

## Cyprus<sup>1</sup>

### 1. Discrimination in the family

#### a) Overarching legal framework for marriage

Women in Cyprus have the same rights as men to enter into marriage (Marriage Law, Part II, Article 4). There are specific provisions within the Marriage Law which prohibits forced marriage (Marriage Law, Part II, Article 14). The Family Court has the authority to take up petitions regarding the dissolution of marriage performed without proper consent of both spouses.

It has often been argued that setting strict age limitations for family reunification also offers a tool to prevent forced marriage. In Cyprus, in cases of family reunification, the age of 21 years is set as a strict limit for the entry of a spouse into Cyprus in conformity with Council Directive 2003/86/EC of 22 September 2003 (Flying Team against Violence Combating Honor Related Violence, 2012). In addition, the Aliens and Migration Law includes a specific article related to marriages of convenience, which has been shown to be of relevance for the issue of forced marriage in the framework of human trafficking (Aliens and Migration Law, Article 7A). One of the main findings of a study conducted in Cyprus is the strong link between the issue of trafficking of women and forced marriage. It was reported that a growing number of women are abused and sexually exploited both by “marriage agencies” as well as “employment agencies” (Flying Team against Violence Combating Honor Related Violence, 2012). It was also reported that forced marriages within migrant communities, which are common, are rarely reported by women mostly by fear of being marginalized (Secretariat of the Cyprus Dialogue Forum 2017).

Marriages in Cyprus may be religious or civil. Religious marriages are conducted by a priest of the Greek Orthodox Church of Cyprus or of one of the religious groups recognized by the Cyprus Constitution (Maronites, Latin, Catholics and Armenians). Civil marriages are conducted by a Mayor, a Deputy Mayor or a person authorized by the Mayor of a municipality (Marriage Law, Part II, Article 1).

In 2015, Cyprus established a civil union partnership (between same or opposite sex partners) through the adoption of the Civil Union Law. A civil union has the same effects and consequences as

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<sup>1</sup> Note by Turkey

The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Turkey recognises the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Turkey shall preserve its position concerning the “Cyprus issue”.

Note by all the European Union Member States of the OECD and the European Union  
The Republic of Cyprus is recognised by all members of the United Nations with the exception of Turkey. The information in this document relates to the area under the effective control of the Government of the Republic of Cyprus.

a marriage solemnized in accordance with the Marriage Law, with the exception of issues relating to adoption (Civil Union Law, Article 1).

### **b) Child marriage**

The statutory minimum age of marriage is 18 for men and women (Marriage Law, Part II, Article 14). Civil marriages however are allowed from the age of 16 with the consent of the parents if there are serious reasons and if the parents do not consent or there are no parents, the court or legal guardian can give permission for the marriage (Marriage Law, Part II, Article 15). Child marriage is void (Marriage Law, Part II, Article 22) and there are penalties for those facilitating child marriage (Marriage Law, Part II, Article 33).

According to civil society reports, child marriage seems more prevalent among immigrants' communities, such as the Roma (Flying Team against Violence Combating Honor Related Violence, 2012). However, the problem is often overlooked, as no particular measures have been set in place to curtail it.

### **c) Household responsibilities**

Women have the same rights as men to be recognised as the head of the household, to choose where to live. Furthermore, wives are not required to obey their husbands. The law provides that women and men have equal decision-making authority over children during marriage (Parents and Children Law of 1990, PART I, Article 5). For children born out of wedlock, parental authority is exercised solely by the mother, but in case the father recognises the child as his own (always with the consent of the mother), parental care is exercised jointly by both parents (Parents and Children Law of 1990, PART I, Article 16).

Discriminatory stereotypes in respect of the roles and responsibilities of women and men in the family and in society persist in Cyprus. In a survey conducted in 2016 by the European Bank for Reconstruction and Development, 94% of Cypriot respondents believe that women are as competent as men to be business executives and 92% of them think it important for their daughter to achieve a university education. However, about 25% of respondents (both male and female) believe that a woman should do household chores, even if her husband is not working. Lastly, 48% of interviewed respondents favour a traditional family arrangement, where the man works and the woman takes care of the house and children (EBRD, 2016).

