

Situation report on discriminations against women in Cyprus

March 2023

INTERNATIONAL AND REGIONAL INSTRUMENTS

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and Optional Protocol

1985

CEDAW Ratified

2002

Optional protocol ratified

Council of Europe Convention on preventing and combating violence against women and domestic violence (known as Istanbul Convention)

2018

Ratified

Reservations to Articles 30 and 44

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)

Not Applicable

International Covenant on Civil and Political Rights

1969

Ratified

International Covenant on Economic, Social and Cultural Rights

1969

Ratified

MAIN OBSTACLES TO GENDER EQUALITY DE JURE AND DE FACTO



The data available on violence against women in Cyprus is scarce, inconsistently collected and incapable of providing an overall picture on the prevalence of violence against women in Cyprus, or the support and protection provided to victims and the response of the relevant institutions.



There are no policies in place specifically on preventing femicide in the National Action Plans, nor is there any mention of femicide in existing and former National Action Plans for the Prevention of Violence in the Family or for Equality between Men and Women.



Structural and grave shortcomings in the asylum determination procedure, including lack of access to legal aid at the first instance level, lack of motivation of decisions rejecting asylum status, and the significant understaffing of the asylum service and other bodies involved in the asylum determination procedure.

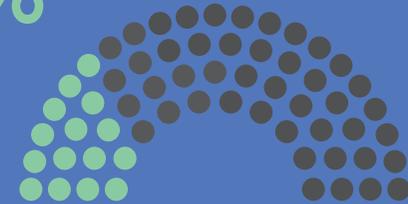
RECOMMENDATIONS

- Ongoing training for front-line professionals, including law enforcement, judges, health professionals, teachers. Training in gender-based issues is necessary, both during academic specialisation –or at least before commencing actual work– as well as during professionals’ careers. Training needs to be ongoing, as gender-related issues and inequalities are so deeply rooted within us and “normalised” in society.
- Enhancing children’s participation in the context of child contact and domestic violence should be a priority for domestic abuse and child protection services/agencies, as well as within the court system.
- Meaningful consultation with women’s rights and feminist organisations.
- Coordinate European and international data collection regarding all forms of Violence against Women and GBV.
- Strategic planning to promote gender equality, which must include a budget for specific measures and actions, and also incorporate success indicators. The effectiveness of actions must be tested in the context of the wider society; they should therefore be subject to ongoing assessment and readjustment, as required. The assessment should be performed both in the context of individual actions and strategic planning as a whole, to ascertain the degree to which the objectives have been achieved.

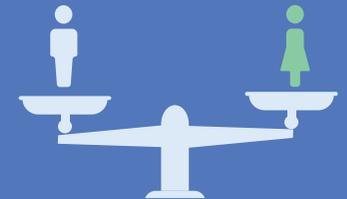
Did you know?

14.30%

Proportion of seats held by women in national parliaments



Inheritance rights for widows and daughters



Equal rights

56.65 %

Female labour force participation



Prevalence of gender violence in lifetime (% women)

15 %

*Source: Gender global gap report 2022:
<https://www.weforum.org/reports/global-gender-gap-report-2022/>

LEGISLATIVE FRAMEWORK

International conventions

Following the 2004 accession of the Republic of Cyprus to the European Union, a number of gender equality laws were introduced into the legal framework, as part of harmonisation with the 'Acquis Communautaire'. Gender mainstreaming in Cyprus is therefore largely influenced by EU directives and international conventions for the promotion of gender equality.

The Republic of Cyprus ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) in 1985. The latest report to the CEDAW Committee was in 2020 as a follow-up to the concluding observations on the eighth periodic report of CEDAW report published in 2018. Some of the main areas of concern were peace and security, migrant and asylum-seeking women's rights, trafficking, and exploitation of prostitution. The government of Cyprus ratified the Istanbul Convention with a reservation to Article 59 in relation to autonomous residence permits for migrant women experiencing violence.

An additional reservation is on article 30, paragraph 2 on adequate state compensation for the victims that according to the convention shall be awarded to those who have sustained serious bodily injury or impairment of health, to the extent that the damage is not covered by other sources such as the perpetrator, insurance or State-funded health and social provisions. Also, there are reservations on article 44 paragraph 1. That foresees necessary legislative or other

measures to establish jurisdiction over any offence established in accordance with this Convention, when the offence is committed: in their territory; or on board a ship flying their flag; or on board an aircraft registered under their laws; or by one of their nationals; or by a person who has their habitual residence in their territory. Paragraph 3 on necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the acts are criminalised in the territory where they were committed, and paragraph 4 on necessary legislative or other measures to ensure that their jurisdiction is not subordinated to the condition that the prosecution can only be initiated following the reporting by the victim of the offence or the laying of information by the State of the place where the offence was committed.

