

Pancyprian Alliance for Disability

Alternative Report

**First Civil Society Report on the Implementation of the United Nations Convention on the
Rights of Persons with Disabilities in Cyprus**

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A. Introduction

1. The establishment of the Pancyprian Alliance for Disability

1.1 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 United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) in Cyprus and of preparing this Alternative Report for submission to the Committee on the Rights of Persons with Disabilities (CRPD). 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.

2. Brief historical overview of the ratification and implementation of the Convention in Cyprus - general assessment

2.1 Cyprus signed the UN Convention on the Rights of Persons with Disabilities as well as the Optional Protocol in 2007 and ratified them in July 2011.

2.2 In May 2012 the Council of Ministers set up the necessary mechanisms for the implementation and monitoring of the CRPD, in accordance with article 33 of the CRPD. As a result, the Department for Social Inclusion of Persons with Disabilities was designated as the Focal Point for the implementation of the CRPD; the Pancyprian Council for Persons with Disabilities, which operates within the framework of laws concerning persons with disabilities 2000-2014 (L. 127(I)/2000)¹ as an advisory body, was designated as the Coordination Mechanism, and the Ombudsman and Human Rights Protection/Equality Authority was appointed as the Independent Mechanism to promote, protect and monitor the implementation of the CRPD.

¹ Law concerning persons with disabilities 2000-2014 (L. 127(I)/2000) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/3_%20127_2000.pdf

2.3 In November 2012, the Pancyprian Council for Persons with Disabilities as the Coordination Mechanism decided the composition of eight (8) Thematic Technical Committees to work for the preparation of the National Disability Action Plan (NDAP) and the first State Report.

2.4 In July 2013 Cyprus adopted a National Disability Action Plan (NDAP)² for the CRPD implementation. The first State Report was also published in July 2013³, and was submitted to the CRPD Committee in the same month. Since July 2013 the Coordination Mechanism (Pancyprian Council for Persons with Disabilities) was not involved in any direct or indirect consultation with persons with disabilities or their representative organizations, in CRPD issues.

2.5 The Alliance is under the impression that the State Report does not represent an evaluation of the CRPD's implementation based on the premises of human rights during the reported period. Instead, the State Report seems to serve merely as a representation of the general legal situation in Cyprus, which lacks nuanced data on the life situation and diversity of persons with disabilities. Putting it differently, the Report refers to the existing legislation which, whether it complies with the spirit of the CRPD or not, is presented as related to the efforts for implementation of the CRPD. In this respect, the Alliance considers the State Report to be largely lacking in compliance with the stipulations set out in the OHCHR guidelines⁴. The spirit of the Report is not in line with the principles of the social model of disability adopted by the CRPD and does not always reflect the view that some problems faced by persons with disabilities are clearly and exclusively issues of human rights⁵.

² National Disability Action Plan available from Department for Social Inclusion of Persons with Disabilities:

http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsispd08_en/dsispd08_en?OpenDocument

³ First State Report available from Department for Social Inclusion of Persons with Disabilities:

http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsispd08_en/dsispd08_en?OpenDocument

⁴ Committee on the Rights of Persons with Disabilities:

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

⁵ A striking example is the view presented in par. 8 of the State Report that “the strong institution of family and the important voluntary active expression of social solidarity empower and support persons with disabilities to enjoy the abovementioned values”. This specific point of the Report does not follow from nor is it in line with the spirit of the CRPD, but, on the contrary, confirms emphatically the return to the spotlight of the dominance of the philanthropic model of disability in our country. It is the duty of the State to support persons with disabilities in a way that enables them to exercise their rights independently of their families’ or of the voluntary organizations’ means. In addition, the State Report in par. 15 focuses on the application of a system for diagnosing “vocational needs” and, even more, for diagnosing “abilities for employment of persons with disabilities” which in general do not differ from the “needs” and “abilities” of the citizens without disabilities.

2.6 Cyprus ratified the CRPD in 2011. Till now little progress has been made in many areas of life of persons with disabilities. Taking into consideration that a huge number of laws, measures and other practices in favour of persons with disabilities that were effective in our country until 2011 were cancelled or inactivated, the general situation concerning the rights of persons with disabilities is worse than it was before the ratification of the CRPD. There is a need for action because a consistent human rights perspective has not yet been adequately implemented in Cyprus policy and legislation concerning persons with disabilities.

3. *General principles and obligations (Articles 1-4 CRPD)*

3.1 First National Disability Action Plan 2013-2015 for the implementation of the UN Convention on the Rights of Persons with Disabilities

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. Firstly, 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 Service through the annual State budgets (par. 8 of NDAP), 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 NDAP⁶ do not correspond to the spirit, philosophy and principles of the CRPD nor are they compatible with its provisions and the guidelines of European Disability Strategy 2010-2020. For example:

- The drafting of a Law for the amendment of the existing Law of 1989 for the Protection of the Persons with Intellectual Disability (L. 117/89)⁷, which is not compatible with the

⁶ Table for the process of the implementation of actions included in NDAP for each Thematic Technical Committee, as given to the members of Thematic Technical Committees, dated 27/02/2015.

⁷ Law of 1989 for the Protection of the Persons with Intellectual Disability (L. 117/89) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/12_117_1989.pdf

relevant articles of the CRPD and does not secure the rights of persons with intellectual disabilities. It restricts the content of the declaration of the rights of people with intellectual disabilities and limits the obligations of the State up to advocacy level. It does not guarantee the right to legal capacity (supported decision making) for all persons with disabilities and abolish the jurisdictions of the Committee for the Protection of the Rights of People with a Mental Handicap.

- The production of a film with title “the rights of persons with disabilities” whose content is not in line with the CRPD, as it focuses primarily on causing feelings of compassion and relies on the philanthropic model of disability.
- The application of the International Classification of Functioning, Disability and Health (ICF), for designing and implementing disability policies is not based on the human rights model to disability and is unsuitable for the inclusion of persons with disabilities in all aspects of life.
- The collection of statistics about persons with disabilities by the Ministry of Health that relate to health and persons with disabilities/illnesses that cause disability within the capabilities of the Health Monitoring Unit or the categorization of diseases under the National Health Plan⁸.

Furthermore, in accordance with the interventions made by the Ombudsman towards the Focal Point and the Coordination Mechanism⁹, 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 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 already considered that are not feasible to

⁸ Memo from CCOD to Focal Point for the Implementation of National Disability Action Plan on Disability 2013-2015 and the function of Thematic Technical Committees dated 05/06/2015

⁹ Interventions made by the Ombudsman towards the Focal Point and the Coordination Mechanism dated 10/02/2016

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 to Thematic Technical Committees.

Proposed questions for the List of Issues:

- What efforts have been made by Coordination Mechanism, Focal Point and Independent Mechanism to ensure the commitment of all Government Services, Municipalities and Communities to implement the Actions included in the NDAP?
- Has the State approve a budget for the implementation of the principles and obligations of the CRPD?
- What measures have been taken by the State to prepare and adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the CRPD?
- Is the State planning to promote effective measures in order to monitor the development, application and practical effectiveness of the implementation of such laws and their compliance with the CRPD standards, that is, monitoring procedures within the government mechanism?
- What measures will be taken by the Focal point in order to encourage the Cyprus Confederation of Organizations of the Disabled to participate at Thematic Technical Committees?

3.2 Review of legislation and policy to see if it is compliant with CRPD

The Alliance is especially concerned by the reference in par. 9 of the State Report that: “A modern and powerful legal framework exists in Cyprus for the protection and promotion of the rights of persons with disabilities, including general and specific laws in every aspect”. This

position is an attempt to hide the fact that many laws that are in force in our country, e.g. the Law on Persons with Disabilities (L. 127(I)/2000)¹⁰, the Law on Public Assistance and Services (L. 95(I)/2006)¹¹, the Law on Administration of Property of Persons Incapable of Managing their Property and Affairs (L. 23(I)/96)¹², the Law on Homes for the Elderly and Disabled (L. 222/1991)¹³, the Law for the Centers for Adults (L. 38(I)/1997)¹⁴, the Pancyprian Examinations Law (L. 22(I)/2006)¹⁵, the General Regulations pursuant to the Medical Institutions and Services Law (L. 40/1978)¹⁶ and Regulation 61H pursuant to the Streets and Buildings Law (86/99)¹⁷ do not comply or even are in conflict with the provisions of the CRPD. Such positions may become an obstacle and hold back all efforts for correct and effective implementation of the CRPD, with the target of promoting and realising measures and actions for the updating of social policies for the persons with disabilities in our country.

Proposed questions for the List of Issues:

- What measures have been taken by the State to ensure that the legislation and policies are CRPD compliant?
- What measures have been taken by the State to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities?

¹⁰ Law on Persons with Disabilities (L. 127(I)/2000) available at:

http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/3_%20127_2000.pdf

¹¹ 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

¹² 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

¹³ Law on Homes for the Elderly and Disabled (L. 222/1991) available at: http://www.cylaw.org/nomoi/enop/non-ind/1991_1_222/full.html

¹⁴ Law for the Centers for Adults (L. 38(I)/1997) available at: http://www.cylaw.org/nomoi/enop/non-ind/1997_1_38/full.html

¹⁵ Pancyprian Examinations Law (L. 22(I)/2006) available at:

http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/15_22_2006.pdf

¹⁶ General Regulations pursuant to the Medical Institutions and Services Law (L. 40/1978) available at:

http://www.cylaw.org/nomoi/enop/non-ind/1978_1_40/full.html

¹⁷ Regulation 61H pursuant to the Streets and Buildings Law (K.Δ.Π. 86/99) available at

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

3.3 Definition and assessment of disability based on the human rights model to disability

Unfortunately, there is neither a uniform nor a consistent definition of “persons with disabilities” in legislation, policies, and schemes or in other documents. Even in the case of recently adopted laws such as the Law on Guaranteed Minimum Income and General Social Benefits (L. 109(I)/2014)¹⁸ (which adopted in 2014), the definition provided is not in line with the CRPD as it is still based on a medical approach to disability (for more information see par. 1 - “Articles 1-4 – Purpose, Definitions, General Principles and General Obligations” of the Alternative Report).

Also, the New System of Assessing Disability and Functioning, based on 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.

Proposed questions for the List of Issues:

- How is the State planning to deal with inequalities among persons with disabilities in terms of access to benefits, services and provisions due to disparities and gaps in definitions of “persons with disabilities”?

3.4 Human rights based approach to disability in the national law and policies

To a great extent, the lack of commitment to the CRPD by the vast majority of public authorities in Cyprus, including those most directly involved with its enforcement, is due to the lack of awareness and acceptance of the human rights approach to disability. Notwithstanding references occasionally made to individual rights of persons with disabilities, the approach to disability and persons with disabilities remains medically-based.

The medical model of disability is evident in most, if not in all sectors of the lives of persons with disabilities; including the manner some persons with disabilities themselves perceive their

¹⁸ Law on Guaranteed Minimum Income and General Social Benefits (L. 109(I)/2014) available at: [http://www.kysoa.org.cy/kysoa/userfiles/file/nomothesies/nomoi%20voulis/N_109\(I\)_2014_Nomos%20EEE%202014&2015.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomothesies/nomoi%20voulis/N_109(I)_2014_Nomos%20EEE%202014&2015.pdf)

condition as a problem or a misfortune they happen to have, without recognizing the barriers in the environment or the deficiencies in services.

Some situations indicative of the medical approach taken, are shown below.

First, the continuation as well as the creation of new charity based fundraising initiatives “for the benefit of persons with disabilities”, their support by the government and other state actors in combination with the media coverage of disability leave little space for substantive equality to be acknowledged outside the context of pity, admiration of their “special abilities” or of their portrayal as “heroes”.

Second, the language and terminology used in different laws and policies, where disability is a term frequently replaced by the term “problem” or “illness” or a “condition people suffer from” denoting that it is a flaw that needs to be “improved” or “corrected” by doctors and no one else, or that may not be “corrected”. The terms “special needs”, “special educative needs” or “special abilities” used in either legal documents, everyday communication, by Members of the Parliament as well as participants at the Thematic Technical Committees established for the NDAP, are a great worry for the human rights approach supporters. Further, significant confusion derives from the fact that even charitable organizations such as the establishment of “Radiomarathon” mentioned in the Shadow Report, use the term “rights” more than ever in their campaigns, however, in practice, their objective remains to serve the purpose of collecting money in the streets for the disadvantaged children with disabilities and their institutions.

Third, the horizontal nature of the CRPD principles is hardly ever recognized. The lack of commitment to the CRPD obligations expresses itself in a wider hesitation to amend or adopt comprehensive measures, policies or legislation that are compatible with the CRPD. The medical model is expressed in that measures are not taken as a result of universal design or under the obligations to respect equality of persons with disabilities with the rest, taking into account the horizontal CRPD principles, but as isolated “urgent” measures for individual cases. An example may be found in the accessibility area, where the Ministry of Education and Culture insists that measures are only taken where pupils with disabilities are known to the Ministry to be studying

in public schools, because they are in need of individual help and not because accessibility is an obligation under the CRPD. The same applies to all barriers in the lives of children and adults with disabilities.

Fourth, the basic protocols and tools used for disability assessment and eligibility are included in the ICF – based procedure applied by the Centre for Assessment of Disability and Functioning of the Department for Social Inclusion of Persons with Disabilities (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 ICF based eligibility procedure aims at addressing societal and environmental barriers, in practice, the procedure reflects the medical model and does not acknowledge such barriers.

Fifth, although part of the definition of disability under the CRPD was used for the first time in the new Law for Guaranteed Minimum Income, a step which could be very promising in terms of the recognition of the human rights approach, the definition indirectly refers to a medically based assessment because:

- a) a finding of disability is assessed by the Department for Social Inclusion of Persons with Disabilities on an ICF based tool, giving rise to the issues raised above and
- b) the rights to guaranteed minimum income are disability under this law apply only to persons with “severe” or “complete” disability, thus, not recognizing persons with less severe disabilities or persons with multiple disabilities who face severe barriers.

Sixth, persons who are institutionalized, in institutions, care homes or “Centres for Adults” are hardly ever seen as holders of rights or as persons with legal capacity. The passiveness attributed to these persons, especially persons with intellectual, mental, severe or multiple disabilities justifies the continuous deficiencies in services provision and the non removal of barriers to their participation and inclusion into society as persons with equal rights to the rest of the population, therefore denying the human rights approach.

Proposed questions for the List of Issues:

- What measures is the State planning to take in order to design disability policies based on the human rights approach to disability?
- Is the State planning to promote appropriate training for those working in the field of administration of justice (judges, lawyers, prosecutors, police and prison staff) and the Staff of the Ministry of Education and Culture, based on human rights approach?
- What services will be established for the removal of barriers to the participation and inclusion into society of persons with intellectual, mental, severe or multiple disabilities who are in institutions, care homes or “Centres for Adults”, as persons with equal rights to the rest of the population, based on the human rights approach?

3.5 Consultation and involvement of DPOs (Article 4, 3 CRPD)

The international CRPD slogan was “Nothing about us without us!”. However, the Republic of Cyprus fails to fulfill its obligation to ensure the participation of persons with disabilities by consulting the organizations that represent them (participation stipulation, see esp. art. 4, par. 3). While the Cyprus Confederation of Organizations of the Disabled (CCOD), as the State’s social partner on issues relating to persons with disabilities (L. 143(I)/2006)¹⁹, has appointed as “contact points” persons with disabilities who took part in the meetings of the eight (8) Thematic Technical Committees, this participation does not qualify as equal. For example, the Confederation submitted various specific suggestions for actions that would contribute to the formulation of a comprehensive NDAP and to the effective implementation of the CRPD, but this did not result in any changes. The recommendations made by Civil Society²⁰ for concrete actions to be included in the NDAP were not taken into account and some of them were even rejected using various excuses. For example, the government rejected the recommendation to abolish any national actions that operate in a manner that gives incorrect messages about “compassion” rather than “respect for the rights of persons with disabilities” such as nationwide

¹⁹ The Consultation process between the Government and other Services for issues concerning Persons with Disabilities Law of 2006 (L. 143(I)/2006) available at :

http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/1_143_I_2006.pdf

²⁰ Letter from CCOD to the President of the Pancyprian Council for Persons with Disabilities (as the Coordination Mechanism) dated 15/07/2013

fundraising activities, with the reason that “this is not something which could be included as an action”.

The State Report was not complied with close consultation or active involvement of organizations representing persons with disabilities. Civil Society was presented with a final draft of the State Report, and was asked to submit their contributions and suggestions, within a period of six (6) days (including the weekend of 13th and 14th of July 2013). Within this extremely restricted time frame it was not possible to conduct a significant public consultation.

In addition, the Report, which was put online, was not accessible for persons with visual disability who use assistive technology for accessing the internet. In the opinion of the Alliance, this procedure does not represent a target-oriented contribution to the State Report by Civil Society. Therefore, most civil society organizations decided to refrain from such statements, and to compile an Alternative Report instead.

