

**Final comments of the Government of the Republic of Cyprus
on the final report drawn up by the
Commissioner for Human Rights of the Council of Europe
following his visit to Cyprus
from 7 to 11 December 2015**

Nicosia, 28 March, 2016

I. COMMENTS BY THE MINISTRY OF INTERIOR

1.1 Access to Asylum

- **Excessive length of asylum procedures:** the Asylum Service, respecting its commitment towards the European Commission, has recruited four more staff on a contract basis with the sole purpose to examine all asylum applications pending for more than 6 months. This is a project co-funded by AMIF with a length of 18 months. Despite the increasing flows of applicants, the aim of the Asylum Service is to examine these applications (at first instance) within six months from the submission of the asylum application
- **Lack of legal aid for asylum seekers during the administrative stages of the asylum procedure, and the very limited access to legal aid during relevant judicial proceedings:** Concerning free legal assistance to asylum applicants, the CY Law on Legal Aid, provides for the provision of free legal aid to an asylum seeker who has submitted an appeal before the Court (against the decisions of the Asylum Service and/or the Refugee Reviewing Authority). It should be noted that on 11 July 2014, an amendment of the Law on legal Aid, was published in the Official Gazette of the Republic (N.105 (I) / 2014). According to this amendment, free legal aid is provided to applicants for international protection, during the examination of an appeal lodged before the Supreme Court in accordance with Article 146 of the CY Constitution, as well as to the beneficiaries of international protection in the event of a withdrawal or cessation of refugee or subsidiary protection status (as required by article 38.3 of Directive 2005/85/EC). This amendment is fully aligned with the EU *acquis*.

Furthermore, concerning articles of Directive 2013/32/EU, relating to legal aid, it is noted that the Ministry of Justice and Public Order, drafted and submitted on 21/5/2015, before the Parliament, relevant Bill, amending the Law on Legal Aid.

Concerning articles of Directive 2013/33/EU, relating to legal aid, it is noted that on 25/2/2015, the amended Bill on Legal Aid of 2015 (N.20(I)2015), was published in the Official Gazette, which harmonises article 9, para (6),(9) and (10) of Directive 2013/33

- **Detention of asylum-seekers:** The police applied since the end of 2014, dicates that if a third country national submits an application for international protection while being detained prior to deportation, the deportation order is suspended, in order to respect the principle of non-refoulement according to Article 3 of the European

Convention for the Protection of Human Rights and Fundamental Freedoms and Article 18 of the Charter of Fundamental Rights of the European Union. At the same time, the Asylum Service is immediately informed, in order to examine whether the application is based on reasonable grounds or if it is abusive. If the Asylum Service decides that there are reasonable grounds for the application, then the person is released. In case the application seems abusive, the Asylum Service is obliged to issue a decision under accelerated procedure (the Head of the Asylum Service must take a decision within 30 days from the submission of the application). The person remains in detention until a final decision is reached, according to the national Refugee law. If no decision is taken by the Head of the Asylum Service within 30 days from the submission of the application, the applicant is released. Similarly, in case an appeal is submitted before the Refugee Reviewing Authority and no decision is taken within 15 days from the submission of the appeal, the person is released.

- **Age Assessment:** Following discussions between various governmental services, a formal age assessment procedure has been agreed as regards asylum seekers claiming to be minors. In order for this procedure to become fully applicable, a series of trainings have been conducted and are planned to be conducted within the EASO Special Support Plan to Cyprus, with the involvement of doctors (dentists and psychologists), Social Welfare Officers and Asylum Service Officers. It goes without saying that a medical age assessment procedure (e.g. which includes the use of x-rays) is conducted only if it is absolutely necessary. This is part of a holistic approach which also includes a relevant interview by (trained) Asylum Service staff and an assessment by a Social Welfare Officer.

1.2 Reception of asylum seekers and social integration

The Reception and Accommodation Centre for applicants for international protection in Kofinou has expanded its capacity from 70 to 400 beds. Although the Centre is located in a rural area, is very close to three main cities (Larnaka, Nicosia and Limassol) and it is only 3 kilometers away from the village of Kofinou. At the moment, the Center operated in full capacity. Apart from the main services (accommodation, provision of meals and clothing), the Centre has its own medical office with nursing staff 24/7 and a doctor twice a week. The applicants accommodated at the Centre, may visit the Medical Centre of Kofinou village as well as Larnaka Hospital. Furthermore, volunteers provide English and Greek classes at the Centre. Free transportation is also provided (all residents are provided with a monthly bus card), while, since a Guard is present at the Center. The Asylum Service is in

the process of reinforcing the management structure and staffing of the Center by signing new contracts with the private sector. This will lead to the significant improvement of the Centre's operation.