In 2018, Cyprus ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, also known as the Istanbul Convention. In 2021, following Cyprus's ratification of the Istanbul Convention, the Republic of Cyprus passed the Law 115(1)/2021 on the Prevention and Combating of Violence against Women and Domestic Violence and Related matters. The law criminalises different forms of violence against women, introduces the adoption of amendments to the definition of rape with a view to aligning it more closely to the convention, as well as puts into force of the 2021 Law to Provide for the Protection from Harassment and Stalking and the 2020 Law on Combating Sexism and Sexist Behaviour.

Further, the Law 115/2021 criminalizes all sexual and gendered online harassment such as sexual images/videos taken without consent and disseminated online. As a result of the recent

amendment to the VAW Law 2021, femicide is now recognised as a crime distinct from homicide and as a form of violence against women.

Additionally, Cyprus has ratified the United Nations Security Council resolution (S/RES/1325), the Rome Statute of the International Criminal Court (ICC) in 2002, and the Council of Europe Convention on Action against Trafficking in Human Beings in 2007. Cyprus has also ratified the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights back in the 1967.

Finally, trafficking of women for reasons of sexual or labour exploitation is criminalized under the Law Number 60(I) of 2014 on the Prevention, Fighting against Trafficking in and Exploitation of Human Beings and Protection of Victims. According to the US Department of State report on Trafficking in Persons, the government reportedly meets the minimum standards for prevention and combating trafficking in human beings, despite having prosecuted fewer suspects and identified fewer victims in 2022¹. Convictions are non-preventative, with the criminal courts issuing suspended sentences or a fine to 50% to those convicted of trafficking, undercutting efforts to hold traffickers accountable and prevent trafficking.

Constitutional equality

Gender equality has been entrenched as a principle in the Republic of Cyprus since its establishment in 1960. According to Article 28 of the Constitution, every person shall enjoy all rights and liberties without any direct or indirect discrimination against any person on the ground of their sex.

Civil and familial rights

The Cyprus Family Law 1990 (23/1990) is in place, but in Family Court practice domestic violence is not taken aptly into consideration when deciding on child custody and visitation rights². While there is little credible scientific support for the theory of parental alienation syndrome³, the term is used abusively and with relative success by perpetrators of violence to gain credibility in the family law system. The consequences of court mandated contact with violent men can endanger the lives of women and their children.

Political rights

Every Cypriot citizen is eligible to register in the permanent electoral lists in Cyprus and participate in all national elections as of 18-year-old. Non-Cypriot residents having at least six months proven residence in Cyprus or another EU state can register to vote as well, while persons of Cypriot origin acquiring citizenship of Cyprus do not need to wait the aforementioned period before registering to vote. There are no laws on quota at the electoral level.

Sexual and reproductive rights

Abortion became legal in Cyprus in March 2018 with the Criminal Code Law (Chapter 154). Cyprus abortion law permits the procedure to be carried out on demand until the 12th week of pregnancy, and until the 19th week in cases of rape, or incest. Prior to this law, it was only possible in cases of foetal abnormality, if the pregnant woman was at risk of bodily or mental damage, or if the woman had been raped or otherwise sexually assaulted.

Since 2015, with the law on civil partnership 2015 (184(I)/2015), same-sex marriage has been adopted in law as civil unions or civil partnerships⁴. However, Family Law is not applied in civil unions that involve same-sex couples and same-sex couples are not allowed to have children.

Laws on gender-based violence against women

With the recent passage of the Prevention and Combatting of Violence against Women and Domestic Violence Law (VAW Law 2021), the legal framework has been expanded and covers all forms of gender-based violence against women including femicide, economic violence, and psychological violence at the workplace and in public space in general. Stalking has recently been criminalised under the Protection from Harassment and Stalking Law 2021 (114/2021)⁵. Sexism and online sexism have also been criminalised under the Combatting of Sexism and Online Sexism Law 2020 (209/2020), which is a separate law regarding the VAW law of 2021.⁶

