

Pancyprrian Alliance for Disability

**Submission of the Pancyprrian Alliance for Disability
in response to the List of Issues
of the Committee on the Rights of Persons with Disabilities
in relation to the initial report of Cyprus**

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Introduction

The Pancyprian Alliance for Disability with this submission aims to provide the Committee on the Rights of Persons with Disabilities (Committee) with additional information on the implementation of the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) in Cyprus, after the Alternative Report submitted to the Committee in August 2016. Also, this submission provides responses to the Committee's adopted list of issues on Cyprus.

The Pancyprian Alliance for Disability was founded in December 2015, with the purpose of participating in the review of the State Report on the implementation of the CRPD in Cyprus. The Alliance is comprised of twenty (20) organizations representing a wide range of persons with disabilities and their families in Cyprus. The organizations involved made a strong effort to build their arguments with extensive consideration of all persons with disabilities and to deliver a well-balanced account of issues to ensure equal participation. So far the Pancyprian Alliance has submitted the Alternative Report to the Committee, arranged meetings and collected information in order to prepare this submission.

Response to the List of Issues

A. Purpose and general obligations (Articles 1-4)

1. Please describe when and how the State intends to harmonize domestic legislation with the Convention.

Our reply as Alliance is that the Cyprus Government is still reluctant to adopt, amend and implement legislation in line with the CRPD. A great majority of the legal framework remains in many respects incompatible with the CRPD. Even in the case of recently adopted laws the definition of “persons with disabilities” provided is not in line with the CRPD. Also, as organizations of persons with disabilities we see that no serious efforts have been made so far by the State in order to incorporate CRPD’s definition of disability into Cyprus legislation. Even the basic Law of Persons with Disabilities, 2000 (article 2, L. 127(I)/2000)¹ still contains definitions and many other provisions that are not in line with the CRPD’s provisions.

The reply given by the State contains inaccuracies and they do not give a clear answer on when the State intends to harmonize domestic legislation with the Convention and how they intend to do so. As they indicate in their Appendix 2, one of the law that was adopted in 2014, is the Law on Guaranteed Minimum Income and General Social Benefits² which replaces the Public Assistance and Services Laws of 2006 to 2012³. Unfortunately, the definition provided in that new law is not in line with the CRPD as it is still based on the medical approach to disability, since beneficiaries under this law are people who are assessed and acknowledged to be “persons with a severe or total disability” under the System of Assessing Disability and Functioning by the Department for Social Inclusion of Persons with Disabilities, an assessment procedure based on the International Classification of Functioning, Disability and Health of the World Health

¹ Laws of Persons with Disabilities, 2000 (article 2, L. 127(I)/2000) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/3_%20127_2000.pdf

² Law on Guaranteed Minimum Income and General Social Benefits available at: [http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/N_109\(I\)_2014_Nomos%20EEE%2014&2015.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/N_109(I)_2014_Nomos%20EEE%2014&2015.pdf)

³ Law on Public Assistance and Services (L. 95(I)/2006) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/17_95_2006.pdf

Organization. This law also violates many rights of persons with disabilities: the right to live independently and be included in the community (article 19), the right to home and family (article 23), the right to an adequate standard of living and social protection (article 28)

As organizations for persons with disabilities, we also do not know the content of the laws that the State intends to amend, included in the Appendix 2 of the State's reply. No consultation has been made yet between the State and organizations regarding those legislative proposals.

Also, the Cyprus Civil Defense, a department of the Ministry of Interior, recently (in June 2016) adopted a Plan named "Tripos"⁴ which concerns the protection and safety of persons with disabilities in situations of risk or emergencies. Unfortunately the definition of persons with disabilities used in the Plan is not in line with the CRPD.

2. Please describe the measures taken, including budgetary allocation, to ensure that the understanding and scope of disability within national legislation and regulations encompasses all types of disabilities and is in line with the human rights model of disability enshrined in the Convention.

We strongly believe that no efforts have been made in order to incorporate CRPD's definition of disability into the Cyprus legislation. Many laws are inconsistent with the CRPD and constitute discrimination for persons with disabilities. Persons with disabilities are still treated as individuals with functional limitations instead of persons who have impairments which, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others.

The example given in paragraph 5 of the State's reply to the list of issues, concerning the new Guaranteed Minimum Income and General Social Benefits Law⁵, clearly shows that the State does not ensure that after the ratification of CRPD the definition of "persons with disabilities" in any new legislation concerning disability is in line with the Convention. The definition of

⁴ Plan Tripos available at: http://www.moi.gov.cy/moi/CD/cd.nsf/index_en/index_en?OpenDocument

⁵ Law on Guaranteed Minimum Income and General Social Benefits available at: [http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheses/nomoi%20voulis/N_109\(I\)_2014_Nomos%20EEE%202014&2015.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheses/nomoi%20voulis/N_109(I)_2014_Nomos%20EEE%202014&2015.pdf)

“persons with disabilities” is adjusted by the State in order to reduce the number of beneficiaries (only persons with severe or total physical, sensory, intellectual or mental disability and persons with moderate intellectual disability are beneficiaries) and therefore their budget.

The Pancyprian Alliance for Disability disagrees with the statement that “The way ICF approaches disability complies with CRPD as it takes into account the physical, mental, intellectual and sensory impairments of persons as well as the various barriers in the environment of persons that may hinder their full and effective participation in society”, written in State’s reply to the list of issues (paragraph 8 of the State’s reply to the list of issues). We strongly believe that the New System of Assessing Disability and Functioning, based on the International Classification of Functioning, Disability and Health (ICF), which is used for the assessment of disability by the Department for Social Inclusion of Persons with Disabilities, is not based on the human rights model of disability. The basic protocols and tools used for disability assessment and eligibility are included in the ICF-based procedure (used for the guaranteed minimum income, most allowances, benefits of the Department and quotas for employment in the public sector). The problem lies in that, in the course of applying this eligibility procedure, it is not the barriers of the environment that are taken into account but the individual “limitations” owed to a disability. Therefore, although in theory, the IC-based eligibility procedure aims at addressing societal and environmental barriers, in practice, the procedure reflects the medical model and does not acknowledge such barriers.

3. Please describe the concrete steps taken to amend national legislation and regulations, beyond the Persons with Disabilities Law, to include the concept of reasonable accommodation and the recognition that the denial of reasonable accommodation constitutes a form of discrimination, and to ensure its application in practice in the public and private sectors.

Our reply as Pancyprian Alliance for Disability is that, beyond the Persons with Disabilities Law which was amended to include the concept of reasonable accommodation, no other steps have been taken by the State in order to include the concept of reasonable accommodation and the recognition that the denial of reasonable accommodation constitutes a form of discrimination.

In practice, where the reasonable accommodation is requested by persons with disabilities, the public sector is asking persons with disabilities for compensation. For example if a person with disabilities ask to go to his job an hour later due to his disability, the State ask him to stay at work one hour longer than his colleagues. Also, if a person with disabilities asks for an assistive technology useful for his employment, the State demands from the person with disabilities a contribution of at least 20% to the cost of the assistive technology.