### **d) Divorce**

The law does not discriminate against women's divorce rights. Both women and men have the same right to initiate divorce. No legal provisions exist for divorce by mutual consent. However, when spouses live separately for a continuous period of at least four years, this is recognised as a valid ground for divorce (Marriage Law, Part I, Article 27).

In the case of divorce, the courts have the jurisdiction to make provisions for the care of the child regarding custody (Parents and Children Law of 1990, PART I, Article 14). The court takes into account the child's interests as well as the child's wishes, provided that he/she is mature. In general,

parental care is a right and at the same time a responsibility of the parents which is exercised jointly by them (KPK Legal, 2016). However, that law is not applicable to all groups of women. As mentioned in the Constitution, any matter relating to betrothal, marriage, divorce, nullity of marriage, judicial separation or restitution of conjugal rights or to family relations could be governed by the law of the Greek-Orthodox Church or of the Church of other recognized religious groups if the parties choose so (Constitution, Article 111).

There are no customary, religious, or traditional practices that discriminate against women's legal rights to initiate divorce, or be guardian of their children after divorce. However, divorce still confers a social stigma on women (Hadjipavlou, 2010).

### **e) Inheritance**

Daughters and female surviving spouses have equal rights to men to inherit land and non-land assets (The deed and succession Law, Article 44.). Women also have equal rights to execute or administer a will (The deed and succession Law, Article 22). There are no customary, religious, or traditional practices or laws that discriminate against daughters and female surviving spouses' legal rights to inherit.

## **2. Restricted Physical integrity**

### **a) Violence against women**

In 2017, Cyprus signed the Council of Europe's Istanbul Convention on preventing and combatting violence against women and domestic violence.

The government has also established a technical committee on gender equality (UN Women, 2017). While there is no comprehensive legal framework addressing violence against women, in 2014, the Council of Ministers approved the Strategic Action Plan for Gender Equality 2014-2017, which is the unified policy framework of the Republic of Cyprus for the promotion of equality between men and women in all sectors. One of the priority areas of the Strategic Plan on Equality between Women and Men is the fight against all forms of violence against women. In the framework of the Strategic Plan's implementation, awareness-raising campaigns have been implemented to encourage women to report incidents of violence and to sensitize professionals and the public. In April 2016, the Ministry of Justice and Public Order, in cooperation with the U.S. Embassy in Cyprus, as well as the Advisory Committee on the Prevention and Combating of Family Violence have launched an educational seminar, entitled «Violence against Women», aiming at sensitising professionals on the issue (UN Women, 2017).

### **b) Domestic violence**

The Family (Prevention and Protection of Victims) Law 119 (I) of 1994, amended in 2000 and 2004, defines domestic violence as an offence or behaviour of a member of a family that causes physical, sexual or psychological damages to another member of the family, including sexual assault and limitation of an individual's freedom (Law 119, Art 2).

Domestic violence legislation covers physical, sexual, and psychological, but not economic, abuse (Law 119, Part II, Art 3). Article 4, Part II of the law specifies that common assaults between members of the same family are punishable by two years of imprisonment.

The Advisory Committee for the Prevention and Combating of Domestic Violence (ACPCDV) is the governmental agency in charge of monitoring the implementation of the Law, the taking of testimony of victims of violence by electronic means, the protection of victims and witnesses, etc. The ACPCDV's work also includes raising awareness among professionals and the general public about domestic violence, the enhancement of interdepartmental cooperation and the evaluation of existing services (Law 119, Art 7). There is also one national women's helpline run by the NGO Association for the Prevention and Handling of Violence in the Family and one women's shelter in Cyprus (Law 119, Art 31).

In addition to those services, the Domestic Violence and Child Abuse Office is the central agency charged with (i) monitoring cases and incidents of domestic violence and child abuse that are reported to Police Stations all over Cyprus and (ii) collaborating with the investigators as well as with professionals from other relevant Services. This office maintains an electronic registry of all the cases and publishes relevant statistics every year. In addition, in cooperation with the Police Academy, they organise special trainings for the police and published a manual on handling domestic violence cases (US Department of State, 2016).

The legal framework is complemented by an active policy across Cyprus, expressed by the adoption of the first and second National Action Plan (NAP) on Prevention and Combating of Violence in the Family (2010—2013 and 2016-2019) promoting integrated policies and measures to combat domestic violence including prevention programmes, improving victim support services, and promoting research and data collection (EIGE, 2016).

