

ACTIVITY REPORT 2020

Independent Mechanism for the
Promotion, Protection and Monitoring of
the UN Convention on the Rights of
Persons with Disabilities



*Independent Mechanism for the Promotion,
Protection and Monitoring of the UN
Convention on the Rights of Persons with
Disabilities*



Activity Report for 2020

The preparation of the Activity Report for the year 2020 was contributed to by the staff of the Commissioner for Administration and the Protection of Human Rights' Office, which deals with issues pertaining to the Commissioner's work and actions under her mandate as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities.

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2. Introductory note

2. Introductory Note by the Commissioner for Administration and the Protection of Human Rights



In 2020, as in previous years, in the context of the promotion and protection of the rights of persons with disabilities, the Office sought to work closely with representative Organisations of Persons with Disabilities to identify the problems faced by persons with disabilities regarding the violation of their rights under the Convention and to intervene to resolve these problems.

Due to the unprecedented circumstances that arose in 2020 with the adoption of preventive measures to curb the spread of the Covid-19 pandemic, it became more necessary than ever to carry out a series of interventions, either ex-officio or following complaints, to ensure non-discrimination for persons with disabilities and equal enjoyment of rights. Relevant in this regard were, for example, the interventions regarding the inclusive return of children with disabilities to schools after their reopening in May 2020, as well as the use of protective masks by students with disabilities attending special units and the access of persons with disabilities to information and facts related to the pandemic.

At the same time, our Office's interventions focused on various other areas where the rights of persons with

disabilities are affected, such as the field of education, and proceeded with interventions in relation to the right of pupils and students to be accompanied by a care assistant, as well as the provision of reasonable accommodations when attending summer schools. With reference to the field of social protection, our Office intervened in issues of timely and reasoned examination of claims for benefits, while it also intervened in issues relating to the provision of reasonable accommodations when it comes to work opportunities and professional development, and in relation to the conditions of independent living or accommodation in government-owned care homes for persons with disabilities.

The main tools of our Office in the exercise of the Commissioner's responsibilities as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities are the provisions of the Convention itself, as well as the Concluding Observations of the UN Committee on the Rights of Persons with Disabilities on the Initial Report of Cyprus to the UN regarding the implementation of the Convention, and the General Comments issued from time to time by the Committee for a more comprehensive interpretation of substantive provisions of the Convention.



Maria Stylianou-Lottides

Commissioner for Administration
and the Protection of Human Rights

Independent Mechanism for the
Promotion, Protection and Monitoring of the
the UN Convention
on the Rights of Persons with Disabilities

3. Regulatory Framework Responsibilities

3. Regulatory Framework Responsibilities

The UN Convention on the Rights of Persons with Disabilities together with the Optional Protocol were ratified by the Republic of Cyprus in 2011, by means of the Convention on the Rights of Persons with Disabilities and Related Matters (Ratification) Law of 2011 [L. 8(III)/2011].

Pursuant to article 33 of the Convention regarding the establishment of an independent mechanism in the State Parties for the promotion, protection and monitoring of the implementation of the Convention, the Council of Ministers, by Decision No.73.519 dated 9 May 2012, designated the Commissioner for Administration and the Protection of Human Rights as the Independent Mechanism for the promotion, protection and monitoring of the implementation of the Convention.

The Commissioner, within the framework of its responsibilities as an Independent Mechanism, undertakes actions/activities related to the promotion, protection and monitoring of the Convention.

Bearing this in mind, the actions/activities undertaken aim to inform and raise awareness on the rights of persons with disabilities, to mediate for the realisation of these rights and to intervene with recommendations and suggestions in relation to policies and legislative or other measures required for the State's compliance with its obligations under the Convention.

Indicatively, the actions/activities of the Commissioner, as the Independent Mechanism for the Promotion, Protection and Monitoring of the Convention, include, inter alia, the following:

- *Conducting surveys and collecting data to monitor the implementation of the provisions of the Convention and the full and equal enjoyment of all human rights and fundamental freedoms by persons with disabilities.*
- *Investigating complaints and grievances from persons with disabilities or representative organisations of persons with disabilities, proceeding to ex-officio investigations into cases relating to violations of the provisions of the Convention, carrying out consultations within the framework of the applicable legislation with all stakeholders and imposing penalties for unequal treatment and violation of the rights of persons with disabilities.*
- *Submitting reports to state services and other stakeholders, with recommendations and suggestions regarding the implementation of the provisions of the Convention by the aforementioned.*
- *Chairing the Advisory Committee for the Monitoring of the Convention, which includes persons with disabilities and agents of their representative organisations and the Cyprus Confederation of Organisations of the Disabled (CCOD).*
- *Cooperating with the Coordinating Mechanism (Pancyprian Council of Persons with Disabilities) and the Focal Point (Department of Social Inclusion of Persons with Disabilities) for the monitoring of the execution of the National Action Plan for the implementation of the Convention.*
- *Educating, raising awareness and promoting the protection and realisation of the rights of persons with disabilities and the implementation of the Convention, in cooperation with the Focal Point.*

- *In order to promote and protect the rights of persons with disabilities, the Office has sought close cooperation with representative organisations of persons with disabilities (PWDs) to identify any issues arising from any violations of PWDs' rights under the Convention, and to intervene as to solve these problems.*

The main tools of our Office in the exercise of the Commissioner's responsibilities as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities are the provisions of the Convention itself, as well as the Concluding Observations of the UN Committee on the Rights of Persons with Disabilities on the Initial Report of Cyprus to the UN regarding the implementation of the Convention, and the General Comments issued from time to time by the Committee for a more comprehensive interpretation of substantive provisions of the Convention.

The aforementioned are taken into account when investigating complaints submitted regarding the rights of persons with disabilities, as well as in the context of the Commissioner's ex-officio interventions and the broader action of our Office under the Commissioner's authority as an Independent Mechanism.



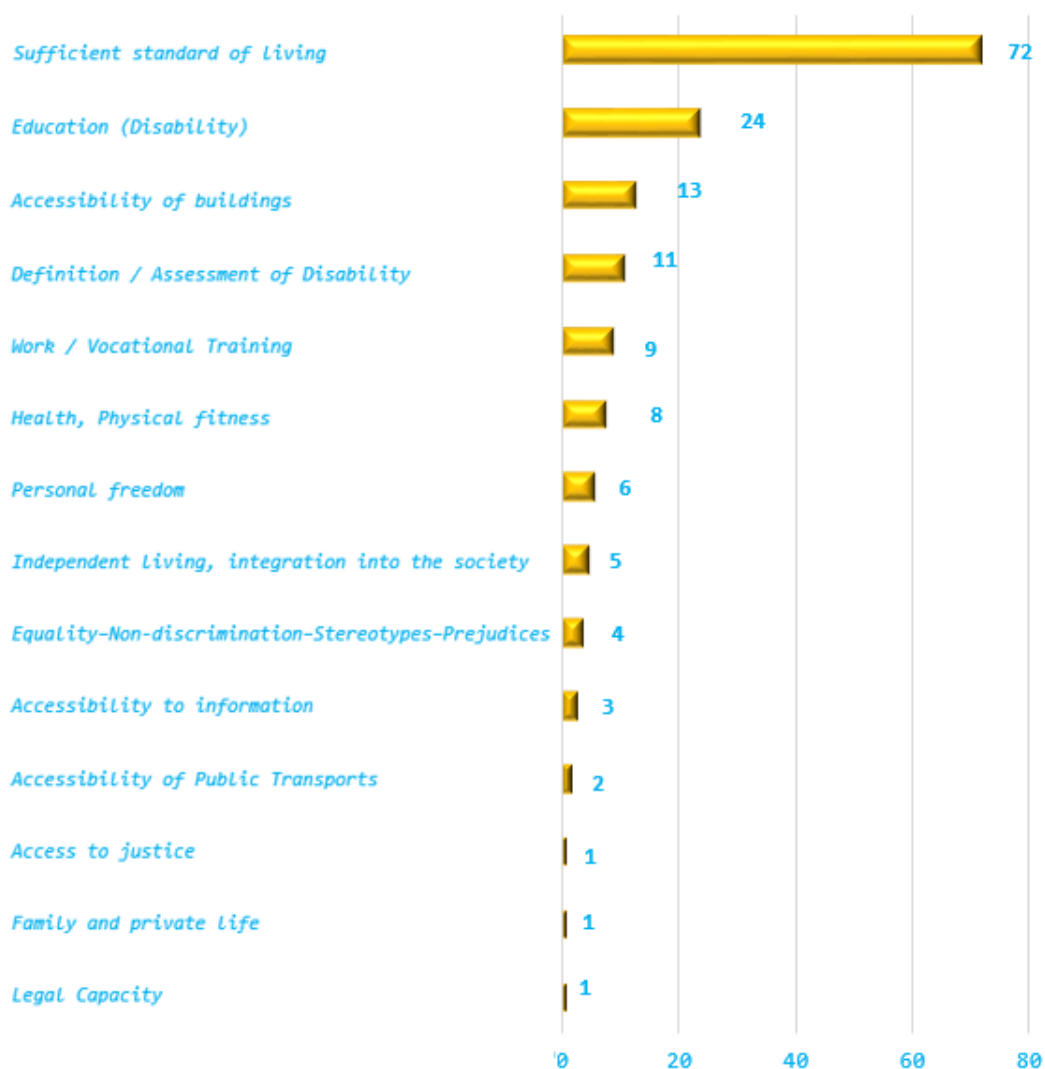
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4. Complaint statistics

