application, submitted by one of the parents. Prior to the above amendment, the children of a Cypriot woman did not have this right, but could become Cypriot citizens only with the approval of the Minister of Interior and provided that they fulfilled certain strict criteria.

Another important amendment to the Citizenship Law, concerns the children of a Cypriot woman, who are over the age of 18 and were born after the 16th of August 1960, either in Cyprus or abroad. These children are automatically Cypriot citizens, except those who are permanent residents abroad. These children are eligible to apply in order to become registered as Cypriots citizens.

Also, according to the same Amendment Law, the alien spouse, irrespective of gender, is eligible to acquire the citizenship of the Cypriot spouse, provided that they live together as husband and wife for a period of 3 years, and that the alien spouse is a permanent resident of Cyprus for at least 2 years before submitting his/her application for citizenship.

**The Maternity Protection Law (Nos. 100(I) of 1997, 45(I) of 2000 and 64(I) of 2002)** affords, among others, the right to maternity leave and to protection of health and safety at work for pregnant women and women who have recently given birth or are breastfeeding.

### **The Maternity Protection (Safety and Health at Work) Regulations of 2002**

The regulations safeguard, among other things, safety and health at work of pregnant women and women who have recently given birth or are breastfeeding. The employer has the obligation to estimate the dangers at work and remove these women to another job or if this cannot be done to release them from doing such kind of work without having any effect on their rights.

### **The Social Insurance (Amendment) Law (No. 51(I) of 2000)**

The Law provides for the abolition of all discriminatory provisions on the basis of sex concerning the self-employment of women in agriculture, the payment of increases for

dependants and the payment of marriage grant. The new legislation came into force on 6.10.2001.

## **2001**

### **The Protection of Witnesses Law No. 95(I) of 2001**

The Law provides for a comprehensive scheme of protection of witnesses and those who assist in the fight against crime, which includes measures of physical protection which may be applied before, during and after the trial, as well as special procedural measures during trial aiming at avoiding any form of threat, pressure, suffering or intimidation, upon the witness, which would affect his/her statement and consequently hinder the proper administration of justice.

## **2002**

### **The Legal Aid Law No. 165(I) of 2002**

The Law provides for legal aid to persons with low income and for proceedings before both the civil and criminal courts regarding cases in respect of violation of human rights and including family law cases.

### **Vocational Training Law No. 205(I) of 2002**

The Law ensures full alignment with the EU Directive 76/207/EEC “on equal treatment of men and women in employment, vocational training and promotion and working conditions” and with the issues of positive action, gender based advertising, sexual harassment and burden of proof. It also provides for effective remedies for breaches of the principle of equal treatment and for the establishment of an Equality Committee and of a Research and Evaluation Committee on Employment. These mechanisms deal with issues relating to access to employment, vocational training, promotion, equal pay and conditions in employment.

### **The Parental Leave Law No. 69(I) of 2002**

The Law ensures full alignment with the EU Directive No. 97/80/EEC and provides for the right to any parent for parental leave up to 13 weeks due to birth or adoption of a child. It also provides for parental leave up to 7 days for *force majeure* reasons.

### **The Determination in Employment (Amendment) Law No. 79(I) of 2002**

The Law provides for a reduction to the working hours per week for part-time workers from 24 to 18 hours.

### **The Equal Treatment for Men and Women as regards Professional Social Insurance Schemes Law No. 133(I) of 2002**

The Law entered into force on the 1st of January 2003. It ensures full alignment with the EU Directives 86/378/EC, 96/97/EC and 97/80/EC.

### **The Equal Treatment of Men and Women in Professional Social Insurance Schemes Law, 2002 (L. 133(I)/2002),** harmonizing with Directive 86/378/EC, enacted in 2002 and

which came into force on 1.01.2003, providing for the equal treatment between men and women in occupational social insurance schemes.

**The Social Insurance (Amendment) Law No. 130(I) of 2002**

The Law provides for the abolition of any discriminatory provisions concerning the right to voluntary insurance.

**The Part-Time Job Employees (Prohibition of Discrimination) Law No. 76(I) of 2002**

The Law deals with the protection of part-time employees at work and provides, inter alia, for the prohibition of any discrimination against them, as regards terms and conditions of employment.

**Law No. 107(I) of 2002 on the Abolition of Employment of Women during the Night Law, Cap. 180.**

**Law No. 22(III) of 2002** on the Abolition of the 1965 ratification of the ILO Night Work (Women) Revised Convention No. 98.

**Law No. 21(III) of 2002** on the Abolition of the 1993 ratification Law of the ILO Protocol of 1990 to the Night Work (Women) Revised Convention No. 89.

***Equal Pay Between Men and Women for the Same Work or for Work for which Equal Value is Attributed (Amendment) Law No. 177(I) of 2002***

The Law extends the right of equal pay for the “same like or substantially like” work to cover work of equal value of “unlike nature” as well. The Regulations issued under this law provide for effective mechanisms for the implementation of the provisions of the law, defining the powers of the inspectors, the composition and the terms of reference of the Technical Committee which assists the Industrial Disputes Court in determining work of equal value and the criteria which apply for comparison purposes.

**Law No. 205(I) of 2002 on Equal Treatment Between Men and Women in Employment and Vocational Training**

**The Maternity Protection Law (Nos. 100(I) of 1997, 45(I) of 2000 and 64(I) of 2002)**

The Law provides the right to maternity leave for women who are pregnant/have given birth or who have adopted a child less than 12 years of age. It also provides for time off for medical examinations, breastfeeding or/and for the increased care for the raising of the child.

**2005**

The 2002 and 2004 laws on Equal Treatment of Men and Women in Employment and Vocational Training were modified in 2005 to reflect the requirements of Directive 2002/73/EC.

## 1. 2 Review of equality policies and responsible institutional structures (mechanisms)

### Pre-QUING Mechanisms

1979

#### Inter-ministerial Committee

On the occasion of the activities related to the United Nations Decade for Women (1975-1985)<sup>11</sup>, an inter-ministerial committee was appointed to carry out studies on the position of Cypriot women in the labour force, education, law, on their social position and on the problems of rural women.

1983

**A National Committee for the United Nations Decade for Women** was established, chaired by the Minister of Justice with the Participation of non-governmental organizations, for the purpose of identifying problems and making recommendations for improving the status of women. The Committee was dissolved two years later, when the decade ended.

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<sup>11</sup> The United Nations Decade for Women spanned the years 1975-1985 and consisted of three international forums and conferences: in Mexico City in 1975 to inaugurate the Decade; in Copenhagen in 1980 to give a mid-Decade report; in Nairobi in 1985 to formulate strategies and goals for the future. In addition to these international meetings the Decade occasioned numerous regional meetings of United Nations agencies and organizations, all to consider the status of women and to make recommendations for women. The Decade also occasioned a multitude of documents from governments and from public and private agencies and organizations, both national and international. These meetings, forums and conferences produced a group of significant documents. There are the reports of the three United Nations Conferences, in particular the "Forward Looking Strategies" from the meetings in Nairobi. These describe women's disadvantaged circumstances, the obstacles to change, and the basic strategies and measures that must be followed, implemented and enforced. As of 1985, 170 nations had signed or ratified the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, thus giving legal recognition to women's plight and the force of international law to essential reforms.

As a result of the Decade, governments and international organizations had to take women into account, had to acknowledge that women's lives and needs could not be subsumed under those of men. For example, as part of the Decade's activities, the United Nations required member states to file periodic reports on the status of women. To comply, governments established "women's departments," appointed cabinet ministers for women's affairs, considered women's circumstances in a wide range of categories. The United Nations and international organizations had to do the same. The results were institutional appointments of women committed to women's concerns, and new legislation (Judith P. Zinsser, **The United Nations Decade for Women: A Quiet Revolution**, *The History Teacher*, Vol. 24, No. 1. (Nov., 1990), pp. 19-29).

### **Law Reform Committees**

-Establishment of the Law Reform Committee for the modernization and the removal of discrimination against women in family law.

-Law Reform Committee appointed to safeguard women's right in the labor market with regard to maternity and equal pay.

### **1988**

The Permanent Central Agency for Women's Rights is established by a decision of the Council of Ministers.

### **QUING Period**

#### **A short history of the development of gender equality machinery**

The National Machinery for Women's Rights (NMWR) was set up in 1994 by the Council of Ministers Decision no. 40.609, dated 16.2.1994, as continuation of the Permanent Central Agency for Women's Rights (established in 1988).The NMWR is under the umbrella of the Ministry of Justice and Public Order which is the Ministry in Cyprus responsible for the overall promotion of gender equality and the protection of women's rights. The NMWR comes under the auspices and chairmanship of the Minister of Justice and Public Order with the Permanent Secretary to the Ministry as Deputy Chairman. The most significant aspects of the Machinery's development have been the increase of its annual budget (static until 2005, stagnant since then, see table below) and the increase of members participating in the Executive Council.

YEAR	BUDGET (CYP)
1995	28352
1996	25000
1997	43944
1998	38206
1999	100000
2000	125000
2001	150000
2002	180000
2003	230000
2004	300000
2005	565000
2006	565000
2007	565000

The role of the NMWR is advisory and it has no executive power. Its strictly advisory authority is defined in the Ministerial Decision 40.609:

- *The National Machinery for Women's Rights will be under the umbrella of the Ministry of Justice and Public Order and will be under the auspices of the Minister of Ministry of Justice and Public Order.*
- *The Mechanism will have a clearly advisory role and it will not infiltrate the executive authorities which are under the umbrella of other Ministries (δεν θα υπεισέρχεται στις εκτελεστικές εξουσίες που εμπίπτουν στις αρμοδιότητες των άλλων Υπουργείων).*

In the same ministerial decision it also stated that the Ministers' Council, "where it deems this necessary and useful it will appoint Ad hoc Ministerial Committees to examine and to promote special issues with the participation of the relevant Ministries".

The authorities of the Mechanism are outlined as follows in the CEDAW Report:

*The NMWR deals with all matters concerning women, focusing on the elimination of legal discrimination against women and the promotion of real equality between men and women. More specifically, it advises the Council of Ministers on policies, programmes and laws promoting women's rights, monitors, coordinates and evaluates the implementation and effectiveness of these programmes and laws, carries out information, education and training programmes on relevant issues, supports and subsidizes women's organizations, contributes to the mobilization and sensitization of the Government Sector on equality issues and serves as a cooperation channel between the Government and NGOs working in this field.*

The Mechanism's position under the umbrella of the Ministry of Justice has been subject to several criticisms. Defending this administrative arrangement, NMWR Secretary General Maro Varnavidou suggested that with the Minister of Justice as Chairperson, the NMWR has direct access to the Council of Ministers as well as government funding and infrastructure (interview with C. Ellina, 2003, p. 134-135). In a critical appraisal of the previous right wing government, Sotiroula Charalambous, an PM of AKEL (left party) and Chair of the Parliamentary Committee for the Promotion of Equality between Women and Men, has addressed the Mechanism's the limited action:

What have they done in the field of equality so that we would be in a better position today? Was it the fact that they left out all the legal reforms of harmonization that dealt with the field of equality to be carried out last during the harmonization process? Was it the fact that after they came to power they did not know what to do with the Women's Committee [the predecessor of the National Mechanism]) (*Parliamentary Proceedings, 21 December 2006*).<sup>12</sup>

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<sup>12</sup> Τι έπραξαν οι ίδιοι στον τομέα της ισότητας, για να είμαστε σήμερα σε καλύτερη θέση; Μήπως το ότι άφησαν όλες τις εναρμονιστικές νομοθεσίες που αφορούσαν τον τομέα της ισότητας τελευταίες στη διαδικασία εναρμόνισης; Μήπως ότι ενάμιση χρόνο μετά που ανέλαβαν την εξουσία δεν ήξεραν τι θα

The NMWR is a system of four bodies:

**Council for Women's Rights** with the Minister of Justice and Public Order as Chairman, the General Director of the same Ministry as Deputy Chairman and the NM's Permanent Secretary as General Secretary (Εθνικός Μηχανισμός για τα Δικαιώματα της Γυναίκας, Συμβούλιο για τα Δικαιώματα της Γυναίκας, [www.mjpo.gov.cy](http://www.mjpo.gov.cy), March 2007) [The composition of the Mechanism's Presidency is quite unclear. According to the original Ministerial Order, the Minister is the Chairman and the Ministry Director the Deputy Chairman. According to the CEDAW report, the Minister acts as Chairman and the Permanent Secretary as Vice Chairman. On the website of the Mechanism, the Presidency features another kind of composition, a combination of the previous two schemes. The Minister of Justice and Public Order is the Chairman, the General Director of the same Ministry is the Deputy Chairman and the NM's Permanent Secretary as General Secretary (given the male dominated profile of the Government and the Ministry in particular, this means that the Chairman and Deputy chairman are actually men)].

The members of the Council are the representatives of 16 major women's organizations and women's trade unions. The first organizations and unions to be included by the original Ministerial Decision were Women's Group Πρωτοπρία, ΠΟΓΟ, ΓΟΔΗΚ, Socialist Women's Movement, and the PanCyprian Movement Equal Rights Equal Responsibilities, ΠΕΟ, ΣΕΚ, ΔΕΟΚ, ΟΕΒ and ΠΑΣΥΔΥ (includes the Teachers' Unions). Since 1994, 6 more have been added. A Ministerial Decision 50.437, dated Oct 13, 1999 approved also the participation of the Womens' Organization of DI.SI. Party (ΓΟΔΗΣΥ) and the Womens' Organization of E.D. Party (ΓΟΕΔ). Decision 56.294, on 28.8.2000, further approved the participation of the Cyprus Federation of Business and Professional Women (ΚΟΓΕΕ). Ministerial Decision 60.641, dated 28.7.2004 approved the participation of two Turkish Cypriot Women's Organizations, the Women's Research Centre and Patriotic Unity Movement (**New Cyprus Party mentioned on NM website**). Finally, Ministerial Decision 64.653, approved the participation of the Women's Organization of the European Party (ΓΟΕΚ). The Council meets once a month and also holds ad hoc meetings when a meeting is called by the Minister or requested by 1/3 of its members.

Words such as discrimination, combating inequality and discrimination, promotion of equality, or inequality and women's rights are nowhere mentioned in the legal configuration of the NMWR authorities. In fact, no mission is stated in the founding decision. Instead, neutral and general terms such as "women's issues" and "women's participation" dominate the text of the founding decision. In the CEDAW Report, the authorities and mission of the NM are more forcefully defined, adopting a less neutral rhetoric than that of the NM's Legal Frame. It is stated that:

*The NMWR deals with all matters concerning women, focusing on the elimination of legal discrimination against women and the promotion of real equality between men*

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κάνουν το Φορέα Γυναικών; Τελικά, κατέληξαν να τον ονομάσουν Εθνικό Μηχανισμό και, όταν τον μετονόμασαν, αυτός υπολειτουργούσε

*and women. More specifically, it advises the Council of Ministers on policies, programmes and laws promoting women's rights, monitors, coordinates and evaluates the implementation and effectiveness of these programmes and laws, carries out information, education and training programmes on relevant issues, supports and subsidizes women's organizations, contributes to the mobilization and sensitization of the Government Sector on equality issues and serves as a cooperation channel between the Government and NGOs working in this field.*

**The National Committee for Women's Rights** which consists of the Minister of Justice and Public Order, the General Director of the Ministry, the Permanent Secretary, representatives of all the organisations which are members of the Council for Women's Rights, all the Competent Officers for Women's Rights and representatives of 59 Organisations which promote equality between men and women. The authorities of the Committee, as defined by the Ministerial Decision, are the following:

- It is informed about Policies and Programs
- Cooperates and participates in the information programs
- Submits proposals for measures and changes

Members of the Committee participate in work groups and study and research committees

This body, although the most open and inclusive, meets only once a year under the Chairmanship of the Minister and holds ad hoc meetings, when this is deemed necessary by the Minister of the Council.

**The Inter-Ministerial Committee** with the Permanent Secretary as Chairman and the Competent Officers for Women's Rights appointed in all Ministries and the Planning Bureau as members.

**The General Secretariat of the NMWR**, which is the Government Equality Unit, headed by a Secretary General, who is an officer in the Ministry of Justice and Public Order. It provides administrative and scientific support to the advisory bodies of the National Machinery, promotes and implements their decisions, while at the same time it constitutes the Government department which is responsible for the formulation, coordination and implementation of the Government policy on gender equality and for monitoring of international developments in this field.

The indicators most frequently cited for NMWR's success (and recognition) have been the gradual increase of its budget and its media intervention during the last election, promoting the representation of women. In the actual structure of the Mechanism, however, there has not been any change since its foundation. Furthermore, it continues to be an advisory body without executive power.

In 2004 the financial support for National Machinery for Women's Rights (NMWR) was increased from C£ 300.000 in 2003 to C£ 565.000 in 2004. A total of C£190,000 was granted to NGOs in order to support their programmes and activities in the field of gender equality,

including the carrying out of research and the setting up of new bodies to monitor the implementation of equality legislation.

The media intervention during the recent parliamentary elections (2006) was particularly noticeable in an advertisement which was broadcasted frequently before the elections. "Vote for women! They can!" (Ψήφισε Γυναίκες! Μπορούν!) was the slogan of the campaign. The script of this video is one of the documents that lend themselves toward voice and frame analysis. Beyond its programmatic and scheduled intervention, the NMWR was not able during the elections to intervene, drastically and performatively, in cases of the sexist treatment of women candidates such as the case of Yasin (a Turkish Cypriot who ran as a candidate with the Greek Cypriot Party United Democrats and was systematically harassed before and after the elections by the Nationalist Turkish Cypriot newspaper Volkan). Interestingly, the example of Yasin's candidacy was mentioned several times in the UN discussion for the Cyprus 2006 CEDAW Report to document equality of access to political rights.