The Report refers to various measures being taken, without any previous study as to their compliance with practices followed on an international level and international standards of accessibility for persons with disabilities, employment and training policies, and in general the modern approaches to the provision of services and programmes to persons with disabilities. In addition, it was a serious omission not to include among the factors, mentioned in par. 13 of the State Report, which make the implementation of the existing legislation nearly impossible – the probably most important reason: The implementation of severe austerity measures due to the economic crisis affecting in a significant way persons with disabilities because of the fact that measures are being included, such as the suspension of the procedures laid down in law for filling vacant positions, the abolition of a large number of vacant positions, the “freeze” of hiring concerning many vacant positions for which persons with disabilities are competing or might compete and to the restriction of their rights in general.

Proposed questions for the List of Issues:

- What the State has done in order to strengthen the participation of persons with disabilities, including women, men girls, boys and older persons with disabilities in decision-making processes?

B. Executive summary

The main objective of this Alternative Report is to offer complementary information to that provided by the Government for the CRPD Committee, present the situation from the perspective of persons with disabilities and propose the measures required for better compliance with the CRPD in a way that the respect of all human rights and essential freedoms of all persons with disabilities is ensured. The main concerns of the Alliance are the following:

1. Equality and non-discrimination (Article 5 CRPD)

As it is clear from the statement in par. 21 of the State Report, Cyprus law provides for very few “reasonable accommodations”, which are explicitly referred to as “reasonable measures”. These measures are not considered as stipulation of the principle of non-discrimination but are strictly connected with the financial abilities of the Government. Consequently, the Government opposed the efforts of the disability movement of Cyprus to pass an amendment to the Law for Persons with Disabilities in 2014 (L. 63(I)/2014)²¹, which adopts the concept of “reasonable accommodation” in a sufficient way. The new provision does not consider the denial of reasonable accommodation as discrimination, although the amended law provides penalties. In fact, the practical implementation of “reasonable accommodation” still burdens the persons with disabilities themselves with at least a part of or even the full costs. According to the provisions of the new Law (L. 63(I)/2014), the concept of “reasonable accommodation” should be implemented in the areas of independent living, of inclusion in the community, of equal participation in economic and social life, of employment, the provision of goods and facilities, telecommunications and information services.

Proposed questions for the List of Issues:

- What efforts have been made by State to fight against all forms of discrimination based on disability?

²¹ Law for Persons with Disabilities in 2014 (L. 63(I)/2014) available at: [http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/63\(I\)_2014_tropopoiisi_euloges%20prosarmoges.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/63(I)_2014_tropopoiisi_euloges%20prosarmoges.pdf)

- When the State party is planning to include in the national legislation the denial of reasonable accommodation as discrimination? What measures have been taken to ensure that the denial of reasonable accommodation is understood as discrimination?

2. *Accessibility (Article 9 CRPD)*

Although accessibility is crucial for participation in society, Cyprus has a long way to go in achieving this. The “Approved Document for Accessibility and Safety in Use”, which will replace the existing legislation on accessibility of buildings (see par. 35 of Alternative Report for more information) unfortunately, prevents any efforts made for promoting the adoption of an appropriate legislation for the accessibility of persons with disabilities in all areas of their lives in Cyprus. It is partly true, that the existing barriers, especially in the built environment, for persons with mobility and visual disabilities are due to inadequate implementation of the law from the local authorities, in addition to the lack of awareness shown by a great majority of the citizens (par. 14 of the State Report). The existing legislation is therefore yet to be completed, taking into consideration that in most areas of accessibility there is no available legislation and no other administrative measures at all.

We want to point out the very low percentage of accessible services and also the great deficiencies when it comes to access to information and to the appropriate means that should be put at the disposal of persons with disabilities in order to enable them to exercise their rights without impediment.

Unfortunately, the right to accessibility is violated in many aspects of life of persons with disabilities: Government buildings, schools and hospitals are not accessible, busses are not accessible, the access to public websites is not guaranteed, the lack of easy-to-read documents prevents persons with intellectual disabilities from equal participation, audiovisual services and programmes are not accessible for blind and deaf persons, sign language is not provided for deaf persons.

Proposed questions for the List of Issues:

- Does the State plan to adopt a proper legislation that ensures the accessibility of persons with disabilities in all aspects of their life?
- Does the State plan to incorporate the European and International Standards, Regulations and Directives concerning accessibility into the Cyprus legal framework?
- How the State monitor the implementation of the existing law concerning accessibility?

3. Equal recognition before the law (Article 12 CRPD)

The Law on Administration of Property of Persons Incapable of Managing their Property and Affairs of 1996 (L. 23 (I)/96)²², does not comply with the provisions of the CRPD, since persons with disabilities are considered to be unable to exercise judgment and free will, they found to be unable to manage their financial and other affairs and the judge orders full guardianship of the “incapacitated” (incapable) person. Unfortunately, this Law is still in force in our country and is still applied to all persons that either due to disability or due to other factors and after medical assessment is considered to be unable to exercise judgment and free will and cannot manage financial matters and other affairs. In par. 107 of the State Report it is mentioned that “in the context of modernization of the Persons with Intellectual Disability Law (L. 117/89)²³ amendments have been included regulating the institution of advocacy, empowerment and support of persons with intellectual disabilities concerning preferences, decision-making, assertion of their rights and the exercise of legal capacity to the maximum extent possible”. This new Law is still not available. Additionally, the working group, which consisting by Focal Point, Independent Mechanism, CCOD and Cyprus Bar Association, in order to prepare a new legislation concerning legal capacity in conformity with article 12 of CRPD, interrupt its work in November 2015.

Proposed questions for the List of Issues:

- What measures is the State planning to adopt in order to ensure the equal recognition before the law of persons with disabilities, according to the provisions of Article 12 CRPD?

²² Law on Administration of Property of Persons Incapable of Managing their Property and Affairs of 1996 (L. 23 (I)/96) available at: http://www.cylaw.org/nomoi/indexes/1996_1_23.html

²³ 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

- Does the State plan to abolish the legislation that is in contrast with the provisions of Article 12 of CRPD such as the Law on Administration of Property of Persons Incapable of Managing their Property and Affairs?

4. *Access to justice (Article 13 CRPD)*

Persons with disabilities do not have equal access to justice in Cyprus. In addition, barrier-free access to justice and accessible communication are not adequately or consistently secured. Legal aid does not cover expenses that result from disabilities, such as assistance, interpretation or travel costs. Also, there are 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.

Another obstacle for the proper implementation of the provisions of the Article 13 of the CRPD is that the State have not promote appropriate training for those working in the field of administration of justice (judges, lawyers, prosecutors, police and prison staff). As a result, they have no experience neither in the field of CRPD nor in the human rights based approach to disability.

Proposed questions for the List of Issues:

- What measures have been taken by the State to change legal provisions and policies regarding the right to participate in legal proceedings?
- How the State is planning to ensure the accessibility for all persons with disabilities?
- When the State plan to promote appropriate training for those working in the field of administration of justice?

5. *Liberty and security of the person (Article 14 CRPD) - Protecting the integrity of the person (Article 17 CRPD)*

Unfortunately, there is no information or data, regarding the participation of persons with intellectual and mental disabilities during pre-trial and judicial proceedings, including serious criminal procedures. We have no information about the fact that persons with disabilities might be declared ‘unfit to stand trial’ and to be removed from the criminal justice system.

In addition to these, according to the Cyprus Law on Psychiatric Hospitalization (L. 77(I)/1997)²⁴, 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 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.

Proposed questions for the List of Issues:

- What steps are being taken by the State in order to repeal all laws regarding the hospitalization of persons with mental disabilities?

6. *Freedom from exploitation, violence and abuse (Article 16 CRPD)*

Although it is more than sure that women with disabilities are more likely to be victims of sexual, physical and psychological violence than women without disabilities, such research is not

²⁴ 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

among the priorities of the researchers and consequently of the responsible authorities in our country. Another issue is that most often persons with disabilities are accommodated in institutions for elderly people without any arrangements for persons with disabilities: Structural violence exists within institutions, such as the lack of single private rooms, bathrooms and toilets that cannot be locked, etc.

Proposed questions for the List of Issues:

- What steps are being taken by the State to collect data on the prevalence of persons with disabilities who are victims of abuse, violence and exploitation including forced institutionalization and treatment, in order to devise effective strategies to eliminate these practices?
- What are steps being taken to ensure accessible complaints mechanisms, hotlines, victim support and counselling services for children and adults with disabilities who are or were exposed to violence including women's shelters?

7. *Living independently and being included in the community (Article 19 CRPD)*

Home care services provided by Social Welfare Services are partially covered and are limited to the physical needs of the persons with disabilities rather than their social inclusion and their participation in society²⁵. As a result, the majority of persons with disabilities in Cyprus are “trapped” in their homes with no real social life, while the State only gives inadequate financial assistance to adults with disabilities (approximately 85% of the persons with intellectual disability according to the annual report 2015 of the Committee for the Protection of the Rights of People with Mental Handicap²⁶). The necessary financial support provided by the public

²⁵ Terms and Conditions of the Director of Social Welfare Services for provision of home care services, 2015 available at:

[http://www.mlsl.gov.cy/mlsl/sws/sws.nsf/All/E785D3D59C77F775C2257E060025A787/\\$file/%CE%9F%CF%81%CE%BF%CE%B9%20%CE%BA%CE%B1%CE%B9%20%CF%80%CF%81%CE%BF%CF%85%CF%80%CE%BF%CE%B8%CE%AD%CF%83%CE%B5%CE%B9%CF%82%20%CE%94%CE%A5%CE%9A%CE%95%20%CE%B3%CE%B9%CE%B1%20%CE%9A%CE%9F%CE%A6%20%CE%B1%CE%BD%CE%B1%CE%B8%CE%B5%CF%89%CF%81%CE%B7%CE%BC%CE%B5%CE%BD%CE%BF%20\(18%2011%202015\).pdf](http://www.mlsl.gov.cy/mlsl/sws/sws.nsf/All/E785D3D59C77F775C2257E060025A787/$file/%CE%9F%CF%81%CE%BF%CE%B9%20%CE%BA%CE%B1%CE%B9%20%CF%80%CF%81%CE%BF%CF%85%CF%80%CE%BF%CE%B8%CE%AD%CF%83%CE%B5%CE%B9%CF%82%20%CE%94%CE%A5%CE%9A%CE%95%20%CE%B3%CE%B9%CE%B1%20%CE%9A%CE%9F%CE%A6%20%CE%B1%CE%BD%CE%B1%CE%B8%CE%B5%CF%89%CF%81%CE%B7%CE%BC%CE%B5%CE%BD%CE%BF%20(18%2011%202015).pdf)

²⁶ Annual Report of The Committee for the Protection of the Rights of People with a Mental Handicap for the Year 2015

departments mentioned in par. 123 of the State Report is given only as compensation for their disability mostly because of the lack of essential services that persons with disabilities need in order to live independently and to be included in the community. Independent living is still a great challenge in Cyprus, especially for persons with intellectual disabilities who in some cases, against their declared will, live in institutions for elderly people or other residential institutions (10%)²⁷. At the moment, the objective of deinstitutionalization is missing completely from all policies and legislation managed but also from the discussions held with the responsible authorities.

Proposed questions for the List of Issues:

- What steps are being taken by State to ensure that persons with disabilities are able to choose their place of residence and type of housing within the community?
- Please explain when and how the State is planning to undertake a de-institutionalization process by providing in a reasonable length of time a range of living arrangements in the community, with the necessary individual support to persons with disabilities of any age and intensity of support needed, as well as awareness raising and empowerment actions to enhance choice and self-determination skills of persons with disabilities?

8. *Freedom of expression and opinion, and access to information (Article 21 CRPD)*

Until today, Cyprus Government has not taken all the appropriate measures to ensure that persons with disabilities can exercise this right. 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 in Cyprus. There aren't any programmes with audio description or language audio interpretation in Cyprus. Therefore, the accessibility of radio and TV is not ensured.

²⁷ Annual Report of The Committee for the Protection of the Rights of People with a Mental Handicap for the Year 2015

Since 2007, persons with disabilities have been asking for the establishment of specific regulations securing access to information of websites as well as audio-visual programs ensuring unimpeded access to their right of freedom of expression so as to enable not only their access to information but also their right to entertainment and exploitation of their leisure time.

Also, although Cyprus Sign Language is officially recognized by the Law on the Recognition of Cyprus Sign Language (L. 66(I)/2006)²⁸, sign language services are not available in public services, hospitals, police officers etc.

Unfortunately, public services do not use any other accessible modes and formats of communication (sign language, documents available in Braille format, easy-to-read documents), which are appropriate to different kinds of disabilities. As a result, persons with disabilities cannot exercise their right to freedom of expression and opinion, including the freedom to seek, receives and imparts information and ideas on an equal basis with others.

Proposed questions for the List of Issues:

- When and how the State is planning to take all necessary legal and practical measures need to be adopted 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 at least a 5% of audiovisual programs, other than news broadcast?
- Is the State planning to establish specific regulations ensuring the unimpeded access of persons with disabilities to public websites, according to international regulations and guidelines? When?

9. *Inclusive education (Article 24 CRPD)*

Cyprus adopted new legislation in 1999 (L. 113(I)/99)²⁹. The Law on Education and Training for Children with Special Needs (L. 113(I)/99) introduced the concept of integration in Cyprus, but

²⁸ 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

until today the existing legislation legitimizes the establishment, further existence and formation of new special schools and special classroom environments in the mainstream schools. There is no personalized approach to students and their preparation for developing individual skills, mobility skills and skills for their integration in the open labour market and in society in general. Furthermore, the teaching staff of mainstream schools does not yet receive appropriate training in disability matters. The teaching method that the Ministry of Education follows is not in line with the values of universal design for learning. As a result, children with disabilities are prevented from having equal opportunities in mainstream education. Moreover, some essential therapies such as physiotherapy, occupational therapy and speech therapy are provided only in special schools, so parents prefer that their children with an intellectual or other disability attend the special schools instead of regular ones.

Another very important issue is also the fact that no special education teachers are provided by Ministry of Education and Culture to secondary mainstream schools. Children with disabilities are attending lessons outside their classroom, by teachers that most times are not educated to teach children with disabilities.

Proposed questions for the List of Issues:

- Is the State planning to include inclusive education in obligatory training of all teachers (beyond special education teachers) on teaching children with disabilities, and as an integral part of core teacher training curricula in universities to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers?
- Is the State planning to provide secondary mainstream schools with special education teachers?
- When will the Government be ready to implement inclusive education principle, allocating individual aids (reasonable accommodation) primarily aimed at creating the best possible environment?

²⁹ Law on Education and Training for Children with Special Needs (L. 113(I)/99) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/4_113_1999.pdf

- Is the State planning to educate all teaching staff of mainstream schools in disability matters, according to human rights based approach to disability and the CRPD?

10. Work and Employment (Article 27 CRPD)

The employment of persons with disabilities is a difficult process because of the various barriers – economic, social, prejudicial etc. – has a negative impact. In Cyprus, persons with disabilities are much more often affected by unemployment than other people. According to the member’s archives, the percentage of severely disabled people who are excluded from the labour market reached 60% in 2011 and is estimated to approach 80% in 2016.

This partly results from the lack of job opportunities on the regular labour market and the Government policy to cancel any implementation of Incentive Schemes for employment of persons with disabilities or other appropriate measures in accordance with the CRPD. Also, due to economical crisis, employment opportunities for persons with disabilities are almost nonexistent, either in the private or the public sector where all vacant posts have been frozen, making thus the existing Quota System Law almost inactive.

The actions included in NDAP concerning the “Transition from school to vocational rehabilitation” (par. 25 of NDAP) and the “Modernization and upgrading of the vocational rehabilitation for people with disabilities sector” (par. 35 of NDAP), to be implemented until 2015 have not implemented yet. A working group that established in this framework only met once, more than a year ago, but until now no progress has been made. Also the action for the upgrading of the “Supported Employment Scheme” (par. 37 of NDAP), has not been implemented yet.

According to the Law for Persons with Disabilities (L. 63(I)/2014)³⁰, which adopts the concept of “reasonable accommodation” in a sufficient way, the concept of “reasonable accommodation” should implemented in the area of employment as well.

³⁰ Law for Persons with Disabilities (L. 63(I)/2014) available at: [http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/63\(I\)_2014_tropopoiisi_euloges%20prosarmoges.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/63(I)_2014_tropopoiisi_euloges%20prosarmoges.pdf)

Proposed questions for the List of Issues:

- What steps are being taken to increase opportunities and facilitate employment in the open labour market with the necessary support?
- Is the State planning to implement any policy to ensure the appropriate transitions from school to employment in the open labour market?
- Is the State planning to monitor the provision of reasonable accommodation to persons with disabilities in the workplaces? How and when?
- Is the State planning the extension of the quota system to the private sector?

11. Adequate standard of living and social protection (Article 28 CRPD)

Just like in other countries, in Cyprus a disability often leads to poverty and discrimination, and is aggravated by the limited opportunities to enjoy equal participation or to obtain an equitable education standard. Programmes enabling participation in community life are means-tested. As a result, persons with disabilities are permanently restricted in their opportunities for economic development and trapped at a low level throughout their lives.