It is also important that all other laws concerning non-discrimination to be amended in order to include the concept of reasonable accommodation (the Combating of Racism and Other Discrimination (Commissioner) Law (L. 42(I)/2004)⁶ and the Equal Treatment in Employment and Occupation Law (L. 58(I)/2004⁷.

4. Please provide information on the implementation, budget and outcome of the National Disability Action Plan 2013-2015.

The Pancyprian Alliance for Disability believes that the National Disability Action Plan (NDAP) 2013-2015 was only a nicely printed document. There was not only non-compliance with it but even deterioration of the implementation of the rights of persons with disabilities. The implementation of the NDAP is widely disappointing, due to coordination deficiencies and because there is a lack of ambitious, binding, verifiable goals that the NDAP is supposed to achieve. In addition, many of the measures listed in the NDAP do not include specific targets and an implementation schedule.

The Alliance holds the opinion that the NDAP for the implementation of the CRPD does not actually represent a satisfactory implementation of the CRPD's goals and principles. Taking into consideration that all actions included in the Action Plan should be implemented without additional cost and in the framework of the ordinary available funds that are approved for each

⁶ Combating of Racism and Other Discrimination (Commissioner) Law (L. 42(I)/2004) available at: http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page52discrimination_en/page52discrimination_en?OpenDocument

⁷ Equal Treatment in Employment and Occupation Law (L. 58(I)/2004) available at: http://www.cylaw.org/nomoi/enop/non-ind/2004_1_58/full.html

Service through the annual State budgets, is widely perceived that the implementation of CRPD is not satisfying.

Also, the inclusion of persons with disabilities, which is the most fundamental principle of the CRPD and should prevail in the whole range of our country's policies for persons with disabilities, is not taken into consideration in all aspects of life of persons with disabilities during the implementation of the NDAP. In addition, some of the actions proposed by the Thematic Technical Committees for the NDAP do not correspond to the spirit, philosophy and principles of the CRPD nor are they compatible with its provisions and the guidelines of the European Disability Strategy 2010-2020.

The civil society expressed in advance its disagreement that the first three years of the NDAP include only such actions that do not cause additional financial costs because of the present economic situation in Cyprus. As a result, only a very small proportion of the NDAP actions could be accomplished. Also, a number of actions have already been considered not feasible to implement, while most actions are postponed from year to year without any satisfactory explanation for their failure to be implemented.

Due to the above limitations and to the failure of the Focal Point (Department for Social Inclusion of Persons with Disabilities) to organize and coordinate productive meetings of Thematic Technical Committees, for the implementation of different actions included in the NDAP, CCOD decided to cancel its participation in the Thematic Technical Committees.

5. Please provide information on measures taken to ensure the effective participation of diverse representative organizations of persons with disabilities in decision-making relating to, and the implementation of, the Convention and the Sustainable Development Goals.

One of the most serious violation of paragraph (m) of the Preamble of the CRPD and the article 4.3, is that the State plans policies and strategies for persons with disabilities and implement studies concerning persons with autism, intellectual and multiple disabilities, without any consultation with the Cyprus Confederation of Organizations of the Disabled (CCOD) and their

representative organizations first. In addition, the State has decided to create a “multidisciplinary approach centre for persons with autism” and centres for the assessment of persons with autism without any planning for facilities and services for the persons who will be sent for treatment and without any consultation with organizations of persons with disabilities.

The above question refers to the participation of organizations of persons with disabilities in decision making and not to the representation among the organization themselves. With the exception of the Cyprus Paraplegic Organization which left the Cyprus Confederation of Organizations of the Disabled (CCOD) voluntarily, information about other organizations referred to in Appendix 5 is not correct. For instance, the “Pan-Cyprian Federation of Associations of Parents of Children with Special Needs” is purely an organization of parents of children with disabilities in schools. After school age, persons with disabilities represent themselves except persons with intellectual disabilities who are represented by the Pancyprian Parents Association for People with Intellectual Disabilities which is a member of CCOD. The rest of the organizations mentioned in Appendix 5 are mainly organizations of friends and therefore not representative organizations of the disabled.

Proposed recommendations:

- To urge the Cyprus Government to take all the appropriate measures in order to ensure that the definition of “persons with disabilities” is compatible with the CRPD, guidelines and philosophy, in all relevant laws, regulations and schemes.
- To recommend to the State to incorporate the concept of “reasonable accommodation” as well as the principle that denial of reasonable accommodation is a form of discrimination on the ground of disability across the Cypriot legislation system.

B. Specific rights (Articles 5-30)

Equality and non-discrimination (Article 5)

6. Please provide information on concrete plans or measures adopted and implemented to address intersectional discrimination on the grounds of disability, age, sex and sexual orientation.

The organizations that constitute the Alliance are not aware of any plans of the State concerning intersectional discrimination on the grounds of disability, age, sex and sexual orientation. There has been no consultation with CCOD or briefing on the plans referred to in paragraph 20 of the State's reply to the list of issues.

Proposed recommendations:

- To recommend to the State to include in the Cypriot legal framework and recognize as disability-based discrimination, the refusal to provide reasonable accommodations.
- To urge the State to amend all laws concerning discrimination so that they are compatible with the CRPD and ensure that persons with disabilities are protected against discrimination in all areas of life.

Women with disabilities (Article 6)

7. Please provide information on concrete measures taken to eliminate multiple and intersectional discrimination against women and girls with disabilities, especially those with intellectual or psychosocial disabilities, regarding education, employment, poverty, health, violence, forced sterilization and access to justice.

Our reply as Alliance is that consistent gender and disability mainstreaming policies do not exist in Cyprus. For example, data collection is in no case gender-specific by default, which means that existing measures can hardly be assessed with regard even to gender alone. Consequently, disability politics need further improvement with regard to addressing intersectional discrimination and having a stronger focus on the rights of women with disabilities.

Proposed recommendations

- To urge the State to incorporate the perspective of women and girls with disabilities in all gender equality policies, programmes and strategies, and the gender perspective in the disability strategies, employing a twin-track approach which also includes levelling and affirmative action measures to eliminate multiple and intersectional discrimination from all areas of life, both in urban and in rural areas.

Children with disabilities (Article 7)

8. Please provide information on concrete support schemes for and early intervention granted to children with disabilities and their families, including under the three-year action plans developed by the ombudsman responsible for children's rights.

The Cyprus Confederation of Organizations of the Disabled (CCOD) as the official partner of the State on disability issues has no cooperation with the Ombudsman responsible for children's rights and thus no information on any support schemes for early intervention granted to children with disabilities and their families.

The State's reply to the list of issues does not give any answer or information about concrete support schemes for and early intervention granted to children with disabilities and their families, including under the three-year action plans developed by the Ombudsman responsible for children's rights.

According to a study conducted by the "Early Childhood Intervention Services"⁸ there is no model for early childhood intervention that targets the disability diagnosis (identification), the assessment of needs and opportunities, the intervention and the review of each case. An important number of children and adolescents with disabilities are institutionalized or live in isolation. There is no comprehensive policy to deinstitutionalize these children, and in the State fails to comply with the majority of the CRPD standards. It is important to note that these children might have never have access to speech therapy, vocational therapy and physiotherapy.