#### THE VOTE WOMEN CAMPAIGN

The campaign included:

- strong political statements by the Minister of Justice and Public Order (President of the NMWR) during various public events to support women's election;
- contact with the leaders of political parties requesting their full and practical support to increase the number of women in the candidate lists and also for their election;
- contacts with the mass media to give equal opportunities to women candidates during the pre-election period;
- posters and advertisements with the slogan 'Give Voice and Power to Women';
- a very broad circulation of a booklet presenting all women candidates (their CVs and political aspirations);
- organization of a special event under the auspices of the Minister of Justice and Public Order to honour all women candidates in the presence of the mass media representatives in which a special film was shown;
- preparation of lists with the names, addresses and other details of all candidates distributed widely to facilitate contacts and networking;
- collaboration with a radio station of PanCyprian coverage (Radio Athena) through a daily programme on 'Women in Political Life' where all women candidates were given the opportunity to present themselves to the public.

## QUING Period New Mechanisms

### The Ombudsman [Ombudswoman] (1991)

The Ombudsman's Office has been generally the most competent mechanism for promoting gender equality in Cyprus and combating the patriarchal structure and discriminatory culture of public administration. The Ombudswoman's Annual Report, the remedial action recommended following the examination of complaints submitted to her Office and inquiries prescribed *proprio motu* [αυτεπάγγελτη έρευνα] by the Ombudswoman herself on cases of discrimination, have been crucial in rendering discrimination visible, stirring up debates, exposing the implication of the state machine in violations of human rights and sensitizing the public to the need of active citizenship in combating inequality.

By virtue of S.5(1)(a) of the Commissioner for Administration Law 1991 (Law 3/91 as amended by Law 10(1)/95), the ambit of the Commissioner's power is to investigate complaints against the public service and its public officers, ministries, the Police, the Army and the National Guard, Legal Persons of Public Interest [Νομικά Πρόσωπα Δημοσίου Δικαίου] (e.g.: The Cyprus Electricity Authority, The Cyprus Tele-communications Authority, The Ports Authority, the Cyprus Broadcasting etc), and Local Government Organizations (Municipalities, Community Councils). It covers investigation into complaints that acts or omissions violate human rights, and thus covers complaints as to racial or other related forms of discrimination and intolerance. The Commissioner for Administration (Amendment) Law of 2004 (Law No. 36(I)/2004) expanded the jurisdiction of the Commissioner for Administration to issues of discrimination and inequality. With this particular expansion of the Commissioner's authorities, Cyprus responded to the need to comply with two EU Directives, first, to establish an Equality Committee (Law No. 58(I) of 2004 on Equal Treatment in Employment and Occupation) and second, to comply with the European Union Council Directives No. 2000/43 and 2000/78 (on the implementation of the principle of equal treatment irrespective of racial or ethnic origin). Since May 1 2007, the Ombudsman's Office also functions as the Authority for Equal Treatment and Authority for Combating Discrimination on the basis of Ethnic or Racial origin.

The intervention of the Commissioner and the procedure of inquiry into cases can be initiated in three ways:

- via a complaint, submitted by a person who has been affected immediately and directly by the administrative action against which the complaint is filed *προσωπικά από τη διοικητική ενέργεια εναντίον της οποίας αυτό στρέφεται.*
- via directions of the Council of Ministers
- via a self-enacted decision of the Commissioner herself according to the amendment of the relevant Law 1/2000, γfor matters of general interest.

The Commissioner submits an annual Report (which is published) to the President of the Republic, containing observations and suggestions, a copy of which is also submitted to the Council of Ministers and the House of Representatives. A Report is also prepared in relation to each particular case which has been investigated, including cases of racist, sexist or other related forms of discrimination and intolerance and is submitted by the Commissioner to the authority which has competence over the public service or public officer concerned, with a

copy to the complainant. In the event that the Commissioner concludes in this Report that the complainant has suffered some injury or injustice, the Report also contains the Commissioner's suggestions or recommendations to the competent authority concerned for reparation of the injury or injustice, specifying at his discretion the time within which such reparation must take place. If the said competent authority fails to give effect to a suggestion or recommendation for reparation, the Commissioner may make reference to this, by special report submitted to the House of Representatives and the Council of Ministers. In the event that acts or omissions, which are found by the Commissioner to have violated the complainant's human rights amount also to criminal offences, such as criminal offences related to racism or other related forms of discrimination or intolerance, then a copy of the Report submitted to the competent authority is also submitted to the House of Representatives, the Council of Ministers and the Attorney-General of the Republic.

The Attorney-General of the Republic, in exercise of his constitutional powers, can order, upon submission to him of such a Report, an investigation to be carried out by the Police or, in case of such criminal offence having allegedly been committed by a member of the Police, he can appoint independent criminal investigators under the power delegated to him by the Council of Ministers. Upon completion of any such investigation, and if the evidence collected so warrants, the Attorney-General may institute criminal proceedings.

The ombudsman's office employs about 30 persons, 16 of which are Administration Commissioner's Officers. The office of the commissioner is divided into the following sectors:

- Human Rights Sector ( Head: Aristos Chartas)
- Sector for Migration and Foreigners (Head: Eliza Savvidou)
- Education and Employee Relations Sector (Head: Aphrodite Kofterou)
- Sector for the regulation of ownership (Head: Eleni Hadjittofi)
- Social Protection Sector (Head: Yiorgos Krasias)

Two more administrative sectors are currently under development:

- Authority against Racism (under the administration of Aristos Chartas)
- Authority against Discrimination (under the administration of Eliza Savvidou)

During the year 2001, the number of complaints filed was 1331. In the year 2005 3185 complaints filed were examined. In her annual report for 2005, the Commissioner notes that the increase proves that this procedure constitutes the "central web for the promotion and development of the Commissioner's Institution" since the Commissioner's reports give the Commissioner the ability to "penetrate deeper in the system of administration and to function as a catalyst for its reform." At the antipodes of this catalyst for reform, the Commissioner notes, "the state continues to treat the institution with bureaucratic inertia and to appeal to the well known weakness of lack of resources as if it this was any public service office, thus ignoring the determining factor of its independence" (Ekthesi 2005).

The experience of the Commissioner's Office proves that issues of discrimination, equality and reform of the public service "demand continuous defense and are not eliminated by

being covered up but rather through systematic inquiry, in depth analysis, mobilization of sensitivities and with sincerity” (Eliana Nikolaou, Introduction, 1995 Annual Report).

### **Advisory Committee for the Prevention and Combating of Violence in the Family (1996)**

The Advisory Committee was established in 1996, with a Ministerial Decision, pursuant to Article 16 of Family Violence (Prevention and Protection of Victims) Law 47(I)/1994, which was replaced by Law 119(I)/2000 (see 1.4.X).

### **The National Institution for the Protection of Human Rights (1998)**

The National Institution for the Protection of Human Rights, established in 1998, by a Decision of the Council of Ministers for the purpose of protecting human rights, is an independent body, not answerable to the Government. It is an umbrella body which comprises on the one hand the Government bodies which have competence in the matter, and on the other relevant NGOs and professional associations.

It is composed of two Committees:

- the Monitoring Committee (responsible for monitoring the implementation of the international Conventions on human rights)
- the Steering Committee (responsible for the investigation of violations of human rights).

The President and the members of the Institution are appointed for a period of five years. The Monitoring Committee is composed of representatives of the Attorney General, a number of Ministries, the Ombudsman and the Commissioner for Personal Data Protection; the Steering Committee is composed of representatives of the House of Representatives, the University of Cyprus, NGOs engaged in human rights, and professional associations whose participation and contribution may assist the Institution in the achievement of its objectives (e.g. Cyprus Bar Association, Cyprus Medical Association, Union of Cyprus Journalists).

The basic function of the Institution is the promotion and protection of human rights by, inter alia: creating public awareness through discussions, lectures, seminars, studies, etc; advising the Government on issues of human rights, including suggestions and proposals to the Government for harmonization of legislation with human rights instruments and international standards; and examining, either *ex proprio motu* or upon a complaint, violations of human rights which do not fall within the competence of other institutions, an area in which the Institution is very active. The Institution constitutes the liaison of the Republic with similar bodies in other countries.

The Institution submits an annual report to the Council of Ministers and the House of Representatives concerning its activities and the cases of violation which have been examined. One of the tasks of the Institution is the co-ordination and preparation of the periodic reports which are submitted to the various treaty bodies including the committee of experts established under the International Convention for the Elimination of All Forms of Racial Discrimination.

### **Cyprus Radio Television Authority (1998)**

The Cyprus Radio Television Authority was established with Radio and Television Law (L. 7(I) of 1998. The Authority is the competent regulatory body for the establishment, installation and operation of *private* radio and television stations throughout the Republic of Cyprus. It is run by a board consisting of a chairman, a vice chairman and 5 members, out of whom 3 are women, appointed by the Council of Ministers, for a 6-year period. According to sections 26(1)c and 26(1)f of the Radio and Television Law, the broadcasts of all licensed stations are governed by the principles of respect for the personality, repute, status and private life of the individual and the ideals of democracy and human rights. Furthermore, section 33(3) (b) provides that advertising and tele-shopping shall not include any discrimination on grounds of race, sex, religion and nationality. Recently enacted regulations deal with, inter alia, matters of discrimination. The Authority has imposed considerable amounts of fines on private stations for violating L. 7(I) of 1998, mostly on issues of advertising and violations of time zones. So far, however, no cases of fines imposed for gender discrimination and/or gender violence have been discussed and debated in the media. According to the CEDAW/C/SR.733 (2006 CEDAW Report), the media coverage of women candidates for the Parliamentary Elections of 2006 had improved. In the same Report, Leda Koursoumba, the Cyprus Law Commissioner, emphasizes that “The Radio and Television Authority was authorized to penalize media outlets which disseminated gender stereotypes” (it is mentioned that figures would have to be provided later. Such figures have not been announced yet.)

### **Advisory Committee on Violence in the Family (2000)**

The Advisory Committee on Violence in the Family was appointed by the Council of Ministers, pursuant to the Violence in the Family (Prevention and Protection of Victims) Law, 2000 (L. 119(I)/2000). It monitors the implementation of the said Law and promotes suggestions and measures for its implementation, with competence to:

- monitor the problem of violence in the family in Cyprus;
- inform and educate the public and professionals using the media, conferences, seminars and re-education programmes;
- promote research;
- promote services necessary to deal with all aspects of violence in the family;
- monitor the effectiveness of related services and the application and enforcement of the relevant legislation.

The Committee members have knowledge and experience in matters relating to violence in the family and are selected from public and private sectors. Public sector appointees are selected by the Ministry of Health, Ministry of Justice and Public Order, Social Welfare Services, Legal Service and Police. Private sector appointees are selected by associations/organisations involved in combating family violence.

### **Advisory Committee on Domestic Violence (2001)**

The Advisory Committee on Domestic Violence was set up on 19.9.2001 by Council of Ministers' Decision No. 54.281. The Council of Ministers, at the request of the Attorney-General of the Republic, decided to establish a group of experts (Monitoring Unit) to

coordinate action on the issue of combating trafficking of persons and sexual exploitation of minors. The Unit consists of the representatives of the following:

- The Law Office of the Republic (Criminal Section, European Union Section).
- Unit for combating money laundering (MOKAS).
- Ministry of Justice and Public Order.
- Ministry of Interior (Immigration Service).
- Ministry of Labour and Social Insurance (Social Welfare Services).
- Ministry of Foreign Affairs.
- Police.
- NGOs.

### **Gender Equality Committee in Employment and Vocational Training (Επιτροπή περί Ίσης Μεταχείρισης Ανδρών και Γυναικών στην Απασχόληση και Επαγγελματική Εκπαίδευση) 2002**

The Gender Equality Committee in Employment and Vocational Training was appointed by the Minister of Labour and Social Insurance, pursuant to the Equal Treatment of Men and Women in Employment and Vocational Training Law, 2002 (L. 205(I)/2002). The Committee monitors the implementation of Law 205(I)/2002 and promotes suggestions and measures for its implementation.

The Committee was established under Article 22 of the “Equal Treatment of Men and Women in Employment and Vocational Training” Law, No. 205(I)/2002.

The Committee is composed of a Chairman and eight (8) Members, including Government representatives, representatives of Employers’ and Employees’ Organisations, who are appointed by the Minister of Labour and Social Insurance for a two-year period.

The Committee has an advisory role and undertakes matters falling within the purpose and scope of this Law. Specifically, it advises, within its competencies, on national policy and legislation and supervises the implementation of the Law through the competent Department of the Ministry of Labour and Social Insurance. In addition, it submits, by its own initiative, complaints or accepts complaints and forwards them for action to the Chief Inspector. (More details about the establishment of the Committee and its jurisdiction can be found in the **Legislation** section under the relevant Law.)

### **Investigation and Assessment of Work Committee (2002)**

The Investigation and Assessment of Work Committee, appointed by the Minister of Labour and Social Insurance pursuant to the Equal Pay between Men and Women for the Same Work or for Work of Equal Value Law, 2002 (L. 117(I)/2002), deals with disputes under this legislation.

### **Equal Opportunities Commission (2002)**

The setting up of an Equal Opportunities Commission to investigate complaints of sex discrimination has been extensively discussed during these years. The NMWR as well as women’s organizations have strongly supported this possibility. The Council of Ministers

finally decided that, “due to the small size of Cyprus,” instead of creating a new body it would extend the competence of the Commissioner of Administration so as to be able to investigate complaints of sex discrimination (as it has already been mentioned above).

## 2. Non-Employment

### 2.1 Introduction

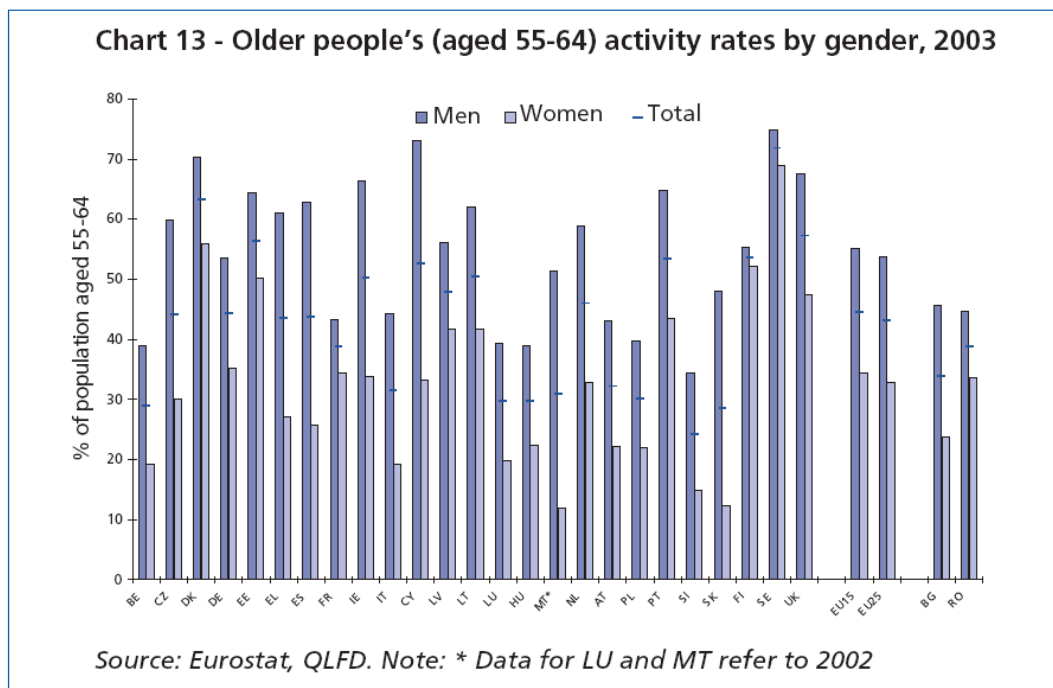
The policy documents where we can trace the connection between non-employment and the sub-issues discussed here are the Employment NAP and the Social Inclusion NAP. The NAP underlines the European employment strategy to promote access to stable and quality employment for all women and men who are capable of working by:

- *putting in place, for those in the most vulnerable groups in society, pathways towards employment and by mobilising training policies to that end;*
- *developing policies to promote the reconciliation of work and family life, including the issue of child- and dependent care;*
- *using the opportunities for integration and employment provided by the social economy* (Nice European Council, 2000, Copenhagen European Council, 2002)

Most Policy documents, however, emphasize the reduction of women's unemployment rate for the years 2000-2003. The NAP for employment for 2004-2006, for example, stresses the fact that in 2003, employment increased by 3.7% and reached 69.2% and that this increase was faster amongst women (5% in relation to 2.7% for men). We observe the same emphasis on decreased women's unemployment in the NAP for social Inclusion:

*In Cyprus, the unemployment gender gap is relatively low and decreasing. Unemployment among women was 4.6% against 3.8% for men in 2003, whereas in 2002 the respective percentages were 4.2% against 2.6%. Although the difference in the participation rate is visible, it is decreasing over time. It must be noted that women's participation rate increased from 59% in 2002 to 60.2% in 2003, whereas the respective rate for men remained stable (78.8%). Thus, the gender gap in the participation rate was reduced from 19.8% to 18.6% while that of unemployment fell from 1.6% to 0.8% between 2002 and 2003. At the same time the percentage of women, who are not economically active and do not seek a job, but would, nevertheless, wish they had one, decreased (from 3.5% in 2002 to 3.0% in 2003). As far as wages are concerned the gap between the genders reached 25% (2002 data).*

The accuracy of the data presented in the two NAPs is not questioned. Indeed, in 2003, the strongest increases in female labour market participation within the EU took place in Cyprus and Spain, where rates rose by 1.5 and 2 percentage points respectively (see table below).