Concerning, policies to prevent GBV in Cyprus, there have been two National Action Plans for the Prevention of Violence in the Family: (i) between 2010-2013, and (ii) between 2017-2019, with a notable gap between the two action. Currently there is no National Action Plan in place for the Prevention of Violence in the Family, nor is there a national action plan on the prevention of gender-based violence/violence against women in general. However, the current National Action Plan for Equality between Men and Women 2019-2023 includes “Combating Gender-Based Violence / Full compliance with the provisions of the Istanbul Convention” as a key priority. There are no policies in place specifically on preventing femicide in the National Action Plans, nor is there any mention of femicide in existing and former National Action Plans for the Prevention of Violence in the Family or for Equality between Men and Women. Finally, it is worth noting that the recently passed VAW Law 2021 includes a provision for a coordination body that will develop a national strategy on preventing and combating violence against women and domestic violence.

Economic and social rights

Equal pay is recognised in the Equal Pay between Men and Women for the Same Work or Work of Equal Value Law of 2002. Under the 2002 Law on Equal Treatment between Men and Women in Employment and Vocational Training, all forms of discrimination on grounds of sex are prohibited in the context of access to employment, vocational training and dismissals, and specific obligations are foreseen for employers. There is no law prohibiting discrimination in the provision of health services due to sex, sexual orientation, or gender identity.

Vulnerable and/or marginalised populations

(Unaccompanied) minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence (such as victims of female genital mutilation (FGM)), and people discriminated against based on sexual orientation or gender identity are recognised as persons who need special treatment under the Refugee Law of 2000.

The law foresees the necessary assistance regarding social welfare, as well as adequate health care, including treatment for mental disorders, where necessary, to those with special needs such as pregnant women, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation, torture, cruel, inhuman and degrading treatment or who have suffered due to armed conflict.

Conversely, National Action Plans do not refer to or foresee actions to combat violence against migrant women, women with disabilities, single mothers, and other disadvantaged groups of women.

De facto discrimination

Civil and familial rights

There are significant shortcomings both in law and in the practice of family courts when deciding on custody and visitation rights in the context of domestic violence. Under the relevant laws, there is no explicit reference to domestic violence or other forms of violence against women as a legal criterion to be taken into account when deciding on custody and visitation. Moreover, family courts appear to interpret the best interest of the child as maintaining contact with both parents in all cases, even where the child has witnessed violence. Concern is equally expressed about the increase in use by courts of the concept of so called “parental alienation syndrome” in cases of domestic violence, a concept which is recognised not to exist, and the difficulties experienced in ensuring the safety of the victim and/or the child during visitation with abusive fathers in cases of domestic violence.

Political rights

EIGE’s 2022 Gender Equality Index for Cyprus shows that Cyprus has one of the lowest scores in the EU in relation to gender equality in the domain of power. Only piecemeal actions to promote gender balance in decision-making are foreseen in the national Action Plans for gender equality, without concrete indicators, or appropriate allocation of resources.

Sexual and reproductive rights

Despite the relatively robust legal framework, there is an absence of specialised support for victims of sexual violence and rape, and prosecution and conviction rates for these crimes are low. There are no rape crisis or sexual violence referral centres for the provision of holistic and comprehensive support to victims of sexual violence/rape. In addition, there is a lack of counselling services and assistance for victims of FGM and forced marriage.

Sex education is included in the curriculum for health education as a thematic area with the framing “Family Planning – Sexual and Reproductive Health”. Sex education has been mandatory since September 2011 when it was incorporated into the health education curriculum; however, there is no monitoring and evaluation system in place. Moreover, sexuality education is supposed to be gender sensitive yet is currently limited in this aspect (if arguably gender-sensitive at all), with a shortage of educational material integrating an understanding of the importance of gender equality. Hence, in practice there are still substantial gaps regarding this at all levels of education.

Most concerningly, there is no data available on women’s access to family planning services or abortion services.

Laws on gender-based violence/violence against women

The data available on violence against women in Cyprus is scarce, inconsistently collected and incapable of providing an overall picture on the prevalence of violence against women in Cyprus, or the support and protection provided to victims and the response of the relevant institutions. In particular, the insufficient collection of statistical data on the number of reports received by the police, the investigations opened, indictments made, and final convictions handed down by courts, for any form of violence against women, renders an assessment of attrition rates and the identification of gaps in the criminal justice response to violence against women extremely difficult.

Front line professionals (the Police, Social Welfare Services, and Health Services) may have stereotypical attitudes towards victims of domestic violence and gender-based violence, thus often leading to secondary victimisation/re-victimisation. Training of front-line professionals on gender is offered by NGOs, but not systematically and/or on a regular basis. Regarding the legal system, women often face court delays, as well as sexist stereotypical attitudes on the part of prosecutors and the judiciary. A high number of reported domestic violence cases never reach the court and are either suspended or dropped.