Due to world economic crisis, Cyprus implements austerity measures that affect directly or indirectly the life of persons with disabilities. Apart from horizontal reductions in salaries, pensions and other incomes, persons with disabilities were affected in terms of allowances and subsidies reductions, reductions in specialized budget provisions whilst new legislative proposals are under preparation with a view to more drastically reduced disability allowances and supplementary benefits. There is not so far, any information for the horizontal reduction of the Basic and Disability Allowance provided for by the Law on Guaranteed Minimum Income, but 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.

Proposed questions for the List of Issues:

- Is the State planning to restore all benefits and Schemes that reduced or abolished due to austerity measures?

12. Participation in political and public life (Article 29 CRPD)

According to article 5 of the Registration of Electors and the Electoral Catalogue Law of 1980 (40/1980)³¹ 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 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)³². According to this Law, persons under guardianship who cannot manage their own affairs

³¹ 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.

³² 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.

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, vote since there is no support provided to them in order to exercise their civil rights (Mavrou & Liasidou, 2013)³³.

Proposed questions for the List of Issues:

- What measures will be undertaken by the State in order to ensure equal participation of persons with disabilities to the political life of Cyprus?
- How is the State intending to ensure the right of voting for all persons with disabilities?
- What measures will be undertaken by the State 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?

³³ Mavrou, K. and Liasidou, A. (2013). ANED 2013 Tasks 3 & 4 : Country reports on citizenship and political participation - Cyprus (Academic Network of European Disability experts. October 2013, EU. Available online at <http://www.disability-europe.net/content/aned/media/ANED%202013%20Task%203%264%20-%20CY%20-%20FINAL.doc>

C. Implementation of the UN CRPD

Articles 1-4 – Purpose, Definitions, General Principles and General Obligations

1. Persons with disabilities in the Republic of Cyprus face various forms of right violations. To a great extent, this is due to the fact that there are many difficulties in adopting, amending and implementing legislation in line with the CRPD. Still a great majority of the legal framework remains in many respects incompatible with the CRPD. As it is clear from the definition of a “person with disability” in the general Laws of Persons with Disabilities, 2000 (article 2, L. 127(I)/2000)³⁴ as well as other important laws, such as the ones mentioned in par. 20 of the State Report, there is neither a uniform nor a consistent definition of the word disability therein or in other documents with binding legal effect (regulations etc.). Furthermore, even in the case of recently adopted laws such as the Law on Guaranteed Minimum Income and General Social Benefits³⁵, the definition provided is not in line with the CRPD as it is still based on the medical approach to disability. For instance, 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 Organization.

2. The State Report does not explicitly refer to the various definitions included in article 2 of the CRPD, except that of “persons with disabilities” in the abovementioned general Law. For example, the concept of “reasonable accommodation” is not ensured in most of the laws of the Republic of Cyprus and the non-provision of reasonable accommodations is not explicitly recognized as a form of disability discrimination. Where accommodations are provided, they are very limited and not always referred to as “reasonable accommodations” and no guarantees exist with regard to the availability of funding for the purpose of reasonable accommodations (see article 5, par. 7, 11 and 12 below).

³⁴ Laws of Persons with Disabilities, 2000 (article 2, L. 127(I)/2000) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomothesies/nomoi%20voulis/pdf/3_%20127_2000.pdf

³⁵ Law on Guaranteed Minimum Income and General Social Benefits available at: [http://www.kysoa.org.cy/kysoa/userfiles/file/nomothesies/nomoi%20voulis/N_109\(I\)_2014_Nomos%20EEE%202014&2015.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomothesies/nomoi%20voulis/N_109(I)_2014_Nomos%20EEE%202014&2015.pdf)

3. The assessment of the compatibility of national laws with the CRPD standards is a growing necessity and the corresponding legal and other amendments must be made in a manner that shall enable the Republic of Cyprus to fulfill its obligation to protect the human rights of persons with disabilities (see specifically, article 4.1 CRPD). To this point, this has neither been promoted nor been achieved, and the NDAP does not include such amendments.

4. Some of the CRPD principles remain unacknowledged while others are not recognized to a degree that would set the way for compliance with the CRPD. This is true particularly in regards to the principle of “full and effective participation in society”, given that many environmental barriers persist, preventing persons with disabilities from participating in social life including the lack of proper and sufficient (personal and other) assistance and support, interpretation, simplified and accessible language, rehabilitation measures and accessibility in the fields of communication, technologies, information and mobility. In many cases, support is provided, however it is not appropriately designed so as to guarantee that the needs and abilities of the persons receiving it are met.

5. A series of violations of human rights is directly linked to the violation of the obligation to provide full and effective involvement of the Civil Society, especially to persons with disabilities and their representative organizations, with regard to lawmaking or other decision-making procedures, including those most closely affecting the lives of persons with disabilities. Such violations also concern amendment procedures of existing legislation and procedures for the adoption of new laws, regulations, decrees etc. As a result, concerns occur about a direct breach of article 4.3 as well as the national law guaranteeing consultation procedures with the CCOD (Law for consultation of the Government and other Services for issues concerning Persons with Disabilities with the CCOD (L. 143(I)/2006))³⁶, as in the case of procedures regarding:

³⁶ Law for consultation of the Government and other Services for issues concerning Persons with Disabilities with the CCOD (L. 143(I)/2006 available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/1_143_I_2006.pdf

- Amendments or abolition of: the Law on Public Assistance and Services (L. 95(I)/2006)³⁷, the Law of Terms and Conditions of the Director of Social Welfare Services for provision of Services at Home Care³⁸, the Law on Guaranteed Minimum Income³⁹ and generally the Social Benefit (Special Needs and Care Needs) Regulations⁴⁰, the Regulations and protocol for the assessment of candidates for appointment to the civil services of Cyprus according to the relevant Law (The Recruitment of Persons with Disabilities in the Wider Public Sector (Special Provisions) Law of 2009 L. 146(I)/2009)⁴¹ and its relevant regulations),
- The participation of our country in the European Disability Card Project.

Additionally:

- The suspension of the effect of the assistance through the Welfare Lottery Fund legislation⁴²,
- The termination of the operation of the consulting committee for the financial assistance Scheme for the provision of technical means, instruments and other aids⁴³, wherein five representatives of organizations of persons with disabilities participated,
- The termination of the Scheme of subsidization of vacations of persons with disabilities,

³⁷ 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

³⁸ Law of Terms and Conditions of the Director of Social Welfare Services for provision of Services at Home Care available at:

[http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/E785D3D59C77F775C2257E060025A787/\\$file/%CE%9F%CF%81%CE%BF%CE%B9%20%CE%BA%CE%B1%CE%B9%20%CF%80%CF%81%CE%BF%CF%85%CF%80%CE%BF%CE%B8%CE%AD%CF%83%CE%B5%CE%B9%CF%82%20%CE%94%CE%A5%CE%9A%CE%95%20%CE%B3%CE%B9%CE%B1%20%CE%9A%CE%9F%CE%A6%20%CE%B1%CE%BD%CE%B1%CE%B8%CE%B5%CF%89%CF%81%CE%B7%CE%BC%CE%B5%CE%BD%CE%BF%20\(18%2011%202015\).pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/E785D3D59C77F775C2257E060025A787/$file/%CE%9F%CF%81%CE%BF%CE%B9%20%CE%BA%CE%B1%CE%B9%20%CF%80%CF%81%CE%BF%CF%85%CF%80%CE%BF%CE%B8%CE%AD%CF%83%CE%B5%CE%B9%CF%82%20%CE%94%CE%A5%CE%9A%CE%95%20%CE%B3%CE%B9%CE%B1%20%CE%9A%CE%9F%CE%A6%20%CE%B1%CE%BD%CE%B1%CE%B8%CE%B5%CF%89%CF%81%CE%B7%CE%BC%CE%B5%CE%BD%CE%BF%20(18%2011%202015).pdf)

³⁹ Law on Guaranteed Minimum Income available at:

[http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/N_109\(I\)_2014_Nomos%20EEE%202014&2015.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/N_109(I)_2014_Nomos%20EEE%202014&2015.pdf)

⁴⁰ Social Benefit (Special Needs and Care Needs) Regulations available at:

[http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/10A115E9AC999A9CC2257E85002F75D0/\\$file/2015-07-03%20%CE%94%CE%99A%CE%A4%CE%91%CE%93%CE%9C%CE%91%20%CE%A6%CE%A1%CE%9F%CE%9D%CE%A4%CE%99%CE%94%CE%91%CE%A3%20%CE%95%CE%9A%CE%A4%CE%91%CE%9A%CE%A4%CE%95%CE%A3%20-%204881.pdf](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/10A115E9AC999A9CC2257E85002F75D0/$file/2015-07-03%20%CE%94%CE%99A%CE%A4%CE%91%CE%93%CE%9C%CE%91%20%CE%A6%CE%A1%CE%9F%CE%9D%CE%A4%CE%99%CE%94%CE%91%CE%A3%20%CE%95%CE%9A%CE%A4%CE%91%CE%9A%CE%A4%CE%95%CE%A3%20-%204881.pdf)

⁴¹ 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>

⁴² Welfare Lottery Fund Law available at: http://www.cylaw.org/nomoi/arith/1992_1_079.pdf

⁴³ Scheme for the provision of technical means, instruments and other aids available at:

http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsdpd19_en/dsdpd19_en?OpenDocument

- The amendment of the Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car⁴⁴,
- The termination of the financial assistance for organizations of persons with disabilities that do not have any other source of funding⁴⁵,
- The termination of the long-lasting policy concerning the structure and constitution of the Board of the “Saint Barnabas” School for the Blind, wherein the majority of its members were representatives of the Pancyprian Organization of the Blind with their president as president of the Board, not only violates article 4.3 but also article 4.4 of the CRPD.

6. All of the above result in serious restrictions of socio-economic support provided for people with disabilities and their families and the enjoyment of their fundamental rights and freedom.

Recommendations:

- Cyprus Government should 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.
- The notion of “reasonable accommodation” as well as the principle that denial of reasonable accommodation as a form of discrimination on the ground of disability must be clearly incorporated across the Cypriot legislation system.
- All national legislation, (primary and secondary laws, as well as policies in force) must be assessed regarding their compatibility with the CRPD and amended or abolished accordingly. Such amendments must be accompanied by appropriate measures and coverage of relevant expenses by responsible state actors.
- The role of the Ombudsman as independent monitoring mechanism under the CRPD should be strengthened and the mechanism’s competences, staff and budgetary means must be reassessed and significantly enhanced.

⁴⁴ Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car available at: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd15_en/dsipd15_en?OpenDocument

⁴⁵ Scheme for financial assistance for organizations of persons with disabilities available at: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd22_en/dsipd22_en?OpenDocument

- Mandatory and effective participation of persons with disabilities and their representative organizations throughout the policy making process that are relevant to them should be defined in a joint effort, and be implemented accordingly.

Article 5 – Equality and non-discrimination

7. The Combating of Racism and Other Discrimination (Commissioner) Law (L. 42(I)/2004)⁴⁶ aims at protecting people from discrimination on several grounds. On this note, it lists eight (8) protected grounds of discrimination, including “persons with special needs”. The competences of the Office of the Ombudsman as an independent extrajudicial Authority (Equality Authority, Anti-Discrimination Authority, known together as the “Equality Body”) include the elimination of direct and indirect discrimination on the grounds specified therein, the promotion of equality in the enjoyment of human rights and fundamental freedoms and the promotion of equal opportunities. This entails the promotion measures in line with these competences, the monitoring of the effective implementation of the laws and regulations relevant to this area, as well as the imposition of financial and other sanctions in cases of violation or discrimination. Under this Law, discrimination is prohibited in the areas of employment, participation in organizations, social protection, social security, health care, education, access and provision of goods and services and housing.

8. In paragraph 29 of the State Report the overall statistical data seems to have been taken from the Ombudsman’s Office, presenting the number of complaints submitted to the Office by persons with disabilities. However, it does not clarify in which areas such complaints were made or the cases where human rights violations, violations of the equality and non-discrimination principles were found, nor which were the concrete remedies provided and sanctions ordered.

9. According to the statistical data obtained by the Office of the Commissioner for Administration and Human Rights (Ombudsman), and specifically the annual reports of the Anti-discrimination and Equality Body, headed by the Ombudsman, show an extremely low

⁴⁶ 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

percentage of the complaints submitted by persons with disabilities, who thereby represent the smallest group (number of complaints concerning discrimination based on disability, according to the annual reports of the Anti-discrimination Body: 2006:2, 2007:8, 2008:5, 2010:9, 2011:4, 2012:3, 2013:2 and 2014:1 and the number of complaints concerning discrimination based on disability according to the annual reports of the Equality Body: 2005:18, 2006:23, 2007:44, 2008:19, 2010:28, 2011:31, 2012:23, 2013:14 and 2014:15)⁴⁷. According to the information recently received, during our meetings with the Ombudsman's Officers, complaints from persons with disabilities are dramatically increasing in the last two years and this is an encouraging fact. This is due to the dissemination of appropriate information by the Ombudsman's Office, awareness raising actions as well as the encouragement given by the organizations of persons with disabilities to their members.

10. In any case, the abovementioned Law does not provide sufficient legal protection to persons with disabilities, because it does not recognize the refusal of reasonable accommodations as disability based discrimination. This means that persons with disabilities cannot complain against the denial of reasonable accommodations (such as the denial of providing appropriate assistive technology at work or accessible environments in buildings and in the provision of services for individuals) as discrimination under this Law.

11. Other laws which also fail to sufficiently address the notion of reasonable accommodation. For instance, the Equal Treatment in Employment and Occupation Law (L. 58(I)/2004)⁴⁸, includes regulations on the establishment of a framework in order to combat discrimination based on racial or ethnic origin, religion or belief, age or sexual orientation in employment and occupation as well as to implement the principle of equal treatment.

12. Furthermore, other laws provide rather limited protection from discrimination in specific areas such as the right to equal treatment and non-discrimination in fundamental rights in the area of independent living, inclusion in the community, equal participation in economic and

⁴⁷ Annual Reports of the Office of the Commissioner for Administration and Human Rights (Ombudsman) available at: http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/page17_gr/page17_gr?OpenDocument

⁴⁸ 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

social life, employment, goods and services, telecommunication and information, safeguarded by the articles 4, 5, 6 and 8 of the Persons with Disabilities Law (L. 127(I)/2000)⁴⁹. Fortunately, following an amendment of the above Law in 2014 (L. 63(I)/2014)⁵⁰, the definition of “reasonable accommodation” introduced therein was made consistent with the CRPD and ensured the provision of reasonable accommodation, as an essential effort to promote equality and eliminate discrimination, under article 5.3 of the CRPD.

13. The Equality Body of the Office of the Ombudsman does not have the mandate to provide support or accompany individuals during their legal proceedings before a court of law. Moreover, its competences do not allow the continuation of the examination of any complaints while a judicial procedure is pending.

14. A comprehensive evaluation of the above three anti-discrimination laws and their full compatibility with the CRPD remains to be accomplished. The Government’s NDAP scheduled a review of various laws to this end, with a deadline in 2015.

15. Provisions regulating abortion are included in the Cyprus Criminal Code, Cap. 154⁵¹, as amended, and particularly in articles 167 - 169A. According to the provisions of article 169A, pregnancy is allowed to be terminated by a doctor registered pursuant to the Medical Registration Law, only in the case that: (i) the life of the pregnant woman would be endangered, (ii) the pregnant woman or any of her existing children would suffer greater physical, mental or psychological harm than if the pregnancy was not to be terminated, (iii) there is a substantial risk that if the child will be born, it would suffer from such physical or mental abnormalities that would be seriously disabled (iv) the pregnancy resulted from rape and under circumstances that create a serious shock to the social status of the pregnant woman or her family environment. Unfortunately, there are no statistical data on abortions performed in governmental and private hospitals in Cyprus. However, serious concerns may be expressed regarding the approach taken

⁴⁹ Persons with Disabilities Law (L. 127(I)/2000 available at:

http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/3_%20127_2000.pdf

⁵⁰ L. 63(I)/2014 available at:

[http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/63\(I\)_2014_tropopoiisi_euloges%20prosarmoges.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/63(I)_2014_tropopoiisi_euloges%20prosarmoges.pdf)

⁵¹ Cyprus Criminal Code, Cap. 154 available at: http://www.cylaw.org/nomoi/enop/non-ind/0_154/full.html

by doctors and/or the society at large, regarding the birth of a child with disabilities, especially intellectual or multiple disabilities which is regarded as an “undesirable” and unfortunate event, stigmatising the lives of these children as well as persons with disabilities in general.