**Source: Panorama of the European Labour Markets**

(ec.europa.eu/employment\_social/news/2003/oct/eie2003\_chap1\_en.pdf)

These references, however, to the increased participation of women in the labour force, do not take into consideration gender disaggregated data on unemployment or comparisons between types of employment (full employment or part-time employment) or different kinds of jobs. A comparative review of the most recent data (2006 and 2007) might help in filling this gap by tracing patterns of women's marginality in terms of access to employment.

**2007**

The Labor Force during the first three months of 2007 amounted to 388,115 persons (men 213,571 and women 174,544). The Labor Force participation rate of the the age group 15-64 was 73.5% of the total population (men 82.4% and women 65.0%) while the respective rate for the first quarter of 2006 was 72.6% (men 82.2%, women 63.5%).

The employment rate for those aged 15-64 was 69.8% (for the first quarter of 2006 the rate was 68.2%). The rate for men was 78.8% and for women 61.3% while corresponding rates for the first quarter of 2006 were 77.7% for men and 59.2% for women. Partial employment amounted to 7.5% of total employment (27,654 persons), men 4.3% and women 11.4%. Corresponding rates for the first quarter of 2006 were 8.5%, 4.7%, for men and 13.4% for women. Unemployment amounted to 18,808 persons or a rate of 4.8% of the labour force. The unemployment rate for men was 4.2% and 5.7% for women. The corresponding rate for the first quarter of 2006 was 5.9% (men 5.3% and women 6.6%).

**2006**

According to the latest Labour Force Survey for 2006 the percentage of participation in the labour force for the age group 25-54 was 77.4 for women (compared to 76.7 for 2003 and 77.4 for 2004) and 95.3 for men (compared to 95.2 for 2003 and 95.4 for 2004). The

unemployment rate difference between women and men increases as we move to older age groups and quadruples at the age group 65+ where it is 17.0% of men (21.8 for 2002 and 17.8 for 2004) and only 4.4% for women (4.6 in 2003 and 5.0 in 2004).

Employment rates for men and women for 2006 differ significantly. For the age group 25-54, the employment rate for women is 73.6 (73.5 in 2003 and 73.1 in 2004) and 92.0 for men (92.3 in 2003 and 92.8 in 2004). The employment gender difference increases as we move to older age groups. For the age group 65+ the employment rate for women is 4.4% (14.6 in 2003 and 16.3 in 2004) and for men 17.0 (66.4 in 2003 and 54.4 in 2004), almost four times as that of women. The employment gender difference becomes larger when we focus on full employment. The partial employment rate for women is 12.1 and for men 4.3. Long term unemployment in the labour force is 0.7 for men and 1.2 for women. The highest unemployment rate is among those looking for part-time employment (18.1 for women and only 3.2 for men).

If we compare unemployment rates for the age group 25-64, the unemployment rate for women is 4.7 (4.0 in 2003 and 4.9 [2<sup>nd</sup> quarter] in 2004) and 3.4 for men (3.4 in 2003 and 3.1[2<sup>nd</sup> quarter] in 2004).

If we examine women's equal treatment and access of opportunity not from the perspective of the low unemployment rates of earlier years but from the perspective of comparative pay by sex and occupation, we get a different picture. If we look at 2002 labour statistics, we can see that legislators, senior officials and managers received the highest rates of pay, followed by professionals, technicians and associate professionals, while workers in elementary occupations received the least pay. Females still receive on average lower salaries than their male counterparts in the major occupational groups. Males received 33.5% higher rates of pay in 2002, compared to 34.9% in the previous year. The difference is narrower for legislators, senior officials and managers and widest for machine operators and service and sales workers (see table below).

**ΠΙΝΑΚΑΣ I. Μέσοι όροι μισθών και ημερομισθίων, 1995-2002****TABLE I. Average monthly rates of pay, 1995-2002**  
(Wage - and Salary-earners combined)

(£)

Είδος μέσου όρου	1995	1996	1997	1998	1999	2000	2001	2002	Type of average
Αριθμητικός μέσος	648	669	708	736	771	826	868	912	Mean
- Άντρες	738	759	797	822	860	920	967	1.012	- Males
- Γυναίκες	521	546	583	611	631	682	717	758	- Females
Διάμεσος	549	563	599	614	639	692	729	744	Median
- Άντρες	622	637	676	692	717	768	820	830	- Males
- Γυναίκες	431	449	483	496	508	556	606	611	- Females
Επικρατούσα τιμή	427	473	523	524	524	572	526	578	Mode
Πρώτο τεταρτημόριο	409	413	437	454	462	507	529	545	Lower Quartile
Τρίτο τεταρτημόριο	765	795	843	868	897	975	1.055	1.089	Upper Quartile

**Equal treatment and equal pay**

The most important policy in this field has been the introduction and implementation of the Equal Pay between Men and Women for the Same Work or for Work of Equal Value Law, 2002 (L. 177(I)/2002). The Law came into force on 1.1.2003. The Law harmonizes Cyprus legislation with the provisions of Directive 75/177/EEC, relating to the application of the principle of equal pay between men and women, and Directive 97/80/EC on the burden of proof in cases of discrimination based on sex. The Law provides for the safeguarding of equal pay between men and women for the same work, or for work to which equal value is attributed. The Law also provides for the responsibility of the competent authority to request information from employers' and employees' organisations to examine the provisions of existing collective agreements, with a view to revoking or amending any provisions that directly or indirectly include discrimination based on sex. Furthermore, the Law provides for the appointment of inspectors for the enforcement of the Law, and lays out their duties and powers. The Law also lays down specific criteria for the comparison and evaluation of work of equal value. It also provides for the establishment of, and specifies the terms of reference of, a Committee for the Investigation and Assessment of Work.

Another important Law has been the Equal Treatment of Men and Women in Employment and Vocational Training Law 2002 (L. 205(I)/2002). This Law is the application of the principle of equal treatment of men and women as regards access to vocational guidance, vocational education and training as well as terms and conditions of their provision, access to employment, terms and conditions of employment and working conditions, including promotion and terms and conditions of dismissal. The Law applies to all workers with regard to all activities related to employment, excluding those occupational activities laid down in a schedule and specifying the specific reasons of exception, where sex constitutes a determining factor. Pursuant to the Law, men and women must enjoy equal treatment, without any direct or indirect discrimination on grounds of sex in relation to the relevant fields and in particular due to pregnancy, childbirth, breastfeeding, maternity or illness due to

pregnancy or childbirth. The Law expressly provides that positive action is consistent with, and serves the purpose thereof. Law 205(I)/2002 gives women, inter alia, equal rights to men in applying for vacant positions in the Armed Forces and the Police.

Law 205(I)/2002 provides for the establishment of a Gender Equality Committee, with an advisory role, which will be responsible for considering matters falling within the scope of the Law. The Committee will, inter alia, supervise the implementation of the Law, promote studies and research relevant to matters falling within its competence, advise any person interested free of charge on matters relating to equality of men and women and submit, on its own initiative, complaints or accept complaints, which will then be forwarded to the Chief Inspector (specially appointed for the purpose of the Law) for proper handling.

Catalysts both for the interpretation and the implementation of these law have been, firstly, discussions during the presentation of the CEDAW report (the exclusion of women from certain jobs has been questioned) and the examination of complaints submitted to the Commissioner for Administration. Also crucial has been the foundation of the Equality Committee as a new branch at the Commissioner's Office.

In the list of issues and questions with regard to the consideration of Cyprus' combined third, fourth and fifth periodic report of Cyprus (CEDAW/C/CYP/3-5)<sup>13</sup>, the Committee expressed its concern about discriminatory laws in the past against women and asked the Cyprus Representatives to clarify whether any discriminatory laws still exist and what efforts are being undertaken to review and rectify all legislation that discriminates against women in light of the Convention (women for example were excluded from the Army).

### **Primary sources**

Source: Parliamentary Proceedings

Date: October 14 2004

Title of document in original language: Speech by the Minister of Labour and Social Insurance Christos Taliadoros on the Budget of the Ministry, sub-issue on "Equal Opportunities in Employment"

English translations: not available

Length of document:

Availability in electronic form: "e-text"

Topic: Equal Treatment Law

Source: Parliamentary Proceedings

Date: April 30 2007

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<sup>13</sup> United Nations CEDAW/C/CYP/Q/5. Committee on the Elimination of Discrimination against Women Pre-session working group, Thirty-fifth session 15 May-2 June 2006 list of issues and questions with regard to the consideration of Cyprus' combined third, fourth and fifth periodic report of Cyprus.

Title of document in original language: Report by the Parliamentary Committee on the Proposed (Amendment) Law on Equality in Employment ( «Ο περί Ίσης Μεταχείρισης στην Απασχόληση και την Εργασία (Τροποποιητικός) Νόμος του 2007» )

English translations: not available

Length of document:

Availability in electronic form: “e-text”

Topic: Equal Treatment Law

Source: Parliamentary Proceedings

Date: May 8 2007

Title of document in original language: Opening speech by Dimitris Christofias, Chairman of Parliament and Party Leader of AKEL on the occasion of the Woman’s Day (descriptive, not actual title)

English translations: not available

Length of document: 961 words

Availability in electronic form: “e-text”

Topic: Equality General, Women’s Day

Source: Parliamentary Proceedings

Date: December 20 2006

Title of document in original language: Speech by Roula Mavronikola, MP of EDEK, on the occasion of End of the Year 2006 Session of the Parliament, Discussion of Budget (descriptive, not actual title)

English translations: not available

Length of document: 873 words

Availability in electronic form: “e-text”

Topic: Equality General, Budget

Source: Parliamentary Proceedings

Date: December 21 2006

Title of document in original language: Speech by Sotiroula Charalabous, MP of AKEL and Chair of the Parliamentary Committee on Equality, on the occasion of End of the Year 2006 Session of the Parliament, Discussion of Budget (descriptive, not actual title)

English translations: not available

Length of document: 1355 words

Availability in electronic form: “e-text”

Topic: Employment equality, part time employment of women, critique of right government

Source: Parliamentary Proceedings

Date: March 8 2007

Title of document in original language: Speech by Ch. Pourgourides, MP of DISI, on the occasion of Women’s Day (following Christofias’ Speech) (descriptive, not actual title)

English translations: not available

Length of document: 688 words

Availability in electronic form: “e-text”

Topic: Employment equality unemployment of women

Source: Parliamentary Proceedings

Date: March 8 2007

Title of document in original language: Speech by Marios Karoyian, MP and Head of the Parliamentary Party Group of DIKO, on the occasion of Women's Day (following Poyrgourides' Speech) (descriptive, not actual title)

English translations: not available

Length of document: 1187 words

Availability in electronic form: "e-text"

Topic: unemployment, family violence, trafficking, National Machinery

Source: Parliamentary Proceedings

Date: March 8 2007

Title of document in original language: Speech by Yiannakis Omirou, MP and Head of the Parliamentary Party Group of EDEK, on the occasion of Women's Day (following Karoyian's Speech) (descriptive, not actual title)

English translations: not available

Length of document: 854 words

Availability in electronic form: "e-text"

Topic: equality in workplace, Turkish invasion, violation of human rights, unions

Source: Parliamentary Proceedings

Date: March 8 2007

Title of document in original language: Speech by Dimitris Shillouris, MP and Head of the Parliamentary Party Group of EUROKO, on the occasion of Women's Day (following Omirou's Speech) (descriptive, not actual title)

English translations: not available

Length of document: 656 words

Availability in electronic form: "e-text"

Topic: equality, support of women in business (γυναικεία επιχειρηματικότητα), independent Equality Authority

Source: Parliamentary Proceedings

Date: March 8 2007

Title of document in original language: Speech by Nikos Katsourides, MP and Head of the Parliamentary Party Group of AKEL, on the occasion of Women's Day (descriptive, not actual title)

English translations: not available

Length of document: 601 words

Availability in electronic form: "e-text"

Topic: equality, intersectionality of class with gender struggles

Source: Parliamentary Proceedings

Date: 3 October 2005

Title of document in original language: Reply dated October 3 2005 by the Minister of Labour and Social Insurance Mr. Christos Taliadoros to question no. 23.06.008.04.880, dated 6 June 2005, by the MP of Nicosia Christos Clerides "Regarding the need for taking measures to promote the equality of the two genders" (actual title)

English translations: not available

Length of document: 1203 words

Availability in electronic form: "e-text"

Topic: equality, workplace

Source: Parliamentary Proceedings

Date: 30 June 2005

Title of document in original language: Speech by Antigoni Papadopoulou, MP of DIKO, in the context of a discussion on the European Constitution and Cyprus's stance on that (descriptive, not actual)

English translations: not available

Length of document: 2655 words

Availability in electronic form: "e-text"

Source: Parliamentary Proceedings

Date: May 3 2007

Title of document in original language: Report by the Parliamentary Committee on Labour and Social Welfare on the Proposed Amendment for the Equal Employment Law of 2007 (descriptive, not actual)

English translations: not available

Length of document:

Availability in electronic form: "e-text"

Source: Parliamentary Proceedings

Date: December 15, 2005

Title of document in original language: Sotiroula Charalambous, MP of AKEL and Chair of the Parliamentary Committee on Equality, Speech on the Occasion of the Budget Discussion, with emphasis on unemployment and Support of vulnerable social groups

(Δημοσιονομική εξυγίανση με στόχευση την κοινωνική συνοχή, την επέκταση του κοινωνικού κράτους και τη στήριξη των ευάλωτων ομάδων του πληθυσμού)

English translations: not available

Length of document:

Availability in electronic form: "e-text"

Source: Parliamentary Proceedings

Date: March 9 2006

Title of document in original language: Report by the Parliamentary Committee on Labour and Social Welfare on the Proposed Equal Employment Law (Έκθεση της Κοινοβουλευτικής Επιτροπής Εργασίας και Κοινωνικών Ασφαλίσεων για το νομοσχέδιο που πιλοφορείται «Ο περί Ίσης Μεταχείρισης Ανδρών και Γυναικών στην Απασχόληση και στην Επαγγελματική Εκπαίδευση (Τροποποιητικός) Νόμος του 2005»)

English translations: not available

Length of document:

Availability in electronic form: "e-text"

Source: Parliamentary Proceedings

Date: May 12 2005

Title of document in original language: Response by the Minister of Agriculture Timi Euthimiou, dated April 21 2005, the the question of the MP Giorgos Perdikis dated February 1 2005: Topic: Employment of women in the Forest Department

English translations: not available

Length of document:

Availability in electronic form: "e-text"

Source: Ombudswoman's 2004 Annual Report 2004, p. 168

Title of document in original language: Complain No. 578/03: Complain by candidate casual employee against the Department of Public Service and Personnel

English translations: not available

Length of document:

Availability in electronic form: "e-text"

Complaint by candidate (casual employee) against the Department of Public Service and Personnel. The candidate was offered a job on a contract basis but when she informed the relevant department that she was pregnant, the offer of the job position to her was withdrawn. The commissioner in her report stresses the need to comply with Directive 2000/78/EK of the European Council.

Source: Ombudswoman's 2005 Special Report

Title of document in original language: Report by the Equality Committee (branch of the Ombudswoman's Office) against the Department of Antiquities regarding discriminatory employment practices on grounds of sexual difference [Έκθεση της Αρχής Ισότητας κατά του Τμήματος Αρχαιοτήτων αναφορικά με διακρίσεις λόγω φύλου κατά τις διαδικασίες πρόσληψης Αρχαιοφυλάκων.] (**File No:** A.K.I 30/2005)

English translations: not available

Length of document:

Availability in electronic form: “e-text”

Woman candidate for a job position in the Antiquities Department (Antiquities Guard) was repeatedly rejected even though she was the only candidate who had the relevant qualifications on the grounds that male candidates were physically more fit for the specific job.

## **Social Security**

The most important policies in the field of social insurance have been the following:

The Social Insurance (Amendment) Law 51(I)/2001), harmonizing with Directive 79/7/EEC on the implementation of the Equal Treatment Principle in matters of Social Security and Directive 86/603/EC, was enacted, extending the principle of equal treatment to self-employed workers and their assisting spouses. Law 51(I)/2001 removed certain gender inequalities which existed in the State Social Security Scheme. According to the Law, as from 6.10.2001, women beneficiaries are entitled in the same way as men to increases for their spouse, children and other dependants as regards sickness, unemployment and injury benefit, whereas in the case of old age, invalidity and disablement pension, women are entitled to increases only for their children and other dependants.

## **2000**

Another important law was the Equal Treatment for Men and Women in Occupational Social Insurance Schemes Law 133(I) of 2002. According to the Equal Treatment for Men and Women in Occupational Social Insurance Schemes Law of 2002, men and women shall enjoy equal treatment and any direct or indirect discrimination on the grounds of sex is prohibited, in particular in relation to:

- the scope of the schemes and the conditions of access thereto ,
- the obligation to contribute and the calculation of contributions,
- the conditions governing the entitlement, the duration and the retention of entitlement to benefits, and
- the calculation of benefits including supplementary benefits due in respect of a spouse or dependants.

Furthermore, the principle of equal treatment does not prejudice any provisions in sexual insurance schemes which relate to the protection of women by reasons of maternity.

In addition to the Equal Treatment for Men and Women in Occupational Social Insurance Schemes by Law 2002 - 130(I)/2002, the Provident Funds legislation has been amended by Law 130(I)/2002, so as to render any provisions in the constitution of a provident fund which may be contrary to the principle of equal treatment between men and women, null and void. Protection of women by reasons of maternity does not constitute discrimination.

## **Reconciliation of work and family life**

The provision of child-care as a means to promote women’s participation in the labour force is the major axis of policy on “women’s issues” in all the Strategic Development Plans. The idea that providing child-care facilities and expanding the range of school-age provision for

children will lead to increased rates of women's employment has been critiqued by Alexia Panayiotou, the national EGGSIE policy expert.