4. Complaint statistics

A large number of complaints are being investigated by the Commissioner in her capacity as the Independent Mechanism for the Promotion, Protection and Monitoring of the Implementation of the UN Convention on Persons with Disabilities.

A detailed list of complaints related to persons with disabilities and their rights, as well as to disability in general, are as follows:





5. Reports/Statements/Interventions



5. Reports/Statements/Interventions

- ◆ *Report¹ on the reduction of the public assistance benefit received monthly by a person with disabilities from the Social Welfare Services (SWS).*

According to information provided by the complainant, at the material time, her son's public assistance benefit was reduced by approximately €220 due to the fact that the SWS took the child benefit and the single-parent benefit that she herself received into consideration in order to determine income.

In this particular case, the complainant had submitted, on behalf of her son, an application to the Welfare Benefit Administration Service (WBAS) for a Guaranteed Minimum Income (GMI) in July 2014, which was approved in March 2017. Since then, the complainant's son had been receiving as income from the WBAS, a GMI amounting to approximately €848 from which no deduction was made, as her son, being a person with a disability, was considered an independent family unit for the purposes of the payment of GMI.

The Report noted that a long delay had occurred in processing the application of the complainant's son to include him in the GMI scheme. He became a recipient of a GMI almost two and a half years after his application was submitted and while the complaint had already been submitted to the Commissioner's Office. The complainant believed that the delay that occurred was not due to her or her son.

The issue of the delay in the examination of applications for the provision of GMI by the WBAS, particularly in

¹ C/N 38/2016 dated 23 January 2020

cases of persons with disabilities, had been the subject of previous interventions by the Commissioner, in the context of her responsibilities as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities. In this case, due to the delay in the examination of the application of the complainant's son, she continued to receive a public assistance benefit reduced by €219.58 until February 2017, as the implementation of the above-mentioned decision of the SWS was still in force.

It was pointed out to her that the adverse consequences suffered by the complainant's son, for a long time, would have been avoided if the consideration of his application for a GMI by the WBAS had been completed within a reasonable time after its submission.

In the light of the provisions of Article 28 of the UN Convention on the Rights of Persons with Disabilities, the relevant legislation and the principle of good administration, it was recommended that the competent Ministry consider paying the complainant's son, retroactively, the amount corresponding to the period during which his application was pending, that is to say, from the date on which it was submitted until the date that the complainant's son was approved as a beneficiary of the GMI, which exceeded the reasonable period of time within which the examination of the application should have been completed.

◆ *Report² on the living conditions of persons with disabilities at the "House in Aglantzia".*

In particular, after the termination of the operation of the Care Home in the Community in Ayios Andreas, two more

² C/N 91/2016 dated 3 February 2020

persons with disabilities were transferred to the "House in Aglantzia". This resulted, as the complainant mentioned to our Office, in the increase of the total number of residents to seven which had as a consequence the overcrowding of the house due to a lack of space, its conversion into an institution and the inadequate service of the residents with severe mobility difficulties.

It was found that the "House in Aglantzia" had been accommodating for a long period of time seven persons of different sexes with only one sanitary room, which was not sufficient even for the five persons who were accommodated there from the beginning, since persons with disabilities were not or are not easily served in terms of personal hygiene, by themselves, whenever needed.

The Social Welfare Services (SWS), as revealed by the investigation, attempted, especially in 2016, to push for a second sanitary room, but unsuccessfully due to the owner's unwillingness to cooperate. This, however, did not, as noted by the Commissioner for Administration, absolve the SWS from responsibility as to the living conditions of the occupants of the House.

It was also observed that everyday problems arose, such as breakdowns in the appliances of the House and the cleanliness/beautification/maintenance of the outdoor area, which were not dealt with immediately as they should have been, but remained pending for a long time. By extension, and although the operation of the "House in Aglantzia" is part of the deinstitutionalisation policy, its functionality for the needs of the residents had not been achieved in a way that fully and continuously ensured their right to quality and decent living as required under the Convention.

Care Homes are a good practice marking the transition from institutionalisation to independent living structures. However, it should be ensured that the operation of such structures, such as the "House in Aglantzia", is in

accordance with all the provisions of the Convention on the Rights of Persons with Disabilities. In particular, the SWS must take into consideration the fundamental principle that the residents of the Homes, namely the persons with disabilities, are entitled to equal rights and therefore must enjoy adequate, appropriate and quality living conditions at all times.

A recommendation was made that if there was no reasonable prospect of the owner's cooperation in creating a new sanitary room, that the SWS should consider an alternative solution to relocate the occupants of the Home to another new and suitable structure as soon as possible. Further, the SWS were to put on course and deal without delay with issues such as the cleanliness of the exterior of the Home and the repair or replacement of any appliance or installation that was damaged. If this was practically impossible, the SWS had to review the process and find solutions that would allow the Home's management to take action to ensure that time was not wasted at the expense of the service and amenities of the residents.

As a general obligation, the SWS were required, as noted, to adopt such procedures with respect to each Care Home that would allow their operation without hindrance and without causing any inconvenience to the residents for any reason, so that the intended goal of deinstitutionalisation and independent living for persons with disabilities is achieved.

◆ *Reports³ on the failure to ensure access to audiovisual media for persons with disabilities.*

Persons with hearing disabilities have complained to the Commissioner about the failure of television stations to

³ C/N 864/2019 & C/N 1263/2019, dated 31 January 2020

make their services accessible to persons with disabilities.

A common topic of the complaints was the exclusion of the complainants from equal access to the media, and in particular, to television programmes, due to the non-use of subtitling by television stations in their various programmes. Consequently, as the complainants argued, a some of their rights were being violated or restricted, such as their right to information, entertainment and participation in social, political and cultural life, resulting consequently in the deterioration of their quality of life and the violation of their human dignity.

Audiovisual media services are governed by Directive 2010/13/EC, as amended by Directive 2018/1808/EU. In the said Directive, a provision is included which aims to ensure the continued and progressive accessibility of media. The means to achieve the accessibility of audiovisual media services under the said Directive, should include, but need not be limited to, sign language, subtitling for the deaf and hard of hearing, spoken subtitles and audio description.

At the same time, the obligation to guarantee citizens' access to audiovisual media also derives from a combination of a number of provisions contained in the UN Convention on the Rights of Persons with Disabilities, since it is considered that audiovisual media can contribute to the realisation of all the rights of persons with disabilities, which aim at and contribute to ensuring their right to independent living and equal participation in political, social, economic and cultural life.

The Report was submitted to the Cyprus Radiotelevision Authority, with the recommendation that all appropriate measures be taken to accelerate the compliance of television stations with the relevant provisions, in order to end the violation of the right of persons with disabilities to equal access to information and entertainment material, especially taking into account that this issue has been pending for ten years.

Implementation of Recommendations/Suggestions

The Cyprus Radiotelevision Authority has completed its examination of any breaches of the relevant legislation by the television stations involved and has imposed appropriate sanctions. Furthermore, the television stations submitted timetables to the Corporation in relation to the actions they would take to ensure that as many television programmes as possible were made accessible to persons with hearing and visual impairments. CBC has made its news and information programmes accessible to persons with hearing disabilities by providing interpretation in sign language.