It should be mentioned that a second, open Centre has been established in Nicosia area (Kokkinotrimithia) for the temporary accommodation in cases of mass influx of persons who may be in need of international protection. The Center became operational both in 2014 and 2015.

Unaccompanied minors are accommodated special houses for unaccompanied minors, 2 of which are located in Nicosia and are co-financed by EU funds.

Based on the above, the Asylum Service firmly believes that the provision of material reception conditions has been improved greatly in the past years.

1. Human Rights of Asylum Seekers, Refugees and Immigrants

1.1 (10) Subsidiary protection status: Every case is examined on its own merits. If no personal fear of persecution is established, the applicant is granted subsidiary protection status (the same applies to Syrian applicants). If the applicant establishes personal fear of persecution, (s)he is granted refugee status.

(12) Long delays in the processing of applications: See above

1.1.4 Access to effective remedies: Regarding the issue of effective remedy (review in fact and in law as well as suspensive effect, the relevant amendment Bill, which is before the Council of Ministers for approval, foresees the judicial review of both in fact and in law by the new Administrative Court, established on 21/07/2015.

1.1.5 Situation of unaccompanied asylum seeking children: for age assessment see above. In the framework of the EASO Special Support Plan to Cyprus (CY SSP), NIDOS (NGO based in the Netherlands) performed a number of trainings of the CY competent departments (e.g. Social Welfare Services, Asylum Service etc.), on matters relating to guardianship and protection of unaccompanied minors. Such activities, including the drafting of a manual, will continue again the framework of the extended EASO CY SSP

1.2 & 1.2.1 Reception and Housing: see above

34. Material Reception Conditions: The provisions of the Law transposing the recast Reception Conditions Directive explicitly state that applicants are always granted daily expenses allowances in addition to the provision of reception conditions in kind or as financial allowances/vouchers. According to the relevant article of the aforementioned

Draft Bill with regards to the rules of operation of Reception Centres (art. 9), the Asylum Service provides the applicants (residing in a Reception Centre) with a monthly allowance, the amount of which is decided with a Ministerial Order (...). In addition to this allowance, free transportation, healthcare, two meals per day and also breakfast are offered. Furthermore, Article 2 of the Bill, defines 'material reception conditions' the reception conditions which include financial allowance for everyday expenses and the provision of accommodation, food and clothing.

1.2.2 Right to Family Reunification The relevant EU Directive allowed the Member States not to apply the right to family reunification to persons with subsidiary protection status. It should be mentioned that in special circumstances, the Ministry of Interior may grant the right to family reunification to persons with subsidiary protection status.

1.3 – Detention of Migrants

1.3.1 - An Overview of the Legal Framework of Migrant Detention

Par. 45

The Report mentions that "being a prohibited immigrant constitutes a criminal offense which can lead to detention for a maximum of three years". Cyprus would like to note that it fully respects and implements the Return Directive (115/2008/EU) and does not consider the illegal entry or residence of a third country national a criminal offense, since 2014. Furthermore, according to the relevant provisions of the Return Directive as it was transposed into national law, the maximum period of detention is 18 months and not three years.

1.3.2 Human Rights Concerns Regarding Migrant Detention

Par. 50

The Report expresses the concerns of the Commissioner for the "reported prolonged detention of migrants, including Syrian asylum seekers". Cyprus would like to clarify that since 2014 it does not detain Syrian asylum seekers. The only cases where an asylum seeker might be detained, is in the case where the asylum application was filed after the arrest of the third country national, in which case the third country national is detained only for 1 month. If the asylum request has not been processed during the one month period, the person in question is released. In addition, we would like to reinstate that

detention of third country nationals who are subject to a return decision due to illegal entry or residence does not exceed in any case the 18 month period provided by the Law.

1.5 Statelessness and Access to Citizenship

Par. 81

The Report mentions that there have been noted instances of discriminatory application of the nationality law in relation to certain groups, in particular refugees. Cyprus clarifies that it does not discriminate against any group regarding the application of the Civil Registry Law. On the contrary, after requesting and obtaining clarifications from the Legal Service of the Cyprus Republic, since June 2015, the requirement for a residency period for refugees to be eligible to apply for nationality, has been defined to be five (5) years, the same period required for spouses of Cypriot citizens, EU citizens and their families.