### **Public Assistance**

The Public Assistance and Services Laws of 1991 to 2003 [Law 8/91, Law 97(I) and Law 74(I)/2003] have been important for facilitating the reconciliation of work and family particularly of women. The laws and their implementation policies support non-employed and low paid women in particular, since they deal with the support of single-parent families and cover special needs such as the care of dependants (children, older persons and people with disabilities). Provisions of these laws include the following:

1. Part of the income of the employed single parents is not included in the calculation of the public assistance they receive and therefore they receive a higher amount of public assistance.
2. A monthly "care allowance" may be provided in case someone is obliged to stay home in order to take care of a family member, thus losing the opportunity to enter, or being forced to leave, the labour market.
3. Home care may be provided by a state, non-governmental (e.g. community) or private body.
4. Residential or day-care services for children, older persons and persons with disabilities may be provided by a state, non-governmental, or private body.

### **Social Pensions**

Those pensioners with insufficient coverage are entitled to a minimum pension, which is 85% of the full basic pension. The Social Pension was introduced in 1995, by a law which provided for granting a pension to all citizens (men and women) who have been residing for a prescribed period of time in Cyprus and do not receive a pension or any other similar payment from another source, equal to or higher than the level of the social pension. The social pension is financed through general taxation and is paid to 15,400 persons over 65 years of age. Women constitute the majority of the beneficiaries of low pension support; this is due to the fact of interrupted careers, as women leave the production procedure and stay at home in order to take care of their children or other relatives. Since 1993, there has been a provision in the Social Insurance legislation for granting insurance credits to women for the time they spent caring for their children (born or adopted). In addition, the Social Insurance legislation has been amended so that the employment of women in agricultural activities is insured. Thus, women employed in the agricultural sector are insured compulsorily under the Social Insurance Scheme as self-employed and are entitled to old age pension as long as they satisfy the conditions of contribution.

### **Protection of Maternity**

In 1997 the minimum period of maternity leave provided by Maternity Protection (Amendment) Law of 1994 (L. 48 (I)/1994) was extended to 16 weeks (effective as of 1.1.1997). The Maternity Protection Law (L. 100(I)/1997) was enacted, consolidating all pre-existing relevant legislation and providing for the extension of the application of its provisions to foster mothers. Out of the total minimum period of 16 weeks of maternity leave, 9 weeks

must be taken during the period beginning the second week before the presumed week of confinement. Law 100(I)/1997 protects women from unlawful dismissal during maternity. Maternity Protection amendment Laws No. 45(I)/2000 and No. 64(I)/2002 further improve the protection of maternity.

Maternity is also protected from several regulations on safety and health at work. The Maternity Protection (Safety and Health at Work) Regulations, 2002 (P.I. 255/2002 of 31.5.2002), are issued under the Health and Safety at Work Law, 1996 (L. 89(I)/1996) in order to secure and improve the safety and health of pregnant women and women who have recently given birth or are breastfeeding.

Certain law amendments have also been introduced in social insurance law. The Social Insurance (Amendment) Law, 1998 (L. 84(I)/1998) provides for the payment of maternity allowance to an insured woman who has an adopted child, where the adoption takes place during the first five years from the child's birth instead of the first four years as previously the case. Law 2(I)/2001 amends Social Insurance Law L. 84(I)/1998. Maternity allowance is payable if the adoption takes place during the first twelve years from the child's birth.

Despite the existence of these laws, in several instances equal access to maternity rights is compromised because of other inequalities in the work place, such as the inequality between civil servants (government employees) and other employees. In May 2005, the Equality Authority of the Ombudsman's Office noted discrimination against female casual employees in the public sector regarding current regulations on maternity leave.

On 13 May 2005, the Equality Authority of the Ombudsman's Office submitted a report noting discrimination against female casual employees in the public sector, with regard to the current regulations on maternity leave. The Equality Authority's report falls within the framework of the complaints procedure under the purview of the Ombudsman, and was prepared following a complaint from a female public servant from the Ministry of Education and Culture who works as a temporary monitor in a Cyprus high school. According to the complaint, women working as permanent employees in the public sector who give birth to triplets are granted 12 months maternity leave, whereas women working on a casual basis are granted only 16 weeks after the birth of triplets.

According to the legislation at that time, specifically Article 3 of the 1997 Maternity Protection Law and Article 30 of the Social Insurance Laws, 1980 to 2002, maternity leave for women employees is regulated in a unified manner. Sixteen weeks of maternity leave are provided for every female employee, whether she works in the public or in the private sector, and applying to unionised as well as non-unionised enterprises. As regards, however, women working in the public sector who give birth to triplets or more, the length of maternity leave varies depending on their appointment status: it is 12 months with full pay for permanent employees, and 16 weeks for women employed on a casual basis. This regulation is based on Decision No. 28,574 of the Council of Ministers, whereas the differentiation between permanent and temporary staff follows from the manner in which the legislator defines 'public servant', since staff employed on a casual basis are excluded from the definition.

According to the Ombudswoman's report, the difference in the regulations involving the length of maternity leave on the basis of appointment status is based on the fact that women employed in the public sector are divided into two categories, permanent and casual staff, despite their homogeneity: both are dedicated to serving the state for the purpose of meeting the objectives of the public service.

However, as the report notes, according to case law a common denominator of equality is the homogeneity of the objects and the subjects of the law, ruling out equality between dissimilar and discrimination between similar entities. Again according to case law, 'homogeneity between things or the position or status of individuals for the purposes of equal treatment is not determined microscopically or pedantically but is guided by the essential congruence between them'.

In the ombudswomen's report it was concluded that positive actions to protect maternity and promote gender equality should be extended to all women indiscriminately. Since motherhood is one of the factors intensifying women's inequality in the area of employment and work, positive or specific measures taken regarding working women are intended first of all to prevent and offset their disadvantaged position and protect motherhood. In this context, the Ombudswoman has pointed out that the decision of the Council of Ministers to grant one year of maternity leave with full pay to public servants who give birth to triplets or more is a ground-breaking decision, in particular since it was taken in 1987. However, in the Ombudswoman's view, failure to extend this positive measure to women working on a casual basis raises a question of unequal treatment which is not objectively justified. In addition, apart from the legal argumentation explained above, the report stresses that in recent years the contracts of temporary employees in the public sector are as a rule renewed from one year to the next; as a result a large number of people are serving 'permanently' on a temporary basis.

Since the Ombudswoman does not have the power to circumvent or the competence to abolish the provisions of legislation, she cannot recommend that the complainant be granted 12 months of maternity leave. Nevertheless, she has decided to submit her relevant report to the Minister of Labour and Social Insurance, in order to expedite the elimination of the existing discrimination against female casual employees in the public sector, either by preparing a relevant proposal to the Council of Ministers or by promoting a relevant legislative regulation.

### **Parental leave**

The Parental Leave and Leave on Grounds of *Force Majeure* Law of 2002 (L. 69(I)/2002), harmonizing Cyprus law with Directive 96/34/EC, was enacted in 2002 and came into force on 1.1.2003. Law 69(I)/2002 gives the right to all employees, men and women, to take unpaid parental leave of up to 13 weeks in total, by reason of the birth or adoption of a child, in order for the parent to take care of the child.

Under Law 69(I)/2002, parental leave shall be taken

- (i) in the case of natural parents, within the period commencing on the day after the expiration of the maternity leave and ending on the 6th anniversary of the child's birth;
- (ii) in case of adoption, within a period of 6 years commencing on the date of the adoption and after the maternity leave has been taken, given the child will not be over twelve years old.
- (iii) An employee may take by way of parental leave in any 1 year a minimum period of 1 week and a maximum period of 4 weeks.

Any employee has the right to take unpaid leave of up to 7 days each year, on grounds of *force majeure* by reason of a family emergency and related to an illness of, or an accident to, any dependant of the employee which makes the immediate presence of the employee indispensable. Dependant means the spouse, a child, parent, brother, sister or grandparent.

### **Family Benefits**

(a) Cyprus adopted a Tax Reform as from July 1st 2002. Within the provisions of the tax reform, the child benefit and the mothers' allowance have been promoted to support families with children and to lower the tax burden caused by the increase in indirect taxation.

(b) As from 1.1.2003 the Child Benefit to Families With Three Children Law, 2002 (L. 8(I)/2002) and the Child Benefit Law, 1987 (L. 314/1987) has been substituted by the Child Benefit Law, 2002 to 2003, (L. 167(I)/2002, as amended by Laws 22(I)/2003 and 57(I)/2003).

(c) Pursuant to the above legislation, every family residing in Cyprus with at least one child is entitled to a basic benefit provided that parent(s) and child live under the same roof. Benefit is payable to the parent or guardian, until the last child reaches the age limit.

(d) By virtue of the above legislation-

- Families with three and more children are paid monthly (12 equal payments) and families with one and two children are paid annually, at the end of the year.
- The level of family income that is taken into account in column 3 is the level of the non-taxable income three years prior to child benefit entitlement and the level of family income taken into account in column 4, is two times the level of un-taxable income three years prior to child benefit entitlement.
- Child benefit is adjusted every year on the 1st of January according to the increase of the cost of living.

(e) Moreover, as from 1.1.2003, the Mother's Allowance Law, 2000 (L. 129(I)/2000) has been substituted by the Mother's Allowance Law, 2003 (L. 21(I)/2003).

(f) Pursuant to Law 21(I)/2003:

- a mother's allowance is payable to mothers residing in Cyprus, who have at least four children and have ceased to be eligible to child benefit since all children have exceeded the age limit. The allowance is not payable to mothers who are entitled to social pension or to mothers receiving any other pension from another source, the rate of which is equal to or higher than the maximum monthly rate of the basic old-age pension payable out of the social insurance scheme without increase for dependants.
- The rights of the mothers acquired by Law 129(I)/2000, as amended, are not affected.
- The rate of the allowance is fixed (CY£32, 23), and is payable for 13 months per year. It is adjusted every year on the 1st of January according to the increase of the cost of living.

## Childcare

During the year 2004-5, 27,028 children attended pre-primary education (Kindergarten and child/care centers). Of these children, about one third attended public kindergarten and day care (10, 290), 13,258 attended private, and 3,480 communal (funded by parents and grants-in-aid). The rate of private provision looks much higher if we focus on day care centers only (of the 10, 527 children who attended daycare, 80% attended private, 15% communal and only 5% public). If we compare the numbers of pre-primary level children over the years 2003-2005 and their distribution across the two types of education (kindergarten and day care) we can see that there has been an increase of children (about 6.8 %) without any change in the distribution between private and public.

	Public pre-primary			Communal			Private			Total
	Kinder r	Day care	total	kinder	day	total	kinder	day	total	
2002- 2003	<b>9419</b>	<b>550</b>	9.969	2087	1811	3.898	4712	6719	11.43 1	25.29 8
2003- 2004	<b>9395</b>	<b>688</b>	10.083	1801	1587	3.388	4723	7480	12.20 3	25.67 4
2004- 2005	<b>9858</b>	<b>432</b>	10.290	1838	1642	3.480	4805	8453	13.25 8	27.02 8

Public expenditure for preprimary education increased enormously during the years 1990 to 2000 (100,314,000 CYP in 1990, 193,438,000 in 1995, 330,934,700 in 2000). However, very low rates of increase followed; 2001: 370,695,000 CYP (19.05% increase), 2002: 413,140,000 CYP (14.1% increase), 2003: 504,140,000 CYP (14.1% increase), 2004: 499,271,000 CYP (1% decrease), 2005: 514,910,000 CYP (3.13% increase), 2006: 551,452,000 CYP (7% increase).

As for childcare, the 2004-2006 SDP states that:

1. 22,236 children between three years old and the mandatory school age (82.0%), and 3,027 children under the age of 3 (12.0%) attend a total of 637 day care centres and kindergartens (public, non-governmental [e.g. community], and private).
2. Community care services (subsidised by the Grants-in-Aid Scheme) serve:
  - . 2,856 children in 56 day care centres for preschool-age children
  - . 2,074 children in 73 day care centres for school-age children.

### National targets for child care in relation to the European Strategy:

By 2010, to provide childcare to at least 90% of children between three years old and the mandatory school age.

## **Reconciliation of work and family life primary sources**

**Ombudsman's Report on Complaint No. 1510/03:** termination of child allowance for the fourth child on the grounds that the child had access to housing in the College she was attending.

(Παραπονούμενη αποτάθηκε στο Γραφείο Επιτρόπου Διοικήσεως διαμαρτυρόμενη για τον τερματισμό της καταβολής επιδόματος τέκνου σε σχέση με παιδί της που φοιτούσε στη Νοσηλευτική Σχολή)

### **Ombudsman's Report on Complaint No. Complaint No. 64/03**

Maternity allowance for Delivery not approved because the mother had low social insurance payments for the previous year. The reason was that she was pregnant with another child and she had not worked "regularly".

### **Report by Ombudswoman on Discriminatory Implementation of Maternity Leave Law (2005)**

#### **Report by Ombudswoman on Complaint No. 1995/2005**

Failure to provide social support for multi-children mother

#### **Report by Ombudswoman on Complain No. 2802/2005**

Imprisonment of mother, asylum seeker application pending

**Report by the Authority for the Combat Against Racism and Discrimination with reference to Single Parent Families** [ΕΚΘΕΣΗ ΑΡΧΗΣ ΚΑΤΑ ΤΟΥ ΡΑΤΣΙΣΜΟΥ ΚΑΙ ΤΩΝ ΔΙΑΚΡΙΣΕΩΝ ΑΝΑΦΟΡΙΚΑ ΜΕ ΤΙΣ ΜΟΝΟΓΟΝΙΚΕΣ ΟΙΚΟΓΕΝΕΙΕΣ] No. of Case A.K.P 25/2007 (Nicosia, May 7, 2007) The occasion for the Inquiry was the submission of a complaint by a single parent who pointed out that a single parent family of three children has the same social benefits as a family with three children. The parent argues that single parent families should have the same social benefits as many children families because of their limited financial resources. In the conclusions of the independent inquiry, the commissioner points out that the majority of single parents are women and the risk of poverty is increased because of the substantially lower salaries of women. She also recommends the introduction of training programs so that their access to employment is facilitated and that other measures are taken for the improved reconciliation of work and family life of the specifically vulnerable group of employees.

Policy and legal frameworks cited in the Ombudswoman's Report:

Data on family allowances for single parent family in other European countries.

### **Female Entrepreneurship**

According to data presented by a survey on Female Entrepreneurial Activity in Cyprus Nearchou-Ellinas (2002), female business ownership in Cyprus is very low (only 12%) compared to other countries such as the United States (37%) (St. Onge and Stevenson, 2001) and the European Union (27%) (Eurostat Yearbook 1997, 1998). Two in three women

entrepreneurs in Cyprus start up their business in their twenties mainly influenced by the desire for control and decision-making. Four in ten women set up a company without having had any previous employment, which would allow them to gather experience and some of the start-up capital. Hence, it is observed that women are driven towards developing entrepreneurial activity; their inexperience and lack of relevant studies, however, is likely to turn their efforts into a 'hit or miss' affair.

A special Programme for **strengthening female entrepreneurship** (Scheme for the Encouragement, Strengthening and Reinforcement of Female Entrepreneurship) started in 2002. The Scheme falls under Measure 1.4 of Objective 3 of the Strategic Development Plan, 2004-2006. The program aims to develop, support and promote female entrepreneurship between the ages of 18 and 55 amongst women who wish to work in manufacturing or specific trade activities, tourism, and services and who had not been exercising any business activity for a period of 12 months prior to the submission of their proposal. The programme will continue in 2005 and its funding will be increased. Following the strengthening of the legal framework for gender equality between 2000 and 2003, special emphasis will be laid on strengthening the institutions and mechanisms for equality and women's rights.

In 2002, the first year of this Scheme's operation, a total amount of €157.000 (£92,036) was provided to five enterprises upon completion of their business plans that were submitted. In 2003, nine proposals were approved and an amount of €270.000 (£158,000) was given to them in the form of government grants. In 2004, 32 proposals were put forward during the submission period. 16 proposals were approved and the grants amounted to approximately €545.000 (£320,000).

### **Flexible forms of employment**

The discussion of flexible forms of employment emerges for the first time in the National Action Plan for Employment 2004-2006. Among the challenges outlined in the NAP, the following are more relevant to women's non-employment:

"tight labour market during the last 10 years did not provide enough impetus to mobilise domestic labour reserves, and therefore remains an important issue and challenge to address in the coming years"

"Despite the fact that unemployment is low, young people (15 – 24) and women exhibit higher rates indicating difficulties in entering employment and hence a need for targeted active measures"

"Flexible forms of employment combined with increased security for the workers but also increased options and possibilities to reconcile work and family life have not yet been adopted to a satisfactory level"

The same NAP identifies as an opportunity the fact that:

“Significant potentials for meeting increased labour demand through stimulating the participation of economically inactive persons, mainly women, older people (over the age of 55) and people with disabilities (page 6).”

The link between women's non-employment and flexible forms of employment is made explicitly for first time in the 2004-2006 SDP.

One of the most significant characteristics of the Cyprus labour market is the system that regulates labour relations, which revolves around collective agreements regulating terms of employment. Social partners' organizations play the leading role in social dialogue since they actively represent a significant proportion of people in employment.

The role of social dialogue and of collective bargaining in regulating labour relations is not legally binding, but it is based on the Industrial Relations Code that was developed and put into force in 1977. It should be noted that although the collective bargaining agreements are considered as “gentlemen's agreements” and are not legally binding, on various occasions they regulate pay and working conditions, disputes and other labour relations issues both at enterprise and sectoral levels.

The Labour Advisory Board has been established and works towards this purpose, i.e. to provide a mechanism for consultation to the Minister of Labour and Social Insurance regarding labour issues and issues that concern both the employers and employees, to submit recommendations and proposals for the formulation of policies and the enactment of labour laws. Traditionally it aims at unanimous consent before any such legislation is put forward.