- ◆ *Ex officio Intervention⁴ regarding the accessibility of information on the COVID-19 pandemic for persons with disabilities*

Compliance with the announced containment measures to address the impact of the COVID-19 pandemic and limit its spread requires unhindered access to them by everybody, both in terms of instructions and/or guidelines announced, and in terms of protecting oneself from the pandemic and receiving support to cope with its impact.

Therefore, persons with disabilities should have equal access to information and therefore all necessary measures should be taken to render this information accessible and understandable.

By virtue of the UN Convention on the Rights of Persons with Disabilities, the State has an obligation to take measures to ensure equal access to information for persons with disabilities, while failure to take measures in this direction constitutes, under Article 5 of the Convention,

⁴ EO/I 9/2020 dated 3 April 2020

discrimination on the basis of disability. In particular, States should take measures to promote appropriate forms of assistance and support for persons with disabilities, to ensure their access to information, without which there can be no freedom of thought and judgement. Additionally, self-protection measures cannot be taken, if the necessary information is not provided to this end.

According to Article 11 of the Convention, "... *State Parties shall take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk...*".

The Statement highlighted the need to take specific measures to ensure equal access to information for persons with disabilities.

In particular:

- The absence of sign language interpretation or subtitling from all stations, especially when Officials/Ministers and/or experts are hosted to provide information in relation to the pandemic results in persons with hearing impairment or hearing loss being denied their right to immediate and timely information in an accessible format.
- The need for subtitles since many times deaf persons and/or persons with a hearing impairment cannot have access to information, despite sign language interpretation, unless the image is accompanied by subtitles.
- The announcements/press releases/decrees/instructions in relation to the pandemic and the measures taken are posted on the internet and their transcription in Braille can be done by contacting the School for the Blind, the Pancyprrian Organisation of the Blind or the Cyprus Confederation of Organisations of the Disabled. This implies that the texts are posted and should

continue to be posted in an easy to read manner so that their conversion into an accessible format can be done easily and quickly by the person who wishes to do so, including the possibility of converting the text into an audio format.

- In the same way, the transcription of notices/press releases/decrees/instructions should also be done in a simplified and easy to understand writing so that it is accessible and understandable for persons with intellectual disabilities.
- Furthermore, despite the fact that the relevant website of the Ministry of Labour, Welfare and Social Insurance provides information on the COVID-19 pandemic, and the fact that through the website applications for support measures to tackle the effects of the pandemic are submitted electronically, after consulting relevant accessibility evaluation tools to determine whether this website meets accessibility standards for persons with disabilities, it was realised that there were some problems, which may constitute obstacles to the comprehensive access to its content by persons with disabilities. Similar problems arise also when it comes to submitting the aforementioned applications.
- Isolation as a necessary measure to prevent and suppress the pandemic undoubtedly affects each of us individually. But the persons most affected are those who were already in a state of confinement, either in homes for the elderly or in mental health clinics. Since for these persons contact with the outside world and their relatives is becoming even more difficult in these difficult days, the State should step in more by providing alternative ways of communication, either with the use of modern technology for a few hours, or via electronic communication, where this is possible under the circumstances, but above all by providing unhindered access to information for protection and

information purposes, thus offering them the opportunity to take personal and individualised hygiene and precautionary measures themselves.

The above-mentioned issues were brought before the Permanent Secretaries of the Ministries of Labour, Welfare and Social Insurance, Health and the Cyprus Radiotelevision Authority, with the recommendation that, for the purpose of realising the right of persons with disabilities to accessible information, they should look into them, in cooperation and consultation with the representative organisations of persons with disabilities.

A copy of the Statement was sent to the President of the Cyprus Confederation of Organisations of the Disabled, for information purposes, as well as to the media for action to be taken on an individual basis to the extent possible.

Implementation of Recommendations/Suggestions

The Cyprus Radiotelevision Authority has called upon television stations to submit a timetable in relation to the gradual accessibility of their programmes by persons with hearing or visual impairments.

The Press and Information Office consulted and collaborated with the CCOD and the Pancyprian Organisation of the Blind, to ensure that the information provided online in relation to the pandemic could be easily converted into Braille and audio. Also, in cooperation with the Pancyprian School for the Deaf, information material was prepared in sign language, while at the same time information leaflets and material in easy to read format were prepared and posted on the internet.

Social Welfare Services sent circulars to Long-term care homes on the protective measures to be taken in view of the pandemic, and this information was also provided in simple and easily understandable language.

- ◆ *Report⁵ on the decisions of the Ministry of Education, Culture, Youth and Sports, in relation to the attendance of children with disabilities after the reopening of schools on 21 May 2020*

In particular, the Ministry's initial plan for the reopening of schools did not include at all the operation of special units under the new circumstances of the pandemic and on 19 May 2020, parents of children with disabilities received, as parents of all other children, the Guide for parents and guardians for the safe return of children to school.

However, in an announcement by the Ministry dated 20 May 2020 in relation to the attendance of all children with disabilities in schools, parents of children with disabilities were informed that other requirements and procedures had been set for the attendance of their children. These procedures were impracticable to comply with, resulting in not making it possible for children with disabilities to start attending school at the same time as all other pupils. Consequently, children with disabilities underwent a discriminatory treatment.

The principle of non-discrimination is a fundamental principle governing the UN Convention on the Rights of Persons with Disabilities, the Article 24 of which enshrines and recognises the right of persons with disabilities to education and requires Member States to take measures to ensure that this right is exercised without discrimination

⁵ C/N 789/2020 dated 21 May 2020

and on the basis of equal opportunities.

The principle of equality and non-discrimination is also enshrined in the Persons with Disabilities Law, according to which the principle of equal treatment of persons with disabilities consists in the absence of any discrimination against any person on the basis of disability. Discrimination against another person occurs, under the Law, if, inter alia, a person is treated less favourably than another person in a similar situation. One of the rights protected under Article 4 of the said Law is the access of persons with disabilities to inclusive education according to their needs.

Pursuant to Article 9C of the Persons with Disabilities Law, any person who believes that he or she is aggrieved by a violation of the Law in relation to discriminatory treatment is entitled to submit a complaint to the Commissioner for Administration, who has the power to investigate the complaint in accordance with the Combating of Racism and Other Discrimination (Commissioner) Law [L. 42(I)/2004].

According to Article 6 of L. 42(I)/2004, any treatment or conduct, provision, condition, criterion or practice, which in the context of activities in the public or private sector is specifically regulated, prohibited or not permitted by any law or regulations in force, constitutes direct or indirect discrimination due to, inter alia, special needs. Any discrimination may be deemed as discrimination prohibited by law in the aforementioned sense in respect of any matter, including education.

In the light of the above legislative provisions and on the basis of the Commissioner's responsibilities, both as an Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities and as an Equality and Anti-Discrimination Body, the following were highlighted:

- According to the Ministry's announcement, the principle of equal treatment and non-discrimination is violated, as children with disabilities had to fulfil different conditions and follow different procedures in order to access primary and secondary education compared to those for other children.
- In order for these conditions to be met, time and preparation of indeterminate duration was required, with the risk that the approximately two weeks of training allotted to each child would be lost by the time the examination process was completed. Consequently, the risk of lost time constituted in itself discriminatory treatment of children with disabilities in that there was a possibility of complete deprivation of education for the remaining period of time.
- If the recommendation of the relevant Committee was necessary on the basis of the predetermined opinion of the experts, it should have taken place well before the decision and announcement of school resumption, so as to provide the opportunity for adequate preparation without the risk of missing school as scheduled.
- Not only the less favourable treatment of children with disabilities, under the aforementioned legal framework, constituted discrimination against them, but also the imposition of additional conditions for their attendance was not justified on the basis of scientific opinion, since these conditions were not limited to the Covid-19 testing of teachers and care assistants who would come into contact with the children.
- In particular, with regard to the reference in the announcement to the testing of children on the basis of their special characteristics, it was noted that these characteristics were known in advance to the

Ministry and since they did not fall within the vulnerable groups as predefined, the announcement in an absolute and arbitrary manner considered children with disabilities as belonging to vulnerable groups. Consequently, if the procedures provided for remained as they were, timely access for these children to their schools would become almost impossible.

Considering the above, the existence of discriminatory treatment and consequently a violation of the provisions of the Convention and the Persons with Disabilities Law, in conjunction with the Combating of Racism and Other Discrimination (Commissioner) was established, not only because not all individualised support measures were taken in time for children with disabilities to attend school, but also because they were treated less favourably than other children in the same situation as them, while at the same time an additional burden was imposed on them in relation to the fulfilment of those conditions.