⁸ Annual Report for the year 2015 of the Committee for the Protection of the Rights of People with a Mental Handicap.

9. Please provide information on how children with disabilities and their families are included in decision-making processes regarding the assessment and allocation of support.

Proposed recommendations

- To recommend to the State to develop a holistic and comprehensive network of health and social care services for the early diagnosis and intervention for children with disabilities, in close consultation with their representative organizations, and increase financial support for their families using public resources.

Awareness-raising (Article 8)

10. Please provide information on the scope and content of awareness-raising campaigns and training, as well as on their target groups.

The Cyprus Confederation of Organizations of the Disabled (CCOD) participated in workshops organized by the Academy of Public Administration which aims to inform employees working in the public sector about the rights of persons with disabilities and how to improve the quality of services provided to persons with disabilities. Until today, employees from the Ministry of Health and the Ombudsman's office have participated in the workshops. The goal is to train all employees in the public sector who serve people with disabilities.

There is a strong need for the implementation of more awareness-raising campaigns and trainings for all citizens of Cyprus, in order to make them stop treating persons with disabilities with "compassion" or pity or even fear.

Also, the Ministry of Education and Culture must stop avoiding adopting a human rights approach away from stereotypes and prejudices against persons with disabilities, mainly in programmes concerning raising the awareness of primary school pupils through the existing programme of the Ministry called "Health Education" and of secondary school and secondary technical school students through its programme "Domestic Science – Health Education".

Proposed recommendations:

- To urge the State to implement awareness-raising campaigns, with the involvement of persons with disabilities and their representative organizations, and actively promote and strengthen the human rights approach and the awareness of the CRPD standards projecting a positive image of persons with disabilities by focusing on their skills and talents. Those campaigns should target the general population, public officials and the private sector, as well as educational institutions in accessible formats.
- To urge the State to terminate the operation of existing and to prohibit new fundraising initiatives that commercialize disability.

Accessibility (Article 9)

11. Please provide information on action plans adopted and implemented to improve, among other things, the accessibility of public services, outdoor environments and public and private buildings, as well as information and communication technologies, both in urban and rural areas. Please specify how action plans are monitored and how non-compliance is sanctioned.

The legal framework in Cyprus does not recognize the right to accessibility as prescribed by the Convention.

The State is planning to adopt an “Approved Document for Accessibility and Safety in Use”, instead of binding new legislation which will promote the accessibility for all persons with disabilities. The majority of the DPOs expressed their opposition to the adoption of the above Document since it does not ensure and even downgrades the inalienable and fundamental right of accessibility of all persons with disabilities without exception in the built and physical environment, in addition to the fact that it will replace the existing legislation (Regulation 61.H under Article 19 of the Streets and Buildings Law concerning the use of buildings by persons

with disabilities⁹), and therefore will downgrade the rights that are already secured with the above regulations.

A crucial request/proposal by the representatives of persons with disabilities which was set before the “Technical Committee on Access to Information”, was the establishment of specific regulations until December 2015, to ensure unimpeded access to persons with disabilities to public websites, according to international guidelines and standards and more specifically, accessibility guidelines of the World Wide Web (Web content accessibility guidelines 2.0 - WCAG 2.0), at the accessibility level «AAA», without determining in the NDAP, which Ministry/Department/Service has the responsibility on such issues. Despite the aforesaid efforts to convert websites of government agencies and render them accessible to persons with disabilities, 60% of them are still not accessible, while no accurate information exists regarding the effectiveness of the accessibility measures undertaken for the other 40%. Efforts are also being made to ensure accessibility of essential electronic services provided to citizens by the Public Service, but there is still much to be done.

The responsible Departments and Services of the Government refuse to implement the provisions of the CRPD and those of the national legislation¹⁰ concerning the audiovisual media service providers, including the clear obligations arising under this legal framework requiring that audiovisual services and programmes are gradually made accessible to persons with visual or hearing disabilities, ensuring that 5% of the total of such programmes, other than the news broadcast, is accessible. The justification of such violation of the national law relied on the invocation of the financial crisis.

People with intellectual disabilities face significant challenges in accessing information because of the lack of easy-to-read information and usability standards for persons with intellectual disabilities.

⁹ Regulation 61.H under Article 19 of the Streets and Buildings Law concerning the use of buildings by persons with disabilities available at:

<http://www.mcw.gov.cy/mcw/dbpd/disabledaccess.nsf/All/3BC82DF3DA86360BC22572A6004A620D>

¹⁰ Radio and Television Laws of 1998 to 2011 (L. 7(I)/1998) available at:

<http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/odigies/o%20peri%20tileoptikon%20k%20radiofonikon%20stathmon%20nomos.pdf>

The Cyprus Confederation of Organizations of the Disabled exerts intense pressure on the relevant departments of the Government in order to improve or amend the related Laws but unfortunately no improvement has been made yet. Unfortunately there is no effective control by the authorities responsible for the enforcement of the laws and no penalty has been imposed to the relevant departments/services until today for their non-compliance.

Proposed recommendations:

- To urge the State to develop and adopt an action plan to ensure accessibility to the physical environment, transportation, information and communications technologies and systems, with adequate resources and a time-bound framework.
- To urge the State to introduce a monitoring mechanism and effective sanctions for non-compliance with accessibility standards in all areas covered by the Convention, including in the transport sector, in line with General Comment no. 2 on Accessibility.
- To urge the State to implement the “design for all” principle together with accessibility standards under the CRPD so as to ensure that specific measures are adopted, proper schemes and amendments for modernization are put in place as well as that norms and legal regulations are developed in all areas affecting the lives of persons with disabilities.
- To urge the State to adopt a unified legislation in order to prevent all illegal parking, in the sense of parking in the spaces assigned for persons with disabilities in private and public places.
- To urge the State to purchase accessible buses and make specific modifications to existing public transport in order to secure full accessibility for all persons with disabilities.

Situations of risk and humanitarian emergencies (Article 11)

12. Please provide information on measures taken to ensure that disaster risk reduction strategies and policies are disability inclusive.

Cyprus Civil Defense, a department of the Ministry of Interior, recently (June 2016) adopted a Plan named “Tripos”¹¹ which concerns the protection and safety of persons with disabilities in situations of risk or emergencies. Unfortunately the definition of persons with disabilities used in the Plan is not in line with the CRPD. During the consultations the CCOD tried to persuade the Cyprus Civil Defense Department to implement a national response scheme for the management of emergencies and natural disasters, which should include the following measures:

- Locating and mobilization of citizens with disabilities,
- Providing accessible, valid and timely information and communication,
- Securing the availability of special funds to enable the development of a plan that allows maximum independence of persons with disabilities,
- Providing accessible and safe transportation of persons with disabilities in the case of evacuation from a location and establishment of suitable shelters.

Unfortunately the above mention efforts have not achieved any result.