II. COMMENTS BY THE MINISTRY OF LABOUR, WELFARE AND SOCIAL INSURANCE

1.1.5 Situation of unaccompanied asylum seeking children

Par. 24

- According to the Refugees Law 2000-2014, in cases where the victim is an unaccompanied minor, the minor is taken into the care of the Director of Social Welfare Services, who acts for the best interests of the child, safeguarding safe accommodation (in foster care or child protection Institution), access to education and health services. Furthermore, according to the Revised Legal Framework on Trafficking and Exploitation of Persons and Protection of Victims Law 2014, in every case the Director of Social Welfare Services is appointed as a representative of the minor within the framework of the criminal investigation and procedure, in cooperation with the Commissioner for Protection of the Rights of the Child. The Social Welfare Services ensure that the identity and/or any details allowing the identification of the child victim of trafficking are not made public through the media or any other means. Furthermore personal information is protected according to the Processing of Personal Data (Protection of Persons) Law 2001-2012. The Social Welfare Services provide counseling and information in a language that the child can understand. In some cases an interpreter can be used. In cases where the child victim is under the care of the Director of the Social Welfare Services, legal assistance and legal aid is provided by the Commissioner of the Rights of the Child based on article 4(1) of the Commissioner of the Rights of the Child Law 2007. Therefore, the MLWSI believes that the remark at the end of paragraph 28 is not accurate.

- In cases of unaccompanied minors, the Social Welfare Services cooperate with the International Social Service and non governmental organizations, in order to locate the family of the minor and reunite him/her with his/her family, as long as it is for the best interest of the minor. Furthermore the Social Welfare Services cooperate with the Asylum Service, within the framework of the Dublin Regulation, for the purpose of family reunification with family members of the minor within the European Union.

- A state hostel operates in Larnaca for unaccompanied minors . Hope for Children, an NGO, operates another one in Nicosia.

The SWS representation of the child concerns the safeguarding of the rights of the child and acts based on the child's best interest. The SWS participate in the interview process as

regards asylum application and in the case of an appeal, the SWS co-operate with NGOs which provide legal consultation to the SWS and the minor.

Par. 35:

The State considers the vulnerability of the person before deciding on whether the Kofinou reception centre is adequate to accommodate the person's needs or provide access to material assistance provided by the Social Welfare Services. Please note as regards, footnote 9, the SWS also provide a rent allowance which is paid directly to the landlord.

1.2.3 Social Integration

Par. 40

Section 21B of the Cyprus Refugee Law provides that the person who is recognized as a refugee receives equal treatment as the citizens of the Republic as regards wage-earning employment. In other words, refugees have the same rights as Cypriot citizens to employment, hence there are no restrictions to any particular sector and there is no need for the Labour Department to approve and stamp a contract of employment between an employer and a recognized refugee.

Refugees and beneficiaries of subsidiary protection, who have free access to the labour market, can participate in training programmes for employees, as long as they satisfy certain criteria (i.e. they are graduates from secondary education). At the same time, persons with a refugee status who have legally secured an employment contract on a temporary basis are exempted from participating in such programmes.

Refugees and beneficiaries of subsidiary protection who are registered as unemployed, can have access to training programmes for unemployed through reference made by the Public Employment Service. In particular, Employment Counselors through the process of individualized counseling provide all the relevant information to the interested migrants.

Training programs aiming at integrating the above mentioned groups as well as the Asylum Seekers are also promoted through the co-financing of the European Refugees Fund (ERF) and the Integration Fund. These programmes include among others, tuition programs and basic Greek training.

1.4 Trafficking in Human Beings

Par. 63-64

Law no. 126(I)/2012 regulating the establishment and operation of Private Employment Agencies was enacted in 2012 with the aim of better regulation of the operation of these Agencies and combating Labour exploitation, mainly of migrant workers. It sets the conditions and the qualifications that need to be fulfilled in relation to natural or legal persons operating such agencies. Among others, the law provides that the competent authority revokes the private employment agency licence in case the person responsible for the operation of the agency or any of the Directors in case of company or any of the Partners in case of partnership, has been convicted for an offense as mentioned in the article 6, including an offence in violation of the Anti-Trafficking and Exploitation of Persons and the Protection of Victims Law. The license can also be revoked if during the inspection it is found that the provisions of the license are violated and the owner of the license cannot or refuses to comply with the suggestions of the competent authority. Any person who violates or disobeys specific provisions of the Law according to article 29, is guilty of a criminal offence and is liable to imprisonment not exceeding (1) year or to a fine not exceeding €10.000 or both penalties.

During 2015 the Department of Labour inspected 115 out of 134 private employment agencies and has revoked the license of 15 agencies.

As regards domestic workers, the Ministry of Labour, Welfare and Social Insurance continuously enhances its efforts for improving their working conditions as these are stated in the contract of employment, signed by both parties and stamped by the Ministry. The gross salary and the terms of employment are set by a Ministerial Committee, since there is no collective agreement in force.