Therefore, it was recommended that the Ministry's Announcement and the conditions it imposed with regard to the attendance of children with disabilities be immediately reconsidered and decisions be taken that would include more favourable treatment for children with disabilities and that would ensure access to schools for all students without any discrimination or any further delay.

Implementation of Recommendations/Suggestions

Following the submission of the report, the Ministry took the necessary steps to implement all the recommendations contained therein.

◆ *Reports⁶ on the delay in subsidising health care for children with disabilities*

Following the mediation of the Commissioner and after consultation and deliberation with parents and representative organisations of persons and/or children with disabilities, the Ministry of Health made the necessary arrangements to regulate the persistent and justified request for subsidies regarding the provision of health care to children with disabilities, outside state hospitals and public service hours.

In this way, the Ministry took action against the unequal treatment of children with disabilities compared to other children, as they were forced to be deprived of teaching time in order to attend these treatments during the morning hours. This was a violation of both the provisions of the Convention and the provisions of the Persons with Disabilities Law and the Convention on the Rights of the Child, under which children must be provided with medical and rehabilitation facilities.

However, despite this positive development, the approval of the relevant applications submitted by parents of children with disabilities for the subsidy of their children's treatments was still pending before the Ministry, resulting in them still bearing the full cost of the treatments.

Consequently, the actions of the Ministry were practically pointless for children with disabilities, as well as for their families, since they had not yet been granted any subsidy for the children's treatments, and therefore the unequal treatment still persisted.

Therefore, the following recommendations were made to the Ministry:

⁶ C/N 847/2018 & C/N 1365/2018 dated 23 July 2020

- to go through the applications pending before it regarding the subsidy for the treatment of children with disabilities without any further delay.
- to expedite the necessary actions for the inclusion of the health treatments in question in the next phase of the GHS.
- In the event that this was not possible before the start of the new school year, to make the necessary arrangements in time for the continuation of the subsidy for the treatment of children with disabilities, and to inform the affected parents.

Implementation of Recommendations/Suggestions

Following the submission of the Report, the Ministry took the necessary steps to implement the Commissioner's recommendations, with the inclusion of the treatments in question in the GHS.

- ◆ *Ex-officio Intervention⁷ regarding the compulsory use of protective masks by children with disabilities over the age of six when attending school.*

The Minister of Education, Culture, Youth and Sports, in a statement dated 21 August 2020, announced the decision of the Council of Ministers on the physical presence of pupils in public and private schools, who, according to the recommendations of experts, should use protective masks in all schools.

Based on the World Health Organisation and UNICEF recommendations on the use of protective masks by children with disabilities, a risk-based approach should be applied when deciding on the use of masks for children aged six to

⁷ EO/I 20/2020 dated 24 August 2020

eleven years, which should take into account, inter alia, the child's capacity to comply with the appropriate mask use and the availability of appropriate adult supervision, as well as the potential impact of mask wearing on learning and psychosocial development.

Furthermore, for children of any age with developmental disorders, disabilities or other special health conditions that might interfere with mask wearing, the use of masks should not be mandatory and should be assessed on a case-by-case basis by the teacher or medical provider.

In relation to children with hearing impairments, mask wearing might present learning barriers. These children may miss learning opportunities because of the degraded speech signal stemming from mask wearing, the elimination of lip-reading and speaker expressions and physical distancing. In these cases, adapted masks to allow lip-reading or use of face shields may be explored as an alternative.

Given that the Ministry's decision did not include measures for reasonable accommodations to meet the needs of children with disabilities or any provision for treating them differently, the universal use of masks would entail unequal treatment of children with disabilities compared to other children, due to the denial of their right to education on an equal basis with other children of their age, since mask wearing, both by them and/or their teachers, would hinder their access to learning on an equal basis with others.

The Ministry of Education, Culture, Youth and Sports, in consultation with the Ministry of Health, was invited to consider the possibility of using alternative forms of protection for children with disabilities when attending school, such as transparent masks or protective shields, and for their teachers and/or classmates, when and where appropriate, on the basis of the recommendations of the World Health Organisation and UNICEF, and in cooperation with parents and/or representative organisations of parents of children with disabilities, to find a definitive solution

to the problem that has come up.

Implementation of Recommendations/Suggestions

The Ministry has fully implemented the Commissioner's recommendations by deciding that the use of protective masks is not compulsory for children between six and twelve years old, as well as for children over twelve years old with hearing or developmental problems, while teachers may, in these cases, use a transparent plastic mask or face shield to facilitate lip-reading.

- ◆ *Ex-officio Statement⁸ on the issue of the provision of care assistants to pupils and students with disabilities attending private education*

The right of persons with disabilities to reasonable accommodations in education stems from both the Education of Children with Special Needs Law and the UN Convention on the Rights of Persons with Disabilities and the Law on Persons with Disabilities and extends to all levels of education, from infancy to higher and lifelong education.

Furthermore, the provision of care assistants is or should unquestionably be part of reasonable accommodations on an individualised basis, which is why the State, by enacting relevant legislation [Private Schools Law (L. 147(I)/2019)] now explicitly provides for the obligation of private schools to provide school care assistants where necessary based on the assessment of the Ministry's District Committee of Special Education, i.e. not only in public sector schools but also in private sector schools, without parents bearing the cost of such provision.

⁸ EO/I 7/2018, C/N 1449/2019, C/N 1980/2019 & C/N 242/2019 dated 22 September 2020

Since a necessary condition for the District Committee of Special Education, which extends to Higher Education, both in the public and private sector, in accordance with the relevant law (on the Education of Children with Special Needs), the State has no choice but to comply with both this law and the UN Convention on the Rights of Persons with Disabilities. In this context, the right to education and its realisation, with individualised reasonable accommodations, should be guaranteed.

In the General Comment N° 4(2016), on Article 24 of the Convention, the UN Committee on the Rights of Persons with Disabilities, notes, inter alia, that States should ensure that persons with disabilities have access to public and private academic institutions on an equal basis with others, while educational institutions, including private educational institutions and enterprises, should not charge additional fees for reasons of accessibility and/or reasonable accommodation.

Therefore, the state is similarly obliged to extend the protection of the right to education with reasonable accommodations to higher educational institutions - by legislation so that the provision of reasonable accommodations by higher education now explicitly includes the provision of compulsory care assistants when deemed necessary by the District Committee.

It is understood that the cost should not be borne by persons with disabilities or their parents but as is the case in the provision for private schools, under the Private Schools Law [Law 147(I)/2019], the provision of reasonable accommodations including the provision of care assistants will be included in the terms of operation.

Furthermore, in view of the fact that the assessment and decision to offer support, including care assistants, is the responsibility of the District Committees of Special Education, matters relating to how the legislation is implemented as well as to their operation, composition, the extent of the justification provided for their decisions,

and the specific support that will be offered to each child deemed to need support should be put on the table and discussed.

This should occur due to the fact that, according to the position of organised parents of children with disabilities, the decision of the Committee, as given to them, is general and does not provide details regarding the support provided to their child. Additionally, they cannot have access to the child's file unless they appeal to the Court. It is their position that there is no individualised programme based on the needs of each child attending a special unit and according to them, there is no guidance for the school on how to address their needs.

Similarly, in addition to the provision and assistance, the issue pertaining to the qualifications of care assistants should be reconsidered, within the framework of reasonable considerations so that care assistants can meet the needs of each child with disabilities, because as the UN Committee on the Rights of Persons with Disabilities stated in its General Comment No.4 (2016) on Article 24 of the Convention, even students with the same impairment may require different accommodations.

It was recommended, inter alia, that the Ministry, in consultation with the relevant Associations of Private Schools and Private Tertiary Education Institutions, the CCOD, as well as with representative organisations of persons with disabilities and representatives of parents of children with disabilities, take the necessary steps and make the necessary arrangements to ensure that reasonable accommodations are offered to persons with disabilities attending private institutions by providing care assistants to eliminate any possible discrimination that may be caused in the field of education when it comes to private institutions, of higher, primary and secondary education by enacting a law on higher education in the private sector, in a similar manner to that established for private schools.

Implementation of Recommendations/Suggestions

The Cyprus Agency of Quality Assurance and Accreditation in Higher Education has informed the Commissioner that it will include a relevant amending provision in the pertinent legislation on the basis of the recommendations contained in the Report.