The statutory framework that regulates the most prevalent/ known forms of flexible employment in Cyprus is the following:

### **Part-Time Work**

Part-time employment in the sense of limited hours of work was always permitted in Cyprus within the framework of individual labour agreements, and also in the framework of the Termination of Employment Law 24/67. In 2002, with the Law regarding Part-time employees (Prohibition of unfavourable and discriminatory treatment) L. 76(I)/2002, enacted on January 1st 2003 and in view of harmonization of the Cyprus Law with the Acquis Communautaire, the specific labour agreement was regulated in detail, in implementing the Council Directives 97/81 and 98/23 on part-time work.

### **Temporary Employment – Fixed Term Contracts**

Temporary employment, i.e. fixed-term work (of specific duration), has always been widely practiced in Cyprus, yet it was not specifically regulated by law. According to case-law “*A fixed-term contract is an employment contract with a specific date of expiry notwithstanding other provisions stating that the same may be terminated upon prior notice before the designated expiry date*”.

With the Law 98(I)/2003 on fixed-term work, Cyprus legislation was aligned with the Council Directive 99/70/EC aiming to abide by the principle of non-discrimination of fixed-term workers and to prevent abuse arising from the use of successive fixed-term employment contracts.

Issues of organisation of working time according to flexible work principles which favour and regulate variation in working hours, such as annual hours, flexi- time, compressed working week etc., have not been specifically regulated by law in Cyprus. However, on the basis of case-law, and certain collective agreements, on some occasions solutions or practices have been tried which deviate from the traditional patterns of working hours.

As a result of the harmonisation process of the Cyprus law with the *acquis* another law was enacted regarding the organisation of working time. Law 63(I)/2002 was aligned with Directives 93/104/EC of the Council concerning certain aspects of the organisation of working time and 2000/34/EC of the European Parliament and of the Council amending the first. From the interpretation of the provisions of the law it follows that in Cyprus it is legal to arrange working time in the form of flexible working hours, even at a maximum, where periods of increased work may be alternated with periods of reduced work, either fewer working hours per day, or through granting corresponding days off, or a combination of the two. It is also considered legal to arrange the distribution of working hours within the same day, as long as there are no specific regulations to the contrary regarding certain categories of professions. This facility is provided always within the framework of the current tripartite system of consultation with the social partners and regulation of the relevant issues through collective agreements. Therefore in Cyprus, unlike other countries, a variation of arrangements for the organisation of working time may be implemented provided that employers and employees have reached a mutual agreement and there are no provisions in the collective agreements to the contrary.

### **Project Contracts/Provision of Services**

Another common form of work in Cyprus is fixed employment of self-employed persons who, however, are dependent on one employer. According to case-law the evidence of dependence of the employee on the employer is "*one of the basic conditions*" that establishes the existence of an employment relationship that is substantially different from the cases of contractual provision of services.

Within the Context of Labour Law various theories have been formulated regarding dependence in the framework of an employment relation. In the case of Cyprus, case-law appears to adopt initially the combination of a legal (right of control by the employer and obligation of obedience of the employee) and personal dependence (work is carried out by one person according to the instructions and under the control of another party).

In this context, work on the basis of agreements for the provision of services or of work by self-employed persons who, however, offer these services to or work primarily and exclusively for the same employer, and who essentially form part of the organisational plan of his enterprise, must be considered acceptable in the framework of regulations and legislation

regarding Social Insurance, but it is a flexible form of employment that is not fully covered by the protection provisions that concern working conditions and which apply in the case of employees with an agreement of dependent work.

### **Telework**

Teleworking, interpreted as distance working or working from home on a regular basis using modern communication and information technology, has not been the object of specific laws in Cyprus.

Existing legislation and case-law accepts the discretionary authority of the employer to modify in good faith and with good reason the place of work without this being considered an action of unilateral breach of the employment contract (or without harmfully affecting any of the employee's work conditions). In this context it is important that case-law recognises the employer's right to select the production and organisation methods, this implying the right to select the use of information technology for the work carried out by the employees. Nevertheless, in view of the general principle of labour law to prevent unilateral, harmful changes to the working conditions, it is considered that the option of the employee to change to the status of telework, if this is not part of the initial job contract, must be voluntary (with the consent of the employee); however the refusal of the employee to opt for telework may justify the termination of the employment relationship, since the need of employing a person with the status of telework is a business decision of the employer.

Moreover, the Social Insurance Scheme does not make a distinction for telework and therefore classifies all persons employed in the service of the employer regardless of the place, the time and the way of working as compulsorily insured employees.

The European Agreement on Telework has not yet been integrated in collective agreements in Cyprus or in national legislation, although the designated time limit for this was July 2005.

## **2.2 Actors**

### **State Actors**

Cyprus Law Commissioner

Department of Labour Relations (Ministry of Labour and Social Insurance)

Equal Opportunities Commission (Ombudswoman's Office)

Gender Equality Committee in Employment and Vocational Training

Immigration Department

Investigation and Assessment of Work Committee

Labour Advisory Board

Ministry of Interior

Ministry of Justice and Public Order.

Ministry of Labour and Social Insurance

National Mechanism for Women's Rights

Office of the Commissioner for Administration

Social Insurance Service

### **Welfare Council.**

They suggest expansion of the working hours of the childcare services provided by Day Care Centres and After- School Care Centres, provision of day care programmes during the summer months when most of the Day Care and After–School Care Centres are closed and improvement of transport to/from Day Care Centres and After – School Care

### **Human Resource Development Authority (HRDA)**

The HRDA is a semi-governmental organisation, administrated by a 13-member Board of Directors with a tripartite character where representatives of the Government, the Employers, and the Trade Unions participate. The mission of the HRDA is to create conditions for planned and systematic training and the development of Cyprus human resources on all levels and sectors (with the exception of the self-employed and government employees) in order to satisfy the needs of the economy within the framework of the government social and economic policy standards recognised by the ILO and principles of the European Union.

The **Cyprus Productivity Centre (CPC)** was established in 1963 by the Cyprus Government, with assistance from the United Nations Development Program and the International Labour Office; the relevant co-operation agreement expired on 30th November 1974 and the Government has since taken over completely the operation of the Centre. Administratively, the CPC is a Department of the Ministry of Labour and Social Insurance. The Centre's original long-term objective "to assist private and public organisations to utilise their human and capital resources in the best possible manner, with a view to increasing their productivity", still remains valid today. However, it has lately been modified to be in line with the national goals for economic growth and development and expanded to include the needs of the Cyprus Civil Service, as well as those of other developing countries. The Cyprus Productivity Centre is responsible for the Program "Promotion of Modern and flexible forms of employment for the promotion of the access of women to the Labour Market."

### **Civil Society (and semi-civil society) actors**

Committee on Gender Equality in Employment

Cyprus Federation of Business and Professional Women (KOFEE)

Cyprus Gender Equality Observatory (PIK)

MIGS (Mediterranean Institute for Gender Studies)

### **Pancyprian Federation of Labour (PEO)**

One of the basic disagreements of PEO from the beginning of the NAP on Employment is that the consultation process focuses on the practically strategic role attributed to flexibility, whether this concerns the increase of women's participation in the labour market or the fight against unemployment or the improvement of quality and productivity of work.

PEO maintains that full, stable, secure, healthy and protected employment should continue to be the standard for quality of work, and, therefore, that all measures expressed within the framework of a National Action Plan for Employment should aim at strengthening that standard.

They have critiqued the legal framework that was recently enacted for the regulation of part-time and fixed-term employment. In their opinion, the legal framework was modernised in order to help achieve equal treatment of workers who for various reasons are obliged to work with flexible employment arrangements. In other words, the increase of the number of workers that are driven by necessity to undertake part-time or fixed-term employment should not be regarded as progress and certainly should not be encouraged.

As regards the employment of women, PEO believes that the data given should show the gender segregation of occupations, in order to make apparent which sectors explain the overall increase of women's employment. PEO suspects that women's employment increase has mainly been received by the sectors of services and of wholesale and retail trade, where pay rates differ widely between women and men, and in occupations that have been regarded as standard women's occupations, thus maintaining gender segregation of occupations.

As regards the aim of achieving a better balance between occupational and family life, the guidelines provide, as regards the provision of care services for children, the reaching of specific targets by 2010. In the NAP, a general mention is made to the role of NGOs in facilities for attracting and retaining people in the labour market. There is no systematic state planning, however, towards the targets of 90% care for children of age 3 to 6 years and for 33% care for children below the age of 3 years.

#### **Cyprus Workers' Confederation (SEK)**

Even though they agree with the need to attract inactive female workers and to train them, they believe that in order to do so the full-day school should be fully implemented, so that elementary school children are taken care of and that childcare centres and crèches should be established in all local authorities which should operate during hours convenient for people working in the private sector. They believe that without solving the problem of childcare, it will be difficult to attract women into the labour force.

#### **Democratic Labour Federation of Cyprus (DEOK)**

They express strong reservation as regards the association of flexible forms of employment with the promotion of employment opportunities for women and gender equality. They believe that family support structures should be strengthened (they propose a unified Programme of Action at a national level for the creation and operation of centres, enterprises and organisations for the care and protection of children and older persons). They criticize the fact that in the NAP for Employment and the SDP there is neither mention of the gender pay gap nor mention of the stereotypes and prejudices that create a culture and policy of gender occupational segregation.

#### **Cyprus Employers' and Industrialists' Federation (OEB)**

OEB contributes towards the creation of general state policy in matters concerning women, within the machinery for women's rights, the subcommittee on labour relations, and the Committee on Gender Equality in Employment. OEB also contributes to the proper implementation of the legislation on equality of treatment between men and women, as well

as to the provision of education and training to its women members through a series of seminars for women. OEB has published a “Code for the Facing of Sexual Harassment in Employment and Vocational Education” (June 2004) which it encourages its members to implement as soon as possible. The Code has drawn on practices of successful European enterprises, and is based on standards recognised by the ILO and principles of the European Union. OEB has also conducted research on the topic “Women and the workplace in Semi-governmental organizations and Banking Sector” (March 2006).

<http://www.oeb.org.cy/main/101,0,190,267-Έρευνα--Η-Γυναίκα-και-οι-Θέσεις-εργασίας-στον-Ημικρατικό-και-Τραπεζικό-Τομέα.aspx>

### **Cyprus Chamber of Commerce and Industry (KEBE)**

Within the framework of gender equality (Guideline 6 of SDP), KEBE is ready to become more active in the promotion of gender equality in employment and vocational education, through its participation in the relevant National Committee.

At the same time, KEBE has been informing the business world on the changes brought about by the *acquis communautaire* in the field of occupational gender equality, through the distribution of informative flyers and the publication of articles in KEBE’s newspaper, “Emporobiomichaniki”.

### **International Actors**

EU

ILO

UN (CEDAW)

## **2.3 Time line**

### **1990**

Women are hired for first time in the Army as “volunteers”. By the year 2000 their number will reach the figure of 500. Women volunteers are hired in Pay Rank A1 plus 8 increases. According to the rules they could be offered permanent jobs after 7 years.

### **1995**

The Army of the Republic Regulations (P.I. 44/1995) required, inter alia, candidates for a 5 year appointment in the army to be (i) male citizens of the Republic of Cyprus or Greece and (ii) to have completed their national service (Regulation 6 of P.I. 44/1995).

The same year, May 21, 1995, the 6<sup>th</sup> series of women volunteers are hired (hired in Pay Rank A1 plus 8 increases)

Health and Safety at Work Law No. 89(I) of 1996.

### **1997**

Maternity Protection Law (L. 100(I)/1997)

### **1998**

Social Insurance (Amendment) Law. 84(I) of 1998

### **2000**

Maternity Protection amendment Law No. 45(I)/2000

As from the academic year 2000-2001 women have the right to compete for entrance in the Highest Military Training Institutions

Mother’s Allowance Law No. 129(I) of 2000

### **2001**

Social Insurance (Amendment) Law 51(I)/2001)

### **2002**

Maternity Protection amendment Law No. 64(I) of 2002

Child Benefit to Families With Three Children Law 8(I) of 2002

Provident Funds (Amendment) Law 130(I) of 2002

Parental Leave and Leave on Grounds of *Force Majeure* Law of 2002 (L. 69(I)/2002) (came into force on 1.1.2003)

The Maternity Protection (Safety and Health at Work) Regulations, 2002 (P.I. 255/2002) of 31.5.2002).

Equal Pay between Men and Women for the Same Work or for Work of Equal Value Law, 2002 (L. 177(I)/2002).

Equal Treatment for Men and Women in Occupational Social Insurance Schemes Law 133(I) of 2002.

Entrance Examination for the Police Academy (25/5/2002). Out of 1850 candidates, 848 are women (45.8%)

The Equal Treatment of Men and Women in Employment and Vocational Training Law 2002 (L. 205(I)/2002)

Scheme for the Encouragement, Strengthening and Reinforcement of Female Entrepreneurship) introduced in 2002

### **2003**

Child Benefit Law (Amendment) No. 22(I) and No. 57(I) of 2003.

Mother's Allowance Law No. 21(I) of 2003

Public Assistance and Services Law 74(I) of 2003

September 6, 2003

Official presentation of the Gender Equality Observatory (PIK) which is established under the umbrella of DEOK and aims to promote equality in the workplace and society.

### **2004**

Submission of Cyprus' combined third, fourth and fifth periodic CEDAW report. It is stated that in the Army of the Republic, 43 women officers and 269 non-commissioned officers, are now serving in permanent posts. Moreover, 313 women non-commissioned officers are serving on a 3 year contract, which is renewable.

### **2005**

December 15, 2005 the Gender Equality Observatory (under the umbrella of DEOK) announces results of a survey on hiring policies. The survey suggests that job descriptions and the profile of candidates in many job-ads are not gender neutral but in fact exclude women. PIK points out that the sexist rhetoric of job-ads violates relevant laws on equal employment.

### **2006**

In the list of issues and questions with regard to the consideration of Cyprus' combined third, fourth and fifth periodic report of Cyprus (CEDAW/C/CYP/3-5)<sup>14</sup>, the Committee expressed

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<sup>14</sup> United Nations CEDAW/C/CYP/Q/5. Committee on the Elimination of Discrimination against Women Pre-session working group, Thirty-fifth session 15 May-2 June 2006 list of issues and questions with regard to the consideration of Cyprus' combined third, fourth and fifth periodic report of Cyprus

its concern about discriminatory laws in the past against women and asked the Cyprus Representatives to clarify whether any discriminatory laws still exist and what efforts are being undertaken to review and rectify all legislation that discriminates against women in light of the Convention.

The Cyprus Representatives give the following clarification:

The justification for the gender requirement is the fact that, women in Cyprus do not perform military service and, thus, Cypriot women would not, in any case, qualify for appointment. Notwithstanding this, the Ministry of Defence is currently reconsidering the matter in the light of the Equal Treatment of Men and Women in Employment and Vocational Training Law, 2002 (L.205(I)/2002) taking into account the particularities of the military service.

August 23 2006

Reply by the Minister of Defense, dated August 23 2006, to the Question Raised by MP Sotiris Sampson on the Issue of Women Sergeants in the Army. Parliamentary Proceedings 5-10-2006. It is argued that the only reason they have not been promoted to permanent job ranks is because such positions have not been created yet (so far only the women who were hired during the years 1990, 1991, 1992 and 1993 have been promoted to tenured ranks).

#### **19.7.2006**

The head of Police, Ch. Koulentis announces that the increased number of women entering the police force puts at risk the ability of the Police to protect public order and security. He argues that new rules for the composition of the Police Force must be introduced otherwise the number of women will exceed the number of men.

#### **8.11. 06**

The Commissioner for Administration responds to the suggestions of the Head of Police for introducing quota to prevent the feminization of the Police Force. She points out that this violates the principles of equality. She also argues that to introduce common entrance criteria on athletic capacity (race, jump) would also be a form of discrimination since the biological capacities of the sexes differ (she points to the difference between women's and men's sprint and long jump world records). Also she points out that according to research women can be as good as men carrying out police tasks and that they are in fact better than men in dealing with some specific tasks.

#### **2007**

Scheme for Flexible forms of employment enacted

### **3. Intimate citizenship**

#### **3.1 Introduction**

##### **Family Law**

The modernization of Family Law required a constitutional change since article 111 of the Constitution prescribed that matters of marriage and divorce were governed exclusively by the law of the Church and the jurisdiction of these matters belonged to the ecclesiastical courts. The amendment of the Constitution made possible with Law No. 95 of 1989, opened the way to passing a series of new laws on marriage, divorce and family courts (Law No. 21/90 on civil, Law No. 23/90 on family courts) and transferred the jurisdiction of these matters from ecclesiastical courts to special family courts.

The emphasis during the QUING period was placed on improving previous laws and on their implementation.

Among the new laws that have been enacted in this field are:

- The Adoption Law, 1995 (L. 19(I)/1995) bringing the domestic law in line with the European Convention on the Adoption of Children;
- The Marriage Law, 2003 (L. 104(I)/2003) which consolidates and modernizes two existing laws, covering on the one hand civil marriages among Greek Cypriots (Law No. 21/1990) and on the other hand mixed marriages and marriages where at least one of the parties is not Cypriot.

A very important element of Law 104(I)/2003 is that it allows, for the first time, civil marriages between Greek and Turkish Cypriots. Law 104(I)/2003 is fully in line with the provisions of the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, which was ratified by Law No. 16(III)/2002.

A number of amending laws have been enacted with a view to improving existing legislation. These include-

- Parent and Children (Amendment) laws
- Property Rights between Spouses (Amendment) laws
- Family Courts (Amendment) laws
- Children (Legal Status) (Amendment) laws

A drafting committee under the Law Commissioner, established by a Council of Ministers' Decision, has prepared a bill on family mediation. This bill introduces the institution of family mediation to all family cases including parental care, maintenance of children, alimony, and property relations between spouses. The bill is fully in line with the Council of Europe's Recommendation (R.98) of the Committee of Ministers to Member States on family mediation.