In Cyprus, domestic violence is the form of violence against women that has received the greatest level of support by the Cyprus Government. There remains further concern, as there is no systematic training of professional staff of all services dealing with violence against women, in all sectors including police, welfare, legal services, justice and health (Flying Team against Violence Combating Honour Related Violence, 2012). Furthermore, many victims refused to testify in court, and by law, one spouse cannot be compelled to testify against the other. Therefore, courts were obliged to drop cases of domestic violence if the spousal victim was the only witness and refused to testify (US Department of State, 2016). In addition, NGOs also noted that the police regularly dismissed claims of domestic abuse by foreign women (US Department of State, 2016).

### c) Rape

Rape is a crime under the Criminal Code, which defines it as “having 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 impersonating her husband” (Criminal Code, Art 145). The maximum sentence for rape is imprisonment for life, and ten years for attempted rape (Criminal Code, Art 147). The definition of rape is based on the lack of consent and does not require proof of violence or penetration. Marital rape is addressed under the Violence in the Family (Prevention and

Protection of Victims) Law of 2004 (Section 5). There is no evidence suggesting that the perpetrator can escape prosecution by marrying the victim.

It was reported that the government enforced the law effectively. However, most convicted offenders received considerably lower punishment than the maximum sentence. In July 2016, the Cypriot Women's Lobby staged a demonstration outside the Supreme Court to protest the court's decision to reduce the prison sentence of two men found guilty in a rape case from 12 years to 10 years because the survivor had not been seriously injured (US Department of State, 2016).

#### **d) Sexual harassment**

Under the Equal Treatment for Men and Women in Employment and Vocational Training Law, sexual harassment is considered a type of sex discrimination. It is defined as any form of unwanted verbal, non/verbal or physical conduct of a sexual nature, which has the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment (The Equal Treatment of Men and Women in Employment and Vocational Training Law of 2002, Article 12). However, the definition of sexual harassment only applies to the workplace and does not specifically cover educational establishments, sporting establishments, public places or cyber harassment/cyber stalking. Complaints are dealt by the Gender Equality Committee and the Gender Equality Inspectors. The law provides a penalty of up to six months in prison and/or a 12 000 EUR (Euros) fine (The Equal Treatment of Men and Women in Employment and Vocational Training Law of 2002, Arts 15 & 30).

According to the Human Rights report from the US Department of State, sexual harassment is reportedly a widespread problem, although victims did not report most incidents to authorities (US Department of State, 2016). A 2014 survey conducted by the European Agency for Fundamental Rights found that 14% of women interviewed had suffered from sexual harassment during the year of the survey (European Agency for Fundamental Rights, 2014). The ombudsman and NGOs also reported that authorities did not investigate sexual harassment complaints submitted by foreign domestic workers (US Department of State, 2016).

#### **e) Female genital mutilation**

Cyprus has signed several international conventions banning female genital mutilation (FGM) including the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Universal Declaration of Human Rights and the Charter of Fundamental Rights of the European Union (2010/C 83/02).

In 2003, the Penal Code was amended to add a provision banning the cutting or mutilation, in any way, of the major lip or the minor lip or the clitoris of a woman's genitalia. The maximum penalty is imprisonment for five years (Criminal Code, Art 233A).

There is a lack of data on particular forms of harmful traditional practices as the statistic service or the police do not deal with female genital mutilation specifically. The Mediterranean Institute for Gender Studies is currently collecting information on it, but there are no official statistics on this

subject yet (EIGE, n.d.). The Mediterranean Institute for Gender Studies in collaboration with the government also organised various trainings on that topic (Mediterranean Institute of Gender Studies, 2015).

#### **f) Abortion**

Since 1986, the abortion is allowed only to save a woman's life and/or health, in the case of rape, incest or foetal impairment (Criminal Code, Art 169A). Certification from two medical practitioners is required to proceed, except in the case of rape, when a police report is required. However, a termination of pregnancy is not allowed for economic or social reasons or on request of the pregnant mother or her family. In addition, illegal abortion is punishable with a sentence of 7 years in prison (Criminal Code, Art 167). Although not specified by law, in practice abortion is performed within 28 weeks of gestation (United Nations, n.d.).