Also, no progress has been made until today by the Office of Electronic Communications and Postal Regulations to ensure that all persons with disabilities and particularly those with intellectual and sensory disabilities have access to the emergency service “112” Access to this service is possible only through the use of the ordinary telephone service. Therefore, if persons with disabilities are in a situation of risk they cannot access this emergency service.

Proposed recommendations:

- To urge the State to design and implement an effective strategy for disaster and emergency response, which should ensure increased readiness and awareness of the government as well as include measures and actions for the protection and safety of persons with disabilities, without creating discriminating structures and violations of their fundamental rights, including their right to privacy.
- The Office of Electronic Communications and Postal Regulations (OCECPR) should provide alternative means of access to the emergency service “112” so that it becomes fully

¹¹ Plan Tripos available at: http://www.moi.gov.cy/moi/CD/cd.nsf/index_en/index_en?OpenDocument

accessible to all persons with disabilities under urgent and risky situations, as required by EU Directive 2009/136/EC¹²

Equal recognition before the law (Article 12)

13. Please explain how the concept of legal incapacity is being repealed under Law No. 117/89 on persons with intellectual disabilities, and how substituted decision-making is being repealed and replaced by supported decision-making.

The Alliance is under the impression that the Cyprus Government is not really willing to accept in the proper way the right of persons with disabilities for legal capacity.

The Department for Social Inclusion of Persons with Disabilities and the Committee for the Protection of the Rights of People with a Mental Handicap, agreed, after long consultations, to the amendment of the Law Concerning the Rights of Persons with Intellectual Disabilities (L. 117/89¹³) and submitted to the Ministry a new draft law for submission through proper procedures to the House of Representatives. But the Ministry, instead of promoting the draft legislation, suddenly proceeded to prepare a new draft law concerning the rights of persons with intellectual disabilities ignoring the basic rights of the CRPD for legal capacity and introducing instead “self-advocacy”. The abovementioned draft law included, among others, provisions degrading the role of the Committee for the Protection of the Rights of Persons with Intellectual Disabilities, minimizing the participation of the parents of persons with intellectual disability in decision-making and generally rendering the Committee for the Protection of the Rights of Persons with Intellectual Disabilities a subordinate service of the Department for Social Inclusion of Persons with Disabilities.

The draft law was presented to the Committee for the Protection of the Rights of People with a Mental Handicap and later to the organizations with the directive to “take it or leave it”. The

¹² Directive 2009/136/EC available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0136&from=EL>

¹³ Persons with Intellectual Disability Law, (L. 117/89) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheses/nomoi%20voulis/pdf/12_117_1989.pdf

consultations were not efficient. Despite the disagreement of the organizations of the disabled with the proposed draft Law, the said draft law was sent to the Attorney General's Office.

The Minister of Labour, Welfare and Social Insurance, taking into consideration the positions of the organizations, decided to abandon the said draft law, but in the State's reply to the list of issues it is mentioned that the said draft law is "frozen" and not abandoned! This leads us to conclude that government officials are still reluctant to accept the principle of human rights of the persons with disabilities, like that of legal capacity.

The special working group (consisting of Focal Point, Independent Mechanism, CCOD and Cyprus Bar Association) that was set up in May 2015 for preparing a new legislation concerning legal capacity in conformity with article 12 of CRPD interrupted its work in November 2015. During the consultations with the responsible department for disabilities, it was quite obvious that Cyprus Government had no intention to proceed to the introduction of legislation that is fully compatible with article 12 ensuring the right of all persons with disabilities to exercise their legal capacity. Since February 2016, we have been waiting for the Ministry to give further directions to the working group.

In the meantime, the Law on Administration of Property of Persons Incapable of Managing their Property and Affairs (L. 23(I)/96)¹⁴ is still in force and is applied very often leading to serious violations of many rights besides legal capacity such as equality and non-discrimination (article 5), accessibility (article 9), access to justice (article 13), liberty, security and consent (articles 14 and 25), independent living and being included in the community (article 19) etc. Furthermore, the court orders that define a person with intellectual, psychosocial or other disabilities as "incompetent" or under plenary guardianship are widely required by many public and private authorities (e.g. banks) which indicates that legal representation is believed to be the only means of ensuring the protection of persons with intellectual or other disabilities.

¹⁴ Law on Administration of Property of Persons Incapable of Managing their Property and Affairs (L. 23(I)/96 available at http://www.cylaw.org/nomoi/enop/non-ind/1996_1_23/full.html

The experience of the Committee for the Protection of the Rights of Persons with Intellectual Disabilities should be utilized for the purposes of implementing article 12 in Cyprus. For this to be feasible and bring about the desired results there is a need to strengthen its institutional and executive role and to give the necessary financial support for these purposes.

Equal recognition before the law, is also not guaranteed for persons with psychosocial disabilities. For that reason, any new law concerning the right of equal recognition before the law must include all persons with disabilities. Supported decision-making measures should be available to all, including those with high support needs, and tailored to their circumstances, respect the person's other rights as outlined in the UN CRPD including the right to privacy, maintain the person's right to legal capacity and to make decisions which have legal affect, be based on choice and require the permission of the person requiring support and ensure that the person should be able to terminate or alter the support at any time, be accessible, be able to be legally recognised, ensure that a person's will and preferences are respected, have safeguards which prevent abuse (including ensuring that there is no conflict of interest or undue influence, that a third party can verify who the support person is and allowing third parties to challenge the actions of the support person if he/she is acting contrary to the will and preference of the person with support needs and that the measure should apply for the shortest time possible).

Proposed recommendations:

- To urge the State to abolish all existing legislation such as the Administration of the Property of Incompetent Persons Law (L. 23(I)/1996)¹⁵ and the Persons with Intellectual Disability Law, (L. 117/89) that are in absolute contrast to the provisions of article 12, and adopting legislation that guarantees supported decision making for all persons with disabilities.

Access to justice (Article 13)

14. Please provide information on the accessibility of the justice system, including with regard to reasonable and procedural accommodations, physical access, legal aid, sign

¹⁵ Administration of the Property of Incompetent Persons Law (L. 23(I)/1996) available at: http://www.cylaw.org/nomoi/indexes/1996_1_23.html

language interpretation, and support for persons with disabilities, particularly for persons with intellectual or psychosocial disabilities.

Our reply as Alliance is that there is complete absence of an accessibility study where different needs for amendments are traced across the justice system, with regard to physical, information or procedural accessibility. In addition, barrier-free access to justice and accessible communication and information are not adequately or consistently secured.

There is no information or data regarding the participation of persons with intellectual and psychological disabilities during pre-trial and judicial proceedings, including serious criminal procedures where persons with disabilities are the alleged victims of violence or procedures that directly affect their lives or may result in institutionalization. In particular, there is no established policy regarding the collection of statements from persons with disabilities before the Police, other than audiovisual statements with the support of a non-trained Welfare Officer. There is also no evidence regarding whether persons with intellectual or mental disabilities appear themselves before the courts or as to whether their statements and or other information provided before the courts of law are considered to be credible and to which degree. Further, there are reasonable concerns as to the accessibility of information and communication methods applied during the entire process.