## **3.2 Actors**

### **State Actors**

Cyprus Law Commissioner

Immigration Department (relevant for issues of mixed marriages)

Ministry of Interior

Ministry of Justice and Public Order

National Mechanism for Women's Rights

Office of the Commissioner for Administration

Social Welfare Services (relevant for adoption issues)

Non-Governmental Agents

### **Civil Society Actors**

The Greek Orthodox Church (Archbishop, Bishops)

MIGS (Mediterranean Institute for Gender Studies)

ΚΣΟΠ /CFPA - The Cyprus Family Planning Association

ΚΙΣΑ/ KISA - ACTION FOR EQUALITY, SUPPORT, ANTIRACISM

### **International Actors**

EU

UN (CEDAW)

UN (Convention for the Protection of Human Rights and Fundamental Freedoms)

## **3.3 Time line**

1995

The Adoption Law 19(I) of 1995.

2003

The Marriage Law 104(I) of 2003.

## 4. Gender Based Violence

### 4.1 Introduction

#### Family Violence

The legal instruments for combating violence in the family originate in the Law 47 (I) Violence in the Family (Prevention and Protection of Victims) of 1994. Many problems were encountered in the full and effective implementation of this Law. This Law and its sequels (Law of 2000 and Law of 2004) do not make any specific reference to family violence against women with two exceptions, the rape of a wife by her husband and the defilement of girls (it is not clear if defilement is also defined as rape). Though these laws are very strict and harmonized with international conventions and European Laws, their implementation was not as effective.

According to a survey on family violence against children, only 27.9% of those who state that they have been subjected to forms of sexual abuse report the incident to someone. Of those who do report it, they report it to their mother (45.5%), to friends (27.3%), to the police (13.6%) to their grandparent/s (9.1) and to siblings (4.5%). The major reasons cited for not reporting it are (a) they do not want others to know about it (58.3%), they were scared (25%) or they were threatened (16.7%) (Advisory Committee, 2004). The framing of victims in Family Violence Laws, in several studies conducted on Family Violence and in visual material used to sensitize the public to the problem focuses on children. Whether this focus on family violence against children reflects the institutional affiliation of policy makers in various bodies or whether it is a symptom of the denial of the Cypriot society to recognize and address domestic violence against women (it is easier to sensitize public opinion when talking about child victims rather than abused women), is something that must be examined. Images of victims are almost always images of children. The only image of an adult female victim featured in a public (governmental and NGO) site is the following description, cited on the website of the Association, as follows:

*Appalling and exclusive account of an older woman in a remote village:*

*"...The only thing that remained mine was my right to cry. I worked the land and cried. I was baking bread and my eyes were crying rivers. My husband beat me even when I was pregnant. I was able to rest only when he died..."*

*The above report is representative of many women, mainly within the countryside, who did not have the courage to confess their long term abuse to anyone.*

The image sensitizes the public to family violence as the predicament of wives in a patriarchal society, but at the same time delineates this woman and the violence she endures in some other time (traditional Cyprus many years ago), in some other place (a village). Though several studies suggest that the adult victims of family violence are predominantly women, there are no references either in the law or in relevant policy recommendations which address women as a specifically vulnerable category.

Violence against women is also invisible in the data base of complaints submitted to the Radio and Television Monitoring Authority. A very frequent charge against channels is the revelation of information which might suggest the identity of child victims (e.g., child victim of rape). The punishment for such violations is usually the issue of a “warning”. In a long list of hundreds of complaints there is only one complaint for violation against women on the basis of gender: “Broadcasting of an advertisement for a Bank, the content of which violates [«απάδει προς»] the respect of the dignity of women and introduces gender discriminations (decision pending) (case number 51/2007 (72), date of broadcasting 31.1.2007). There are tens of complaints for scenes of sexual content (some of them because the scenes were not marked appropriately or were shown during the family zone) but none of those complaints makes specific reference to pornography or demeaning representations of women as sexual objects. Instead, the terms used are usually “intent sexual content” or “inappropriate erotic scene.” Particularly problematic is the rhetoric used for the codifications of complaints submitted against three different TV stations for broadcasting in the News (13-14/12/2005) the naked photo of a high-school teacher which was disseminated widely through the use of mobile phones (case numbers 37(2006)1, 38(2006)2, 39(2006)3, Authority’s decision still pending). The codification of the violation is the following: “Broadcasting of reportage related to naked photo of high school teacher on mobile which [reportage] does not abide by the principles of respect for the personality, the dignity and the private life of a person.” The fact that it was specifically the naked photo of a woman and not the naked photo of any person that was being disseminated, originally by the users of mobiles, and secondarily by the media themselves, was not addressed.

Also, there are no studies which investigate the relation between class and family violence or the phenomenon of family violence among migrant women. Most migrant women in Cyprus are from the global South (from the Philippines or Sri Lanka), they are employed as domestics (cleaners and child carers) and most of them are stay-ins (as “members of the family”). Whether sexual and other forms of violence experienced by these women within the domestic realm count as family violence is something to be examined (the lack of policy on “domestic violence” makes the identification and treatment of such forms of violence even more difficult). Incidents of family violence among families of migrants (frequent wife battering and several instances of murder) also remain outside the scope of family violence, both from the perspective of the Greek Cypriot society (they perceive them as incidents of ethnic rather than family violence) and from the perspective of the victims themselves. Migrant women victims would be the last to trust state authorities and report violence, they have no access to the Hotline or any other interface, and they would hesitate to report the abuser since his conviction would also mean his deportation.

According to data provided by the Advisory Committee, the numbers victims of family violence (based on reported incidents) were: 250 women, 233 children and 23 men (2001), 341 women, 291 children and 33 men (2002), and 424 women, 39 children and 30 men (2003). More recent data collected through the Family Violence Hotline (operated by the Association) also suggest that most cases of domestic violence involve women as victims. In particular, based on data collected through the emergency Hotline 1440 during the last 3 years (2004-2006), there were 1740 cases of domestic abuse, of which 1348 involved

women victims, 160 involved men victims and 244 involved children.<sup>15</sup> However, it is widely believed that these numbers are not indicative of the true picture of domestic abuse in Cyprus.

The Law of 1994 empowers the court to order the removal of a child victim of violence from their home. A child is considered a victim of violence even when there is no direct violence towards the child and the child is simply a witness of repeated acts of violence committed by one member of the family against another. One of the objectives of the Law was to express unequivocally the abhorrence of the State and its condemnation of every form of violence exercised by one member of the family against another. This was expressed by drastic increases of the penalties provided for all forms of violent activities whenever they are practised within the family. Some of the objectives of this Law were (a) To facilitate the reporting and trial of such incidents; (b) To empower the court to issue orders prohibiting the assailant from staying in the family home for the protection of the victim from the repetition of similar violent activities; (c) To empower the court to issue interim restraining orders pending the trial of the case; (d) To establish a family counsellor and a committee for furthering the objectives of the Law; and (e) To set up a multidisciplinary group for professional advice to the Committee.

In line with the provisions of the Violence in the Family Law a ten-member Advisory committee was established, which undertook activities aiming at preventing and combating domestic violence. The responsibilities of the Committee included monitoring the situation in Cyprus, informing the public and professionals of developments, encouraging studies on violence in the family, promoting services to deal with all aspects of the problem and monitoring the effectiveness of relevant services and the implementation of the law.

The Committee consists of 5 members from the government sector and 5 members from the voluntary sector, who were personally appointed by the Council of Ministers (decision no. 43.652, dated 24.1.96). It is chaired by a Principal Welfare Officer of the Department of Social Welfare Services.

A very important instrument for the combating of family violence was the Attorney General's Directive on obligatory reporting of incidents of domestic violence, dated June 11 1998. According to this directive, any state officer (officer in the welfare service or the police, doctor, psychiatrist, psychologist, teacher) who came to know of the possible incidence of family violence has to submit a written report to the Attorney general within 7 days. Data provided by the General Attorney's office show that despite this directive only a very small number of reports have been submitted by teachers, something which according to Apostolidou suggests that teachers are ignorant of the existence of such a procedure (Apostolidou, 2004). Very characteristic is the case of a High School Vice Director who mentioned that they did not report the rape of a female student by a person from her immediate family environment because they were asked by the student not to report it (ibid.).

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<http://www.domviolence.org.cy/uploads/Association%20for%20the%20prevention%20and%20Handling%20of%20Violence%20STATISTICS%202004-2009.pdf>

Law on Violence in the Family (Prevention and Protection of Victims) No. 119(1)/2000 was enacted in order to effect substantial improvements based on the experience gained since the enactment of the initial law in 1994. It contains several new provisions such as:

- the taking of testimony of victims of violence by electronic means
- the protection of victims in court while giving evidence
- the setting up of a fund to meet certain immediate needs of victims
- the establishment of a shelter where victims can have protection.

Protection of Witnesses Law, 2001 (L. 95(I)/2001) complements Law 119(I)/2000. The Protection of Witnesses Law, 2001 was enacted in June 2001, corresponding to EU Resolutions of 23 November 1995 on the protection of witnesses in the fight against international organized crime, and of 20 December 1996 on individuals who co-operate in the fight against organized crime. The Court, before which any proceedings take place, is empowered to take measures to protect any vulnerable witnesses needing protection from all forms of direct or indirect threat, pressure or intimidation. Such measures include the exclusion of the public from the courtroom and providing for a witness needing protection to give his /her testimony in circumstances which will allow such a witness not to face the accused (by the use of a special partition or a closed television circuit).

A new policy initiated soon after the enactment of Law No. 119(1)/2000 was the institutionalization of Inter-departmental procedures for the handling of family violence.

Inter-departmental procedures were discussed in a one-day conference which was organized by the Advisory Committee for Family Violence in April of 2001. All governmental services involved in the handling of incidents of family violence participated in the conference since the goal was to submit recommendations for the improvement of inter-departmental procedures. Based on those recommendations, an improved Manual was drafted by the Advisory Committee which was submitted to the Minister of Labour and Social Insurance with the suggested distribution to relevant Ministries for approval and then submission to the Ministerial Council for final approval. On May 16 2002, by Decision 55646, the Ministerial Council approved the interdepartmental procedures, authorized the Ministries involved to make sure that all their personnel became familiarized with the procedures and implemented them, and, finally, authorized the Advisory committee to submit an evaluation report on the implementation of those procedures. The evaluation of the implementation of inter-departmental procedures, completed in January 2004, revealed many problems in following the inter-departmental procedures and many weaknesses in the implementation of the law. Some of the implementation problems which related to the Legal Services were that: (a) when a restraining order is issued for the removal of the child or the victimized from the family, the Legal Services officers that compose the Group for Violence in the Family cannot always carry out the procedure because of their other duties and (b) not all cases of family violence are examined by the court in 'closed doors', either because the court does not approve the petition for a closed door trial or because the police do not submit such a petition.

Another problem that limits the implementation of the Law is the lack of sufficient and appropriate shelters for the victims of family violence. The only shelter that hosts abused women and children is a shelter founded in 1998 by an NGO (funded with a state grant of

15,000 CYP per year). The shelter is a safe environment for battered women, who are in immediate physical and psychological danger from their familial environment. Women can stay in the shelter temporarily (6-8 weeks) with their children. In order for women to stay in the shelter, they have to participate in all the shelter's programs. From 1999 to September 2006, 246 women with their children were accommodated in the shelter. During 2006, 119 people stayed in the shelter, of which 69 were women and 50 were children.

### **Primary Sources**

Law 47 (I) Violence in the Family (Prevention and Protection of Victims) of 1994.  
EN (e-text as image file only)

The Violence in the Family (Prevention and Protection of Victims) Law 119 (I) of 2000.

GR (e-text as image file only)

[http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/6C894C26ECA9F6A3C2256E7E004E1C16/\\$file/Law%20which%20provides%20for%20the%20Prevention%20of%20Violence.pdf?OpenElement](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/6C894C26ECA9F6A3C2256E7E004E1C16/$file/Law%20which%20provides%20for%20the%20Prevention%20of%20Violence.pdf?OpenElement)

The Violence in the Family (Prevention and Protection of Victims) Law (Amendment of 2004.. Advisory Committee for the Prevention and Combating of Violence in the Family. Activities Report for 2003-2004, p. 56-65

GR(e-text)

Violence in the Family (Prevention and Protection of Victims) Laws 119(I) of 2000 AND 212(I) of 2004

EN (e-text )

[www.familyviolence.gov.cy/upload/legislation/laws\\_2000\\_and\\_2004\\_en.pdf](http://www.familyviolence.gov.cy/upload/legislation/laws_2000_and_2004_en.pdf)

Report by the Parliamentary Committee of Labour and Social Insurance on the issue "Problems ensuing from the non-satisfactory implementation of the law for the prevention of violence in the family and the protection of the victims and the need for infrastructure necessary for the protection and support of the victims" (Έκθεση της Κοινοβουλευτικής Επιτροπής Εργασίας και Κοινωνικών Ασφαλίσεων για το θέμα που τιτλοφορείται «Τα προβλήματα που προκύπτουν από τη μη ικανοποιητική εφαρμογή της νομοθεσίας για την πρόληψη της βίας στην οικογένεια και την προστασία των θυμάτων και η ανάγκη δημιουργίας της αναγκαίας υποδομής για προστασία και στήριξη των θυμάτων βίας»). April 16, 2002.

GR (e-text )

[http://www.parliament.cy/parliamentGR/008\\_05/008\\_05\\_342.htm](http://www.parliament.cy/parliamentGR/008_05/008_05_342.htm)

Attorney-General of the Republic, Directive on obligatory reporting of incidents of family violence (Γ.Ε./Αρ.50(Γ)/1992/Ν.42) and Tablet for report (Εγκύκλιος Γ.Ε./Αρ.50(Γ)/1992/Ν.42 και Πληροφοριακό Δελτίο Υποχρεωτικής Αναφοράς Περιστατικών βίας στην οικογένεια στον Γενικό Εισαγγελέα) , Advisory Committee report of activities for the years 2000-2002, p. 15-19.

## Secondary Sources

Advisory Committee for the Prevention and Combating of Violence in the Family. Activities report for the years 2003-4.

GR (e-text)

[http://www.familyviolence.gov.cy/upload/downloads/annual\\_report\\_2003-04.pdf](http://www.familyviolence.gov.cy/upload/downloads/annual_report_2003-04.pdf)

Advisory Committee for the Prevention and Combating of Violence in the Family. Activities report for the years 2000-2002.

GR (e-text)

[http://www.familyviolence.gov.cy/upload/downloads/annual\\_report\\_2000-02.pdf](http://www.familyviolence.gov.cy/upload/downloads/annual_report_2000-02.pdf)

Advisory Committee for the Prevention and Combating of Violence in the Family. Annual Report for 2005.

GR (e-text)

[http://www.familyviolence.gov.cy/upload/downloads/annual\\_report\\_2005.pdf](http://www.familyviolence.gov.cy/upload/downloads/annual_report_2005.pdf)

Advisory Committee for the Prevention and Combating of Violence in the Family, Manual on Inter-departmental procedures for the Handling of family violence, Family Violence Advisory Committee, June 2002.

GR (e-text)

[http://www.familyviolence.gov.cy/upload/downloads/egxeiridio\\_diatmimatikon\\_diadikasion\\_2\\_00206.pdf](http://www.familyviolence.gov.cy/upload/downloads/egxeiridio_diatmimatikon_diadikasion_2_00206.pdf)

Martha Apostolidou (Member of the Advisory Committee for Family Violence), Evaluation Report on the Implementation of Inter-departmental procedures used for the handling of incidents of Family Violence). January 2004.

GR (e-text)

[http://www.familyviolence.gov.cy/upload/downloads/aksiologisi\\_diatmimatikon\\_diadikasion\\_2\\_00501.pdf](http://www.familyviolence.gov.cy/upload/downloads/aksiologisi_diatmimatikon_diadikasion_2_00501.pdf)

The range and forms of Violence against children in the Cypriot Family (Η ΕΚΤΑΣΗ ΚΑΙ ΟΙ ΜΟΡΦΕΣ ΒΙΑΣ ΕΝΑΝΤΙΑ ΣΤΑ ΠΑΙΔΙΑ ΣΤΗΝ ΚΥΠΡΙΑΚΗ ΟΙΚΟΓΕΝΕΙΑ), Research Commissioned by the Advisory Committee for the Prevention and Combating of Violence in the Family and conducted by ECONOMARKET LTD Economic and Statistical Surveys Office (Γραφείο Οικονομικών & Στατιστικών Μελετών) in cooperation with FREDERICK Institute of Technology. September 2004.

GR (e-text)

[www.familyviolence.gov.cy/upload/research/erevna\\_2004\\_executive\\_summary.pdf](http://www.familyviolence.gov.cy/upload/research/erevna_2004_executive_summary.pdf) -

Domestic Violence in the Cypriot Society. Fileleutheros Newspaper. 1/7/2007.

Violence in the Cypriot Family, Research, Commissioned by Advisory Committee and conducted by the Research and Development Center, Intercollege, October 2000.

GR (e-text)

[http://www.familyviolence.gov.cy/upload/research/erevna\\_2000.pdf](http://www.familyviolence.gov.cy/upload/research/erevna_2000.pdf)

FAMILY VIOLENCE IS A CRIMINAL OFFENCE AND IS PUNISHABLE BY LAW. Leaflet.  
Published by the Advisory Committee for the Prevention and Combating of Violence in the  
Family

EN (e-text)

[http://www.familyviolence.gov.cy/upload/publications/triptiho\\_en.pdf](http://www.familyviolence.gov.cy/upload/publications/triptiho_en.pdf)

## Trafficking

Review of policies and debates

The death of Oxana Rancheva in March 2001 was an event that sensitized the Cypriot society to the “plight” of foreign women employed as artists (καλλιτέχνιδες). Soon, however, the event would be forgotten and the “plight” of “artists” would be digested by the media as the old story of prostitution. Even today the concept of trafficking in people and the new legal framework established to combat trafficking has not been understood, either by the media, or by the politicians themselves. The term trafficking is often used as interchangeable with terms such as prostitution, sexual exploitation and employment of migrant women from Eastern European countries as artists (in fact, these women are still employed under the status of “artist visas” and in the migration department there is a unit that bears the title Department of Artists (Τμήμα Καλλιτέχνιδων).