Especially for migrant workers, a mechanism for resolving complaints is established and whereas complaints regarding violations of their employment contract are fully examined. Each complaint is examined within 3 weeks from the date that it was received.

Par. 66, 80:

Financial support is provided to Victims of Trafficking through the GMI. It should be noted that priority is given to the examination of the applications of GMI from victims of trafficking for sexual exploitation and financial support is provided by the Social Welfare

Services during the period of the examination of their GMI application. The GMI benefit is paid monthly to all recognized victims of trafficking.

Female victims of trafficking for sexual exploitation may normally live in the state shelter for a period not exceeding four (4) weeks. The victim may prolong her stay in special occasions if required. In the shelter, the victim is provided with all necessary support and information concerning services available. For example victims are referred to psychological services, health services, employment services, etc. The shelter is one of the options available to victims for accommodation. For any recognised victim of trafficking that chooses not to stay in the shelter, financial support is provided through the GMI.

Concerning the accommodation of victims, in April 2015 the Social Welfare Services incorporated as one of the main priorities of their State Aid Scheme (state aid to NGO/Local Authorities for the operation of social programmes) the operation by NGOs of a shelter of victims of trafficking as well as the operation of Half Way Homes. However, it should be mentioned that no proposals were submitted in 2015 by interested stakeholders. This priority will be included in the State Aid Scheme for 2016.

III. COMMENTS BY THE MINISTRY OF JUSTICE AND PUBLIC ORDER

1.1.3 Access to legal assistance (paragraphs 17-19)

According to **Legal Aid Law of 2002 (Law No. 165(I)/2002)**, legal aid is granted in proceedings before the Courts of Cyprus in, inter alia, the following cases:

(a) In 2009 the Legal Aid Law was amended in order to incorporate Article 15 of Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status and expanded the legal aid scheme, under certain conditions, to **refugees and asylum seekers**, with respect to court proceedings under Article 146 of the Constitution against a decision rejecting their application for asylum or their refugee status.

(b) In 2012 the Legal Aid Law was again amended (Law 8(I)/2012) in order to expand the legal aid scheme, under certain conditions, so as to cover also judicial procedures in Cyprus for **returning illegally staying third-country nationals** when lodging a recourse before the Supreme Court of Cyprus according to Article 146 of the Constitution against a return decision, a deportation order and a decision on entry ban. The law is drafted in line with the Directive 2008/115/EC (Article 13, paragraph 4) of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

The law lays down the conditions according to which legal aid is granted. One of the conditions is the likelihood of success of the appeal. This is provided in the EU acquis/EU instruments.

Additionally, the European Court of Justice (ECJ) in its judgment in Case C-279/09 examined, among other things, whether the conditions under which a Member State submits the right to legal aid are compatible with the fundamental human right of unrestricted access to justice. In this case the ECJ ruled that the submission of legal aid on conditions related to the financial situation of the party, or the likelihood of success of the appeal is compatible with the aforementioned human right granted by Article 47 of the Charter of Fundamental Rights of the European Union. In the same judgment the ECJ stated that with this view also agrees the European Court of Human Rights, in respect of Article 6 of the European Convention of Human Rights, which it is noted that corresponds to Article 30 of the Constitution of the Republic of Cyprus.

Additionally, according to the existing national procedures for legal aid regarding the applicants of international protection, the applicant of legal aid does not need to prove likelihood of a successful outcome of the application. The fulfillment of this requirement

has been interpreted by case-law, so that the court should be satisfied through the administrative files of the court that this possibility exists, without requiring the applicant of legal aid to prove anything before submitting the application.

(c) At the beginning of 2015, a law amending the Legal Aid Law was enacted (Law 20(I)/2015), in order to incorporate into the national law the relevant provisions of the Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), concerning the legal aid. Specifically the new amendment law provides for legal aid in the procedure before the Court when the applicant for international protection who is in custody/detention applies for a judicial review (i) against the administrative act which has as a legal effect his detention, (ii) concerning the lawfulness of the duration of his.

The Legal Aid Law provides that in these cases the applicant can appear before the competent Court for the purposes of exercising his right for the provision of free legal aid, accompanied by the police.

The legal aid includes the preparation of the required procedural documents and participation in the hearing before the Court on behalf of the applicant.