- ◆ *Report⁹ on the provision of reasonable testing accommodations for examinees with disabilities, for career advancement purposes*

This complaint was submitted on behalf of hearing impaired persons who have a permanent contract of employment with the Postal Services (Sorting Department) and related to the failure to provide reasonable testing accommodations for the purposes of career advancement and namely the climb to a higher grade of the combined salary scales for their position (A2 - A5 - A7+2).

As pointed out, the nature of the test as it was, without any variation, appears to have been an inhibiting factor and an obstacle to the complainants' success in previous examinations in that they were unable to cope with the difficulties of the test due to their disability.

Consequently, in order to render the examination a uniform and equal measure of judgement, they should also have been provided with individualised reasonable accommodations according to their needs, that is to say, the appropriate differentiation of the examination test, so that they are able to understand it adequately and without any obstacles in order to be able to claim the opportunity for professional advancement, in the framework of the principle of equal treatment.

⁹ C/N 650/2020 dated 3 October 2020

Therefore, the translation into sign language of a differentiated test is a one-way street in the context of reasonable accommodations to enable the elimination of any barriers that interact with the nature of their disability. Furthermore, for the purposes of equal treatment, it might also be useful, as has been pointed out, to differentiate the way in which their test, i.e. their answers, is assessed, in order to compensate for the disadvantage that they are placed in compared with the other candidates.

In view of the need to provide both the complainants and other persons with hearing and other impairments equal opportunities for career advancement and progress, the Department of Public Administration and Personnel should, as noted in the Report, take individualised measures of reasonable accommodation, including test modification, to thereby remove barriers and ensure equal treatment.

To this end, it was recommended that the Department of Public Administration and Personnel consider in a timely manner the above recommendation to provide reasonable accommodations, in consultation and cooperation with the representative organisations of persons with hearing impairments, as well as with the Cyprus Confederation of Organisations of the Disabled (CCOD), so that in the November 2020 examinations, persons with hearing impairments would have the opportunity to claim a chance of success on an equal basis with others.

Implementation of Recommendations/Suggestions

The Public Administration and Personnel Department took the necessary steps to provide the complainants with the proposed reasonable accommodations during the examinations, based on the recommendations contained in the Report.

- *Report¹⁰ regarding the withholding of a wheelchair belonging to a mobility impaired person by a Home for the Elderly until the payment of fees*

The complaint was lodged by the spouse of a mobility impaired person against the manager of the Home for the Elderly, where the said person had been staying, who had informed the family that she would not hand over the wheelchair until after payment of outstanding fees. Therefore, the main issue in question was whether it was lawful to withhold equipment (mobility aid) deemed necessary for a mobility impaired person in order to move around and thus to exercise further rights, for the purpose of settling financial disputes.

As noted, this is blatantly unacceptable and should not be tolerated under any circumstances. It constitutes an affront to both the dignity and autonomy of the person. Additionally, due to the extortionate and intimidating nature of this measure, the person who is deprived of the means necessary for his/ her mobility may experience feelings of anxiety, insecurity, humiliation and inferiority. It is therefore not impossible that such treatment may be of a level of severity sufficient to be considered degrading treatment.

Further, the obligation to respect human rights lies not only with the state but also with all persons who have to refrain from any action that may harm a fellow human being. A greater responsibility lies with the managers of accommodation facilities that care for persons with disabilities, due to the increased needs and vulnerability associated with disability.

Consequently, the decision of the manager of the aforementioned facility to withhold for three days the wheelchair of the complainant, punitively depriving him of

¹⁰ C/N 140/2017 dated 7 October 2020

his autonomy, constitutes an affront to his dignity and reflects the responsibility of the Social Welfare Services. The said Services while having been informed of the incident, failed to proceed to any observations, suggestions or recommendations to the facility involved. Furthermore, they did not proceed to issue relevant guidelines and instructions to all the Homes for the Elderly under their supervision.

Based on the above, it was recommended that the Social Welfare Services proceed with relevant information, awareness raising and guidance of both the Welfare Officers who carry out inspections in the said Care Homes and the managements and staff of the Homes, especially in relation to the rights of persons with disabilities which are protected by the relevant UN Convention. Compliance with the Convention and the recommendations of the Committee for the Prevention of Torture should be monitored.

Additionally, it was recommended to proceed without further delay with the adoption of the pending bill, which is also recommended by the Committee for the Prevention of Torture, expecting that the new legislation shall be fully harmonised with the provisions of the Convention on the Rights of Persons with Disabilities.

◆ *Report¹¹ on the decision to terminate a PWDs' severe motor disability allowance*

The investigation of the complaint revealed that after an assessment of the complainant's disability in February 2017, her disability was considered as permanent moderate motor disability, resulting in the complainant not being considered as a beneficiary of a severe motor disability allowance. Following an appeal and reassessment in June 2017, her disability was certified as permanent severe, and

¹¹ C/N 893/2019 dated 3 November 2020

she was further found to meet the other conditions set out in the Severe Motor Disability Allowance Scheme, so that she began to receive that allowance. Her certification was valid for one year, resulting in the complainant being reassessed in May 2018 and her disability being determined as permanent moderate. Therefore, she was found to be ineligible for the Severe Motor Disability Allowance.

Given that this new assessment brought about an unfavourable change in the complainant's status, since it resulted in the termination of the allowance she had been receiving for one year, it constitutes an unfavourable administrative act for which a specific statement of reasons is required, which should include a statement of the factual and legal reasons that led to that decision, as well as a statement of the criteria on the basis of which the body concerned, and in this case the Disability Assessment Centre of the Department for Social Inclusion of Persons with Disabilities, proceeded to that decision.

However, apart from completing a preformulated form, the Department concerned has not provided either the complainant herself or our Office with any evidence or findings to justify its more recent and less favourable decision. In particular, no medical findings or other observations have been provided to explain why, while the complainant's permanent disability was considered severe in 2017, it was considered moderate in 2018, especially since the complainant herself claims that she suffers from a degenerative disease which, over time, leads to a deterioration rather than an improvement in her condition.

On the basis of the above, the decision to terminate the severe motor disability allowance to the complainant was not sufficiently justified and therefore a recommendation was made to reconsider it on the basis of a new assessment of the complainant's disability.

◆ *Report¹² on the gap in the provision of reasonable accommodations in summer schools*

Within the framework of the institution of Public Summer Schools where, according to the Ministry of Education, Culture, Youth and Sports, learning and creative activity opportunities are offered, particularly to children from vulnerable groups, access to these centres for children with disabilities and their participation on an equal basis with other children in all the programmes and activities offered should be facilitated.

The support that children with disabilities receive from their school care assistants/ chaperons is a key pillar of facilitation for children with disabilities. The problems that have been repeatedly highlighted in relation to the absence of legislation on this specific issue are also relevant in this case. In particular, there is no framework defining, in a modern manner and in accordance with the UN Convention on the Rights of Persons with Disabilities, the selection criteria, working conditions and duties of school care assistants/chaperones, which results, inter alia, in the lack of adequate incentives for the persons employed in these positions to continue working during the Public Summer School term.

In addition to the above, the Ministry should meet its obligation to ensure that, also in the context of the Public Summer Schools, the necessary modifications are made in the organisation, the curriculum, the educational and learning strategies etc., for the effective inclusion of the different needs and requirements of children with disabilities.

In particular, at a first level, it should be ensured that each student with a disability continues to receive during the Public Summer School the reasonable accommodations that

¹² C/N 968/2018 dated 1 December 2020

he/she was receiving during the school year. In addition, care should be taken to ensure that other educational and recreational activities, which were not provided during the school year, are accessible to children with disabilities so as to eliminate exclusion and marginalisation.

It was recommended that all the above parameters be taken into account in designing a framework for the inclusion of all children in Public Summer Schools.

◆ *Ex officio Statement¹³ on the International Day of Persons with Disabilities*

The UN Convention on the Rights of Persons with Disabilities, which was ratified by the Republic of Cyprus in 2011, is a landmark in the historical path for the recognition of the rights of persons with disabilities, as it constitutes the first international treaty that refers exclusively and entirely to these persons, guaranteeing in a binding manner not only their rights, but also the obligations of the state, which are necessary for its implementation, states the Commissioner for Administration and the Protection of Human Rights, Ms Maria Stylianou-Lottides.

Given that our country has been dealing with the outbreak of the pandemic since the beginning of 2020, she notes, and taking into account the fact that persons with disabilities are a particularly vulnerable group of citizens as they are those most affected by the consequences of any crisis, it was considered necessary to intervene on a number of issues that needed to be reviewed in order to improve the accessibility of information on the pandemic for persons with disabilities, as a prerequisite for their protection.