According to a study conducted by AKEA party, the profits from prostitution in the informal economy in the year 2000 exceeded the amount of 40 million CYP. During the year 2005, the office filed 47 charges for living on prostitution profits, sexual exploitation of minors and adults, running prostitution houses, etc., while during the year 2006, 57 more charges were filed. According to a confidential report during the period January 1 1999 to June 23 2004 a total number of 100 cases of prostituting women were filed. According to the same report, for charges to be accepted and cases to be prosecuted, additional testimony (ενισχυτική μαρτυρία) is required, something which renders the validation of these charges and their prosecution extremely difficult.

The two arguments frequently used to support the view that there is no trafficking in people in Cyprus are: (a) these women come to Cyprus willingly, knowing that they will work as prostitutes and (b) most of them are repatriated to their countries of origin after the end of their contract. What is worrisome is that politicians themselves adopt and reproduce this framing of the issue. Particularly shocking was the public statement of the ex-minister of Justice, Doros Thodorou. Attacking and discrediting the findings of an inquiry conducted by the Ombudswoman on trafficking, he stated that many young women in Ukraine and Moldavia are anxious to come to Cyprus to work as “artists”. The CEDAW report has also replicated the dominant understanding of trafficking as it adopts the rhetoric used and the data provided by the Police and the Ministry of Justice. Its coverage of the issue could be characterized as political beautification of a social problem.

The sensitization of the public to the issue of trafficking and the promotion of new policy has been based on the personal intervention of specific persons rather than on the

institutionalization of authorities and special departments in the police. The persons who managed to voice a different rhetoric and to contest the dominant political framing of the issue are the Ombudswoman, Eliana Nicolaou, the Director of the Migration Department, Anne Shiakalli, and three MP women: Eleni Mavrou, Androulla Vasiliou and Eleni Theocharous. The intervention by the MPs reflects their personal, political and social stance on the issue rather than the views of their parties. In fact, Eleni Theocharou's (DISI MP) upfront critique of the institutional failure to acknowledge and combat trafficking stands in opposition to the views expressed in the Parliament by some other right wing MPs who argue that the criminalization of trafficking should not only combat the traffickers but also the women themselves since they are knowingly employed as prostitutes.

In the light of its forthcoming membership to the EU, Cyprus enacted the Combating of Trafficking of Persons and Sexual Exploitation of Minors Law, 2000 (L. 3(I)/2000) which was in line with the corresponding Joint Action of 24 January 1997 adopted by the Council of the European Union on the basis of Articles K3 of the Treaty on European Union concerning action to combat trafficking in human beings and sexual exploitation of children.

Law 3(I)/2000 criminalizes such activities, provides for severe punishments as well as for the protection, compensation and rehabilitation of victims and extends the jurisdiction of Cyprus courts. Offences under this Law, including the trafficking and sexual exploitation of women and children, the use of children for pornography, and the production, display, showing or transmission of such productions could be extraditable and could also be predicated offences for the purposes of confiscation of the illicit proceeds, under the Anti-Money Laundering Law (L. 61(I)/1996, as amended). A very important element of Law 3(I)/2000 was the appointment of the Director of the Department of Social Welfare as the Guardian of Victims of Sexual Exploitation, who was responsible for the provision of humanitarian support and assistance to the victims, as well as for the channelling of complaints to the competent authorities for investigation.

The 2000 Law on Trafficking remained inactive in practice because of several problems related to its implementation. During the discussion at the Parliament of a Report by the Parliamentary committee on Human Rights, October 13 2005, MP Eleni Theocharous pointed out that the 2000 Law on trafficking was still inactive. As an indication of this inactive state of the law she mentioned that the September 2000 Decision of the Ministerial Council to appoint the Director of the Social Welfare Services as guardian (Κηδεμόνα) of the victims was never implemented. The non-implementation of that decision was also discussed by the representative of the Social Welfare Services herself in the Report of the Committee on Criminality discussed in the previous Parliamentary Meeting (*October 6 2005*).

According to the Social Welfare Services, because of the lack of personnel, no actions were taken towards the implementation of this decision. (Plans for the creation of a shelter for victims of sexual exploitation are still underway. Where such a shelter would be established became a topic of public debate from May of 2007. Originally, the shelter was planned to be established in Limmassol but after complaints and opposition expressed by the residents of the area who considered the establishment of such a shelter as a pole of criminality for their neighbourhood, it was decided to establish this centre in the old Head of Prison's Quarters,

in Nicosia. This decision has also been debated by many NGOs who argue that this locality is the most inappropriate for victims of sexual violence. The Minister's reply to this view was that the locality of the shelter next to the prison would actually be a source of security because if the victims were harassed by traffickers, the shelter would be close by and the police would be able to intervene very quickly).

One of the most crucial parliamentary sessions on the issue of trafficking was the session of October 6 2005 when the Parliamentary Committee on criminality presented a special report on the topic of "prostitution-trafficking." The focus of the discussion during the first part of that session was the down-grading of Cyprus from tier one to tier two in the US Foreign Office Report on Trafficking. The Minister of Justice emphatically rejected the position that it is possible that there is "trafficking" in Cyprus and disagreed with the views of the Ombudswoman expressed in her 2003 report. He also rejected all relevant "claims", stating that there is no "legal" trafficking in women in Cyprus. The validity of the US report was also questioned by the Foreign office who indirectly attributed the problem of Cyprus's placement to tier two to the publication of the Ombudswoman's 2003 Report on trafficking, on which the US Foreign Office Report based its decision.

In the following Parliamentary session, October 13 2005, which discussed the Report by the Parliamentary Committee on Human Rights, the discontinuities and dissonant opinions on trafficking became more visible. The Police and the Ministry of Justice approach the issue as a case of prostitution and they argue that there is no trafficking in Cyprus. The Director of the Migrations Department, the Ombudswoman and several MPs define trafficking as a problem of violation of Human Rights and argue that there is a big problem of trafficking in Cyprus. The Director of the Migration Department argued that the legal frame on trafficking is outdated, rooted in legal frame of the British colonial period, and must be modernized («το ισχύον νομοθετικό καθεστώς που καλύπτει τις καλλιτέχνιδες είναι αποικιοκρατικό με ελάχιστες τροποποιήσεις και χρήζει εκσυγχρονισμού»). She suggested that the new legal frame should be based on the Palermo Convention on trafficking. She also pointed out that the whole system of implementation suffers, and what aggravates the problem is that the affected women do not testify because of the lack of trust, fear and the dependency relation between them and their employers.

In the same Parliamentary session, the representative of the Police stated that she does not agree with the view that there are circuits of prostitution in Cyprus in such a large extent as it was implied by others ( ανέφερε ότι δε συμφωνεί με την άποψη ότι υπάρχουν κυκλώματα πορνείας στην Κύπρο σε τέτοιο μεγάλο βαθμό, όπως αφέθηκε να νοηθεί), but admitted that it is a common secret that there is prostitution of women (αλλά παραδέχθηκε ότι είναι κοινό μυστικό ότι υπάρχει εκπόρνευση γυναικών). She also cited a written note submitted by the Police Head Office to the Parliamentary Committee on Human Rights, dated June 23 2003, where it was stated that: "Cyprus, based on statistics does not face a serious problem of trafficking and despite this it has ratified all international conventions on human trafficking «η Κύπρος, βάσει στατιστικών στοιχείων, δεν αντιμετωπίζει σοβαρό πρόβλημα σωματεμπορίου, παρά ταύτα έχει ήδη υιοθετήσει όλες τις διεθνείς συμβάσεις που άπτονται του θέματος του σωματεμπορίου (human trafficking)». In regard to violation of the human rights of the

women who are sexually exploited, the same Police representative mentioned in a letter to the president of the Parliamentary Committee that since February 10 2003 there were charges only for three instances.

The most recent development has been the introduction of the new law on trafficking. The Parliamentary Committee on Human Rights studied the proposed Law on Combating trafficking in 4 sessions held on June 5, 12, 19 and 26 June 2007. These sessions were attended by the General Director of the Ministry of State, the Director of the Migration Department, the Law Commissioner and president of ΕΘΝΟΠΑΔ, the Ombudswoman and representatives of the Ministry of Justice and Public Order, the Ministry of Health, the Foreign office, the Police, the Social Welfare Services, ΚΙΣΑ, ΣΤΙΓΜΑ, STOP INTERNATIONAL, MIGS, United Nations High Commissioner for Refugees, and the women's organizations ΠΟΓΟ and ΓΟΕΚ.

This Law aims to implement Decision 2002/629/ΔΕΥ of the European Council of July 19 2002 on combating the trafficking of people, Decision 2004/68/ΔΕΥ of the European Council of December 22 2003 on combating the sexual exploitation of minors and child pornography, and Decision 2004/81/EK of the European Council of April 29 2004 regarding the residence status given to third country nationals who are victims of trafficking who cooperate with the authorities. Furthermore, it aims to implement the Convention of the Council of Europe on combating trafficking which was ratified by the Republic on May 16 2005. This Law abolishes the Law of 2000 on trafficking and sexual exploitation of minors and covers, beyond the trafficking in people, the removal and trafficking of human organs.

### **Primary Sources**

2000 Law on Human Trafficking and Sexual Exploitation of Juveniles

2007 Law on Human Trafficking and Sexual Exploitation of Juveniles

Ombudswoman, Own motion Inquiry on the state of the entrance and employment of foreign women under the status of 'artist' (Αυτεπάγγελτη έρευνα της Επιτρόπου Διοικήσεως ως προς το καθεστώς εισόδου και εργασίας αλλοδαπών γυναικών με την ιδιότητα της καλλιτέχνης). November 24, 2003.

GR (e-text)

Speech by MP K. Papakostas on the topic of Trafficking-Prostitution

December 20 2006, Parliamentary Proceedings

GR (e-text)

Report to the Parliament by the Parliamentary Committee on Human Rights on the proposed law entitled "Combating trafficking and Exploitation of Persons and the Protection of Victims Law of 2007" (Έκθεση της Κοινοβουλευτικής Επιτροπής για τα Ανθρώπινα Δικαιώματα για το νομοσχέδιο που τιλοφορείται «Ο περί της Καταπολέμησης της Εμπορίας και της Εκμετάλλευσης Προσώπων και της Προστασίας των Θυμάτων Νόμος του 2007»). Parliamentary Proceedings, June 26 2007.

GR (e-text)

Report to the Parliament of the Parliamentary Committee on Criminality on the issue titled "Prostitution-trafficking" (Έκθεση της Κοινοβουλευτικής Επιτροπής για την Εγκληματικότητα για το θέμα που τιτλοφορείται «Πορνεία-σωματεμπόριο»), October 6 2005.

GR (e-text)

Confidential report on the Trafficking in people for the period January 1999 till July 2004, Ministry of Justice, Police , Office for Combating trafficking in people. (Εμπιστευτική έκθεση με τίτλο "Εμπορία προσώπων" (για την περίοδο από την 1η Ιανουαρίου 1999 μέχρι τον Ιούλιο του 2004). Υπουργείο Δικαιοσύνης και Δημοσίας Τάξεως-Αρχηγείο Αστυνομίας-Τμήμα Γ΄-Γραφείο Καταπολέμησης της Εμπορίας Προσώπων). July 6 2004.

GR (e-text)

Reply by the Minister of State A. Christou dated May 13 2004 to the question submitted by MP Eleni Mavrou on the issue of employment of foreign artists, dated July 8 2003. (Απάντηση ημερομηνίας 13 Μαΐου 2004 του Υπουργού Εσωτερικών κ. Ανδρέα Χρίστου στην ερώτηση με αρ. 23.06.008.02.453, ημερομηνίας 8 Ιουλίου 2003, της βουλευτού εκλογικής περιφέρειας Λευκωσίας κ. Ελένης Μαύρου.)

GR (e-text)

Report to the Parliament by the Parliamentary Committee on Human Rights on the issue titled "The violations of Human Rights of native and foreign women used for sex services, knowingly or not (trafficking), and the need for a mechanism for their support and repatriation" (Έκθεση της Κοινοβουλευτικής Επιτροπής για τα Ανθρώπινα Δικαιώματα για το θέμα που τιτλοφορείται «Οι παραβιάσεις των ανθρωπίνων δικαιωμάτων των ημεδαπών και αλλοδαπών γυναικών που χρησιμοποιούνται για παροχή υπηρεσιών σεξ, είτε εν γνώσει τους είτε όχι (trafficking), και η ανάγκη δημιουργίας μηχανισμού στήριξης και επαναπατρισμού τους»). Parliamentary Proceedings. October 13 2005.

GR (e-text)

Speech by MP Eleni Mavrou on the issue of trafficking.

Parliamentary Proceedings, December 8 2005.

GR (e-text)

### **Secondary Sources**

Lenz, Ramona. 2006. *Trafficking in Women in the Republic of Cyprus* (Frauenhandel in der Republik Zypern). Nicosia: Intercollege Press. GR

Günşen İçli, Tülin and Aslıhan Öğün 2000. Some Factors Affecting the Reasons of Committing Crimes on the Part of Women. *Kadın/ Woman* 2000 1 (1).

[http://emu.edu.tr/kadin\\_woman2000/menu\\_turkish.htm#contents](http://emu.edu.tr/kadin_woman2000/menu_turkish.htm#contents) (accessed March 27, 2007).

TR

Guven-Lisaniler, F., L. Rodriguez and S.Urugal, S. 2000. Migrant Sex Workers and State Regulation in North Cyprus. *Women's Studies International Forum* 28(1):79-92. EN

Philaretou, A. 2005. Eastern-European Sex Workers in Greek-Cypriot Cabarets. *Sexual Addiction & Compulsivity* 12:45–64. EN

Agathangelou, A.M. and L.H.M. Ling. 2003. Desire Industries: Sex Trafficking, UN Peacekeeping, and the Neo-Liberal World Order. *Brown Journal of World Affairs* 10 (1): 133-148. EN

Lenz, Ramona. 2003. Freedom of choice or force of circumstance? Eastern European sex-workers in the Republic of Cyprus. *Research Group Transnationalism Working Papers* 4. [http://publikationen.uni-frankfurt.de/volltexte/2007/3665/pdf/wp004\\_lenz.pdf](http://publikationen.uni-frankfurt.de/volltexte/2007/3665/pdf/wp004_lenz.pdf) (accessed: March 5, 2007). EN

## Rape

Punishments for rape and other sexual offences sound very strict on paper but in reality only very few cases proceed to a trial. Section 144 of the Criminal Code CAP.154 states that “*Any person who has unlawful carnal knowledge of a female, without her consent, or with her consent, if the consent is obtained by force or fear of bodily harm, or, in the case of a married woman, by personating her husband, is guilty of the felony termed rape.*” Section 145 of the Criminal Code CAP. 154 states that “*Any person who commits the offence of rape is liable to imprisonment for life.*” Section 146 of the Criminal Code CAP. 154 states that “*Any person who attempts to commit rape is guilty of felony, and is liable to imprisonment for ten years.*” Section 153 of the Criminal Code CAP. 154 (“Defilement of girls under thirteen (13) years of age”) states that “(1) *Any person who unlawfully and carnally knows a female under the age of thirteen (13) years is guilty of a felony and is liable to imprisonment for life*” and “(2) *Any person who attempts to have unlawful carnal knowledge of a female under the age of thirteen (13) years is guilty of a misdemeanour and is liable to imprisonment for three years.*” Rape against women is a form of violence that is increasing, almost doubling every year, most victims being young foreign women (migrants or tourist). According to the report *Trends in police data* (percentage change between 1990 and 1996), Cyprus is the only country in Europe where the percentage change is 100 or more. Despite the prevalence of this form of violence, the issue of rape is not framed as a social problem in any policy or Action Plan. Furthermore, the gender neutral language used in many statistical reports renders invisible the fact that the victims of this form of violence are predominantly young women.

Sexual offences in the year 2002 included 14 cases of rape, 1 “defilement” of a girl under 13 years, 1 defilement of a girl 13-16 years, 4 “unnatural offences”, 3 cases of abduction, and 2 cases of sexual exploitation of juveniles. In the cases of rape 4 victims were Cypriots, 4 tourists and 6 foreign residents in Cyprus (State Statistical Services, Criminal Statistics 2002). Comparative data for the years 1976, 1980, 1985, 1990, 2000, 2001 and 2002 show zero cases of rape and zero cases of attempted rape, with the exception of 2000 when 4 cases of rape and one case of attempted rape are mentioned. The cases of sexual offences almost triple two years later. According to Criminal Statistics for 2004, “Sexual offences included 35 cases of rape, 9 defilements of girls 13-16 years, 3 unnatural offences, 9 cases of abduction, 11 cases of sexual exploitation of juveniles, 2 cases of rape (violence within the family) and 1 defilement of a girl under 13 years (violence within the family). In the cases of rape 7 victims were Cypriots, 14 tourists and 14 foreign residents in Cyprus. We must note

that 80% of the rapes were rapes of foreign women and about 60% of all rapes were committed against young women (age 15-29). We must also note that in the descriptive presentation of these data, the gender of the victims is identifiable only in the cases of “defilement” because the female gender is already encompassed within the category name for the specific crime (“defilement of girls”). All rapes, however, were also committed against women and out of the 14 victims in the 11 cases of “sexual exploitation of juveniles”, 10 victims were girls and 4 victims were boys. The detention rate for the 35 rape cases (true cases) was 75% and for the cases of exploitation of juveniles the detection rate was 90.9%. Of the 35 “true cases” of rape, only 9 cases were proceeded against in the court and only in two cases was the accused convicted.