Par. 65

The competent authority for identifying victims of trafficking is the Cyprus Police, and specifically the Office of Combating Trafficking in Human Beings. According to the current legislation on Combating Trafficking in Human Beings and Victim Protection, Law 60(I)/2014, any governmental or nongovernmental authority handling or dealing with presumed/potential victims inform the Social Welfare Services, in order for the person to be referred to the Police for the initiation of the identification procedure. As soon as the person is referred to the Police, the initial interview is scheduled promptly

IV. COMMENTS BY THE MINISTRY OF FINANCE

2. Impact of the economic crisis on the enjoyment of human rights

2.1 Economic crisis and recovery in Cyprus

The government of the Republic of Cyprus acknowledges that an economic crisis may adversely affect the enjoyment of Human Rights and in this respect it has taken measures, since 2013, in two directions:

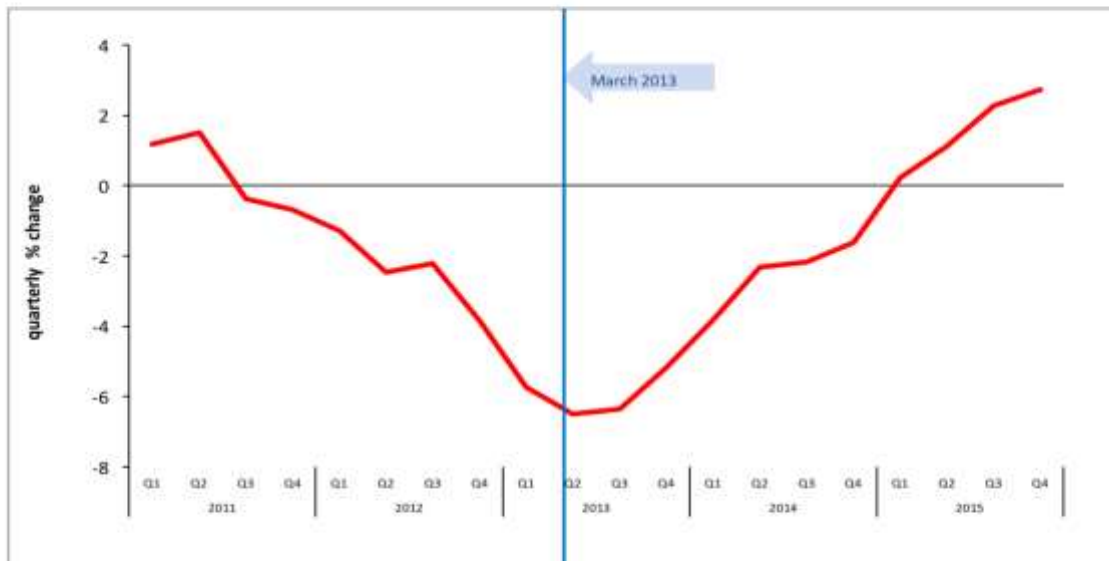
- a. Ensuring the re-establishment of conditions of stability and confidence, exiting the recession and restoring the growth potential of the economy.
- b. Reforming the social welfare policies in order to ensure the support and protection of those in need.

Within this framework the government of the Republic of Cyprus offers the following comments:

Paragraph 82

The escalation of the crisis did not occur within a few months, as is mentioned, but over a number of years. The first round of recession occurred in 2009 and a further slowdown commenced in 2011 leading to a deep recession by 2013. The recovery started soon after the

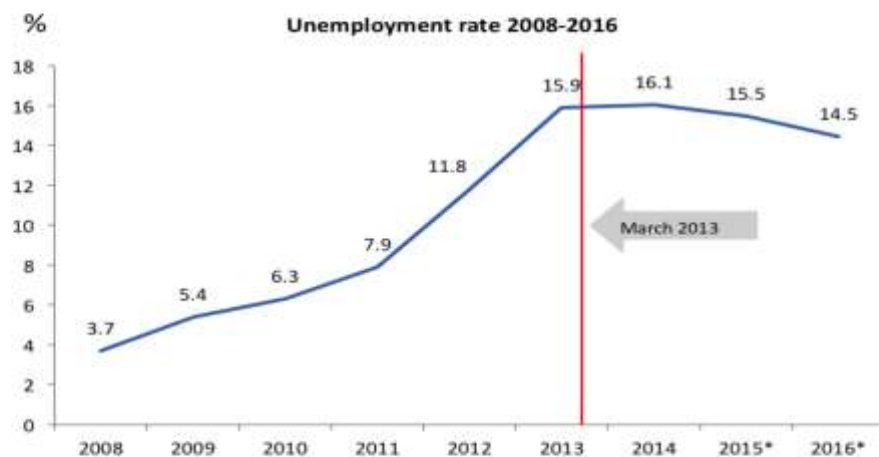
GDP Growth Rate – Quarterly



commencement of the Economic Adjustment Programme, in March 2013, when conditions of stability and confidence were restored. The exiting from the recession and the return to positive growth rates as of 2015 will gradually alleviate the burden borne by vulnerable groups and will result in job creation.