It was also the purpose of the Statement to ensure that the pandemic should not be a barrier to the exercise of the rights of children with disabilities to equal access to

¹³ EO/I 28/2020 dated 3 December 2020

education, nor should it result in them being treated less favourably and thus discriminated against on the basis of their disability.

It was stated that since the most important part of the responsibilities assigned to the Commissioner's Institution, apart from the interventions, is the monitoring of the implementation of the UN Convention by the State, this remains the primary objective until it is ensured that the latter has complied and acts in accordance with all relevant decisions or policies, on the basis of the principles and obligations set out in the UN Convention on the Rights of Persons with Disabilities.

Because first and foremost, it must be understood by all of us that as long as there are barriers that thwart the equal participation of persons with disabilities in every aspect of political, social, economic and cultural life, the State remains powerless to make full use of the potential it has to contribute to the collective good.

"Because as long as there are obstacles, it is not the persons who are disabled, but our society that is disabled", the Commissioner concluded.

- ◆ *Report¹⁴ on the gap in the assessment of the Learning needs of adults for the purposes of facilitating professional examinations*

The complaint was lodged by a woman who has been diagnosed with dyslexia, and by extension learning difficulties, during her adult life and not during her school life. During the examination procedure for inclusion and classification in the Public Education Service's Appointment Lists, she produced a relevant diagnosis certificate issued by a recognised centre in another European country, namely Great

¹⁴ C/N 138/2017 dated 29 June 2021

Britain. However, that certificate was not accepted by the Examination Service of the Ministry of Education, since it was considered that the psychometric tool with which the complainant was assessed was not weighted to the Cypriot population. In the decision of the Service it appears from the answers received that account was taken of the fact that the complainant was assessed at a relatively older age, as a doctorate student, and also of the fact that the type of dyslexia she is experiencing is not characterised as a "disease" but rather as a different way of learning.

The Commissioner, in her report as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities, indicated that for the UN Convention on the Rights of Persons with Disabilities to be applicable, the existence of a "disease" or "disability" in its classical meaning, as might be understood, is not required, since a disability is not necessarily the same as a disease. Rather, what is recognised is the existence of a long-term impairment which, in interaction with various barriers, may prevent a person from participating fully and effectively in society on an equal basis with others.

Dyslexia is seen as a long-term impairment that puts a person at a disadvantage compared to others and it is therefore widely accepted that persons with dyslexia are granted accommodations at all levels of education, both in the educational process and in the examination process. It is possible, for a variety of reasons, that the diagnosis of dyslexia is not made at an early stage but during the person's adult life.

In the present case, the complainant requested to be granted relevant facilities, not for education purposes, but while she was being assessed for a job position. I stress, at this point, that persons with disabilities are entitled to the full enjoyment of the right to work, including access to work, without discrimination, and that the refusal to provide reasonable accommodation constitutes

discrimination, which is prohibited. However, the complainant did not receive the benefits she had requested, which were based on the certificate of assessment of her learning capacity, for the main reason that the competent Examination Service could not establish whether the complainant did indeed have that type of disability.

As reiterated in all the replies sent by the Service concerned, the psychometric tool used in the case of the complainant is not weighted to the Cypriot population, while there is no similar tool used in Cyprus for the assessment of adults who request accommodations due to learning difficulties, nor is there the possibility to develop such a tool. This assumption demonstrates a significant gap in the process of providing accommodations in the State's civil service recruitment examinations in general, as it deprives persons whose learning disabilities were not diagnosed before they reached adulthood of the opportunity to receive the necessary accommodations.

It should be stressed that the provision of these accommodations does not put persons with disabilities in a more favourable position than their competitors, but on an equal footing, since these accommodations compensate for the disadvantage they suffer as a result of the interaction of their disability with procedures and practices intended for persons without disabilities. The absence, therefore, of a mechanism evaluating the needs of adult persons assessed with dyslexia in Cyprus, combined with the refusal of the Examination Service to accept a certificate issued in another State, places these persons at a disadvantage in a manner which constitutes "employment discrimination", in breach of the provisions of the UN Convention on the Rights of Persons with Disabilities.

In view of the above, the Commissioner recommended that the competent state service study and implement ways to fill this gap in the assessment in a manner that preserves the right of every person to equal treatment regarding the access to employment.

◆ *Report¹⁵ on the building structures at Makarios Hospital for children with neurological problems*

In the complaint that was examined, it was claimed that the examination area for children with disabilities by paediatric neurologists in the premises of the Makarios Hospital is not located within the hospital building, but in its parking lot, and consists of a prefabricated building (including a waiting area) that is completely unsuitable for the medical examination of children with serious neurological and other medical problems.

From the correspondence between the Office and the Permanent Secretary of the Ministry of Health, it was established that the necessary steps have been taken to find a permanent solution to the issue raised by the complainant, namely the lack of a suitable medical space that adequately meets the needs of children with neurological problems. However, it is understood that the procedures being followed are de facto time-consuming and it is likely that the completion of the Paediatric Neurology Clinic within the hospital building will not occur within the next few months or even years.

The Commissioner, in the light of the relevant legislative provisions and in particular the fundamental principle relating to the best interests of the child, has made a recommendation to the SHSO to make every effort to ensure that the procedures for the construction of a Paediatric Neurology Clinic are completed as soon as possible. At the same time, measures should continue to be taken and the necessary facilities provided so that, even with the existing buildings and until the completion of the new ones, children with neurological problems and their parents are served in the best possible way and with full respect for their health and dignity.

¹⁵ C/N 113/2017 dated 23 July 2020

- ◆ *Intervention¹⁶ regarding CYTA's refusal to sign a contract with a person with an intellectual disability due to his disability*

In the Commissioner's Intervention to CYTA it was noted, inter alia, that under the UN Convention on the Rights of Persons with Disabilities, States recognise the right of persons with disabilities to "*enjoy legal capacity on an equal basis with others in all aspects of life*", while all measures taken in relation to the enjoyment of legal capacity provide appropriate and effective guarantees to ensure respect for the rights, will and preferences of the individual.

Furthermore, any exclusion or restriction of persons with disabilities on the basis of their disability, which has the effect of nullifying the recognition or enjoyment on an equal basis with others, of all human rights and fundamental freedoms in any field, constitutes discrimination on the basis of disability under the Convention.

Implementation of Recommendations/Suggestions

CYTA has informed our Office that it will now enter into contracts, under a special tariff package for persons with disabilities, with adults with intellectual disabilities who meet the requirements of the package. To this end, each CYTA Officer serving adult persons with intellectual disabilities will, to the extent possible, ensure that they sign of their own free will.