The only project on this form of violence is a trans-national project co-ordinated by MIGS and funded by the European Commission's Daphne II Programme. MIGS partners in Malta, Greece, Latvia, and Lithuania are participating in the project, which started in August of 2006 and which aims to combat violence against children, young people and women. Based on this project, a report on ‘Date rape cases among young women and strategies for support and prevention’ will be published in September 2007.

#### **Secondary Sources:**

Alexia Saoulli, Study to look at date rape in Cyprus, *Cyprus Weekly* (English language newspaper), February 9, 2007.

EN (e-text)

Simon Bahceli, Shock in north as vigilantes torture rape suspect's father, *Cyprus Weekly* (English language newspaper), *Saturday, February 25, 2006.*

Alexia Saoulli, Women's group raises alarm on rape, *Cyprus Weekly, Saturday, September 2, 2006.*

EN (e-text)

George Psyllides, Rape case in Nicosia court, *Cyprus Weekly, Wednesday, November 10, 2004.*

EN (e-text)

Katya Diogenous, Man remanded for attempted rape, *Cyprus Weekly, July 7, 2004.*

EN (e-text)

Simon Bahceli, Police probe Drakos link as Turkish Cypriot rape suspect flees across the Green Line, *Cyprus Weekly, Thursday, June 8, 2006.*

EN (e-text)

(Staff Reporter), Police investigate alleged rape of Swedish tourist, *Cyprus Weekly, Wednesday, August 18, 2004.*

EN (e-text)

(reporter's name not available), Police struggle for leads in rape investigation, *Cyprus Weekly*, Wednesday, March 14, 2007.

EN (e-text)

John Leonidou, AG called in as parents bar rape victim from court testimony, *Cyprus Weekly*, Thursday, October 26, 2006.

EN (e-text)

## **4.2 Actors for the issue Gender Based Violence**

### **State Actors**

Law Commissioner

Law Services of the Republic

Department of Population and Immigration

Social Welfare Services

Cyprus Police and, more specifically, the following departments:

- Criminal Investigation Department
- Crime Intelligence Unit
- Crime Statistics Unit
- Aliens and Immigration Department
- Crime Prevention Office

Ministry of Education

Ministry of Health

Ministry of Justice

Social Welfare Services

Foreign Office

### **Civil Society (and semi Civil Society Actors)**

Association for the Prevention and Handling of Violence in the Family (founded in 1988)

ΚΣΟΠ /CFPA - The Cyprus Family Planning Association, established in 1971

<http://www.cyfamplan.org/>

KISA/ KISA - ACTION FOR EQUALITY, SUPPORT, ANTIRACISM (established in 1998)

<http://www.kisa.org.cy/EN/>

ΠΙΚ/CGEO - Cyprus Gender Equality Observatory (established in 2003)

<http://www.pik.org.cy/>

Mediterranean Institute for Gender Studies

### **International Actors**

EU

UN (CEDAW)

### **4.3 Time line for the issue Gender Based Violence**

#### **1988**

Attorney-General of the Republic issues Directive on obligatory reporting of incidents of family Violence (Γ.Ε./Αρ.50(Γ)/1992/Ν.42)

Association for the Prevention and Handling of Family Violence established

The first Crisis Hotline, run by the Association, is founded in Nicosia. The aim of the Hotline is to offer help and support to victims of domestic violence.

#### **1994**

Law 47 (I) Violence in the Family (Prevention and Protection of Victims) of 1994.

#### **1996**

Advisory Committee for the Prevention and Combating of Family Violence is established by Ministerial Decision, according to Article 16 of the Violence in the Family (Prevention and Protection of Victims) Law of 1994.

#### **2000**

Law on Violence in the Family (Prevention and Protection of Victims) No. 119(1) of 2000.

Combating the Trafficking of Persons and Sexual Exploitation of Minors Law, 2000 (L. 3(I)/2000)

The Protection of Witnesses Law No. 95(I) of 2001.

#### **2002**

The Parliamentary Committee of Labour and Social Insurance, after examining the issue of family violence during 5 consecutive sessions (from January 10 to March 28), prepares and submits to the Parliament a Report on the issue “Problems ensuing from the non-satisfactory implementation of the law for the prevention of violence in the family and the protection of the victims and the need for infrastructure necessary for the protection and support of the victims”.

Manual on Inter-departmental procedures approved by Ministerial Council.

#### **2004**

Violence in the Family (Prevention and Protection of Victims) 212(I) Law (Amendment) of 2004.

#### **2007**

Combating Trafficking of Persons and Sexual Exploitation of Minors Law of 2007.

Association for Combating Family Violence.

## 5. Conclusions

Until Cyprus's EU pre-accession period, gender equality policies in Cyprus were subsumed by dominant politics. There were not gender policies but policies about women. Until 1974 (Cyprus's de facto ethnic division after the Turkish invasion) policies 'about' women were driven by the rhetoric of economic development. In the early post-independence period the discourse of developmentalism was prevalent in the discussion of "women's issues." Women have been portrayed as symbols of productivity, tradition and family ethic (e.g. the figure of the Cypriot Female Farmer, "i Kypria Agrotissa"). After 1974, the image of the Cypriot woman becomes nationalized as an image of displacement, suffering and endurance. Despite the persistence of traditional ideologies of good womanhood, the sudden and abrupt political, social and economic changes in the Greek Cypriot community acted as catalysts in regard to women's status, particularly their employment. For first time after '74, the traditional family stereotype that women do not work came into conflict with the urgent family need for women's employment and women's wages to support the family (before '74 most Cypriot women were working as farmers, but this was viewed more as an aspect of the village life than as participation in the labour force). Most labour surveys of the late 70s and 80s show a tremendous increase in women's participation in the labour force. What remains invisible in these surveys, however, is that (a) women joined the formal economy as low wage employees and (b) nothing had changed in the gender distribution of labour either in the private or the public domain. Interestingly, the same myopia to working women's exhausting and exploitative situation continues today. Small increases in women's employment rates in 2002 and 2003 were over-emphasized in many national and international reports to support the view that women's employment status in Cyprus is very good, even better than the European average rate. Lack of gender disaggregated data on employment renders invisible the fact that women are more likely than men to work in low-wage jobs and part-time jobs (the latter is causally related to low social insurance and compromised maternity benefits).

As it becomes clear in the mid 90s that Cyprus is heading towards Europe, gender equality policy takes a new turn. Harmonization with the Acquis became the mobilizing force behind many legal and institutional gender equality policies. During the period of the accession negotiations (between March 1998 and December 2002) most of the important gender equality laws were enacted, such as the Equal Pay Between Men and Women for the Same Work or for Work for which Equal Value is Attributed (Amendment) Law No. 177(I) of 2002, Law No. 205(I) of 2002 on Equal Treatment Between Men and Women in Employment and Vocational Training, and The Equal Treatment of Men and Women in Professional Social Insurance Schemes Law, 2002 (L. 133(I)/2002). Though these are state-of-art laws in regard to gender equality, their implementation has been very loose, non-systematic, inconsistent and generally ineffective. Because harmonization with EU law and conformity with EU were identified in the eyes of the public as a national achievement which would also contribute to the solution of the Cyprus National Problem, no public debate with regard to EU harmonization legal reform took place. The lack of public debates means that legal reform proceeded without obstacles. It also means, however, that traditional norms and stereotypes on gender were not challenged in the public sphere. These stereotypes extend beyond and

despite equality laws, permeating the culture of the workplace, political culture, the gender distribution of reproductive labour between women and men, and violence against women. Mechanistic legal reform has not challenged these cultures. The foundation of the National Mechanism for Women's rights has been an important event. Unfortunately, strengthening the Mechanism has become identical, in the eyes of the government, with only an annual increase in the Mechanism's budget. The Mechanism continues to be an advisory only body and its major decision taking body, the executive council, is presided by the Minister and the General Director of the Ministry of Justice and Public Order (posts which so far have always been occupied by men).

The strongest and most crucial source for policy change has been the Ombudswoman's Office. The Ombudswoman's annual reports, special reports about complaints submitted directly to her Office and inquiries enacted *proprio motu* by her Office have always stimulated debates both in the Parliament and in the media. Crucial state actors have also been two particular parliamentary committees, the Committee on Equality in Employment and Training and the Committee on Equal Rights. As it was suggested in the discussion of the issue Gender Based Violence, discrepancies between the views of different parliamentary committees on issues of gender policy (such as the discrepancy between the Criminality Committee's view that there is no trafficking, only free-will participation in prostitution, and the Human Rights Committee's view that there is trafficking in Cyprus and that this is an issue of violation of human rights) indicate the absence of systematic gender equality policy at the level of government.

Civil Society actors have been few but very effective in some issues. NGOs are a relatively new phenomenon in Cyprus, with most being established only very recently (since late 90s). Political life in Cyprus has been dominated by Party life and Party Politics. Women in the party leadership positions have been very few and the parties have not demonstrated systematic attempts to promote gender equality policies besides establishing quotas for women candidates and being very vocal on selected issues (the left, for example, has been very vocal in promoting child-care reform and questioning the gender inequality built into some of the new forms of part-time and flexible employment; the right has been very vocal in promoting women's entrepreneurial initiatives and flexible forms of employment). Because of the Parties' power in political life, however, the Parties women's groups are becoming established by default as representatives of women's issues. This privileged power to represent and speak for women, enjoyed by Party women's groups, has sometimes worked against the participation of NGOs in decision making fora.

This discontinuity between legal reform and policy becomes more visible in the case of the strategic development plans and the national reports for employment and social inclusion. In both the Strategic Development Plan for 1999-2002 and the Strategic Development Plan for 1999-2003 there are no policies for promoting equality for women. Women become visible, in both Plans, only in a small section entitled Women's Status, under the category of social policy. Improving women's status is identified in both reports with increasing women's participation in the labour force and (related to this) promoting the development of child-care facilities and a lower school age for children (4, 5 years and above). The policy trend to

connect causally the provision of child care with the promotion of women's participation in the labour force has been dominant in the National Plan for Employment, 2004-2006.

In regard to the issue of *non-employment*, women's participation in the labour force has been treated at the national level (and International as well) as the dominant indicator for gender equality. Equal pay, gender desegregation of the workplace and reconciliation of work with family life are some of the most important policy issues. Gender disaggregated data in employment surveys has been only recently systematized, mostly as a result of the remarks made during the presentation of the CEDAW reports. When such data are studied, it shows that participation in the labour force is not a good indicator of gender equality. The participation of women in the "new technologies" jobs and in businesses is very low, and the unemployment rates are much higher for women than men, especially among older age groups. Terms such as "reconciliation of work with family life" and "flexible schemes of employment" have become very frequent in the discourse of politicians over the last two years. Used more as European jargon than policy frames, these terms have not intensified or helped redefine gender equality policy. "Reconciliation of work with family life," for example, is narrowly understood as improving maternity benefits (maternity leave, however, is still limited to 14 weeks and parental leave, because it is unpaid, is scarcely used by women and almost never by men). The provision of child-care has increased in terms of schooling, but after school child care is still a big problem for women. This big problem becomes invisible in numerical representations of women's participation in the labour force because the gendered work of child care and care for the elderly is done by the large numbers of migrant women from the Global south who work for extremely low wages under exploitative conditions.

The EU has been the major actor promoting policy change in the field of gender equality in Cyprus. As it was pointed out, however, in the detailed analysis of the issue, EU driven legal reform and institutional change (e.g. establishment of various equality bodies) does not suffice to change deeply rooted patriarchal structures and cultures unless it is accompanied by citizen mobilization and public awareness. Information campaigns and workshops carried out by the Government actors have not been very effective because they are usually addressed to civil servants in high hierarchical positions, that is, employees who already experience certain employment privileges and thus are the least likely to understand structural gender discrimination. Such campaigns and workshops are also usually conducted (and perceived) as didactic deliveries of information about the European state of affairs rather than as issues related to personal and group interests. Public debates stirred up by interventions by the Ombudswomen's Office and NGOs have been most effective both in terms of promoting reflective policy change and in terms of introducing a new rhetoric and a new policy framing of gender issues.

In relation to the issue of intimate citizenship, little has changed during the QUING period. With the enactment of the new family law in 1994 and the modernization of family law (the authority passed from the church to the state) many positive changes were enacted. The definition of family, however, continues to be very conservative as it acts as a guardian for the norm of heterosexuality in all aspects of life. In Cyprus there is no legal frame for same-

sex relationships or civil partnerships. The decriminalization of homosexuality in the 90s was a big step but it has not been followed by any gay rights movement or civil society action. Also, because the legal definition of homosexuality referred to male homosexuality only, female homosexuality remained outside the scope of the law and its prohibition but also outside the scope of public discussion and public sensitization.

Abortion has not been an issue of legal reform and public debate in Cyprus. It is legal when the mother's health is at risk and also when prenatal examinations show that the foetus bears genetic anomalies or "Mediterranean Anaemia" (abortion in the case of unwanted pregnancies is freely practiced in private clinics). In order to conduct a wedding, partners need to provide a certificate from the Government Lab of Makarios Hospital that verifies they that they do not bear, at least, not both of them, the Anaemia gene ("the stigma of Anaemia"). The loose legal frame regulating abortion and the lack of intervention by the Church have their roots in the post-1974 months, when many abortions were conducted for pregnancies that occurred because of war-rape. Assisted reproduction (IVF) has been conducted for decades in Cyprus but there is still no legal frame regulating it beside the decision of the government to subsidize the first IVF attempt for infertile couples. The issue, however, has not been framed as an issue of "intimate citizenship" or linked to demographic policy, except very recently when the idea of providing a Government grant for the birth of a third child was considered as a measure for combating the problem of a low fertility rate.

In fact, public discussion about this last issue has marked the emergence of private life and procreation as an issue of "intimate citizenship." The low fertility rate becomes framed as a demographic problem at the beginning of 2007. At the same time, low fertility is framed as a national problem by being linked to the increasing migration of migrant workers to Cyprus and the national fear that the increase of population of Turkish origin in the north is changing the demographic profile of Cyprus and subsequently influencing the distribution of power between the two ethnic communities in the face of a possible solution of the political problem. The announcement by the Government at the beginning of the year that the birth of a third child would be subsidized with a grant of 20,000 CYP stirred up reaction by multi-children parents and also infertile couples who argued that they should be the first to be subsidized in the context of policy to promote a higher fertility rate and not couples with two children considering to have a third child. Interestingly, though they disagreed with the proposed new demographic policy, they adopted the same arguments as the government for the need to increase the fertility rate, that is, they subscribed to the nationalist argument that Cyprus's national demographic character is at risk. The only two agents to question this policy and the framing of the problem were MIGS, who argued that the reasons for low fertility should be located in the failure to reconcile work with family life, and the Economics Unit of the University of Cyprus.

The EU has not been a policy actor in the area of Intimate Citizenship, mostly because the modernization of family law was completed before the beginning of the Accession negotiations. Because the pressure for harmonization with EU legislation has not been a policy force, however, local actors were not able to appeal to EU Directives and European norms in order to promote change. More and more NGOs, however, such as the

Mediterranean Institute for Gender Studies and the Family Planning Organization, have been articulating EU discourse (such as “reconciliation of work with family life”) in order to challenge the dominant framing of family life related issues.

With regard to the issue of Gender Based Violence, family violence and human trafficking have been the central policy issues. The enactment of new laws for combating family violence and trafficking has provided crucial instruments and stirred up political discussion and public awareness. We must note, however, that the framing of the social problems of family violence and trafficking (and subsequently the framing of implementation strategies) is focused more on children and juveniles and less on women. Furthermore, to the extent human rights are often conflated with citizen rights, gender based violence against migrant women workers often remains outside the scope of the national attempt to combat violence against women. Excluded from the framing of human rights and respect for human dignity, women migrants constitute what Giorgio Agamben has called “bare life,” that is, an area of life and violence exempted both from the dominant understanding of humanity and the legal framing of human rights.

State discourse on human trafficking in general and trafficking in women in particular is one of those examples that show how new (i.e. EU) policy frames can be adopted without at the same time promoting social change because these new frames are mediated through old discourses. As pointed out in the discussion of trafficking, several parliamentary discussions on the issue replicated rather than challenged the conceptual conflation of trafficking with prostitution. NGOs and the Ombudswoman’s Office are, for the moment, the only actors which promote a more complex understanding of trafficking, which distinguishes trafficking from criminality and prostitution, reclaims the framing of the issue from the grasp of the Police, and reintroduces it as an issue of human rights violation.

In conclusion, we could say that gender equality policy in Cyprus is one field of policy that has suffered because of the nationalization of political life in Cyprus. Harmonization with EU legislature has been the major force behind many equality policies during the pre-accession period. Whether the EU will continue to be an influential policy actor towards the implementation of gender equality policies is something which will depend on the emergence of the civil society as a local force for policy change. NGOs have been crucial in terms of translating EU gender equality discourse in ways that help citizens understand that gender equality policy affects the quality of their private life, their rights as employees and their freedom and agency as active citizens. The foundation of a gender studies centre at the University of Cyprus (in-process) along with the emergence and strengthening of NGOs seem for the moment to be the two sources for future policy change. To the extent the mechanical and legalistic harmonization with the Acquis has promoted legal reform but failed to promote effective implementation of gender equality policies and public awareness, the challenge and responsibility for NGOs and academic spheres of public debate is becoming more pressing. Between EU driven institutional change and policy implementation, NGOs and academic fora promoting social dialogue are emerging not only as new actors but also as a new form of actor. Their major job is not to announce or propose policy change but, largely, to introduce a new public language on gender equality which makes the identification

and documentation of structural gender discrimination possible and puts forth the implementation of gender equality policies as a major political and social project rather than an unavoidable adaptation to externally imposed policy forces.