Likewise, it should be mentioned that the increase in unemployment rates did not occur within a few months but over the five year period 2008-2013, as is correctly mentioned in footnote 22, whereby it is explained that the unemployment rate of 3.7% in 2008 steadily escalated to 15.9% in 2013. The projected figure for 2016 is 14.5% indicating a modest downward trend. It is acknowledged that unemployment rate is a lagging indicator as it requires a series of positive growth rates of growth in order for the Labour Market to show signs of significant improvement.

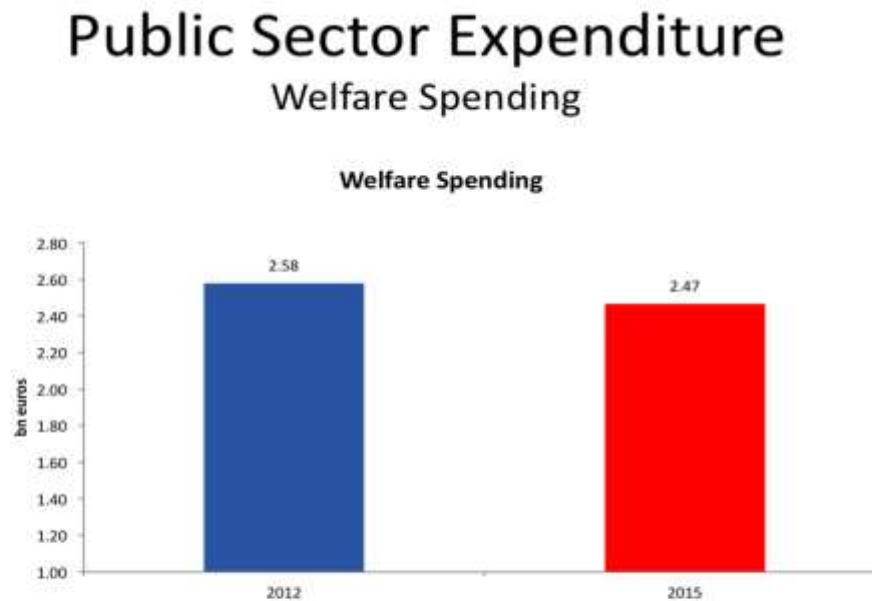
Unemployment



Paragraph 84

The reference to significant reductions in total outlays for social transfers is not accurate. Welfare spending in 2012 was at €2.58bn whereas in 2015 it was only marginally lower at €2.47bn, indicating that it has essentially been stable. The welfare reform did not aim to a reduction of welfare spending but rather to a streamlining of benefits and the adherence to

credible eligibility criteria. The reference to an increase of all public services fees by 17% affecting everyone on the island, including members of vulnerable social groups, is not



1

accurate. Only a number of specific service fees were increased, primarily those that had remained stable for years, some of them relating to the provision of business services (e.g. Trade Mark Fees and fees for the Council for Registration and Supervision of Building & Civil Engineering Contractors and).

Paragraph 85

As there are various references to the Guaranteed Minimum Income (GMI), a brief snapshot as to the scheme from its introduction follows as provided by the Ministry of Labour, Welfare, and Social Insurance.

The GMI scheme was enacted in July 2014 and by September 2014 more than 71.000 applications were submitted for the new benefit. Out of these, around 28.500 applications were submitted from pensioners who were already receiving a pension and the low income pensioner scheme supplementary benefit. Moreover, another 21.500 applications were submitted from public assistance beneficiaries, who were already receiving the public assistance benefit on a monthly basis. Both of these groups continued to receive their respective monthly benefits, as per the provisions of the legislation, while the priority for examining applications by the Ministry was given, and publicly communicated, to the

21.000 families that submitted GMI applications while not receiving any state financial support for their living expenses.

By December 2014, out of the 21.000 new applicants, all those who included with their application the necessary information for their application to be examined, received answers of approval or rejection, as per the provisions of the legislation. Letters were sent to the remaining applicants, detailing the necessary information that they needed to submit in order for their application to be examined. In the few months that followed, all of the remaining applications were examined and decided upon, including the low income pensioners and public assistance beneficiaries. A total of 11.295 new applicant families that received no income support before the implementation of the GMI scheme, are recipients of the GMI.

Paragraph 86

In continuation to the above comments, it is mentioned that the total number of GMI beneficiary families amounts to 34.095 families. The refinement of the legislation provisions in July 2015 was scheduled since the implementation of the new legislation in July 2014. The reason for this was that up until the implementation of the GMI, there was no Registry of Benefits and therefore the legislation was based on projections and available data. With the implementation of the new legislation, a Registry of Benefits was created and therefore, based on the actual data of the applicants, a refinement of some provisions was achievable.