Overall, the National Action Plans concerning GBV are not accompanied by specific objectives, qualitative and quantitative indicators, nor allocation of sufficient funding, and there is no

evidence of any follow-up or evaluation. Generally, National Action Plans lack the political will and resources needed for their implementation and largely remain aspirations.

unaccompanied girls from men, resulting in numerous reports of sexual violence in this reception facility.

Economic and social rights

The gender pay gap in Cyprus between men and women stands at 15,87% for the year 2022.⁷

Vulnerable and/or marginalised populations

The GREVIO report for Cyprus (2022) notes the low number of decisions granting refugee status based on gender-related forms of persecution, with preference given, where applicable, to granting subsidiary protection, a status that denies the right to family reunification⁸. Such low recognition rates are also linked to structural and grave shortcomings in the asylum determination procedure, including lack of access to legal aid at the first instance level, lack of motivation given for decisions rejecting asylum status, the burden placed by the Law on asylum seekers to seek their own sources of legal aid, and the understaffing of the asylum service and other bodies involved in the asylum determination procedure. Concerning the reception of women and girls seeking asylum, the GREVIO report notes that vulnerability screening is often not immediately carried out, leading to victims of gender-based violence against women going unidentified and being subjected to protracted periods of de facto detention in the first reception centre, "Pournara", in sub-standard conditions. Insufficient measures have been taken in this reception centre to separate single women and

Recommendations

To the State in Cyprus

- Strategic planning to promote gender equality, which must include a budget for specific measures and actions, and also incorporate success indicators. The effectiveness of actions must be tested in the context of the wider society; it should therefore be subject to ongoing assessment and readjustment, as required. The assessment should be performed both in the context of individual actions and strategic planning as a whole, to ascertain the degree to which the objectives have been achieved.
- Ongoing training for front-line professionals, including law enforcement, judges, health professionals, teachers. Training in gender-based issues is necessary, both during academic specialisation –or at least before commencing actual work– as well as during professionals’ careers. Training needs to be ongoing, as gender-related issues and inequalities are so deeply rooted within us and “normalised” in society.
- Enhancing children’s participation in the context of child contact and domestic violence should be a priority for domestic abuse and child protection services/agencies, as well as within the court system.
- Meaningful consultation with women’s rights and feminist organisations.

To the EU/The UN or other international institutions.

- Enforce protection policies such as Article 59 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)
- Facilitate a shift in power to women and other gender minorities by supporting the creation of refugee women’s organisations and creating policy strategies to deal with gender as relational power structures.
- Coordinate European and international data collection regarding all forms of Violence against Women and GBV.



Endnotes

- 1 United States Department of state, 2022 Trafficking in Persons Report : Cyprus. Accessed at: <https://www.state.gov/reports/2022-trafficking-in-persons-report/cyprus/>. Accessed on 20 February 2023.
- 2 CyLaw, The Parent-child relations law of 1990 (216/1990). Accessed at : The Parent-Child Relations Law of 1990 - 216/1990 (cylaw.org). Accessed on February 20, 2023.
- 3 Parental alienation is a set of strategies that one parent may use to foster a child's rejection of the other parent, most often in situations of separation or divorce. For information, see; <https://www.who.int/standards/classifications/frequently-asked-questions/parental-alienation>
- 4 CyLaw, The Civil Partnership Law of 2015. Accessed at: The Civil Partnership Law of 2015 - 184(I)/2015 (cylaw.org). Accessed on February 20, 2023.
- 5 CyLaw, The Protection against Harassment and Stalking. Accessed at: The Protection against Harassment and Stalking, Law of 2021 - 114(I)/2021 (cylaw.org). Accessed on February 20, 2023.
- 6 Republic of Cyprus, The Combating of Sexism and Online Sexism, 2020 (English translation). Accessed at : The Combating of sexism Law.pdf (olc.gov.cy). Accessed February 20, 2023.
- 7 World Economic forum, Global Gender Gap Report 2022, p.145. July 2022. Accessed at: [WEF_GGGR_2022.pdf](https://www.weforum.org/reports/global-gender-gap-report-2022) (weforum.org).
- 8 Group of Experts on Action Against Violence Towards Women and Domestic Violence (GREVIO). November 23, 2022. Accessed at : 1680a91c5b (coe.int).