



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/CYP/Q/5
10 December 2008

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
Geneva, 24-28 November 2008

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

List of issues to be taken up in connection with the consideration of the fourth and fifth reports of CYPRUS concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/CYP/5)

I. GENERAL INFORMATION

1. Please explain how the Covenant is reflected in the Constitution. Please provide examples of cases in which individuals have invoked economic, social and cultural rights before a national court. What steps are being taken to ensure that victims of violations of economic, social and cultural rights have access to effective judicial remedies, and that court orders and judgments are being enforced.
2. Please indicate whether the National Institution for the Protection of Human Rights conforms to the Paris principles and why it has not been accredited by the ICC till now. Please indicate whether the National Institution's mandate covers economic, social and cultural rights and cite examples of case law.

3. In view of the fact that the State party's report was communicated to the National Institution for the Protection of Human Rights and NGOs, please indicate the nature of their contribution to the report.
4. Please explain the mandate of the Ombudsman created by the Combating of Racism and Other Discrimination Law no. 42/04 and cite examples of cases dealt with by this mechanism. Has the Ombudsman's office been afforded sufficient fund to cope with the additional duties bestowed upon it by its new function as equality body?
5. Please indicate whether human rights education is provided in schools at all levels and whether awareness about human rights, in particular economic, social and cultural rights, is raised among State officials and judiciary schools.

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

Article 2(2): Non-discrimination

6. Please indicate whether the new primary anti-discrimination legislation (E/C.12/CYP/5 para 16) provides protection from discrimination on all grounds. Please also explain why not a single case is before the courts under the new primary anti-discrimination legislation. Which measures have been taken to bring to the attention of vulnerable groups the new complaint procedures open to them? Is legal aid provided to the victims to pursue their claims?
7. Please indicate the interactions between the Anti-Discrimination Agency, the Equality Authority and the Cypriot Equality Agency. Please cite examples on how they deal with cases falling under their respective mandates.
8. Please explain why members of minority groups are not represented in parliament and why the 24 seats assigned to the Turkish Cypriots remain unfilled. Please explain to what extent the 1975 Vienna Agreement III regarding the treatment of Turkish Cypriots living in the state party is being applied.
9. Please indicate whether the Turkish community is afforded the right to use their language in official transactions in accordance with the 1960 Constitution.
10. Please explain why Roma, Pontian Greeks and Maronites are still discriminated against and what effective measure are taken to effectively address manifestations of prejudice and discrimination affecting them.
11. Please comment on allegations that non-nationals amount to 30% of the prison population. Please also indicate whether applicants for asylum are still placed in prisons throughout the process of the examination of their claims and explain the reasons why in some cases, rejected asylum

seekers have been detained for 6 to 10 months in police detention which are not adequate for long stay.

Article 3: Equal rights of men and women

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

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

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

IV. ISSUES RELATING TO THE SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6: The right to work

15. Does the statistics provided by the State party (E/C.12/CYP/5 paras. 29 to 35) include third country migrants who reside and/or work in Cyprus? Please supply more detailed information on the migrants working without papers who are said to represent 1 in every 6 or 7 workers?

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

17. In light of information that youth employment rate fluctuate at low levels and female employment rate is still well below the male one (E/C.12/CYP/5 para. 31), please provide detailed and accurate information on the steps taken to increase employment opportunities for young persons and women, including the technical and vocational courses offered to them and on the policies designated to reduce their unemployment?

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

Article 7: The right to just and favourable conditions of work

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

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

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

Article 8: Trade union rights

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

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

Article 9: The right to social security

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

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

Article 10: Protection of the family, mothers and children

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

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

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

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

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

Article 11: The right to an adequate standard of living

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

32. Please provide updated information on the results of the various housing policies and programmes, including those for displaced persons. Please also indicate how the Rent Control Law

as amended prevents forced evictions and complies with the Committee's General Comment no. 7. Please also provide updated information on the achievement of the Housing Finance Corporation (HFC) which provides loans to persons of low or moderate incomes for housing purposes.

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

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

Article 12: The right to physical and mental health

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

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

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

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

Articles 13 and 14: The right to education

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

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

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

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

Article 15: Cultural rights

43. Please provide updated information on the results of the work of the recently appointed Committee of Experts on the integration of non-nationals (paras. 495 and 496 of the State party's report). Please also provide the Committee with more specific information as to what will be covered by the policy framework for the integration of migrants.