15. Please provide information on measures taken to provide training for professionals working in the judicial system and those at the office of the commissioner for administration and human rights (ombudsman).

Proposed recommendations:

- To recommend to the State to change all the legal provisions and policies regarding the right to participate in legal proceedings according to the standards of article 12 of the CRPD.
- To recommend to the State to ensure that all pre-trial and judicial procedures are compatible with articles 12 and 13.

- To urge the State to make all court buildings and court proceedings accessible. It is vital that the legal staff receive comprehensive accessibility (including communication accessibility) awareness training.

Liberty and security of the person (Article 14)

16. What concrete measures, including legislative, are being taken to prevent and eliminate the use of involuntary detention of persons with disabilities, in particular persons with psychosocial or intellectual impairment, in psychiatric hospitals or other institutions on the basis of actual or perceived impairment?

Unfortunately until today a lot of persons with psychosocial and/or intellectual disabilities live in psychiatric hospitals, institutions or care homes for the elderly. This is mainly due to the lack of a plan or strategy, legal framework and the reluctance of the government to acknowledge the importance of deinstitutionalization under the CRPD. In addition, there is a huge gap regarding coordination in this area ending in the denial of responsibility by all implicated services (Social Welfare Services, Mental Health Services and Department for Social Inclusion of Persons with Disabilities).

As the Minister of Labour, Welfare and Social Insurance recently informed the organizations of persons with disabilities, the Government intends to create houses in the community for persons with autism or intellectual disability or multiple disabilities. Therefore no consultation has been made until today about the strategy that the Government has for the deinstitutionalization of all persons with disabilities.

Furthermore no consultation has been made regarding the adoption of the laws governing the operation of “Homes for the Elderly and Disabled persons” and the “Centres for Adults” as well as the laws on community care and mental health (par. 22 of NDAP)¹⁶, some of which have already been forwarded to the Legal Service for inspection, which is one of the final stages prior to the forwarding of the relevant bills of laws to the Parliament.

¹⁶ National Disability Action Plan available at:
http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

Proposed recommendations:

- To urge the State to develop a comprehensive strategy and measures for an effective deinstitutionalization. No investment should be made for new institutions and resources should be allocated to enable all persons with disabilities to live independently and to have support in the community based on their own choice and preference.
- To recommend to the State to review, amend or abolish all relevant legislation so as to become compatible with the CRPD standards.

Freedom from torture and cruel, inhuman or degrading treatment or punishment (Article 15)

17. Please provide information on the number of cases of coercive and involuntary treatment of persons with disabilities, and on the methods used.

Our Alliance does not have statistic data on the number of cases of coercive and involuntary treatment of persons with disabilities and on the methods used.

Freedom from exploitation, violence and abuse (Article 16)

18. Please explain what concrete initiatives are being taken to prevent violence against, and sexual abuse, exploitation and trafficking of, women and children with disabilities and whether a due-diligence framework, including an efficient and adequate independent monitoring mechanism, has been adopted to eliminate such occurrences.

Unfortunately no concrete initiatives are being taken to prevent violence against, and sexual abuse, exploitation and trafficking of, women and children with disabilities.

Violence against any person is recognized by several laws as a punishable crime in Cyprus, including the Cyprus Penal Code (Cap. 154)¹⁷, the Law on Domestic Violence (Prevention and Protection of Victims) (L. 119 (I) / 2000)¹⁸ and the Law on the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography (L. 91(I)/2014)¹⁹.

¹⁷ Cyprus Penal Code (Cap. 154) available at: http://www.cylaw.org/nomoi/enop/non-ind/0_154/full.html

¹⁸ Law on Domestic Violence (Prevention and Protection of Victims) (L. 119 (I) / 2000) available at: http://www.cylaw.org/nomoi/enop/non-ind/2000_1_119/full.html

¹⁹ Law on the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography (L. 91(I)/2014) available at: http://www.cylaw.org/nomoi/enop/non-ind/2014_1_91/full.html

However, violence, exploitation and abuse against persons with disabilities in particular, are rarely or not mentioned in the aforesaid laws.

No alterations took place since the incorporation of the CRPD regarding reporting and complaints mechanisms before the Police or for the purpose of judicial proceedings, by persons with disabilities. The basic law regulating procedures of collecting evidence (statements, acceptable statements before the courts etc), namely the Evidence Law (Cap. 9)²⁰ does not provide for adjustments or accessibility measures regarding persons with disabilities procedures other than with regard to persons with an “expression disability” or a “hearing disability”. In the case of such persons, the law stipulates that he/she is invited as a witness before the legal procedure and testifies in writing or by using sign language and such testimony is considered to be an “oral testimony” for the purposes of the relevant law.

Proposed recommendations:

- To recommend to the State to review the legislation that protect against violence so that it ensures the protection of women and men with disabilities who were victims of or are exposed to violence and are, in need of care or assistance and/or live in institutions for persons with disabilities.

Protecting the integrity of the person (Article 17)

19. Please provide information on circumstances in which persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, can be subject to medical interventions without their consent.

According to the Cyprus Law on Psychiatric Hospitalization (L. 77(I)/1997)²¹, a person may involuntarily be hospitalized/treated for reasons of a “serious mental disorder, for which only in a safe psychiatric centre he could receive proper care”. The procedure set out involves an application for compulsory hospitalization and treatment before the Court by a personal representative (this is not always interpreted in a legal manner so as to include a judicially

²⁰ Evidence Law (Cap. 9) available at: http://www.cylaw.org/nomoi/enop/non-ind/0_9/full.html .

²¹ Law on Psychiatric Hospitalization (L. 77(I)/1997) available at: http://www.cylaw.org/nomoi/enop/non-ind/1997_1_77/division-ddda25858d-76ae-444f-bdcb-7ec0370dd1be.html

appointed guardian and might include a member of the family) or, where the representative does not submit such an application or may not be found, the application may be submitted by the Police or a social welfare officer. The application is accompanied by a psychiatrist's opinion justifying the necessity of providing treatment. Compulsory treatment and forced medication are serious violations of the right to physical integrity. In psychiatric institutions, this norm is violated in many ways in the course of the daily routines. Up until this day, psychiatric treatments frequently take place without the informed consent of the individual concerned. During treatment, the staff may use threats and violence, which is traumatic for many of those concerned.

20. Please explain how current legislation protects women and children with disabilities from forced sexual and reproductive health procedures, such as forced sterilization, and to what extent sexual and reproductive health education is provided.

Liberty of movement and nationality (Article 18)

21. Please provide information on access to and choice of available health and social services and support for refugees, asylum seekers and migrants with disabilities and their families.

Living independently and being included in the community (Article 19)

22. Please explain how persons with disabilities, regardless of their impairment, can choose where to live and with whom, and whether they are entitled to receive the necessary social support, such as personal assistance, for their spontaneous and individual participation in the local community. Please describe the measures taken to promote deinstitutionalization.