Paragraph 88

Social exclusion indicators are time lagged second order indicators and basically reflect the rise in unemployment between the years 2008-2013. The introduction of the GMI in 2014 and the rebounding of the economy in 2015 with the subsequent reversal of the unemployment trend will lead to an improvement of the social exclusion indicators.

2.2 Impact of the economic crisis on specific social groups

2.2.1 Children

Paragraph 90

Regarding child poverty rate, it should be noted that the data presented covers the period from 2008-2014, which precedes the major reform of social welfare as well as the implementation of the GMI scheme, both factors that have alleviated these issues.

Paragraph 91

The reduction of the single parent benefit and the imposition of stricter income criteria were actually decided in 2012, not in 2013/14. Even so, the income level of €49.000/year and the own-property and deposits criterion of €1.2mln are considered satisfactory enough and

do not have an impact or contribute to child poverty as they do not exclude any families close or below the poverty threshold.

Paragraph 93

School teachers were exempt from the general freezing of new hiring and staffing levels were maintained. The hiring of school teachers on contract basis is a well-established method which enables a speedy recruitment processes. Thus the reference to a slow filling process is not substantiated. The ratio of permanent teaching staff to contract staff over the last few years has actually improved.

Paragraph 94

The reduction of the number of school teachers seconded to the Ministry of Education and Culture for administrative duties is considered as a positive measure, not a negative one as it is implied, as it allows for increased numbers of teaching staff for schools.

The introduction of the transportation card to be used by students was decided in 2012, before the enactment of Economic Adjustment Programme. Even so, students are given a choice of a 50% discount from the agreed rates or a monthly card for the price of €10.

Paragraph 95

The reference to precarious contracts for school teachers is not substantiated. According to European Commission's reports on "Teachers' and School Heads' Salaries and Allowances in Europe"¹, public school teachers' both minimum and maximum statutory salaries are consistently above the per capita GDP yardstick, comparing favourably against their EU counterparts. In addition, within the domestic labour market according to public-private pay surveys² (2), teachers in the public sector are evidently better off compared to their private sectors counterparts, inferring that better employment terms in the public sector, even on contractual basis, do provide tangible motivators for teachers to unfold their potential.

2.2.2 Women

Paragraphs 96-101

The national legislation in force protects all women against gender inequality, whether they work full-time or part-time, on a permanent work placement or on a contract, for low skilled or high skilled work. Furthermore, the Maternity Protection Legislation ensures the

¹ <http://eacea.ec.europa.eu/education/eurydice/>

² Pashardes, Panos (2011), "Government Payroll: Harsh Truths and Policy Dilemmas", Commentary: Economics Research Center (Issue 26, December).

strictest possible protection against dismissal of pregnant workers and/or any conduct that can be considered as treating this group of workers less favourably than other colleagues that are not in the same position.

One of Cyprus' achievements in the promotion of gender equality has been the implementation of a strong legislative framework that promotes gender equality in the workplace and a special emphasis on the protection of maternity. The relevant laws are the Equal Treatment of Men and Women in Employment and Vocational Training Law (Law 205(I)/2002) and the Maternity Protection Law (Law 100(I)/1997). This legislation has set a high level of protection from discrimination with regards to sex for women, but also for men, as regards their access to employment and at all stages of a work relationship. Great emphasis is given to the protection of maternity and women who are pregnant, from being adversely affected due to their pregnancy.

Additionally, the Gender Equality Committee is responsible for promoting social dialogue between the representatives of employers and the representatives of employees, as well as with non-governmental organisations that have a legitimate interest in promoting equality between men and women. Furthermore, it can review the laws and regulations that govern labour relations in relation to matters of equality between men and women and suggest their re-examination.

It can suggest projects, carry out research or collect statistical data regarding equality between men and women in employment. It can also submit or accept complaints that relate to the violation of the provisions of the abovementioned legislation, which it then forwards to the Inspectors who are responsible for carrying out the relevant research. The Gender Equality Committee has also been appointed as the competent body for providing victims of discrimination with independence assistance, including legal representation in Court. The Gender Equality Committee's mandate has greatly empowered efforts to promote gender equality in the workplace through a significant number of publications and information dissemination through radio and TV spots.

For the effective implementation of the legislation, according to Article 24, the Minister of Labour and Social Insurance has appointed Inspectors to ensure the better implementation of the legislation relating to sex discrimination and the promotion of equality between the sexes.

A project "Actions for reducing the gender pay gap" started in July 2010 and was concluded by the end of 2015. The project was co-financed by the European Social Fund. The project consisted of a broad mix of measures, aiming to combat the root causes that

create and sustain the gender pay gap. The measures undertaken involved various social groups such as Officers and Inspectors of equal pay and equal treatment in employment legislation, enterprises, social partners and the society in general.