Recommendations:

- The refusal to provide reasonable accommodations must be included in the Cypriot legal framework and recognized as disability-based discrimination.
- The competences of the Equality Authority and the Anti-Discrimination Authority must be reviewed so as to include a right to systematically file charges before the courts against those in violation of the anti-discrimination principle in the case of persons with disabilities and be allocated the necessary budgetary means to fulfill such a task. In addition effective legal remedies must be provided and sanctions for finding of disability – based discrimination.
- The Government should establish a fund for legal proceedings, so that persons with disabilities can exercise their rights and receive support from the relevant authorities during the judicial proceedings.
- The three laws L. 42(I)/2004, L. 58(I)/2004 and L. 127(I)/2000 must be revised so that they are made compatible with the CRPD and ensure that persons with disabilities are protected against discrimination in all areas of life. The same applies with regards to their binding legal effect with respect to private legal entities.

Article 6 – Women with disabilities

16. No adequate records can be traced regarding the number of women with disabilities living in Cyprus. The numbers given in the State Report refer to “persons with health problems” or “persons with special needs”, but those terms are not clearly defined.

17. The section on article 6, entitled “Women with Disabilities”, is one of the shortest in the State Report and includes some basic information about the State’s legislation on women in general. The only reference made to women with disabilities is a general statement that women

with disabilities are taken into consideration during the implementation of all laws on equal treatment (par. 32 of the State Report), implying that dimension of gender and disability are systematically introduced in law-making procedures. However, no information shows the existence of any such mainstreaming procedures with regard to either gender or disability, let alone an intersectional approach of the two.

18. Notwithstanding the lack of credible data on the situation of women with disabilities living in Cyprus, the daily and weekly press suggests that their experiences in various aspects of their lives are not free from multiple-discrimination, while this delicate and serious issue is hardly ever addressed. More often than other women and more frequently than men with disabilities, women with disabilities are commonly close to the poverty line or in some sense deal with significant financial barriers and other difficulties. Likewise, when compared to other women, there are reasons to suggest that they may be more vulnerable to isolation, institutionalization and social exclusion. A fact relevant to this is that, compared to women without disabilities, who are already dealing with a great deal of gender discrimination and gender-based violence, they are more likely to be single parents or without a family, to witness much higher unemployment rates and be prone to even more gender- or disability-based violence, as is the case in many European countries.

19. Women are those who continue to carry out the majority of household tasks, irrespective of their employment or family status. This also applies to working women with disabilities. Laws and regulations on reconciliation of work and family life, including laws on child care, or care of persons with disabilities, mostly needed by women, including women with disabilities, fail to address the multiple needs of women with disabilities as caregivers and workers.

20. No evidence exists as to the living conditions of women with disabilities. Especially those with psychosocial and intellectual disabilities, who are involuntarily institutionalized or hospitalized/treated or placed in care homes (especially older women). Concerns are also expressed with regard to respect for their reproductive rights and to other potential interventions deriving from a strong model of patriarchy largely witnessed in Cyprus, especially in closed environments such as institutions. Data and information need to be acquired from the Social

Welfare Services who carry a supervisory responsibility in many such cases, as well as from institutions, care homes and psychiatric facilities themselves.

21. 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.

Recommendations:

- All national statistics/data on disability should be collected and analyzed disaggregated by gender and age.
- There must be a legal obligation to ensure disabled women's advocacy support in disability-related institutions, care homes and mental health facilities.
- Focus must also be laid on dealing with gender based violence against women with disabilities, especially in places where they are most exposed to it.
- The disability dimension must be addressed in all work and family reconciliation policies and measures promoted.
- The perspective of women and girls with disabilities should be incorporated 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. Likewise, the Committee recommends that the State party ensure that women with disabilities are consulted, through their representative organisations, on the design of programmes and measures related to all issues affecting them directly.

Article 7 – Children with disabilities

22. According to statistical data from the Ministry of Education and Culture, in 2012 five thousand one hundred eighty six (5.186) children with “special needs” lived in Cyprus⁵². However, this figure includes not only children with disabilities but also children with learning difficulties, children with attention deficit hyperactive disorder (ADHD), children that face difficult family situations, those who live in poverty conditions, as well as, children with delinquent behavior.

23. When looking at the issues of inclusion, equal treatment and participation in society in Cyprus, the Government tends to focus on education. Surveys that examine the living conditions of children and adolescents in Cyprus outside education (such as regarding leisure facilities, clubs and associations, media behaviour and media skills) do not consider the aspect of disability. Consequently, there is no reliable information in this area, or facts and figures.

24. Children with disabilities and their families face major problems in Cyprus as there are several legal provisions that exclude them from social benefits or in the case they are eligible, such provisions are rather unclear (e.g. Severe Motor Disability Allowance Scheme⁵³, Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car⁵⁴, Law on Guaranteed Minimum Income⁵⁵, Law on Mobility Allowance⁵⁶). Additionally the services that are at the disposal of families with disabled children are provided by a fairly large number of different agencies, and on the basis of legal regulations that are not assessed with regard to their compatibility with the CRPD. Services for children with disabilities and their families are hardly ever provided in combination with adequate information or due to consideration of other available services, therefore they frequently fail to address individual

⁵² Statistical data given in a meeting of the Thematic Technical Committee on Education and Vocational Training, by an Officer of the Cyprus Ministry of Education and Culture.

⁵³ Severe Motor Disability Allowance Scheme available at:

http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd10_en/dsipd10_en?OpenDocument

⁵⁴ Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car available at: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd15_en/dsipd15_en?OpenDocument

⁵⁵ Law on Guaranteed Minimum Income available at:

[http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/N_109\(I\)_2014_Nomos%20EEE%202014&2015.pdf](http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/N_109(I)_2014_Nomos%20EEE%202014&2015.pdf)

⁵⁶ Law on Mobility Allowance available at:

http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd14_en/dsipd14_en?OpenDocument

needs. In many cases children with disabilities are not able to live with their families and in their communities and are institutionalized. This becomes obvious in early intervention measures, in day-care institutions for children, schools and the transition period between school and working life.

25. According to a study conducted in 2011 by the “Early Childhood Intervention Services”⁵⁷ 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. The above stages can be applied fragmentarily in Cyprus or with delays, regardless of the age of the child, the services provided and the economic potential of the family or even the social skills of the parents.

26. Children and adolescents with disabilities rely on others people support in their leisure time, if and whenever it is provided. The number of transport services and care assistants is an “empty promise” in Cyprus. Moreover, the existing legislation does not provide adequate or precise acknowledgment of their rights.

27. 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 this way fails to comply with the majority of the CRPD standards. It is important to note that these children might have never had access to speech therapy, vocational therapy and physiotherapy.

28. There is no information regarding the use of psychotropic medication on children and adolescents with disabilities, especially those residing in institutions.

Recommendations:

- The State should develop a holistic and comprehensive network of health and social care services for the early diagnosis and intervention for children with disabilities, in close

⁵⁷ Annual Report for the year 2015 of the Committee for the Protection of the Rights of People with a Mental Handicap.

consultation with their representative organizations, and increase financial support for their families using public resources.

- The State should take measures to ensure that children with disabilities and their families receive the support that they need and that is appropriate given their individual requirements, in order to enable them to continue to live in the community and with their families.
- Children and youth social welfare schemes must consider children and adolescents with disabilities in their leisure programs. Services provided by different departments of the Ministry of Labour, Welfare and Social Insurance must be assessed with regard to inclusion and their adequacy for children and adolescents with disabilities.
- The Constitution of the Republic of Cyprus must include children's rights.
- Special emphasis must be placed on securing the rights of children and adolescents and eliminating any form of sexual abuse and violence against those residing in institutions or receiving care in specific facilities.
- Specific information need to be collected regarding potential use of psychotropic medication on children and adolescents with disabilities and a policy needs to be adopted prohibiting their use.
- Take legislative and administrative measures to guarantee the right of children with disabilities to express their views on all matters affecting them, particularly in judicial and administrative procedures, recognizing their evolving capacity and giving due weight to their views in accordance with their age and maturity, and to be provided with disability- and age-appropriate assistance to realize this right.

Article 8 – Awareness-raising

29. The Government of Cyprus and Civil Society continue to implement the medical model of disability in every aspect of its policy with regards to the lives of persons with disabilities. This has a substantial impact on the lives of these people as many times they are treated with “compassion” or pity or even fear. Moreover, this has a negative effect on the policies implemented by the State and the approach taken when adopting new laws.

30. Staying attached to the outdated philanthropic/charity model of disability and to paternalistic policies the Ministry of Education and Culture insists on avoiding to adopt a human rights approach away from stereotypes and prejudice against persons with disabilities in the NDAP as well as to generally be involved with disability issues, e.g. concerning raising the awareness of primary school pupils through the existing programme of the Ministry called “Health Education”⁵⁸ and of secondary school and secondary technical school students through its programme “Domestic Science – Health Education”⁵⁹.

31. The Cyprus media situation is quite diverse, and characterized by the coexistence of private and public providers. Their coverage of issues regarding disabilities revolves around a portrayal of persons with disabilities as victims, heroes or those who deserve the people’s pity, therefore mostly violating the provisions of the CRPD, with very rare exceptions.

32. Mostly, the representation of persons with disabilities or disabilities themselves reflect stereotypes and prejudices, and include statements such as “with the eyes of the soul” (blind persons), “the cry of silence” (persons with hearing impair), “the fight of life” and “Heroes of Life” (any persons with disabilities), “in spite of his disability” (any persons with disabilities), “tied to her wheelchair” (persons with physical disabilities), “suffering from” (any persons with disabilities).

33. Finally, the Government of Cyprus, serving the interests of politicians, bank institutes, TV channels and other media instead of those of persons with disabilities and notwithstanding the repetitive reactions by their organizations and the independent monitoring mechanism continues to support and run an operation all over Cyprus which commercializes disability. This operation is known as “Radiomathon” and continues to support, on the basis of charity and without precise criteria, certain organizations of persons with disabilities. The major activity of “Radiomathon” includes the collection of money in the streets and at most traffic lights and

⁵⁸ Programme of Ministry of Education and Culture “Health Education” available at: http://www.moec.gov.cy/agogi_ygeias/index.html

⁵⁹ Programme of Ministry of Education and Culture “Domestic Science – Health Education” available at: http://www.schools.ac.cy/eyliko/mesi/themata/oikiaki_oikonomia/index.html

crossings, as well as in various public and other services, shops and private houses. It includes other fundraising activities promoting stereotypes, prejudice and behaviours that attack the dignity of persons with disabilities, especially children.

Recommendations:

- State Party should implement awareness-raising campaigns, with the involvement of persons with disabilities and their representative organisations and actively promote and strengthen the human rights approach and the awareness of the CRPD standards 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.
- The journalists and those working for the media must be provided with sustainable training and awareness programmes that comply with the CRPD standards.
- The supervisory committees of public media institutions must appoint experts on issues of the rights of persons with disabilities.
- Raising awareness must also be promoted when it comes to the participation of people with rare conditions or disabilities, and medical experts in these fields must be provided with appropriate CRPD-oriented training.
- The operation of existing or new fundraising initiatives that commercialize disability must be terminated.

Article 9 - Accessibility

34. Although accessibility is crucial for participation in society, Cyprus has a long way to go in achieving compliance with the article 9 standards.

35. In the State Report and even less in practice, there is no recognition of the significance of the “universal design” principle. Consequently, the State Report does not stipulate which measures are to be followed to achieve fulfillment of the State’s obligations under article 4.1(f) while there are no indications as to existing or potential research initiatives or development of

universally designed goods, services etc., notwithstanding the constantly growing importance of universal design considering the demographic changes of the population.

36. The legal framework in Cyprus does not recognize the right to accessibility as prescribed by the Convention. The majority of the DPOs expressed their opposition to the adoption of a so-called “Approved Document for Accessibility and Safety in Use”, instead of binding a new legislation. This Document 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 disabilities⁶⁰), and therefore downgrading the rights that are already secured with the above regulations.

37. Another deficit in the NDAP is that the results concerning the “Technical Committee on Accessibility of the Physical and Building Environment”, about actions taken by municipalities and other Authorities or Public Institutions, which were never discussed in the context of this Technical Committee, were classified as normal, ongoing obligations of municipalities and arbitrarily recorded in the NDAP after their implementation by a municipality or other authority, in order to give the impression that the objective of the "improvement of accessibility" is implemented as Action in this Technical Committee.

38. The right of accessibility to public transport continues to be violated and traffic planning continues to be implemented without taking into account the rights of persons with disabilities and more so the rights of persons with sensory or intellectual disabilities. Furthermore and despite the reservations of the Cyprus Confederation of Organizations of the Disabled, the issues of accessibility of persons with disabilities were not taken into consideration when designing new public transport and transport services. Especially, the responsible state department proceeds to introduce an automatic system for issuing and cancelling bus tickets, which will not

⁶⁰ 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>

be accessible to persons with disabilities and which will deepen the exclusion already experienced by persons with disabilities in this area, rendering it permanent.

39. 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/Services 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 Service⁶¹, but there is still much to be done.

40. 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.

41. The intervention on issues of information accessibility by the “Digital Champion”, a European Institution, was fully ignored by the Department for Social Inclusion of Persons with Disabilities as well as their representative at the Technical Committee on Information Accessibility, resulting in the cancellation of the appropriate actions and relevant arranged meetings.

⁶¹ National Disability Action Plan 2013-2015, Technical Committee on Information Accessibility
http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

42. The responsible Departments and Services of the Government refuse to implement the provisions of the CRPD and those of the national legislation⁶² 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 both the national law and the directive obligations relied on the invocation of the financial crisis.

43. Persons with intellectual disabilities do not receive adequate information about their rights from care centres⁶³ either. Lack of accessible information and communication and inaccessible services may constitute barriers to the realization of the right to legal capacity for some persons with disabilities in practice (General Comment on article 9⁶⁴). Regarding physical barriers to access, the situation is considered not satisfactory and persons with intellectual disabilities and mobility problems still face serious problems.

Recommendations:

- An action plan to ensure accessibility to the physical environment, transportation, information and communications technologies and systems should be developed and adopted, with adequate resources and a time-bound framework. 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 should be introduced.
- A new “Department of Accessibility” must be established, which will monitor and manage or even make proposals to achieve full accessibility everywhere, including the areas of physical and built environment, transportation, information and communication technology

⁶² 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>

⁶³ Annual Report for the year 2015 of the Committee for the Protection of the Rights of People with a Mental Handicap

⁶⁴ General Comment on article 9 available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/033/13/PDF/G1403313.pdf?OpenElement>

(ICT), internet, media, products design and provision, in all public and quasi-public services as well as other facilities and services.

- The European and International Standards, Regulations and Directives concerning accessibility must be incorporated into the Cyprus legal framework.
- The need for standards and specific guidelines for making information easy to read, understandable and accessible must be acknowledged and the adoption of such standards and guidelines must be promoted. The Government may utilize and introduce good practices following good example practices used in other countries.
- The state should take all necessary actions in order to simplify structures and processes when developing new goods and services in line with an effective “design for all” approach. The “design for all” principle must be implemented 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 (such as they were already implemented in other countries e.g. Norway⁶⁵) in all areas affecting the lives of persons with disabilities.
- The Ministry of Education and Culture should define a timetable for the acquisition of accessible infrastructure and make all the existing buildings fully accessible to persons with disabilities.
- All Ministries and public hospitals need to implement a renovation programme to comply with accessibility standards.
- The Cyprus Tourism Organization, communities and municipalities must set a timetable in order to upgrade the facilities for the promotion of recreation and tourism in the service premises of both the marine and mountain areas including tourism landscapes and beaches.
- The Government must clearly set an obligation for owners of buildings housing businesses that provide services to the public, to comply with accessibility standards.
- The accessibility needs for persons with intellectual disabilities should not only rely on the translation of the information into an easy-to-read format. Necessary actions should be

⁶⁵ According to the Norwegian Action Plan, the principles of UD should be fully implemented by 2025. See www.universal-design.environment.no/the-plan-of-action

taken in order to simplify structures and procedures when developing new goods and services as part of a “design for all” approach.

- A unified legislation needs to be adopted to prevent all illegal parking, in the sense of parking in the spaces assigned for persons with disabilities in private and public places.
- Accessible buses must be purchased and specific modifications must be made to existing public transport in order to secure full accessibility for all persons with disabilities.
- It is important that a “Special Service from door to door” is established so as to operate for the transportation of persons with disabilities from and to their workplaces, including various governmental and semi-governmental offices or other organizations, banks and post offices, hospitals and clinics, or wherever necessary, serving all aspects of professional, education, social and personal life.
- A plan needs to be adopted for the installation of bus stops in the inner part of the pavement so as to facilitate access of persons with disabilities to the buses and electronic talking billboards must be installed at all bus stops, so that persons with disabilities can find all the necessary bus travelling information (timetables, route map etc.).
- Regulations ensuring the full access of persons with disabilities to public websites and private websites offering public services must be placed in force, according to international guidelines and more specifically in accordance with the content accessibility guidelines of the World Wide Web (Web Content Accessibility Guidelines 2.0 - WCAG 2.0), to the accessibility level «AAA».