The statement of the Department for Social Inclusion of Persons with Disabilities that freedom of choice where to live and with whom can be based out of the State's social financial benefits, is at least unrealistic. It is a pity for our country, five years after the ratification of the Convention, not to have concrete legislative provisions, or policy statements, or schemes with incentives, or

services to support the persons with disabilities for independent living, or de-institutionalization or even a deadline for de-institutionalization.

Instead of promoting independent living, government departments proceeded to the closing down of existing houses in the community. One, at Agios Andreas- Nicosia suspended its operations 2 years ago, while there is information on the impending close-down of another house in the community at Paralimni – Famagousta.

One of the most important actions included in the NDAP was the requirement of establishing a framework (to be implemented until 2015 with no required expenditure) that would set up and operate suitable structures and services for independent living of persons with severe disabilities, including the provision of appropriate support services where necessary (par. 21 of NDAP)²². Unfortunately, absolutely no progress has been made in this respect.

Independent living remains a great challenge for all persons with disabilities. Although it is directly related to the right of self-determination, homes in the community are used as emergency solutions when families cannot meet the person's care needs. As a result, the transfer to institutions or care homes is clearly not a matter of choice for persons with disabilities, especially persons with intellectual or mental disabilities. Only 3% of persons with intellectual disabilities live in houses in the community²³. Consequently there are many people with disabilities in Cyprus who are not free to choose their place of residence, type of housing and or type of support. They have to deal with serious barriers in the exercise of their right to self-determination for a number of reasons. Among such reasons is the fact that in certain cases, the cost of the provision of care, assistance and support in institutions will more easily be covered as opposed to the cost occurring during home care.

Proposed recommendations:

²² National Disability Action Plan available at:
http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

²³ Annual Report of The Committee for the Protection of the Rights of People with a Mental Handicap for the Year 2015

- To recommend to the State to review the legislation with article 19 of the CRPD especially the objective of independent living and deinstitutionalization for all persons with disabilities including persons with psychosocial or mental disabilities.

Personal mobility (Article 20)

23. Please describe the types of support that are available for persons with disabilities, particularly persons with visual or intellectual disabilities, in the areas of personal mobility and active participation in the local community.

A provision for support under the right of personal mobility is the Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car, which has a lot of discriminatory provisions since beneficiaries are only persons with disabilities between 18 and 70 years old. Another restriction of that Scheme is that persons with intellectual disabilities, psychosocial disability and persons with hearing disability are not included among the beneficiaries.

Also, beneficiaries of a monthly mobility allowance (Grant of Mobility Allowance to Persons with Disabilities Law²⁴), are only persons whose visual acuity is equal to or less than 6/36 in each eye and persons with severe mobility problems in the lower limbs. Also the allowance is given only to beneficiaries who are working or studying, for a maximum period of four (4) years.

Proposed recommendations:

- To urge the State to ensure mobility for persons with disabilities by making the public transport system accessible (e.g. permission for guide dogs to travel on buses, ramps for wheelchair users, oral and visual information about bus stops etc.).
- To recommend to the State to ensure the personal mobility of all persons with disabilities through mobility allowances and other appropriate measures not only with regard to their gainful employment, but also when it comes to their participation in the community and society in general.

²⁴ Grant of Mobility Allowance to Persons with Disabilities Law of 1980 available at: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd14_en/dsipd14_en?OpenDocument

Freedom of expression and opinion and access to information (Article 21)

24. Please provide information on measures taken to ensure the availability and sufficient funding of qualified sign language interpreters and to promote accessibility in relation to education, health, employment, leisure activities, media services and public websites.

Although Cyprus Sign Language is officially recognized by the Law on the Recognition of Cyprus Sign Language (L. 66(I)/2006)²⁵, sign language services are not available in public services, hospitals, police stations etc.

Currently, only the main daily sixty-minute news bulletin is broadcasted by public television with sign language interpretation, in addition to a serial TV production which is subtitled. There are no programmes with audio description or language audio interpretation in Cyprus. Therefore, the accessibility of radio and TV is not ensured.

Proposed recommendations:

- To urge the State to adopt all necessary legal and practical measures for the mandatory implementation of the relevant legislation by media service providers, ensuring accessible alternative formats and audio description, subtitles and sign language interpretation so that services become gradually accessible and at least covering 5% of audiovisual programmes, other than news broadcast.
- To recommend to the State to provide sign language services in all public services.

Education (Article 24)

25. Please inform the Committee about policies, measures and budgetary allocations aimed at transforming the special education model into a fully inclusive education system.

Until today, the government has not applied any comprehensive, nationwide scheme for inclusive education in the school system. Cyprus education system is a long way from reaching

²⁵ Law on the Recognition of Cyprus Sign Language (L. 66(I)/2006 available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/14_66_2006.pdf

the standards defined in CRPD article 24, providing that an inclusive education system must ensure comprehensive access to the general education system without discrimination and on the basis of equal opportunities, starting from preschool and elementary school and continuing on through high school, university, vocational training and lifelong learning. In practice the children with intellectual as well as other serious, severe and multiple disabilities attend the special schools instead of participating into the mainstream education.

The education of children with disabilities is still covered by the Education and Training of Children with Special Needs Laws of 1999–2014 (L. 113(I)/99)²⁶ and the Education and Training of Children with Special Needs Regulations of 2001-2013²⁷ which is responsible for the provision of the integration of children with disabilities in the mainstream education and in exceptional cases, the education of children in Special Schools. The above legislation continues to be governed by the individual model of disability and focuses on the individual and his/her disability, resulting in the exclusion, based on the law, of certain categories of children from the mainstream education system, due to their disability. Contrary to this, the Convention emphasizes that all children must be given access to mainstream schools, regardless of any disability. In addition, in accordance with the legislation in force, for many children the transfer to a mainstream school has been accompanied by measures leading to exclusion (special classes, integration classes). Even the children who, pursuant to the law, are directly admitted to mainstream schools experience exclusion and marginalization.

26. Please provide the Committee with the number of children with disabilities who are not enrolled in their nearest local community school, including the number of children with disabilities receiving education in institutions, at home or in hospital.

27. Please describe the measures taken, in accordance with Sustainable Development Goal 4, to ensure equal access to all levels of education and vocational training for children

²⁶ Education and Training of Children with Special Needs Laws of 1999 – 2014 (L. 113(I)/99) available at: http://www.cylaw.org/nomoi/enop/non-ind/1999_1_113/full.html

²⁷ Education and Training of Children with Special Needs Regulations of 2001-2013 available at: http://www.moec.gov.cy/eidiki_ekpaidefsi/nomothesia.html

and adults, in particular girls and children belonging to religious minority groups, with disabilities.

Proposed recommendations:

- To urge the State to adopt new legislation consistent with the principles of inclusive education, as outlined in article 24 of the CRPD condemning any kind of exclusion due to disability.

Health (Article 25)

28. Please provide information on measures taken to ensure access to health facilities, health treatment and training equipment for all persons with disabilities, regardless of their impairment.

Until today, no coherent effort has been made to establish a health system that takes into account the disability dimension under the CRPD or that otherwise secures respect of the dignity and difference of persons with disabilities.

