



## European network of legal experts in gender equality and non-discrimination

### NEWS REPORT

<b>Country:</b>	Cyprus
<b>Title:</b>	New bill proposals on maternity and paternity have been adopted by the Cabinet of Ministers and are currently pending before the Parliament
<b>Date:</b>	7 July 2017
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<b>Context</b>	
<b>Issue at stake:</b>	The Cabinet of Ministers has approved several bill proposals prepared by the Ministry of Labour, Welfare and Social Insurance aiming to regulate issues concerning the protection of paternity and maternity
<b>Ground of discrimination:</b>	Sex
<b>Source:</b>	Legislative development
<b>Field:</b>	Employment; parental leave; paternity; maternity
<b>Applicable law:</b>	MaternityProtectionLaw (ΟπερίΠροστασίαςτηςΜητρότηταςΝόμος) No. 100(I)/1997 as amended; <sup>1</sup> Social Insurance (Amendment) Law No. 59(I)/2010(ΟπερίΚοινωνικώνΑσφαλίσεωνΝόμος); <sup>2</sup> the new Paternity Leave Law of 2017

### Content

**Legislative development:** The Cabinet of Ministers has approved a number of legislative draft measures protecting paternity and maternity leave which have now been submitted to the Parliament for a vote. The draft legislation covers for the first time in Cyprus, inter alia, the right of fathers to paternity leave.

The first bill approved by the Cabinet of Ministers is the Protection of Paternity Leave Law of 2017. This new law introduces two weeks of paternity leave for fathers whose spouse has given birth, who have received a child through surrogacy, or adopted a child up to 12 years old. According to the bill, paternity leave is to be taken within a period starting from the first day of birth/adoption and ends 16 weeks later. This period may be extended due to either premature labour and/or multiple pregnancy. At the same time, the draft law regulates issues relating to the right in question, including, inter alia, how to file a request for paternity leave, the safeguarding of employees' rights, the obligations of employers and the penalties for committing offenses related to this right.

The second approved legislative draft is the Protection of Maternity (Amendment) Law of 2017 and deals with surrogacy. It amends the basic law so that women receiving a child through surrogacy will have the right to maternity leave as well as all other rights provided by the current legislation to biological and adoptive mothers. In addition, this

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<sup>1</sup> [http://cylaw.org/nomoi/enop/non-ind/1997\\_1\\_100/full.html](http://cylaw.org/nomoi/enop/non-ind/1997_1_100/full.html)

<sup>2</sup> [http://cylaw.org/nomoi/arith/2010\\_1\\_059.pdf](http://cylaw.org/nomoi/arith/2010_1_059.pdf)

law includes a provision that regulates the right of the surrogate mother to maternity leave for a period of 14 weeks after birth instead of 18.

The third law approved by the Cabinet is the Social Insurance (Amendment) Law of 2017 which includes provisions connected to both the new Protection of Paternity Leave Law and the amendment of the Protection of Maternity Law. In specific, this law provides for the amendment of an existing provision so that mothers who receive a child through surrogacy and surrogate mothers will be entitled to maternity allowance for the period specified in the Protection of Maternity Law. Moreover, the same legislative draft adds a new provision which gives the right to paternity allowance to fathers whose spouse gave birth or received a child through surrogacy or in case of adoption of a child up to 12 years old. Another existing provision is to be amended to grant the right for the continuation of maternity or paternity allowances in cases where a person is absent from Cyprus to accompany a new-born child who needs hospitalization abroad, provided that this is approved by the Director of Social Insurance Services after returning to Cyprus.

Finally, other amendments regulating issues concerned with a widow's pension have been made to the Social Insurance (Amendment) Law of 2017. It specifically addresses the situation in which a marriage takes place after the retirement of the husband. The marriage needs to have lasted at least five years to receive access to a widow's pension.

In Cyprus there is only a widow's pension, a widower's pension does not exist.

Following the relevant proposal by the Minister of Labour, Welfare and Social Security, the Cabinet of Ministers approved the draft laws at its meeting dated 8 June 2017 and authorized the Minister of Labour, Welfare and Social Security to submit the laws to the Parliament for voting.