¹⁶ C/N 1900/2020

6. Information campaigns

6. Information Campaigns

✿ COVID-19 & Human Rights



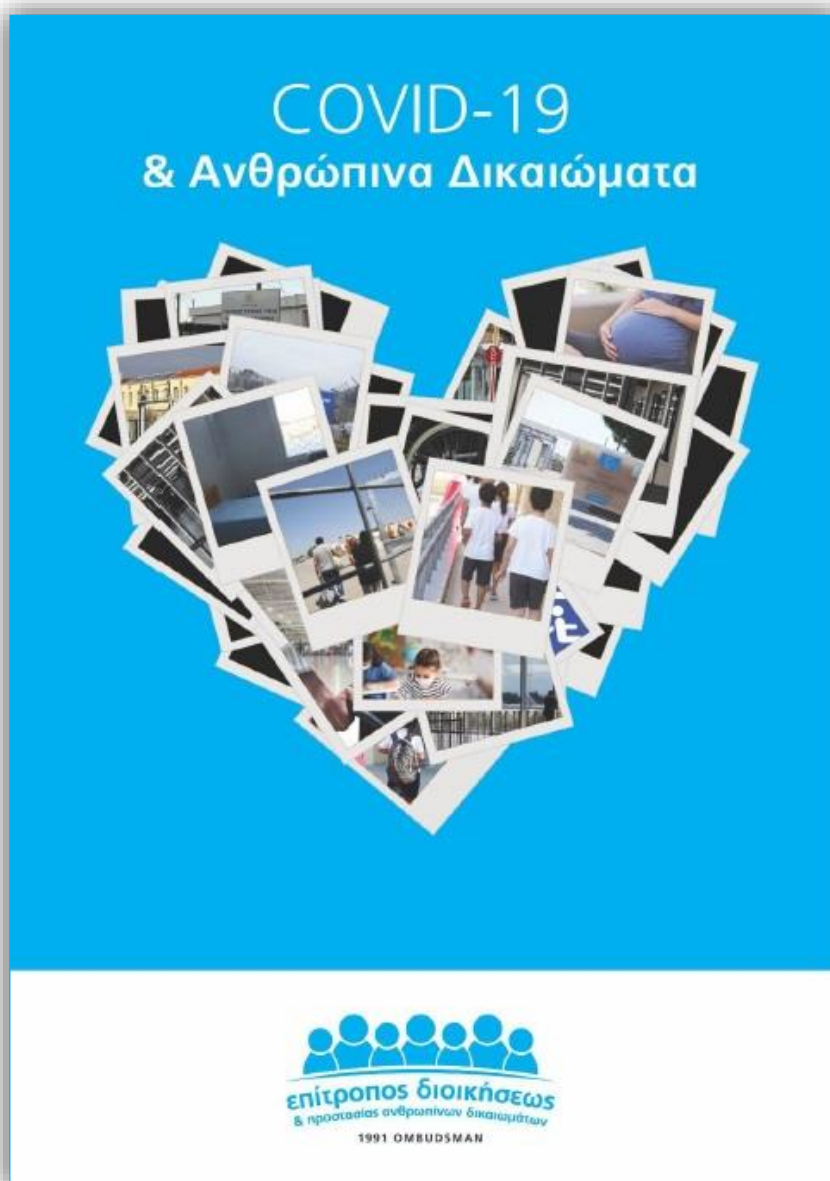
With the advent of the COVID-19 pandemic in Cyprus and the restrictions imposed by the State to prevent its spread, our Office, as a defender of human rights, stayed alert to intervene and assist any possible violation thereof.

With the above in mind, since last March, our Office has been conducting an Information and Awareness Campaign on COVID-19 and the protection of human rights.

To this end, a [special webpage](#) has been created on our Office's website, including links containing all the necessary information on the COVID-19 pandemic, as well as our interventions on COVID-19 and its impact on human rights in general.

Furthermore, since the beginning of the pandemic to date, we have proceeded to a number of interventions by making specific recommendations to mitigate the adverse effects

observed mainly on vulnerable groups of the population both as the National Human Rights Institution (NHRI), as an Equality and Anti-Discrimination Body (EQUALITY BODY), as the Mechanism for Monitoring the Implementation of the UN Convention on the Rights of Persons with Disabilities and as the National Preventive Mechanism (NPM, which have been consolidated in a [special publication](#) in order to constitute a handy tool for information and assertion of rights.



A significant percentage of these Interventions were submitted within the framework of the Commissioner's responsibilities as the Independent Monitoring Mechanism for the implementation of the UN Convention on the Rights of Persons with Disabilities and/or in combination with other competences of the Commissioner and are briefly mentioned below, as they are referred to more extensively in *Chapter 5 "Reports/Statements/Interventions"*.



Ex-officio Statement on the accessibility of information on the COVID-19 pandemic for persons with disabilities as the Independent Mechanism for the Promotion, Protection and Monitoring of the United Nations Convention on the Rights of Persons with Disabilities (3 April 2020)

Report of the Commissioner for Administration and the Protection of Human Rights on the attendance of children with disabilities in primary schools as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities & as an Equality and Anti-Discrimination Body (21 May 2020)





Ex-officio Statement on the mandatory use of protective masks by children with disabilities over six years of age when attending school as the Independent Mechanism for the Promotion, Protection and Monitoring of the United Nations Convention on the Rights of Persons with Disabilities & as an Equality and Anti-Discrimination Body (24 August 2020)

Report on the visit carried out to Athalassa Hospital on 15 September 2020 as the National Mechanism for the Prevention of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (16 September 2020)



◆ *Equinet: Equality 2020*

Cyprus Equality Body Intervention: Beach Access for Persons with Disabilities

On the occasion of the 20th anniversary of the entry into force of Directive 2000/43/EC, EQUINET, in cooperation with the Council of Europe, the European Commission and the Croatian Presidency of the Council of Europe, held an online conference on 29 June 2020 on the promotion and protection of equality as a fundamental value of the European Union.



The conference was attended by representatives of EQUINET, the European Union Agency for Fundamental Rights (FRA), the Croatian Presidency, as well as the European Commission's Equality Commissioner Helena Dalli. The conference focused

on the importance of the Directive and the significant role that equality bodies have played over time in promoting and implementing the provisions of the Directive.

On the occasion of the conference, a [special website](#) was created to promote good practices in relation to promoting equality and combating forms of discrimination by equality bodies.

In this context, EQUINET has chosen to highlight as an example of good practice the contribution of the Commissioner, as an Equality and Anti-Discrimination Body, in ensuring accessibility for persons with disabilities to beaches and in particular, her relevant Report and the subsequent developments that followed to implement her recommendations contained therein.



In the [film](#), the President of the Cyprus Paraplegics Organisation (C.P.O) Mr. Dimitris Lambrianides and an Officer of our Office, describe the importance of the

Commissioner's intervention, as an Equality and Anti-Discrimination Body, in improving accessibility of persons with disabilities to beaches, as well as the wider catalytic importance of the Commissioner's interventions, under her competence as an Equality and Anti-Discrimination Body, in promoting and ensuring human rights of all persons with disabilities.

Additionally, the above [website](#) refers to other interventions of the Commissioner, under her mandate as an Equality and Anti-Discrimination Body, as examples of good practice, on the basis of which significant improvements have been made and the existing legal framework has been amended for the benefit of vulnerable groups that have been victims of discrimination.

equality2020

Introduction | Speakers | Testimonies | Timeline

Office of the Commissioner for Administration and the Protection of Human Rights (Ombudsman) | Cyprus

The Commissioner submitted an ex-officio Report in 2019 regarding the accessibility of persons with disabilities (PwD) to beaches. Following the Report, the relevant legislation was amended and the access of PwD to beaches in Cyprus has been improved.

In 2019, following the Commissioner's intervention about downgrading of PwD accessibility to lavatories in buildings of public use, the Minister of Interior revoked the previous Decree, replacing it with a new one that improves the accessibility of PwD to lavatories in buildings of public use. More information available [here](#).

Furthermore, in three different Reports, submitted in 2009, 2010 and 2011, our Institute highlighted the necessity of introducing national legislation in Cyprus that recognized stable relationships between both heterosexual and same sex couples. Eventually, the Ministry of Interior, in collaboration with our Institute, prepared and submitted to Parliament a Law Proposal regulating civil partnership between different-sex and same-sex couples, which was voted into national Law 2015.





7. Other Actions

7. Other Actions

Contacts with NGOs & Other Agencies

On 27 August 2020, the Commissioner for Administration and the Protection of Human Rights, in the framework of her responsibilities as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities, held a meeting at her Office with representatives of organisations of parents of children with disabilities.

During the meeting, views were exchanged regarding, inter alia, the upcoming school year and the problems faced by children attending special units (on a part-time or full-time basis), the actions that should be taken to ensure the proper, orderly and lawful operation of the District Committees of Special Education and the issue of their representation.



Indicative international references

- *European Network of Equality Bodies (Equinet)*



The screenshot shows the EQUINET website's response to COVID-19. It includes a search filter for 'Cyprus' and a table of results.

Country	National Equality Body	Type	Grounds	Complaints, requests for info and ex officio procedures
Cyprus	Commissioner for Administration and the Protection of Human Rights	Action		Our Institute has launched an Awareness Campaign about and a special site has been created in our website with link about COVID-19 pandemic, as well to our Institution's inter and its impact to human rights in general. Link in Greek an

[Equinet's response to COVID-19](#)

"...Ex-officio Statement...regarding the access of persons with disabilities and/or other vulnerable groups, including persons residing in psychiatric institutions and social care homes, to information on the coronavirus pandemic ...

Ex-officio investigation into the case of persons with disabilities who were not allowed to abstain from their workplace after their colleagues had been infected with COVID-19...

...The Commissioner for Administration and the Protection of Human Rights, acting as the Independent Mechanism for

the Promotion, Protection and Monitoring of the United Nations Convention on the Rights of Persons with Disabilities, has prepared a Report on the Ministry of Education's discriminatory policy towards children with disabilities due to the requirements they had to meet to return to school after the reopening of primary schools...