The laws regarding the introduction of the new General Health System in Cyprus have never been introduced and/or discussed at the Thematic Technical Committee for Health and Rehabilitation nor included in the NDAP. Moreover, the organizations of persons with disabilities realized upon studying the relevant draft laws amending the existing legislation on the Law on the General Health System (amending) of 2014²⁸ which they found on the website of the Ministry of Health that it fails to provide for the aspect of disability in any way let alone to comply with the CRPD.

29. Please describe how persons with disabilities are protected and guaranteed treatment and support through the existing insurance schemes, on an equal basis with others.

The situation of the health services in Cyprus has dramatically deteriorated after the economic crisis. The deficiencies revealed in hospitals and other health care providers are considerably

²⁸ Draft Law on the General Health System dated 11/12/2014

increasing. Among the results is a shortage of staff, medication and consumables, long waiting lists and queues in front of the different departments. Persons with disabilities, who need to access the health care system because of an acute or chronic health condition, frequently encounter numerous types of barriers with regard to curative, rehabilitative and preventive medicine and care services.

Proposed recommendations:

- To recommend to the State to incorporate the dimension of disability into all ongoing legal amendments including the reform procedures for the new health system.

Habilitation and rehabilitation (Article 26)

30. Please provide information on the extent to which boys and girls with disabilities, especially children with autism or high support needs, and their families have access to early health and social interventions and support.

Until today there are no specialized rehabilitation services for individuals with autism or highly support needs.

As the Minister of Labour, Welfare and Social Insurance has announced, they have decided to create a “multidisciplinary approach centre for persons with autism” and centres for the assessment of persons with autism and support of their families. Due to non-consultation with our Organizations until today, we have no more information about how its operation, timetable and philosophy and whether it will be consistent with the CRPD.

Efforts to cover the long-standing gap in early health and social intervention for girls and boys with disabilities, including children with autism or high support needs led to the creation and operation by the Committee for the protection of the rights of persons with intellectual disabilities²⁹ of the “Early Intervention Service”, which is aimed mainly for children with intellectual disabilities until the age of six. The operators of that service do not provide treatments to the children but they investigate the needs of the family and the child, give

²⁹ Committee for the protection of the rights of persons with intellectual disabilities – Early intervention service available at: <http://www.cpmental.com.cy/epnka/page.php?pageID=25>

information on services provided in the public and private sector and by voluntary organizations, they organize and monitor assistance to the child and family, promote their economic and other rights, coordinate the involved services for the benefit of the child, arrange meetings with experts for assessments or adjustment of therapy, support and counseling to parents and other family members and empower parents to take a central role in decision-making for the benefit of the child.

Proposed recommendations:

- To urge the State to attend a consultation with CCOD in order to plan together the “multidisciplinary approach centre for persons with autism”.

Work and employment (Article 27)

31. Please describe what measures, including incentives, are in place to secure cross-sectoral systematic and comprehensive assessment of the support needs of persons with disabilities at work, including with respect to eliminating sheltered or social employment in favour of employment within the public or private open labour market, in particular for women with disabilities.

The organizations of persons with disabilities expressed at various opportunities their disappointment about the way of implementation of the Recruitment of Persons with Disabilities in the Wider Public Sector (Special Provisions) Law of 2009 L. 146(I)/2009³⁰), resulting in excluding persons with disabilities from the labour market, contrary to the goals of the law. The most important violation of the human rights perspectives of persons with disabilities is the assessment of candidates for the different vacancies to the wider public services sector, using a tool which is based on the medical approach, giving priority to the criterion of functionality. The principle of reasonable accommodation is totally ignored mainly by the Public Education Service Commission, which is responsible for taking the final decision of recruiting persons with disabilities in the education service, leading to the rejection of the applicants from that service.

³⁰ The Recruitment of Persons with Disabilities in the Wider Public Sector (Special Provisions) Law of 2009 L. 146(I)/2009) available at:

<http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/O%20peri%20proslipsis%20atomon%20me%20anapira%20ston%20dimosio%20tomea%20Nomos%202009.pdf>

The procedure for the assessment of the candidates was adopted by the Council of Ministers without any consultation with the organizations of persons with disabilities, after the respective proposal of the above Department, who were fully aware of the different opinion of the Cyprus Confederation of the Organizations of the Disabled and the great majority of its member organizations to the implementation of an assessment procedure based on ICF³¹. Consequently, many persons with disabilities went to court and after their claim was admitted and approved, they were finally appointed to the position of their choice 2-3 years later.

The Department of Labour implements since October 2016 an employment incentive scheme through the European Social Fund, for hiring persons with disabilities in the private sector. Financial aid of 75% of the annual wage cost with a maximum amount of €20.000 per person is provided for the first 24 months of employment.

Due to the policy practices implemented by the Government during the last decades, no vocational training centre and/or sheltered workshop operate in Cyprus. Relevant efforts by the Department for Inclusion of Persons with Disabilities to modernize the vocational rehabilitation centre for persons with disabilities, in order to integrate the persons employed at the workshops in the open labour market or to transfer them to other more modern workshops, were not successful and most of these people are now living in their homes remaining socially inactive and without employment.

Proposed recommendations:

- To urge the State to amend the Law on Recruitment of Persons with Disabilities in the Wider Public Sector (Special Provisions (L. 146(I)/2009), in order to fully comply with the provisions of article 27 of the CRPD. The provisions of the Law must be extended in order to cover the private sector too, as it is the fact in several European countries.
- To recommend to the State to guarantee reasonable accommodation for all employees with disabilities, in the public and private sector.

³¹ Letters from CCOD to the Minister of Labour, Welfare and Social Insurance dated 10/3/2011, 25/2/2015, 6/11/2015 and to the Director of the Department for Social Inclusion of Persons with Disabilities dated 2/4/2013

Adequate standard of living and social protection (Article 28)

32. Please indicate how austerity measures taken following the financial crisis of 2008/09 have affected access to various support systems for persons with disabilities and explain the steps taken to mitigate the consequences of those measures.

Unfortunately, the financial and social lives of persons with disabilities were disproportionately affected in the new poverty and social exclusion reality. Apart from horizontal reductions in salaries, pensions and other incomes, persons with disabilities were affected in terms of allowances and subsidies reductions and reductions in specialized budget provisions.

A number of supplementary benefits and schemes have been reduced or abolished:

- Reduction by 20% of Christmas bonus which amounts to 90 Euros yearly.
- Abolition of Easter bonus amounting to 300 euro yearly.
- Abolition of sanitary utensils allowance amounting to 78 euro per month.
- Abolition of diet allowance for certain categories of persons with disabilities amounting to 30 euro per month.
- Abolition of transport allowance for the majority of the public assistance receivers.
- The child allowance and single parent allowance is calculated as income and deducted from the disability allowance.
- The termination of the Scheme of subsidization of vacations of persons with disabilities.
- Reduction by 40% of the budget provision for housing for persons with disabilities.
- Reduction by 80% of the budget of the Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a Car.