In Cyprus, it appears that social and religious beliefs highly influence women's views on abortions. According to a survey conducted in 2010, depending on the community they were belonging to, women had different views on abortion. While more than half of Armenian and Turkish Cypriots surveyed said they would consider abortion as an option, only a minority of Greek Cypriots and Maronite said they would. Those differences partially come from the fact that the Church in Cyprus took a firm stand on the issue, putting a lot of pressure on Greek Cypriots women getting abortions, labelling them as "sinful" and asking for their repentance (Hadjipavlou, 2010).

### **3. Restricted Access to productive and financial resources**

#### **a) Secure access to land and assets**

Article 23 of the Constitution of Cyprus guarantees the right to property. No formal restrictions to this right in regards to gender could be located. The default marital property regime is separation of property and the person who is in charge of administering the property is the original owner (Law 232 of 1991, Art. 13).

There are currently no public measures to increase women's participation in rural committees, producer's organizations or cooperatives. However, the government has established within the framework of the Rural Development Programme 2014-2020, measures providing support to the female rural population to start their own processing business (CEDAW, 2017).

#### **b) Secure access to formal financial resources**

No formal restrictions could be located in regards to women's equal access to financial services. Married and unmarried women have equal rights as men to open a bank account at a formal institution and they similarly have equal rights as men to obtain credit.

Microcredit opportunities are available for women via several measures established by the government. Women remain an important target group supported by the Government through the Grant Scheme known as "Scheme for the Enhancement of Women's Entrepreneurship", specially designed to encourage business development. The Scheme provides women with substantial



financial assistance and training programmes for the creation of new, modern and viable small and medium-size enterprises (CEDAW, 2017).

In addition to governmental measures, private initiatives such as the Cyprus Women's Cooperative Bank aim to boost women's entrepreneurship by providing specialised programmes and easy access to finance. The bank specialises in small loans of up to 100 000 EUR to SMEs. It offers flexible repayment plans, grace periods of up to two years, interest rates of around 4% and the possibility of accessing funds within 48 hours (International Centre for Enterprises and Entrepreneurship Policies, n.d.)

### **c) Workplace rights**

Cyprus has ratified ILO Conventions 100, 111, 183 but not 156, or 189.

The law mandates non-discrimination on the basis of sex in employment (Equal Treatment of Men and Women in Employment and Vocational Training Law, Art. 8). The law specifically covers job advertisements, selection criteria, recruitment, hiring, terms and conditions, promotions, assignments and termination.

The law also mandates equal remuneration for work of equal value (Equal Pay between Men and Women for the Same Work or for Work of Equal Value Law of 2002, Art. 5.). However, Article 4(2) of the Equal Treatment of Men and Women in Employment and Vocational Training Law prohibits women from entering certain professions because "a gender-related characteristic constitutes a real and decisive requirement for their exercise". Nevertheless, women can work the same night hours as men and they do not need permission from their husband or legal guardian to either choose a profession or register a business.

The law mandates paid maternity leave of 18 weeks (The Maternity Protection Law of 1997, Art. 3). The law does not mandate paid paternity leave; however, every parent is entitled to a full unpaid parental leave up to 18 weeks (Parental Leave and Leave for Reasons of Force Majeure, Art. 4).

The law protects women's employment security while they are on maternity leave, indeed, dismissal is not allowed during the period from the beginning of the pregnancy and up to three months after the end of the maternity leave (Protection of Maternity Law of 1997, Art. 7).

The Equality Authority is one institution charged with addressing complaints on the grounds of sex in the area of employment and vocational training, including sexual harassment, implementation of maternity protection and rights, discrimination in access to employment and employment and working conditions (Law, 2004 (L.42(I)/2004, Art 3).

The law does not require companies to report how they pay men and women. However, the National Certification Body, established in April 2014 is the competent authority for evaluating enterprises on their degree of equal treatment "best practices" in the workplace. There are two types of certificates: the 'Equality Employer' certificate; and the "Good Practice" certificate relating to equal treatment and/or equal pay (CEDAW, 2017). In addition, the European Social Fund project "Actions for reducing the gender pay gap" was established in 2010. The Project consisted of a broad

mix of measures aiming to combat the root causes of the gender pay gap and involved various target groups, such as officers and inspectors of equal pay and equal treatment in employment legislation; career advice professionals; primary and secondary education teachers; parents; enterprises; social partners; and society in general (CEDAW, 2017).