Article 10 – Right to life

44. As mentioned in the Executive Summary of the Report, persons with disabilities and especially people with mental and intellectual disabilities are often involuntarily hospitalized and treated. When they are placed in psychiatric hospitals or Institutions against their will, forced to undergo treatment, subjected to violence, live in unsuitable and unhygienic conditions, their right to life is violated. Recently, the Independent Authority for the Promotion of the Rights of Persons with Disabilities (Ombudsman Office) examined a case of violent removal of a

bedridden person with disabilities without verbal communication, from his house to a care home without his consent, by the Social Welfare Service⁶⁶.

45. No information exists regarding the causes of deaths of persons with disabilities who reside in institutions for most of their lives or in mental health facilities, including children and older persons with disabilities.

Recommendations:

- All Governmental Services should inform persons with disabilities about issues affecting their lives, such as their right to refuse medical treatment and inform them adequately about its nature and consequences upon their health and their care rights. The obligation to acquire their consent prior to any decision taken concerning their lives must be made clear and properly respected.
- There is a need for more transparent procedures in terms of tracing the causes of deaths in institutions or other closed areas where persons are otherwise isolated.
- Statistical data is also necessary in order to enable a valid comparison to be made between the frequency and causes of deaths of persons with disabilities living in institutions and persons with disabilities who are part of the society.

Article 11 – Situations of risk and humanitarian emergencies

46. The UN CRPD places an obligation on Cyprus to ensure the safety and the protection of people in situations of risk and humanitarian emergencies. The Civil Defense department, which is the responsible authority in Cyprus, concentrated its efforts for the inclusion of persons with disabilities, in the relevant schemes, by establishing an electronic database with personal information and details of persons with disabilities.

⁶⁶ Independent Authority for the Promotion of the Rights of Persons with Disabilities (Ombudsman Office) reports available at: http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/index_new/index_new?OpenForm

47. Only recently, has the above authority at the Ministry of Interior prepared a scheme entitled “TRIPOS” which refers to the implementation of measures to protect persons with disabilities in the case of disasters.

48. The CCOD and DPOs are in a consultation procedure with the above service in order to persuade them for implementing 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.

49. According to the provisions of the EU Directive 2009/136/EC⁶⁷ “Member States shall ensure that access for disabled end-users to emergency services is equivalent to that enjoyed by other end-users”. Unfortunately, in Cyprus, persons with disabilities and particularly those with intellectual and sensory disabilities are subjected to restrictions on their access to emergency service “112” because the access to this service is possible only through the usage of ordinary telephone service. Therefore, if persons with disabilities are in situation of risk they cannot access this emergency service.

Recommendations:

- An effective strategy for disaster and emergency response must be designed, and it 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.

⁶⁷ Directive 2009/136/EC available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32009L0136&from=EL>

- All humanitarian aid and disaster risk reduction and disaster preparedness measures must be designed according to the standards of inclusion and accessibility.
- The future “humanitarian aid strategy” must explicitly acknowledge “disability” as a criterion justifying funding. Specific measures must be promoted in order to ensure the fulfillment of basic needs (protection, safety, food, water etc.) as well as specific needs (aids and other articles, medical care, specific medication and so on).
- Specific and inclusive approaches that promote accessibility with regard to all measures for persons with disabilities must be ensured in the field of transitional aid.
- The Office of Electronic Communications and Postal Regulations (OCECPR) should provide alternative means of access to emergency service “112” so that it becomes fully accessible to all persons with disabilities under urgent and risky situations, as required by EU law.

Article 12 - Equal recognition before the law

50. In Cyprus, the legislation concerning the recognition of the right to exercise legal capacity is largely based on the principle of “substituted decision making” and plenary guardianship. The Law on Administration of Property of Persons Incapable of Managing their Property and Affairs (L. 23(I)/96)⁶⁸ affects all persons who, either due to disability or due to other factors, are considered unable to exercise judgment and free will following a medical evaluation and are hence found to be unable to manage financial and other affairs (in essence “other affairs” affects all rights of persons with disabilities). As a result of such a finding, the judge orders full guardianship of the “incapacitated” (incapable) person. Consequently there is a need to abolish this law and introduce a mechanism of supported decision-making so that is possible to implement article 12 and its requisites for access to support regarding the exercise of their legal capacity and the making of decisions. Little progress has been made regarding the implementation of this article and the works of the working group for preparing a new legislation concerning legal capacity in conformity with article 12 of CRPD were interrupted in November 2015.

⁶⁸ 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

51. During the consultations with the responsible department for disabilities it was obvious that the Cyprus Government is reluctant to proceed to the introduction of legislation to fully comply with article 12 of CRPD covering all persons with disabilities as well as other categories of the population.

52. The Psychiatric Hospitalization Law (L. 77(I)/1997)⁶⁹ includes provisions that enable involuntary hospitalization and treatment in the case of a “serious mental health disorder which may be treated effectively only in a safe psychiatric centre” (e.g. article 9 of the Law).

Recommendations:

- Abolition of all existing legislation such as the Administration of the Property of Incompetent Persons Law (L. 23(I)/1996)⁷⁰ and the Persons with Intellectual Disability Law, (L. 117/89)⁷¹ that is in absolute contrast to the provisions of article 12, and adopting legislation that guarantees supported decision making for all persons with disabilities.
- Involvement of all responsible authorities, special scientists and/or other professionals (jurists, sociologists, academics etc.), who in cooperation and with the full involvement of CCOD and DPOs will form a legislative framework compatible with that of CRPD, through the adoption of public policies and practices securing the recognition and exercise of the right to legal capacity and equal recognition before the law.
- The right of persons with psychosocial and intellectual disabilities must also be secured through an appropriate amendment of the aforesaid Psychiatric Treatment Law so as to achieve compatibility with article 12.

⁶⁹ Psychiatric Hospitalization Law available at: http://www.cylaw.org/nomoi/enop/non-ind/1997_1_77/full.html

⁷⁰ Administration of the Property of Incompetent Persons Law (L. 23(I)/1996) available at: http://www.cylaw.org/nomoi/indexes/1996_1_23.html

⁷¹ 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

Article 13 – Access to justice

53. Persons with disabilities do not have equal access to justice. In addition, barrier-free access to justice and accessible communication and information are not adequately or consistently secured.

54. According to the Law on the Rights of Persons Arrested and Detained (L. 163(I)/2005)⁷², a person arrested by a member of the police force has the right to personally call a lawyer of his choice immediately after the arrest, without any other person being present during the phone call. In the event that a person is arrested, who is “obviously” not able to exercise the above-mentioned right to communication due to any disability, he/she shall be entitled to exercise the aforesaid right with the assistance and/or in the presence of an official from the medical or social services of the state. The provisions of the above Law take into consideration the rights of persons under the age of eighteen (18), who do not comprehend or understand fully their rights due to a disability stipulating that their interrogation shall be carried out in the presence of their lawyer. Another important provision of the aforementioned Law (article 12(4)) is that in the case of detained persons who are foreigners or of detained persons with whom the lawyer cannot communicate in a language they understand for any reason, an interpreter or another person may also be present during the consultations, following a relevant request submitted by the lawyer, so that the lawyer may communicate with the detained person in a language the latter understands. The same Law states that when a person is arrested and detained, he (or his lawyer) has the right to access essential documents (copy of the arrest and detention warrant, copy of the application and the affidavit on the basis of which the warrant was issued) which he needs to summon upon the legality of the arrest or detention. If the case goes to Court, they have the right to access the material evidence and documents gathered during the investigation of the case concerning the criminal offence brought before the Court. In the event that a person is arrested, who is obviously not able to exercise the above-mentioned right to communication due to any kind of disability, such person shall be entitled to exercise this right with the assistance and/or in the presence of an official from the medical or social services of the state.

⁷² Law on the Rights of Persons Arrested and Detained (L. 163(I)/2005) available at: http://www.cylaw.org/nomoi/indexes/2005_1_163.html

55. The last provision might be applied to the exercise of such rights by persons with hearing disability who require an interpreter or an assistant with sign language knowledge. No reference is made in the above Law or anywhere else in the legislation about persons with other sensory disabilities, who would like to have personal access to the relevant documents of any procedure before the Courts and require such materials in accessible form.

56. It is clear that the provisions of the above Law discriminate against people with disabilities since access to justice is not guaranteed on an equal footing with others. This is not only a violation of the CRPD but also of EU laws (EU Directives on the rights of victims and persons accused or prosecuted for crime). The situation is very unclear for persons with disabilities who are exercising their right to take legal action and their declarations of intent are deemed, null and void.

57. According to the Legal Aid Law 2002 (L. 165(I)/2002)⁷³, any natural person who cannot bear the costs of the proceedings without affecting the basic needs and obligations of himself and his family is entitled to receive legal aid. Legal aid does not cover expenses that result from disabilities, such as assistance, interpretation or travel costs. Persons with disabilities who receive social welfare benefits are usually not able to cover these expenses on their own.

58. 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 into 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,

⁷³ Legal Aid Law 2002 (L. 165(I)/2002) available at: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html

there are reasonable concerns as to the accessibility of information and communication methods applied during the entire process.

59. With only a limited number of exceptions, there are no effective mechanisms or ways that enable access to justice for human rights violations by directly applying the CRPD and the ratifying Law of it (L. 8(III)/2011)⁷⁴.

Recommendations:

- The legal provisions and policies regarding the right to participate in legal proceedings must be changed according to the standards of article 12 of the CRPD.
- Effective mechanisms must be adopted to ensure that all pre-trial and judicial procedures are compatible with articles 12 and 13.
- Mainstream protection mechanisms such as those concerning users of banking services, patients' rights, legal protection for tenants, employment and consumer protection rights should be made accessible and more inclusive.
- Court buildings and court proceedings must be made accessible. It is vital that the legal staff receive comprehensive accessibility (including communication accessibility) awareness training.
- Legal aid must cover expenses for necessary assistance, interpretation and travel of persons with disabilities for the purpose of participating in judicial proceedings.
- Special focus must be attributed to the rights of persons with intellectual or mental disabilities to appear before the court hearings and be examined (measurement of credibility of the information provided by them), have access to accessible information, procedures and communications, receive appropriate support for the implementation of their right to legal capacity at all stages of judicial proceedings.
- An effective mechanism for access to justice needs to be established with regard to violations of the CRPD.

⁷⁴ L. 8(III)/2011 available at:
<http://www.kysoa.org.cy/kysoa/userfiles/file/Symvasi%20OHE%20kai%20Protokollo.pdf>

Article 16 – Freedom from exploitation, violence and abuse

60. Violence against any person is recognized by several laws as a punishable crime in Cyprus, including the Cyprus Penal Code (Cap. 154)⁷⁵ which covers most crimes of violence and abuse and various others, such as the Law on Domestic Violence (Prevention and Protection of Victims) (L. 119 (I) / 2000)⁷⁶ and the Law on the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography (L. 91(I)/2014)⁷⁷. However, violence, exploitation and abuse against persons with disabilities in particular, are rarely or not mentioned in the aforesaid laws. In the exceptional cases where different provision is being made, this is done in a very stigmatizing and anachronistic manner. Interestingly, such an example applies only to women with intellectual disabilities and is found in article 155 of the Penal Code entitled “Corruption of a woman who is an *idiot* (*ilithia – ηλίθια* in greek) or with diminished capacity” where “corruption” is stipulated as an offence, in the context of sexual exploitation, and corruption of such a woman carries the same punishment as “corruption against a young woman under thirteen years old”, that is up until 14 years imprisonment.

61. Further, the Council of Europe Convention on preventing, and combating violence against women and domestic violence (Istanbul Convention) has not yet been ratified by the country.

62. In addition, no research on the relevant jurisprudence exists so as to demonstrate:

- a) The manner in which disability is taken into account in practice, in judicial proceedings that concern violence, exploitation or abuse offenses and whether emphasis or other importance is attributed to disability as a situation that signifies increased vulnerability.
- b) The number, frequency and the characteristics, in the sense of the most important issues, of cases that reach the courts, regarding violence, exploitation or abuse of persons with disabilities in their everyday lives but mostly, when they reside in segregated environments, such as institutions etc.

⁷⁵ Cyprus Penal Code (Cap. 154) available at: http://www.cylaw.org/nomoi/enop/non-ind/0_154/full.html

⁷⁶ 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

⁷⁷ 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

63. Lastly, 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)⁷⁸ 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 a 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.

64. Furthermore, exploitation is a crucial topic with regard to all institutions, Centres for Adults and care homes, due to the serious limitations placed on most liberties of people with disabilities, especially their rights to privacy and legal capacity. The lack of transparency for what happens in the above institutions, places those persons under risky conditions that increase the level of exploitation.

65. Although the legal framework against violence covers most circumstances under which violence and exploitation may take place, according to the results of the European Project “Train Improve Reduce”⁷⁹, implemented by Mental Health and Mental Health Europe with the participation of “Advocacy Group for the Mental Ill”, from Cyprus, some groups face a particularly high risk of repeated abuse, including: women with a history of mental health problems, older women who need care and support, women with disabilities – especially those who are dependent on the perpetrator, women whose right of residence is linked to their relationship with the perpetrator. Compared to women without disabilities, women with disabilities are more likely to experience domestic violence, and to do so for more extended periods of time.

⁷⁸ Evidence Law (Cap. 9) available at: http://www.cylaw.org/nomoi/enop/non-ind/0_9/full.html.

⁷⁹ Website for the Project “Train Improve Reduce”: <https://trainimprovereduce.wordpress.com/>

66. Also, according to the same project, domestic violence has both a physical and psychological impact on the health of victims, and available data⁸⁰ shows that: (i) 25% of all women who have attempted to commit suicide do so because of the psychological trauma caused by domestic violence, (ii) women experiencing domestic violence are several times more likely to self-harm, be suicidal, misuse drugs and alcohol, (iii) research found that 59% of domestic violence survivors had been admitted to a psychiatric clinic for a period of time, (iv) between 50% and 60% of women mental health service users have experienced domestic violence, and up to 20% are currently abused.

Recommendations:

- Awareness must be raised and comprehensive professional knowledge needs to be applied, so as to detect the problems and collect the data concerning the mental health of domestic violence victims, including women with disabilities.
- Improve monitoring and inspection of violence exploitation and abuse of persons with disabilities in social care homes and psychiatric institutions, and at the work place to prevent violence against and abuse of residents with disabilities.
- Ensure that persons deprived of their liberty have access to independent complaints mechanisms.
- Provide adequate remedies to victims of abuse, such as redress and adequate compensation, including rehabilitation.
- Counselling services for persons with disabilities exposed to violence must be available and accessible.
- Funding must be allocated for better accessibility in women's shelters and expert counselling centres for women with disabilities who have experienced violence need to be established. This includes covering the expenses for interpretation (e.g. sign language).
- Research must be conducted on exposure to violence regarding boys and girls with disabilities, including boys and girls who live in institutions.

⁸⁰ Handbook of the Project "Train Improve Reduce" on domestic violence and mental health:
<https://trainimprovereducer.files.wordpress.com/2011/07/handbook-english-web.pdf>

- A comprehensive network of self-confidence development training programs for women and girls with disabilities must be put in place.
- The legislation that protect against violence must be reviewed 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.
- Professionals in law enforcement, the legal system, the health system, medical examiners, caregivers, educational staff etc., must be trained so that to be able to handle and interact with women and men with disabilities who were victims or were exposed to violence.
- Public services that finance institutions for persons with disabilities, must implement measures against multiple forms of violence.
- Care standards must be defined, implemented and effectively monitored in order to ensure that malpractice in both inpatient and outpatient care will be eliminated and avoided in the future.

Article 19 –Independent living and social inclusion

67. 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 on 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)⁸¹. Unfortunately, absolutely no progress has been made in this respect.

68. The NDAP fails to address the urgent need for the adoption of effective deinstitutionalization legislation and policies. At the moment, the objective of deinstitutionalization is missing completely from all policies and legislation managed but also from the discussions held with the responsible authorities, being the departments of the Ministry of Labour, Welfare and Social Insurance, especially the Social Welfare Services and the

⁸¹ National Disability Action Plan available at:
http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

Department for Social Inclusion of Persons with Disabilities but also the Mental Health Services that fall under the competence of the Ministry of Health.

69. The only initiative in this direction related to the deinstitutionalization of 8 persons with severe intellectual disabilities and behavior disorders, hospitalized for years in “Athalassa Psychiatric Hospital”, the main mental health facility in Cyprus (par. 23 of NDAP)⁸². These persons are now placed in two small housing units and receive care under the competence of the Department for Social Inclusion of Persons with Disabilities. This was an action decided in 2010, however, it was implemented in 2016 and the procedure followed raises significant concerns such as: whether a deinstitutionalization procedure was put in place or whether the persons deinstitutionalized were the “easier” cases. In other words, there is no evidence to suggest that any measures were taken in order to achieve deinstitutionalization other than the recognition that persons with disabilities needing less support could be removed from psychiatric facilities. There is evidence suggesting that the initial plan was that more persons were to be deinstitutionalized, however, there is nothing to explain why this objective has, with time, been abandoned. Finally, there are concerns as to which are the plans to be applied from now on, regarding those already “deinstitutionalized” and whether the acts taken are in the direction of achieving real autonomy and social inclusion or simply perpetuate institutionalization in a different environment.