Also, due to the adoption of the Law on Guaranteed Minimum Income and General Social Benefits (L. 109(I)/2014)³², which came in force in July 2014, many of the benefits that were provided to persons with disabilities are affected:

³² Law on Guaranteed Minimum Income and General Social Benefits (L. 109(I)/2014) available at: [http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheses/nomoi%20voulis/N_109\(I\)_2014_Nomos%20EEE%202014&2015.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheses/nomoi%20voulis/N_109(I)_2014_Nomos%20EEE%202014&2015.pdf)

- Provision of financial assistance to a member of the family of a person with disabilities in need of care, clothing, house equipment or other “special” and social needs.
- Provision of financial aid for costs regarding amendments in the house of residence of persons with disabilities.
- Provision in exceptional cases of the amount of approximately 1000 euro, usually provided to persons with disabilities who received public benefits/allowances under the old laws, provided they lived in residence not owned by them, for a minimum of 5 years and that it was expected that they would continue to reside in such residence for at least one more year.
- Provision of a yearly maximum amount of 100 Cyprus Pounds (approximately 170 euro) for coverage of heating costs.
- Grant for funeral.
- Grant for maternity.
- Monthly benefit for personal comfort.
- Benefit for diet because of health related reasons.
- Travel allowance for health services, employment or education.
- Benefit for diapers.

Following the adoption of the new abovementioned law, persons with disabilities who were beneficiaries under the Public Assistance and Services Law also lost other benefits and rights such as free-of-cost health care, telecommunication facilities provided to minors with disabilities, access to housing schemes/plans which were eventually abolished, free of charge participation at education programmes provided by the State Institutes for Further Education.

One of the most detrimental effects of the new legal framework, concerns the area of care/care support/care services. Extreme restrictions concern the financial assistance that used to be provided by the Social Welfare Services for home care services provided by domestic workers/caregivers.

Unfortunately, until today no steps have been taken by the State in order to mitigate the consequences of those measures

33. Please explain the measures taken to ensure that persons with disabilities and their families are protected from poverty and receive support for covering disability-related costs.

The State, in its reply to the List of Issues (paragraphs 104-106) presents the law on the Guaranteed Minimum Income as a measure to ensure that Cypriot citizens are protected from poverty. Unfortunately, the adoption of that Law resulted to more reductions of the benefits of persons with disabilities (see the paragraphs above).

Proposed recommendations:

- To recommend to the State to restore all benefits and Schemes that were reduced or abolished due to austerity measures.
- To urge the State to provide social protection benefits separately from all other social welfare provisions on the ground of disability and irrespective of income, financial situation and property or other assets.

Participation in political and public life (Article 29)

34. Please explain the reasons and conditions for limiting the enjoyment by persons with intellectual disabilities of the right to vote and stand for election, or for depriving them of that right, in the light of article 31 of the Constitution.

According to article 5 of the Registration of Electors and the Electoral Catalogue Law of 1980 (40/1980)³³ any citizen of the Republic of Cyprus who is over 18 years of age and has been a permanent resident of the country for at least 6 months prior the election day, has the right to vote. Although the provisions of article 11 of the above law, which refers to reasons for deprivation of the right to vote do not mention disability or any relevant issues, article 12 (“exercise of voting rights”) of the same law provides among others that: “Any person that on election day is serving time in prison or has been declared under any relevant law as not being of sound mind, is not eligible to vote for any reason”. The phrase “not being sound of mind” refers

³³ Registration of Electors and the Electoral Catalogue Law of 1980 (40/1980), available at http://www.cylaw.org/nomoi/enop/non-ind/1980_1_40/index.html.

clearly to persons with intellectual and mental disabilities. Such a terminology discriminates against people with disabilities and appears to violate Article 12 of the UN CRPD.

Additionally, in spite of the fact that there is no legislation specifically about the ability of people residing in institutions to register and vote, this is indirectly provided by the existence and application of the Administration of the Property of Incompetent Persons Law (L. 23(I)/1996)³⁴. According to this Law, persons under guardianship who cannot manage their own affairs including people who, because of mental disorder, addiction, alcoholism, brain or other physical injury, or other disease, are not in a position to exercise critical thinking based on their own free will, and are not able to manage their own property or other affairs” are considered “incompetent”. The provisions of the above Law define an “incompetent person” as “persons with severe mental and other cognitive disabilities who are under guardianship”. Hence, they are considered as not having “contractual and legal capacity”. Consequently a number of persons with severe mental and other cognitive disabilities, who live in institutions and have been declared by legal authorities to be “incompetent” and are under guardianship, do not have the right to register and vote. It is fairly known that, there is also a great number of people in institutions (or not) who have not legally lost their “legal capacity”, and therefore they are legally allowed to vote. However, neither of these groups of people with disabilities votes since there is any support provided to them in order to exercise their civil rights.

Proposed recommendations:

- To recommend to the State to undertaken all the necessary measures so that all persons with disabilities will have equal access to the whole electing procedures and especially deaf persons, blind persons and persons with intellectual disabilities.

Statistics and data collection (Article 31)

35. Please provide detailed information on strategies, protocols and indicators aimed at providing high-quality and representative statistical data on persons with disabilities,

³⁴ The Administration of the Property of Incompetent Persons Law of 1996 (23 (I) / 1996), available at http://www.cylaw.org/nomoi/enop/non-ind/1996_1_23/index.html.

disaggregated by impairment, sex, age, ethnicity and other grounds, in the public and private sectors.

36. Please provide concrete and detailed information, disaggregated by impairment and age, on how and where children and adults with disabilities live, including information on those living in various forms of hospitals, institutions and group homes.

37. Please provide information on the involvement of organizations of persons with disabilities in the design and collection of statistical data regarding disability.

International cooperation (Article 32)

38. Please describe how the Sustainable Development Goals are influencing the international and national policies relevant for persons with disabilities within the State party and the involvement of their representative organizations.

National implementation and monitoring (Article 33)

39. Please provide information on the scope of the mandate of the ombudsman, especially in relation to the implementation of the Convention by the private sector.

The Commissioner for Administration and Human Rights (Ombudsman) was appointed as the “independent mechanism for the protection, promotion and monitoring of the implementation of the CRPD” at national level, according to article 33(2) of the CRPD. This new Authority was subsequently named “Independent Authority for the Promotion of the Rights of Persons with Disability”. The competences of the Independent Mechanism apply to the public as well as the private sector, as stipulated in the CRPD. The protection competence is carried out through, amongst others, the investigation of complaints and own initiative interventions, the promotion and awareness raising activities take place every year and training seminars on the CRPD, are carried out under the promotion competence.

40. Please provide information on the extra budget allocated for the independent monitoring mechanism established in accordance with article 33 (2) of the Convention, and

on measures taken to ensure its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Unfortunately, no additional budget has been approved for the function of Independent Authority for the Promotion of the Rights of Persons with Disabilities (for more information see the Annex II of the Parallel Report to the UN Committee on the Rights of Persons with Disabilities following the publication of the List of Issues prepared by the Independent Authority).

Proposed recommendations:

- To recommend to the State to allocate extra budget for the Independent monitoring mechanism so as to be able to promote, protect and monitor the implementation of the CRPD more effectively.