Despite relatively high employment rates in Cyprus and an increasing number of women participating in the labour market, in 2015, the female employment rate (59.0%) was still lower than the male employment rate (66.7%). The difference between male and female employment rates appeared to be significantly smaller amongst the younger age group of 15-24 years in 2015, at 2.8 pp favouring women, while this gap increased to 18.3 pp favouring men in the age group 55-64, and 7.9 pp in the age group 25-54 (CEDAW, 2017).

Moreover, women continue to be relegated to certain professions and sectors, mainly in services and unskilled work. A study conducted in 2012 that aimed to identify the factors that working women in Cyprus are faced with identified several barriers such as stereotypes, conflicting work and family obligations, lack of women role models and low levels of self-confidence (Michaidilis, 2012).

## 4. Restricted Civil liberties

### a) Citizenship rights

Married and unmarried women have the same rights as men to acquire, change, retain their nationality (Republic of Cyprus Citizenship Law, 1967, Art 3) as well as confer their nationality to their children (The Civil Registry Law of 2002, Chapter 2, 8). Married women also have equal rights as married men to confer nationality to their foreign spouse (Republic of Cyprus Citizenship Law, 1967, Art 3). Married and unmarried women have equal rights as men to register the birth of their children (The Civil Registry Law of 2002, chapter 2, article 8).

Multiple and intersectional discrimination are not explicitly addressed in national legislation. Unmarried women have equal rights as unmarried men to apply for identity cards and passports (The Civil Registry Law of 2002, Art 61). However, married women are required to provide marriage certificate when applying for passports, while the same stipulation is not applied for married men (Civil Registry Law of 2002, Art 66). The law does not discriminate against women with respect to the passports and other travel documents of minor children and both unmarried and married women have the same rights as men to travel outside Cyprus.

### b) Voting

Women were granted the right to vote upon independence in 1960 (IPU, n.d.). The Constitution grants women and men equal electoral rights: "Every citizen has, subject to the provisions of this Constitution and any electoral law of the Republic or of the relevant Communal Chamber made thereunder, the right to vote in any election held under this Constitution or any such law" (Article 31).



Nevertheless, in practice, women have to overcome cultural prejudices in order to be heard within the political sphere (Rodriguez Ruiz, 2012).

### **c) Political voice**

Women in Cyprus have equal rights to men to hold public and political office in the legislature, executive and judiciary (Constitution, Article 64 and 95). However, there are no legislated quotas for women at the national and sub-national levels.

Various measures have been taken to improve the balance of women and men in decision-making positions in public and political life, such as awareness-raising campaigns with the broad participation of women's organizations; meetings and contacts with political parties and media organizations; dissemination of informational material about the professional profiles of the female parliamentary candidates and exchange of good practices through conferences and seminars (CEDAW, 2017).

Nevertheless, a significant gap between men and women still remains in nearly all decision-making positions. The prevalence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family, in the workplace, in political and public life contributes to this (UNESCO, 2014).

### **d) Access to justice**

Married and unmarried women have equal capacity to men to sue and to be sued. Married and unmarried women's testimony also carries the same evidentiary weight as a man's in civil, criminal, family court, and tribunals. There are no specific measures in place to protect women from violence in political and public life.

The Commissioner for Gender Equality is the body task with monitoring gender equality in Cyprus (Law, 2004, Art 3). Its duties and responsibilities are among others to: (a) promote equality between men and women and the elimination of discrimination against women, (b) preside over and coordinate the work of the National Machinery for Women's Rights (NMWR), (c) monitor the implementation of policies and measures promoting equality between men and women, (d) submit proposals/recommendations for the legislative safeguarding of equality and the elimination of discrimination in the legislation, (e) submit proposals/recommendations for the promotion and implementation of policy measures in the field of gender equality, (f) evaluate the results of the implementation of laws and policy measures in the field of gender equality, (g) oversee data collection and the preparation of studies and research on issues relating to gender equality, (h) organize sensitization campaigns to inform the public and especially women about their rights, (i) utilize European programs in the field of gender equality, (j) participate in international conferences on gender equality (UN Women, 2017).

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