The different actions of the project, which were implemented through public contracts, included among others the improvement of the inspection mechanisms for equal pay legislation, the establishment of a Gender Equality Certification Body and the examination of the collective agreements for the identification of discriminatory provisions regarding pay. Actions were also implemented in the educational sector aiming at the elimination of the occupational and sectoral segregation and included the training of Career Counselling and Educational Services faculty, a total of 10.000 primary and secondary education teachers and 5.000 parents.

The Ministry of Labour, Welfare and Social Insurance provided financial support for the construction of the new shelter in Nicosia (during the years 2012-2014) and additionally provided increased financial support for 2015 for the operating costs for 2 shelters (Nicosia and Paphos) and for other programmes operated by NGO.

2.2.3 Older persons

Paragraph 105

The reference to measures adopted under the Economic Adjustment Programme which have seriously affected the rights of older persons to a decent standard of living and to health is not substantiated. No such measures were taken since the commencement of the Programme in March 2013.

Paragraph 106

The gradual extension of the retirement age in the civil service to the age of 65 is considered as a progressive measure which reduces the burden to the younger generations and allows older persons to remain active and productive.

As regards the scope and coverage of the low income pensioners' scheme this was broadened since 2013, by maintaining the eligibility income criterion at €10.354 while the relative poverty threshold decreased significantly, to €9.524 in 2013 and further projected reduction in 2014. Thus, the Government continued to support households of pensioners that were above the relative poverty line, expanding coverage.

The fact that pension entitlements accrued after the 1st of January 2013 are considered as taxable personal income in no way affect low income earners, given the tax exemption level of €19.500/year.

Paragraph 107

As regards the introduction of the transportation card to be used by pensioners this was decided in 2012, before the enactment of Economic Adjustment Programme. Even so, pensioners are given a 50% discount from the agreed rates.

The reference to an increase in demand for public health services is not accurate. The total number of patients accepted in public sector hospitals and Accident & Emergency Services in 2012 was 1.375,619, whilst in 2015 it was 1.323,830, marking a 4% reduction.

The reference to shortages of personnel in public sector hospitals is not accurate. Doctors and nurses have been exempt from the general freezing of new hiring and their numbers have been steady. The number of doctors employed in public sector hospitals in 2012 was 787 whilst in 2015 it was 792. The number of nurses employed in public sector hospitals in 2012 was 3.393 whilst in 2015 it was 3.382.

As regards the reference to a €10 fee on every hospital visit this only applies for everybody as an admission fee to the Accident & Emergency Services only. Pensioners visiting the outpatient department will pay €3 for visiting a general practitioner and €6 for a visit to a specialist doctor.

From the implementation of the GMI in July 2014, all low income pensioners who meet the scheme's eligibility criteria, are entitled to free access to emergency health services and prescribed medication. Additionally, the monthly cost of public transportation is included in the costs covered by the GMI.

Lastly, the attribution of a long wait as the cause of the death of an 87-year old woman with a fractured femur is not substantiated.

Paragraph 108

As already mentioned, the GMI legislation was enacted in July 2014. All recipients of the welfare benefits of Public Assistance and Low Income Pensioner's Benefit needed to submit an application by 30th September 2014. This deadline was extended twice, until the 30th of November 2014 and all of the beneficiaries were invited by personal letters, as well as a rigorous media campaign, to submit their applications. A number of recipients of the low income pensioner's scheme chose not to submit an application, mainly because it was known that with the implementation of the relevant legislation, the authorities could, for the first time, check the eligibility criteria for the scheme. The above, became even more evident when the 28.500 applications that were submitted were examined by the Welfare Benefits Administration Authority and it was found that a significant number of the recipients had undeclared income from deposits in the previous years.

It is noted, that the beneficiaries of the Social Pension are misleadingly mentioned in the report, as they were not required to submit a GMI application nor have they been disqualified from the Social Pension benefit for not submitting an application.

The amendment of the GMI legislation in July 2015, allowed any low income pensioner who had not submitted an application by 30/11/2014, to do so. Fewer than 100 applications have been received thus far, proving that those who did not apply initially had consciously chosen not to apply.

Regarding the low income pensioner scheme, it must be mentioned that it is still in effect for all and any new applicants, and there is no immovable property criterion to the scheme.

Paragraph 109

All applications for the GMI are examined within 2 months of being received. Additionally, with the completion of the reform of social welfare, all social welfare regional and local offices as well as Citizen Service Centres that cover all of Cyprus, are available to help and assist every person wishing to apply for the GMI or for any other social service.