70. Unfortunately, this was seen as a one off action and there is absolutely no indication of an intention to expand deinstitutionalization measures to more people with intellectual disabilities or mental disabilities residing in the Athalassa Hospital or elsewhere, (in institutions or care homes). This is largely 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 into the denial of responsibility by all implicated services (Social Welfare Services, Mental Health Services and Department for Social Inclusion of Persons with Disabilities). It must be noted that these persons are largely stigmatized and easily considered to be “dangerous” because of the non recognition of their differences rather than plausible evidence of dangerous behaviour. This stigmatization

⁸² National Disability Action Plan available at:
http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

occurs even where psychiatrists confirm that there is no “dangerous” behaviour hence a violent and discriminatory division between persons with intellectual disabilities and “dangerous” persons with intellectual disabilities stands, while the consequences of institutionalization itself does not seem to be taken into account.

71. Finally, there is concern regarding the emphasis that seems to be given on the results of functional assessments of those persons, who are decisive to any possible decision for their deinstitutionalization.

72. The operation of the Thematic Technical Committees is limited to a typical update of information received by the participants thereto and does not include or encourage any appropriate consultation procedures with regard to the adoption or amendment of important legislation affecting the lives of persons with disabilities. An apt example of this inadequate situation, concerns the absence of consultation procedures 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)⁸³, 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.

73. Home care services provided by the Social Welfare Services are partially covered and are limited to cover the physical needs of the persons with disabilities rather than to target on achieving social inclusion, independent living and full participation in the society⁸⁴. Furthermore there are no personal assistance services so that persons with disabilities are deprived of the opportunity to fully participate in all activities of society and to live independently. The majority of persons with disabilities are trapped in their homes with no real social life (approximately 85% of the persons with intellectual disability according to the annual report 2015 of the Committee for the Protection of the Rights of People with Mental Handicap)⁸⁵.

⁸³ National Disability Action Plan available at:

http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

⁸⁴ Terms and Conditions of the Director of the Social Welfare Services for the provision of home care services 2015.

⁸⁵ Annual Report of The Committee for the Protection of the Rights of People with a Mental Handicap for the Year 2015

74. 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 hence, the introduction in 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 community.⁸⁶ 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.

75. There is a great need for an intense network to provide services that are based on the beneficiaries' living and social environment, such as assistance for communication, mobility and participation or independent counselling, all of which are essential for the independent living of persons with disabilities. As a result, it is often impossible for individuals to freely choose their place of residence. In contrast to the "UN Guidelines", the State Report remains silent on this issue. The drafters of the Report fail to explain to which extent opportunities of choice of the place of living conditions exist or whether such opportunities are to be enhanced in the future for compliance to be achieved with article 19. However, if persons with disabilities are not provided with adequately available assistance and services, they are likely to become dependent on public institutions or on relatives and other persons, who are therefore in charge of compensating the lack of paid assistance. This also relates to a misconception frequently adopted by the State, that persons with disabilities, including children, adults and the elderly remain a "responsibility of their families" and not of the State.

Recommendations:

- A comprehensive strategy and measures for an effective deinstitutionalisation should be developed. No investment should be made for new institutions and resources should be

⁸⁶ Annual Report of The Committee for the Protection of the Rights of People with a Mental Handicap for the Year 2015

allocated to enable all persons with disabilities to live independently and to have support in the community based on their own choice and preference. It further recommends removing barriers for a greater participation of organizations of persons with disabilities (DPOs) in the development of community based services, especially at the level of municipalities, including personal assistance schemes.

- The amended legislation must also render existing conditions of institutionalized persons with disabilities compatible with independent living to the maximum, especially those who require intensive support and attention.
- All relevant legislation must be reviewed, amended or abolished, so as to become compatible with the CRPD standards, especially with article 19.
- All measures in the direction of deinstitutionalization must be closely monitored and reviewed where necessary, by those departments of the government which are most appropriate and responsible to do so given that the State Officers who will undertake this task will be trained on the CRPD.
- The quality of services provided to persons with severe and multiple disabilities needs to be radically improved.
- All benefits addressing social inclusion and participation must be provided irrespective of outcome or the financial situation of persons with disabilities.
- The State must guarantee the effective usage of organizations that provide services and programs of integration and rehabilitation, particularly in health, employment, education and social services.
- Improvement of the documentation and detection procedures of individual needs of persons, including those with multiple disabilities, must be secured, so that efficient support measures are introduced.
- Improvement of the documentation and detection procedures of individual needs of persons, including those with multiple disabilities, must be secured, so that efficient support measures are introduced.

- Persons with disabilities should have the right to choose their caregiver and also the appropriate training of them must be established on human rights approach basis, in order to eliminate care deficiencies.

Article 20 – Personal mobility

76. Persons with disabilities in Cyprus face a lot of barriers to access their right to personal mobility. This essential precondition of autonomous and equal participation is restricted, in a way that excludes persons with disabilities from the community.

77. After decades of continuous efforts, persons with disabilities managed to persuade the Cyprus Government to adopt legislation, schemes and public policies as a minimum compensation for the longstanding deficits of public inclusive policies (paragraph 139 of the State Report)⁸⁷. The above-mentioned measures constitute only a first step to the procedure of implementation of CRPD.

78. The Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car⁸⁸ and the Grant of Mobility Allowance to Persons with Disabilities Law of 1980⁸⁹ are the oldest and most important measures.

79. The above take seriously into consideration the particular existing conditions for personal mobility in our country such as:

- Enormous deficits in the accessibility of the public transport services and the weaknesses of the whole transport system, which does not ensure mobility for persons with disabilities,
- Lack of accessible public transport for persons with disabilities,
- Deficits in the accessibility of the built environment,
- Urgent need to ensure independence and autonomy of persons with disabilities etc.

⁸⁷ First State Report available at: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

⁸⁸ Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car available at: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd15_en/dsipd15_en?OpenDocument

⁸⁹ 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

80. Unfortunately, in 2012 the State modified the terms of the Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car, and the amount of subsidization decreased from 15.000 - 18.795 Euro to 3.500 - 9.000 Euro. Parallel to that the annual budget for the Scheme was reduced by 80%, causing strong reactions from persons with disabilities all over the island. The restriction of beneficiaries to persons with disabilities between 18 and 70 years old is a further discriminatory provision in the Scheme. Another restriction of that Scheme is that persons with intellectual disabilities, psychosocial disability and persons with hearing disability are not included among the beneficiaries.

81. There is a need to update the provisions of the Grant of Mobility Allowance to Persons with Disabilities Law, since beneficiaries of the allowance 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.

Recommendations:

- The Ministry of Transport, Communications and Works should 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.).
- The personal mobility of all persons with disabilities must be ensured 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.
- There is a need to update the provisions of the Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car, in order to cover the cost of such cars up to 10.000 Euros. Its provisions must be extended so that all persons with disabilities will be eligible.

Article 21 – Freedom of expression and opinion, and access to information

82. The responsible Departments and Services of the Government refuse to implement the provisions of the CRPD and those of the national legislation⁹⁰ concerning the audiovisual media service providers (EU Audiovisual Media Service Directive 2010/13)⁹¹, who are obliged to make their services gradually accessible to persons with visual or hearing disability until accessible programs are available during 5% of their total service time, invoking the economic crisis and the imminent modification of the relevant legislation. 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 aren't any programmes with audio description or language audio interpretation in Cyprus. Therefore, the accessibility of radio and TV is not ensured.

83. Since 2007, persons with disabilities have been asking for the establishment of specific regulations securing access to information on websites as well as audio-visual programs ensuring unimpeded access to their right of freedom of expression so as to enable not only their access to information but also their right to entertainment and exploitation of their leisure time.

84. Also, although Cyprus Sign Language is officially recognized by the Law on the Recognition of Cyprus Sign Language (L. 66(I)/2006)⁹², sign language services are not available in public services, hospitals, police officers etc.

Recommendations:

- All necessary legal and practical measures need to be adopted 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

⁹⁰ Radio and Television Laws of 1998 to 2011 (L. 7(I)/1998) available at: <http://www.kysoa.org.cy/kysoa/userfiles/file/nomothesies/odigies/o%20peri%20tileoptikon%20k%20radiofonikon%20stathmon%20nomos.pdf>

⁹¹ EU Audiovisual Media Service Directive 2010/13 available at: <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010L0013>

⁹² Law on the Recognition of Cyprus Sign Language (L. 66(I)/2006) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomothesies/nomoi%20voulis/pdf/14_66_2006.pdf

services become gradually accessible and at least covering 5% of audiovisual programs, other than news broadcast.

- An “Image Processing Institute” needs to be established for the conversion of films, documentaries and other television series and programmes into accessible formats (audio description, sign language, subtitling, etc.).
- Accessible TV programs must be financed by the State.
- Regulations ensuring the unimpeded access of persons with disabilities to public websites must be placed in force, according to international regulations and guidelines.
- State should provide sign language services in all public services.

Article 24 - Education

85. The Cyprus education system is a long way from reaching 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. This includes the utilization of all reasonable accommodations, an accessible design of the facilities as well as high-quality, individualized measures to promote learning in due consideration of aspects that support both habilitation and rehabilitation.

86. Education of children with disabilities is covered by the Education and Training of Children with Special Needs Laws of 1999–2014 (L. 113(I)/99)⁹³ and the Education and Training of Children with Special Needs Regulations of 2001-2013⁹⁴ which is responsible for the provision of the integration of children with disabilities to the mainstream education and in exceptional cases, the education of children in Special Schools.

⁹³ 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

⁹⁴ Education and Training of Children with Special Needs Regulations of 2001-2013 available at: http://www.moec.gov.cy/eidiki_ekpaidefsi/nomothesia.html

87. 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.

88. According to Symeonidou (2015)⁹⁵ the provisions of the above legislation do not ensure inclusive education and do not comply with the CRPD guidelines. Not only, it legitimizes exclusion on the basis of disability, and reflects the rhetoric of a segregation educational ideology, but additionally maintains the option of special schooling and legitimizes the provision of education in special schools and special settings only for one group of students, those with disabilities. In other words most children with disabilities are excluded on the basis of disability as they are placed in special settings for students with disabilities such as special schools or they are taught in self-contained classrooms known as “special units”, violating article 24 par. 2. (a) of the CRPD.

89. 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. Additionally, the parents usually prefer that their children cover the curriculum and attend the Special Schools up to the age of 21, since, outside special schools, there are no proper services and opportunities for them for training and employment, day care, independent living etc, creating thus a major problem, that of “transition from school to the society”.

⁹⁵ Symeonidou, S. (2015). Rights of People with Intellectual Disability in Cyprus: Policies and Practices Related to Greater Social and Educational Inclusion, *Journal of Policy and Practice in Intellectual Disabilities*, 12 (2), 120–131

90. According to statistical data from the Ministry of Education and Culture for 2012⁹⁶, five thousand one hundred eighty six (5.186) children with “special needs” were living in Cyprus at that time. Three hundred forty three (343) of them were students between the ages of 3-21 who visiting special schools and four hundred forty five (445) children were in the above-mentioned “special units” (seven hundred eighty eight (788) in total). Another one thousand and thirty-three (1033) students with disabilities were integrated in the primary school. The remaining three thousand three hundred sixty five (3365) of the registered students with special needs were visiting different types of secondary classrooms. According to the above data 15.2% of children with special needs were in special schools and special units, in contrast to 19.92% who were taught in primary schools and 64.89% who were in the secondary education.

91. The government is not yet fully ready to implement the inclusive education principle, a high quality education system, allocating individual aids (reasonable accommodation) primarily aimed at creating the best possible learning environment.

92. Another issue raised is the right to bilingual education programs for people with hearing impairments which are not implemented in Cyprus. General education schemes are still not sufficiently aligned with the standards of accessibility and comprehensive needs. This applies to the layout of buildings, pedagogy and didactics, as well as learning and teaching materials. Additional barriers result from the restrictive availability of such materials in accessible form. Moreover, all elements of the education system suffer from the lack of ongoing and systematic qualification measures for the staff.

93. Until today, the government didn’t apply any comprehensive, nationwide scheme for inclusive education in the school system. The Government’s NDAP for the implementation of the CRPD refuses to provide such scheme and restricts itself to a few individual measures.

94. Special needs teachers and social education workers are by no means part of the staff at any mainstream schools. In some schools, human resources are even subjected to cutbacks.

⁹⁶ Statistical data given in a meeting of the Thematic Technical Committee on Education and Vocational Training, by an Officer of the Cyprus Ministry of Education and Culture.

95. One of the issues discussed in the Thematic Technical Committee of Education and Vocational Training was the transition procedure from school to the society. As it is the fact in other cases of the implementation of the CRPD, The Department for Social Inclusion of Persons with Disabilities uses the above Committee for the promotion of the medical model of disability through Assessing Disability and Functionality based on the International Classification of Functioning, Disability and Health (ICF), ignoring the fact that the said Thematic Technical Committees were established in order to put to good use the CRPD which presently is the unique appropriate tool at our disposal for planning public policies for the inclusion of persons with disabilities. As a typical example of this distortion, the Ministry of Education and Culture has undertaken the Action whereby, in order to determine the workplace which is best suited to persons with disabilities after completion of their education, it will be assessed by health professionals working for the Department of Social Inclusion of Persons with Disabilities. These professionals do not have the specialty to determine apart, from the professional capabilities and needs of persons with disabilities and decide for suitable workplace for their employment after finishing secondary school, eventually incorporate restrictions in their job prospective and place of employment.

96. The situation regarding the employment of teachers with disabilities is still not satisfactory in a high level in Cyprus. Their occupation relays to the provisions of The Recruitment of persons with Disabilities in the Wider Public Sector (Special Provisions) Law of 2009⁹⁷. Due to the application, also in this respect, many persons with disabilities are excluded from the education system. The above situation led persons with disabilities, especially persons with visual disabilities, in front of the court and more than 10 cases were justified⁹⁸. For those

⁹⁷ The Recruitment of persons with Disabilities in the Wider Public Sector (Special Provisions) Law of 2009 available at:

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

⁹⁸ Supreme Court decisions:

http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2014/4-201401-897-12.htm&qstring=897%20w%2F1%202012

http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2015/4-201510-5700-2013.htm&qstring=897%20w%2F1%202012

http://www.cylaw.org/cgi-bin/open.pl?file=/apofaseis/aad/meros_4/2015/4-201509-1519-10etc.htm

reasons, more and more teachers with disabilities every year are appointed by the relevant Committee of Educational Service in different schools all over Cyprus. The matters of reasonable accommodation are still problematic in Cyprus and only with the intervention of the Ombudsman Office can be properly implemented⁹⁹.

97. Another important issue is the lack of consistent, mandatory further educational programs for all teachers, pedagogues and social workers regarding inclusive schooling. The Ministry of Education and Culture didn't adopt any laws regarding vocational training for future teachers that include mandatory training elements for inclusive education.

98. Mainstream schools must be prepared for the challenges that come along with inclusive education and they must be provided with support during the transformation process. Differentiated learning must become mandatory; the schools must offer full-time classes and extracurricular activities for students; the links between school and life outside of school must be strengthened; the transition processes from one schooling phase to the next must be improved; vocational guidance as well as the preparation for vocational training in schools must be intensified. There is a lack of high quality and well-coordinated programs that systematically support all regular schools across the country during these comprehensive transitions. Finally, the urgent need of abandoning special schools in order to play a role in the whole educational system consistent with the human rights perspective is a crucial factor for a full implementation of the CRPD.

99. New national curriculum content analysis studies (Symeonidou & Mavrou, 2014)¹⁰⁰ suggest that children with disabilities are not considered to be on equal terms with their non-disabled peers. References to disability are either omitted, silenced or presented in a way that convey ideas associated with the medical and charity models, which perpetuate the oppression of persons with disabilities. In addition, the same analysis showed that the new National

http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_4/2016/4-201605-1932-12.htm&qstring=1932%20w%2F1%202012

⁹⁹ Letter and note of Ombudsman Office dated 17/9/2015 and 12/8/2014

¹⁰⁰ Symeonidou, S., & Mavrou, K. (2014). Deconstructing the Greek-Cypriot new national curriculum: to what extent are disabled children considered in the 'humane and democratic school' of Cyprus? *Disability and Society*, 29(2), 303–316. DOI:10.1080/09687599.2013.796879.

Curriculum failed to integrate the principles of universal design for learning as a means to differentiation of learning for the needs of all learners. To an extent that would enable teachers realize that they are expected to accommodate all students in their class (Mavrou & Symeonidou, 2014)¹⁰¹ and this cannot be characterized as inclusive.

100. The Alliance calls for the consistent involvement of persons with disabilities and their associations in the development of inclusive school structures, and for the corresponding necessary financial resources to make this possible. Up until now, participation in the running procedures did not lead to an eye-to-eye level meetings with persons with disabilities and their associations. Likewise, parents, teaching staff and notably the students must be consistently and proactively included in the democratic transition processes in education institutions. This is mirrored by the motto, “Nothing about us, without us!” Considerable deficiencies also exist regarding peer support programs.