...Ex-officio Statement on the decision for mandatory use of face masks by children with disabilities over the age of six when attending school...

...The Commissioner for Administration and the Protection of Human Rights has published a document on COVID-19 and Human Rights, in which interventions on COVID-19 in 2020 are included..."



December

M	T	W	T	F	S	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

3 International Day of Persons with Disabilities
 10 Human Rights Day
 18 International Migrants Day

EQUALITY AND HUMAN RIGHTS COMMISSION GREAT BRITAIN

Stacey has Ehlers-Danlos syndrome, a condition that limits her mobility. She needed to make changes to her home but a term in the lease banned alterations. Her landlord refused to make an exception and Stacey and her husband had to move out. The Equality and Human Rights Commission funded and supported Stacey's discrimination case against her landlord to make sure the law is clear and supports other people with disabilities like Stacey to live independently.

In January 2019, Cardiff County Court ruled that the landlord should have let Stacey make alterations, which were reasonable in light of her disability. The judgment means that landlords must allow disabled leaseholders to make changes that are reasonable and necessary.

COMMISSIONER FOR ADMINISTRATION AND THE PROTECTION OF HUMAN RIGHTS CYPRUS

The Commissioner for Administration and the Protection of Human Rights examined the accessibility of persons with disabilities to beaches and used the findings to produce an extensive report and request legislative changes that will improve accessibility for everyone. All recommendations of the Report were implemented. In particular, the relevant legislation was amended, access ramps have been built at beaches where there had not been any or improved existing ones, while electric ramps and floating wheelchairs were placed on other beaches that were not accessible for Persons with Disabilities.

 EQUINET
European Network of Independent Mechanisms

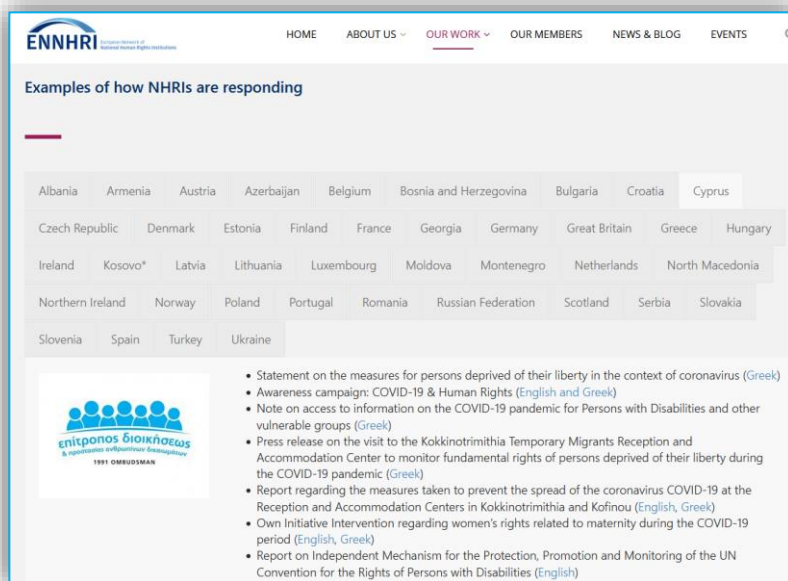
[Equinet Calendar 2020](#)

"...The Commissioner for Administration and the Protection of Human Rights examined the accessibility of persons with disabilities to beaches and used her findings to produce an

extensive report, calling for the amendment of legislation to improve accessibility for everyone.

All the recommendations of the Report have been implemented. In particular, the relevant legislation was amended, access ramps were built on beaches where there had not been any or existing ones were improved, while electric ramps and floating wheelchairs were installed on other beaches that were not accessible to persons with disabilities...".

▪ [European Network of National Human Rights Institutions \(ENNHRI\)](#)



[Examples of how NHRIs are responding to COVID-19](#)

"...Awareness Campaign: COVID-19 & Human Rights...

...Statement on access to information on the COVID-19 pandemic for persons with disabilities and other vulnerable groups...".



[ENNHRI CRPD Working Group Newsletter July-September 2020](#)

"...The Office of the Commissioner for Administration and the Protection of Human Rights has launched an awareness campaign on COVID-19 and human rights. A special webpage has been created featuring links to all necessary information on COVID-19, the Commissioner's actions related to COVID-19 and its impact on human rights.

In March, the Commissioner in her capacity as NPM issued an Intervention in which guidelines and specific recommendations were included, based on the CPT Principles regarding the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic, including persons with mental disabilities residing in psychiatric hospitals.

In April, the Commissioner's Ex-Officio Statement, in her capacity as Independent Monitoring Mechanism of the UN

Convention on the Rights of Persons with Disabilities, in relation to the access of persons with disabilities to information related to COVID-19 was published.

The Commissioner published a series of reports in the first half of 2020, namely, a report on a Community Care Home for persons with disabilities, a report on visits to the Athalassa Psychiatric Hospital and a report on the gap in the assessment of the Learning needs of adults with disabilities..."



[ENNHRI CRPD Working Group Newsletter October - November 2020](#)

"...In the last quarter of 2020, the Office of the Commissioner for Administration and the Protection of Human Rights published several reports, namely -

- Report regarding the provision of reasonable testing accommodations for persons with disabilities for the purposes of professional development. Following the*

Report, the Ombudsman was informed that testing accommodations will be provided.

- *Report regarding the withholding of a wheelchair belonging to a mobility-impaired person by a Home for the Elderly until payment of outstanding fees.*
- *Report on the decision to terminate a PWDs' severe motor disability allowance.*
- *Report regarding the gap observed in the provision of reasonable accommodations in summer schools.*

Furthermore, the Commissioner proceeded to several interventions on a variety of issues. It should be noted that the Commissioner published, on the occasion of Human Rights Day, a special edition -Covid-19 and Human Rights- which includes all the Commissioner's interventions during 2020 related to Covid-19...".

- *Commonwealth Forum of National Human Rights Institutions (CFNHRI)*



[Protecting the rights of disabled persons across the Commonwealth](#)

"...The Commissioner for Administration and the Protection of Human Rights of Cyprus issued in intervention about disabled persons's access to information about the COVID-19 pandemic. The document highlights the need for live sign language interpretation or captioning on television, and

for official instructions on measures put in place during the pandemic to be supplied in accessible formats.

The Ombudsman also published a report highlighting the Cyprus Ministry of Education's discriminatory policy that prevented disabled children from returning to school with their peers during the pandemic..."



Cooperation with the House of Representatives

Each year the Commissioner is invited to attend meetings of the Parliamentary Committees in order to express her views on legislative provisions or issues pertaining to her responsibilities.

Indicatively, in 2020, the Commissioner and/or Officers of the Commissioner's Office participated, within the framework of the Commissioner's responsibilities as the Independent Mechanism for the Promotion, Protection and Monitoring of the Convention, in the following meetings of the Parliamentary Committees:

Parliamentary Committee on Educational Affairs and Culture

- On 11 November 2020, an Officer attended a meeting of the Parliamentary Committee on Educational Affairs and Culture, during which the Officer was informed on the participation of children with special education needs in the examinations held at the end of each 4-month academic term and ways to ensure their equal participation in them.
- On 18 November 2020, an Officer participated in a meeting of the Parliamentary Committee on Educational Affairs and Culture, during which the Officer was informed on the measures taken to avoid possible inequalities among pupils arising as a result of the measures taken due to the pandemic in relation to the operation of schools.

Parliamentary Committee on Internal Affairs

- On 24 February 2020, an Officer participated in a meeting of the Parliamentary Committee on Internal Affairs, during which the Officer was informed on actions and

programmes of the Cyprus Broadcasting Corporation for the benefit of persons with disabilities and the possible use of the RIK2 channel for this purpose.

Participation in events/conferences/trainings

- *An Officer attended a web meeting held by the ENNHRI Working Group regarding the UN Convention on the Rights of Persons with Disabilities (ENNHRI CRPD Working Group).*
- *An Officer participated in the Side Event: 13th Conference of States Parties to the CRPD, which was jointly organised by (a) the Office of the UN High Commissioner for Human Rights, (b) the United Nations Development Programme and (c) the UN Partnership on the Rights of Persons with Disabilities.*



INDEPENDENT MECHANISM FOR THE PROMOTION, PROTECTION AND MONITORING

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ΧΡΟΝΙΑ



Επίτροπος διοικήσεως
& προστασίας ανθρωπίνων δικαιωμάτων

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