101. The Alliance deplores the fact that the responsible authorities failed to push a proactive and truly public debate that is in favor of inclusive education. Also, this debate should address all the responsibilities that come along with all school types and phases, with no exceptions. In too many cases, the debate on inclusion is limited to specific advancement schemes and school types. Up until this day, there has been no discussion about the question of whether a school system that is largely based on norms and grading schemes is really likely to achieve the goal of building an inclusive education system, especially since it is combined with the lack of, or insufficient, legal regulations for differentiated learning directed towards different schools qualification levels. The support that the responsible authorities have voiced regarding inclusion often appears to be just “lip service”.

102. Certificate granted to persons with disabilities who are in attendance in special schools, special units, the Apprenticeship System, the status of the Observant in secondary education are neither recognized by the State nor the labour market. Hence graduates with disabilities from

¹⁰¹ Mavrou, K. & Symeonidou, S. (2014) Employing the principles of Universal Design for Learning to deconstruct the Greek-Cypriot new national curriculum. *International Journal of Inclusive Education*. 18(9), 918-933. DOI:10.1080/13603116.2013.859308 (available at <http://www.tandfonline.com/eprint/g2Nt9HMTZdqB3G6rVJRI/full>)

these settings face difficulties to fulfil qualifications for employment in the public and private sector (see eligibility criteria of the Recruitment to the Public and Wider public sector Legislation of 2009, as well as eligibility criteria for unemployment schemes)¹⁰².

Recommendations:

- The implementation of the right to inclusive education must be supported and ensured in practice.
- A 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 must be adopted.
- The right to reasonable accommodations in individual cases must be firmly established in the law (creation of the necessary materials, personnel and organizational resources). The proceedings for the application and allocation of services must be free of discrimination. Students with disabilities and their parents must be included in the compilation of the individual advancement plans.
- The funding of school assistance and communication assistance services must be reformed and strengthened by the law.
- The definition “children with special needs”, which refers to the “medical model of disability” must be repealed and replaced with the definition of “children with disabilities” in a way that is fully consistent with the concept of “disability” as interpreted in the CRPD. Statistics based on this definition must be collected and presented to the public.
- Early intervention services must be established.
- The right to inclusion of children with disabilities in all nursery school and pre-schools must be ensured.
- Mainstream nursery schools and baby nurseries must operate while simultaneously retraining the staff.
- Special educators and rehabilitation therapists should cooperate with mainstream professionals, so that children with disabilities can participate effectively in their

¹⁰² Mavrou, K. and Liasidou, A. (2013). ANED 2013 Task 5: Annual Growth Survey briefing note - Cyprus. January 2013, EU

community and enjoy the human rights and fundamental freedoms that every child of their age enjoys.

- Transition of children with disabilities from school to society within the framework of the CRPD guidelines ensuring the rights of persons with disabilities.
- Implementation of short vocational training programmes, on specific sub-sectors, ensuring their accessibility to persons with disabilities.
- Public structures in a way that special education or other activities not directly related to education (speech therapy, physical therapy, occupational therapy, etc.) must be established, in order to facilitate that they are carried out in the classroom or individually outside the ordinary education curriculum, so that children with disabilities will not be forced to withdraw from their classroom during class time, thereby creating learning gaps and inevitably stigmatize them. Upgrading the infrastructure of mainstream schools so that they can provide treatments within the education curriculum.
- Institutional setting of transition from school to the labour market of children with disabilities by creating a special inter-ministerial body to develop specific programmes, vocational counselling, vocational evaluation, prevocational training, work placements, monitoring etc.
- Daycare facilities for children need to be provided with regular training and support in order to create inclusive institutions.
- The extension of day-care for children must include professional qualification measures for day-care personnel. Institutions for children with disabilities who are not yet required to attend school must be included in the child day-care system.
- A conclusive plan for the programming of educational programmes and developing skills and capacities from the early stage must exist, at which the child enters primary education. Smooth transition from one level of education to the other should be based on individualized programmes.
- It is necessary to ensure funding for studies that is non-discriminatory and based on student needs. This includes all additional necessary funds that fulfill the needs deriving from disabilities, and must be applicable in both Cyprus and abroad.

- Study and exam regulations must become more flexible. Compensation for disadvantages must be comprehensively established and implemented on a non-discriminatory basis.
- Disability-specific aspects must be included in the structure of the study courses. There must be more quality online courses.
- Comprehensive architectural, communicative, visual and didactic accessibility must be ensured. This requires better awareness and better qualifications for teaching and other university staff as well as more support for university teachers with disabilities.
- Lifelong learning should be ensured for all persons with disabilities. In order for all individuals to be able to use lifelong learning opportunities on the basis of comprehensive participation, funding must be established by law and in compliance with the UN CRPD. All lifelong learning resources must be accessible.
- The Ministry of Education and Culture should give graduation certificates to learners with disabilities which will be recognized by the State.

Article 25 – Health

103. Throughout the years, persons that govern the State were aware of the deficiencies of the health care system for the general public and especially persons with disabilities. 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 depth of the chronic flaws and problems in the country's health system is obvious from the fact that the amendment of the Law on the General Health System (L. 89(I)/2001)¹⁰³, 15 years after its adoption is still in an ongoing process. In part, this is due to other priorities put forth on the political agenda, such as the establishment of the autonomous hospitals legislation named Law on Establishment on General Hospital Organizations Law 2014¹⁰⁴, without finding a middle way to overcome the different conflict interests resulting from different approaches taken by involved stakeholders and medical service providers.

¹⁰³ Medical services and Services of Public Health – Ministry of Health
http://www.moh.gov.cy/moh/moh.nsf/legislation_gr/legislation_gr?OpenDocument

¹⁰⁴ Draft Law on Establishment on General Hospital Organizations from the archive of CCOD dated 11/12/2014

104. Indicative issues arising in this area extent from the accessibility of hospitals, health service providers and providers of physical rehabilitation (physiotherapy etc), equipment, procedures, information (documentation, including consent documentation), communications and technologies to universal design, medical and palliative care issues –especially with regard to persons with non-verbal communication, severe and multiple intellectual and mental disabilities and bedridden persons– but also with issues relating to legal capacity such as informed consent for treatment and hospitalization.

105. Organizations of persons with disabilities and chronic illnesses, individuals and many others have repeatedly made inquiries to the Ministry of Health setting out their arguments on the basis of intellectual analysis as well as precise, informed proposals which could serve to find solutions to the aforesaid issues, and would benefit not only persons with disabilities but many other citizens as well. Such efforts remain without success and the right to health of persons with disabilities under the CRPD is totally ignored by the Cypriot government. A first step could lie in the incorporation of the dimension of disability into the implementation of a new health system in order to stop the unfair situation that was established against persons with disabilities and their families. All citizens with disabilities should be enjoying high quality health care, treatment and rehabilitation in Public Hospitals and other healthcare service centres, therapy and rehabilitation, guiding, parallel, to the self and independence, to the greater possible level, of the persons with disabilities and eventually to the saving of huge financial resources which would be necessary for covering the costs of medical and social treatment where persons with disabilities lose their independence¹⁰⁵.

106. 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 2014¹⁰⁶ which they found on the website

¹⁰⁵ Letters from CCOD to the Ministry of Health with suggestions to the Laws dated 7/11/2014 and 21/1/2015

¹⁰⁶ Draft Law on the General Health System dated 11/12/2014

of the Ministry of Health, that it fails to provide for the aspect of disability in any way let alone to comply with the UN Convention.

107. Additionally, with respect to par. 197 and 206 of the State Report and the statements made that according to the Medical Institutions and Services General Regulations 2000 - 2013¹⁰⁷ persons with disabilities are entitled to free medical care as well as that, in accordance with relevant regulations, disability groups are beneficiaries of free medication despite income criteria, is far from truth. The above Regulations grant the right to free medical care to a lot of professionals and other groups such as politicians, judges, military and police officers as well as other public officers in high positions etc. while only a limited category of persons with disabilities and patients' groups are entitled to free medical care and free of cost medication.

108. According to the existing procedures at the Pharmaceutical Services¹⁰⁸, the cheapest medication for each disease must be chosen and included into the national formulary of drugs. The above policy results to a very costly medical care for persons with disabilities, in addition to restrictions upon doctors' decisions for prescribing the most effective medication and directions for the most relevant medical treatment of persons with disabilities. In general, recommendations of specialist doctors regarding the most suitable medication to be included in the National formulary of drugs are often not considered at all, gradually resulting into a higher degree of disability of various groups of persons with disabilities who receive the medication approved by the government.

109. The situation of health services in Cyprus has dramatically deteriorated after the economic crisis. The deficiencies revealed in hospitals and other health care providers are considerably increasing. Among the results is a shortage of staff, medication and consumables, long waiting lists and queues in front of the different departments.

¹⁰⁷ Medical services and Services of Public Health – Ministry of Health available at: http://www.moh.gov.cy/moh/moh.nsf/legislation_en/legislation_en?OpenDocument

¹⁰⁸ Pharmaceutical Services – Ministry of Health available at: http://www.moh.gov.cy/moh/phs/phs.nsf/dmlindex_en/dmlindex_en?opendocument

110. 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. Among these barriers is the rejection that persons with disabilities are confronted with by other patients, the personnel of the public clinics and partly of the medical staff, and their focus on the “deficiencies” of severely disabled persons. Other barriers comprise insufficient orientation aids for people with sensory and cognitive impairments (e.g. small or low-contrast labels), and communication problems (such as the lack of Sign Language and written language interpreters, or reverberant consultancy and treatment rooms where persons with hearing disability have a hard time understanding spoken language).

111. Governing bodies and medical staff system do not support the necessity of accessibility to a satisfying degree. There are no nationwide accessibility criteria regarding health care institutions, and no financial incentives and motivations to remove existing barriers. In the case of private clinics, practices and medical centres architectural barriers encountered comprise door sills, narrow doors, turning handles on doors, non-existent elevators or accessible sanitary facilities. Likewise, equipment standards, general guidelines and recommendations are virtually nonexistent, and accessibility is not a quality criterion when it comes to medical licenses or remuneration arrangements.

112. Of great importance is the decision taken by the Council of Ministers in 2010¹⁰⁹ including some guidelines for the accessibility of public services. In addition, the principle of priority of persons with disabilities when receiving services in the public services has been introduced. Unfortunately and despite the efforts of the organizations of persons with disabilities to this end, no significant results were witnessed from the enforcement of the above decision of the Council.

113. Clients of outpatient services as well as residents in inpatient facilities are not legally entitled to assistance in hospital. For this reason the only assistance they are entitled to is that employed by persons with disabilities themselves, or by non-governmental organizations or the

¹⁰⁹ Council of Ministers Decision - No. 71.061, date: 14.10.2010.

relatives of persons with disabilities who are allowed to accompany them in medical rehabilitation facilities.

114. With reference to par. 201, 202 and 205 of the State Report it is very clear that in order to implement the deinstitutionalization within the framework of the NDAP a regulation of Community of Mental Health Services is of great importance. This legal framework would contribute to governing an effective collaboration between mental health and social care services. Furthermore to ensure that reforms in both areas are designed and implemented a common effort is necessary to prevent timely deinstitutionalization procedures of persons with mental and intellectual disabilities and to help those who are in institutions return to the community and receive appropriate support etc. (See article 19 par. 68-71 of the Alternative Report).

Recommendations:

- The dimension of disability must be incorporated into all ongoing legal amendments including the reform procedures for the new health system.
- The Medical Institutions and Services General Regulations 2000–2013 should be amended so as to secure free medical treatment and medication for persons with disabilities without exceptions on the ground of the type of disability and independently of their income.
- Medical services for persons with disabilities especially outpatients must be set as a priority.
- The rights of persons with disabilities must be taken into consideration in the relevant healthcare committees, in order to appoint representatives in the existent and under establishment committees according to article 4.3 of the CRPD.
- An effective policy ensuring the elimination of all accessibility barriers within the health care system (such as mindsets, lack of knowledge, wide-ranging agency competencies, communication and intercultural skills, the provision of services far from the beneficiaries' place of residence, architectural barriers, deficient patterns of communication, stigmatization etc.) must be adopted.

- Legislation must secure that accessibility will be a decisive factor and a condition for the issuance of licensing permits to existing as well as new medical clinics and offices, including those of the private sector.
- A nationwide network of comprehensive and accessible outpatient medical services must be available. Women with disabilities must be provided with a sufficient number of accessible gynecological surgeries.
- The utilization of alternative types of communication (sign language and speech-supporting signing/key word signing and of alternative communication techniques (augmentative and alternative communication) as well as support by means of written interpretation, audio induction loops and microports must be made possible.
- Accessible information on health care, including information on contraception, must be provided.
- The inclusion of necessary non-medical support persons (such as assistants who work for the clients of outpatient services or residents of inpatient facilities) must be ensured in all areas of medical rehabilitation.
- Healthcare professionals must be made aware of the CRPD principles. It is their obligation to respect the dignity, difference and all human rights with respect to persons with disabilities.
- The issues of disability and additional needs deriving from disabilities, and basic knowledge about communication skills that are necessary when communicating with persons with disabilities, must become standard elements of vocational training and further education for all healthcare professions.
- The State must provide safe access to medical services, information, sexual education and health services for contraception and abortion, in case of unwanted pregnancy as a result of rape or other factors.
- The Ministry of Health and Private Medical Centers should introduce Counseling Centres for pregnant women and their families so as to inform them about life with disabled children and help them decide whether to terminate the pregnancy or not.

Article 26 – Habilitation and rehabilitation

115. The field of rehabilitation is totally undeveloped in Cyprus. The provisions of article 26 of the CRPD clearly oblige countries to provide habilitation and rehabilitation measures in and across all related areas of health, employment, education and social services. With the exception of therapeutic rehabilitation services provided by the Medical Services and the Public Health Services mentioned in par. 207 of the State Report¹¹⁰, no other public rehabilitation centers and similar agencies are operating in Cyprus. Alternative rehabilitation services for intellectual disabilities, autism, severe sensory, physical or mental disabilities do not exist. More importantly, there are no structures which would allow the involvement of experts who work in associations of persons with disabilities and chronic health conditions in public rehabilitation procedures.

116. One of the most difficult situations the citizens of Cyprus are confronted with is the early release of patients from public hospitals, which often comes at a time when they are in need of complex treatment because of their disability or when they are still in great need of further hospital care. Consequently, the only existing alternative to that is the immediate transfer of the person at home, where family members many times are not capable to offer them any professional form of rehabilitation care.

117. Additionally, essential components for the lifelong treatment of persons with rheumatism, as it is the necessary infrastructure, equipment and tools for the effective rehabilitation and support, as well as providence of adequate hydrotherapy pool in accordance with the required specifications, are also missing.

118. The very few existing private rehabilitation agencies are providing rehabilitation services and in particular, inpatient rehabilitation services at a very standardized basis and not based on the individual potential rehabilitation goals. The cost of such services is extremely high and must often be undertaken by the family or the person with disability himself.

¹¹⁰ State Report available from Department for Social Inclusion of Persons with Disabilities: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

119. Another extremely important gap for the persons with disabilities policy in Cyprus is the lack of a rehabilitation center, which will be able to accommodate persons with disabilities over the age of 21 years, functioning under the auspices of the State, especially for people with genetic and acquired brain injuries. There are only a very few centers for adults, established by private initiatives, partly financed and which rely under the supervision of the Social Welfare Services. The above mentioned centres have a lot of important limitations concerning the provided services, other facilities and human capacity. According to existing admission criteria, persons with “provocative and aggressive behavior” usually are not accepted to these private centers, resulting to their exclusion and isolation with serious negative effects to their lives and the lives of their families.

120. No progress has been made concerning the upgrading of the Center of Orthotic and Prosthetics in Nicosia, although is included as an Action in the NDAP (it should be implemented until 2015, in the framework of the ordinary approved state budget funds). The Scheme for the provision of prosthetic and orthotic devices from the above centre to persons with disabilities, who use or are in need of prosthetic limbs, is running a reform procedure for the last three decades.

121. Some of the weaknesses in the field of therapeutic rehabilitation are presented in par. 209 of the State Report¹¹¹. Alliance considers that the most important weaknesses include:

- The lack of centres of comprehensive and integrated rehabilitation, for genetic and acquired brain injuries and musculoskeletal disorders for adults and children with disabilities.
- The lack of multidisciplinary treatment, limited social welfare services, lack of coordination and continuity of care for persons with disabilities.
- The lack of specialized rehabilitation services for individuals with autism and other highly specialized disability status.

Recommendations:

¹¹¹ State Report available from Department for Social Inclusion of Persons with Disabilities: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

- The Ministry of Health should proceed with the establishment and operation of rehabilitation centers for all types of disabilities by providing them with services in conformity to the European standards (quality, accessibility, security issues etc.).
- The new established medical, occupational and social rehabilitation services must be interlinked in an efficient way, including cross-agency counseling, as well as a coordinated provision of services which must be ensured.
- Any accessibility barriers that children, adolescents and adults with disabilities encounter in habilitation and rehabilitation centres must be eliminated.
- The person as an individual must be the main focus of rehabilitation measures. Also, those concerned must become more involved in the determination of the rehabilitation goals, and peer support must be ensured.
- It is necessary to establish a comprehensive care system in residential areas all across the country (mobile rehabilitation services etc.) as well as outpatient services for persons with severe mental disabilities.
- Rehabilitation services for persons with disabilities and aggressive behavior who are not allowed to the existing private Care Centers must also be established.
- Educational seminars that will promote the development and enrichment of knowledge for improvement of policies and programs implemented for rehabilitation services must be financed and supported by the state.
- Equipment regarding physiotherapy, vocational therapy and speech therapy as well daily care and living skills must be upgraded.
- The policy on providence of prosthetics must be reformed in addition to upgrading the relevant public center for ensuring a scientific intervention and support for persons with disabilities, aiming at the best possible rehabilitation of amputees, in order to be able to actively serve as members of the society.
- Domiciliary nursing care for people with severe disabilities should be established.
- Establishment of a multidimensional state rheumatologic clinic according to modern medical data and parameters that can provide the proper treatment of rheumatic diseases,

which is to perform early diagnosis and effective medical treatment and support for persons with rheumatism.

- Rheumatology clinic at public hospitals must be established.
- Rehabilitation, Support and Care Center with qualified staff, qualified physiatrist, physiotherapists, speech therapists, psychologists, social workers, guidance counselors, etc. must be established, to provide rehabilitation programs, psychological and social support, occupational therapy, physiotherapy and hydrotherapy in a systematic basis throughout the day.
- Centres providing palliative care/pain clinic, which is staffed by specialist palliative care doctors and specialists from health professionals (doctors, nurses, physiotherapists, psychologists, etc.) must be also established.

Article 27 – Work and employment

122. Persons with disabilities are much more often affected by unemployment than other people. The unemployment rate for people with disabilities as mentioned in par. 222 of the State Report¹¹² and the statistical data presented in the Special Unit "Employment of persons with disabilities" in the Labour Force Survey 2011¹¹³, are not clear. According to internal data for persons with disabilities registered in their organizations, up to 80% of persons with severe disabilities aged 18-65 years old are without any form of employment. Nevertheless, the above figures are not reliable indicators for measuring how inclusive is the labour market in Cyprus.

123. Despite the very high percentage of unemployment rate among severely disabled people, the Government emphasizes in par. 15 of the State Report the absence of “systematic mechanisms for the assessment of disability, functioning, vocational needs and abilities for employment of persons with disabilities as well as mechanisms to offer adequate motives for

¹¹² State Report available from Department for Social Inclusion of Persons with Disabilities:
http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd08_en/dsipd08_en?OpenDocument

¹¹³ Labour Force Survey 2011 – Cyprus Statistic Services
[http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/50A7DDCE5922065AC2257B6A002F6D38/\\$file/LFS-2011-060912.pdf?OpenElement](http://www.mof.gov.cy/mof/cystat/statistics.nsf/All/50A7DDCE5922065AC2257B6A002F6D38/$file/LFS-2011-060912.pdf?OpenElement)

integration in the work force and in occupations on demand”, instead of including in the said measures very specific actions, not declarations of intentions, but vision and inspiration.

124. Due to the extensive austerity measures, with regard to the suspension of the procedures laid down in law for filling vacant positions, the abolition of a large number of positions, the freezing of recruitments in the public sector and the restriction of their rights in general, adopted by the government in 2012, hundreds of vacant persons with disabilities were competing or might have competed are not any more available to apply to the public sector. Consequently, law and procedures for recruiting persons with disabilities were cancelled restricting in this way the right to work and being included as active members in the society (articles 27 & 19 CRPD).

125. The organizations of persons with disabilities expressed in various opportunities their disappointment about the way of implementation of the above legislation (L. 146(I)/2009), 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 broaden 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.

126. 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 ICF¹¹⁴. Consequently, many persons with disabilities went to the court and after their claim was

¹¹⁴ 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

admissible and approved, they resulted finally being appointed to the position of their choice 2-3 years later.

127. Due to the policy practices implemented by the government the last decades, no vocational training center 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 and job inactive. Only ten (10) persons with disabilities are still employed either with support in the only existing shelter workshop for persons with intellectual disabilities in Cyprus or in the labour market.

128. Other successful measures for persons with disabilities have been the schemes of subsidizing the employment of persons with disabilities under the axis "Enlargement of the Labour Market and Social Cohesion" included in the Organizational Programming Period of 2007 – 2013 (See par. 214 of the State Report). Consultation with the Department of Labour and the Minister of Labour, Welfare and Social Insurance itself, didn't lead to the implementation of a new Incentive Scheme for the Employment of Persons with Disabilities in the Private Sector.

129. With the exception of the Supported Employment Scheme¹¹⁵ which is running since 1994 (see par. 212 of the State Report), the other measures mentioned in the state report didn't have any significant effect in the inclusion of persons with disabilities in the labour market. Although there is no official information about the term and conditions of the employment of 250 persons, mainly with intellectual disabilities, who are supported, according to several reports from their parents, there is still a pay gap among persons with intellectual disabilities and other workers and other rights, such as social insurance and other legally ensured rights, are not always respected. For instance persons with disabilities working at supermarkets may not receive the same salary as their colleagues for the same work or work of equal value performed.

¹¹⁵ Supported Employment Scheme available at:
http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd26_gr/dsipd26_gr?OpenDocument

130. According to the Special Fund of the Vocational Rehabilitation of Persons with Disabilities Center Law (L. 103(I)/2000)¹¹⁶, persons with disabilities are eligible to financial assistance for the purposes of creating small units/enterprises. In the year 2014 only six (6) units receive the appropriate support in order to cover the purchase of machines and other equipment, raw materials and working capital with a total grant of €20.541¹¹⁷. In one of the above cases, a person with severe mental disability didn't manage to start with his business and the Department for Social Inclusion of Persons with Disabilities demanded the return of the equipment he obtained through the grant (€6.000) that gave to him.

131. The services for job seekers of the Employment Services of the Department of Labour¹¹⁸ are uninformed about disability issues or specific regulations, accessible counselling, placement and guidance, including assistance. It is though not surprising that due to the above deficiencies their service doesn't contribute significantly to the inclusion of persons with disabilities, especially with severe disabilities to the regular labour market, and the situation is worse than ever.

132. There is not any public policy for the transition from schools to working life, vocational guidance, education and training in Cyprus. The Department for Inclusion of Persons with Disabilities also in this issue and with respect to the smooth transition from school to working life activity, is intending to establish systematic mechanisms for the assessment of disability and functioning in order to identify the training needs and employability of persons with disabilities and offer incentives to join the labour market, coupled with the professions with high market demand. According to par. 224 of the State Report, this action, in addition to the cooperation with the Ministry of Education and Culture, for the coordination of services that provide guidance and the design of programs for the acquisition of professional skills, will contribute to the activation and integration into the labour market of inactive persons with disabilities.

¹¹⁶ Special Fund of the Vocational Rehabilitation of Persons with Disabilities Center Law (L. 103(I)/2000) available at:

<http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/F36D497467D94AD6C2257B44003E8CEF?OpenDocument>

¹¹⁷ Executive summary and annual report for the year 2014 of the Department for Social Inclusion of Persons with Disabilities: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsispd29_en/dsispd29_en?OpenDocument

¹¹⁸ Department of Labour – Ministry of Labour and Social Insurance
http://www.mlsi.gov.cy/mlsi/dl/dl.nsf/dmlindex_en/dmlindex_en?OpenDocument

133. Among other things, the UN CRPD outlines the right to vocational education and training and participation in working life for all persons with disabilities. This right also applies to persons with extensive support needs or severe intellectual and/or multiple disabilities. In Cyprus, however, this right is not reliably implemented. The Government has not made any attempt to de facto enable persons with extensive support needs to access vocational education and training, and to participate in working life. This becomes obvious, for example, in the fact that the State Report does not contain any statements about this group of persons.

134. Despite various efforts of the Cypriot Government to modernize and upgrade the vocational rehabilitation of persons with disabilities, the majority of adults with intellectual disabilities in our country are rather unemployed (84%) or underemployed¹¹⁹. This has a negative affect on their independence and their inclusion in the society. There are still many things that need to be done for the employment of persons with intellectual disabilities on the open labour market.

135. Moreover, the employment of persons with intellectual disabilities on the open labour market is an extremely difficult process because there are several barriers (economic, social etc.) that contribute in a negative way. Thus, the laws cannot be implemented in practice and adults can hardly join the open labour market because they lack the appropriate skills and there are not enough working places with access for the disabled. As for the smooth transition from school to working life activity, weaknesses exist in relation to the acquisition of professional and social skills.

136. In an effort to create the impression that considerable work has been done for the implementation of the CRPD, the report even refers to programmes that were implemented before the signing of the Convention by the Republic of Cyprus in 2007, and which unfortunately, for reasons unknown to us, have not been repeated during the last five years, resulting in a surge of unemployment that leads to poverty and social exclusion. Such measures are considered especially important because, while the economic crisis lasts, development and

¹¹⁹ Annual Report for the year 2015 of the Committee for the Protection of the Rights of People with a Mental Handicap

implementation of modern policies on disability are urgently needed. While the CRPD makes explicit provision for the obligations of the States towards persons with disabilities and for the measures to be taken for securing the unimpeded exercise of their inalienable rights, the report attributes major responsibility to civil society, in an attempt by the State to shift the blame and to be absolved of the huge responsibility it bears over time for the very slow development of institutions and for the exercise the persons with disabilities have of their inalienable rights.

137. There is only a very restricted number of opportunities for persons with disabilities to engage in further education and training. Vocational education is further supported only until the first work or professional qualification or diploma has been received. This refers to the Grant of Mobility Allowance to Persons with Disabilities Law of 1980¹²⁰, whereas persons with disabilities who are working or studying, for a maximum period of four (4) years may benefit of it. The same criteria are applicable, concerning their period of university studies encountered also for the beneficiaries of the students' allowance.

Recommendations:

- Employment incentive measures for persons with disabilities (employment with support, incentives, high compensation levies, protective legislation and protected professions etc.) must be established.
- Reasonable accommodation providing plans with concrete steps for employees with disabilities in the public and private sectors must be elaborated and guaranteed.
- Amendments of the Law on Recruitment of persons with disabilities in the wider public sector (Special Provisions (L. 146(I)/2009) must be made, 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.
- A labour market policy tool that will be allowed for the long-term promotion of state-funded, standard-wage jobs must be introduced.

¹²⁰ 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

- Adequate measures should be introduced in order to improve the situation of disabled women with regard to gainful employment.
- Binding provisions requiring workplaces to be accessible including internet, intranet and IT provisions for persons with sensory impairments must be included in the appropriate existing legislation. Persons with disabilities must have an entitlement, which can be legally enforced, to fully cover the costs that accrue from the accessible design and equipment of a workplace.
- Counselling for setting up businesses must be accessible and competent with regard to the needs of persons with disabilities. Workplace equipment and facilities must be provided for persons with disabilities who decide to set up a business.
- There must be a systematic and comprehensive compilation and analysis of data with regard to young persons in need of special pedagogical advancement measures and in the process of transitioning from school or external vocational training to an occupation.
- With regard to the transition from school to working life, it is mandatory to clearly define and allocate responsibilities among the Ministries and other Governmental bodies as well as ensuring their cooperation with full participation of the organizations of persons with disabilities.
- It must be ensured that the services for job seekers of the Employment Services of the Department of Labour provide counselling, placement and guidance aimed at the participation which will be both timely and accessible.
- Any additional costs that accrue during further qualification measures and which result from a disability must be taken into account, and the necessary specific support systems must be set in place.
- Further education measures must be accessible, and all target groups for qualification measures must be involved.
- Access to vocational rehabilitation measures must be facilitated, in particular for women, older people and those managed by the appropriate agencies.
- Professional rehabilitation programs must be accessible, and they must cater to the specific needs of the different groups of persons with disabilities.

- The business sector must expand its internal integration measures in order to enable persons with disabilities to participate.

Article 28 - Adequate standard of living and social protection

138. The majority of persons with disabilities are more likely to either live or be exposed to poverty conditions and discrimination. Both are aggravated by the manifest lack of opportunities afforded to persons with disabilities to participate in society, in employment and in education on an equal basis with other citizens. Following several efforts of DPOs and families of persons with disabilities, Cyprus adopted certain policies for allowances and benefits, as a minimum compensation for the chronic deficiencies in government support but also for the lack of inclusive policies in general. The adoption of such benefits/allowances policies were the basic step taken by the government, in the process of implementing a series of binding Conventions ratified by the country, including the UN CRPD.

139. Cyprus held a rather promising position in the area of social protection and had achieved significant progress in bridging the gap between Cyprus and other European countries in this respect, in particular with regard to the policies adopted and the services provided for persons with disabilities.

140. However, as a result of the implementation of austerity measures, following the economic crisis, the gap created was made bigger again, as the financial and social lives of persons with disabilities were disproportionately affected in the new poverty and social exclusion reality.

141. The most “violent” measures that affected persons with disabilities, who were the beneficiaries of social protection and adequate standard of living benefits/allowances, was the reduction of such allowances/benefits provided to them for longer or shorter periods, by the Social Welfare Services, previously guaranteed by the Public Assistance and Services Law 2006-2012 (L. 95(I)/2006)¹²¹. In the place of these Laws, the Law on Guaranteed Minimum Income

¹²¹ Public Assistance and Services Law 2006-2012 (L. 95(I)/2006) available at: http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/pdf/17_95_2006.pdf

and General Social Benefits (L. 109(I)/2014)¹²² was put in force in July 2014 and many of the benefits that provided were reduced. Some are the following:

- 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.

142. Following the adoption of the new legislation, 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 programs provided by the State Institutes for Further Education.

143. Under the Guaranteed Minimum Income Law, provision of public allowance is now based on income-related factors. In order to be beneficiary of the allowance, persons with disabilities should not have more than 5.000 euro as deposit. After the opposition of Organizations of

¹²² 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)

persons with disabilities, the Law was amended (L. 118(I)/2015)¹²³ and under certain circumstances persons with disabilities are allowed to have up to 20.000 Euro as deposit.

144. The way that “income” is calculated under the Guaranteed Minimum Income Law is also led to significant reductions in allowances for persons with disabilities. Such examples are amounts relating to pension, child benefit, single-parent allowance, special contribution to low wage pensioners and others. Some rare exceptions of benefits not measured under income, include employment of up to 512 euro as well as the benefits provided to persons with physical (paraplegic, quadriplegic, severe motor disability) and visual disability by the Department for Social Inclusion of Persons with Disabilities.

145. 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. According to the decree issued under the new law, the maximum amount provided for home care is 300 Euro, hence the minimum salary applicable in Cyprus was not to be taken into account which is 870 euro and which obligatorily rises after the first six (6) months, to 924 Euro.

146. Some care benefits are covered by the Department for Social Inclusion of Persons with Disabilities, however, beneficiaries are only persons with minimal movement or no movement at all in all four limbs, persons with minimal movement or no movement in both the lower limbs (not severe physical disability), persons with autism, visual and audiovisual disability. Hence many persons in urgent need of care remain outside the scope of both services (Social Welfare Services, Department for Social Inclusion of Persons with Disabilities) or receive minimum financial support for care, including those with multiple or severe disabilities.

147. One of the most important violations of the CRPD in Cyprus is the application of medically-based procedures of assessment of persons with disabilities in order to implement the appropriate law provisions and other policy measures for persons with disabilities. Such

¹²³ L. 118(I)/2015 available at: http://www.cylaw.org/nomoi/arith/2015_1_118.pdf

assessment means they are applied either by the Social Welfare Services or by the Department for Social Inclusion of Persons with Disabilities, in several procedures, including procedures to determine the provision of care services, resulting to the exclusion of persons with certain forms of paraplegia or quadriplegia, multiple sclerosis and different forms of rheumatopathy and myopathy as well as sensory or intellectual and mental disabilities from the respective schemes. The inconsistent manner, in which the assessment procedure is applied, based on the ICF philosophy of the World Health Organization, has further negative effects on persons with disabilities. Many periodic assessments based on ICF, give different results for the same person, in a way that the benefits granted as a result of one assessment to be cut-off as a result of the other and vice versa.

148. Measures for gradual integration of persons with disabilities in the labour market and in society were abolished and are not included in the social legislation any more. Some examples of this are shown below: A person with disability who received public benefit under Public Assistance and Services Law, or his/her partner, following his/her unemployment for a minimum of 6 months continued to receive public benefit for himself/herself and his/her dependants which was gradually reduced within the following 12 months. Another example concerned the coverage of the cost of some vocational education/training, tools or other equipment needed by persons with disabilities or their dependents so as to gradually become self reliant and gain “ordinary” financial living conditions or to limit dependency on public allowance.

149. Other reductions concerning the living conditions of persons with disabilities relating:

- Specific home care needs (personal care, cleaning, laundry, guide to visit hospital, guide outside work to help with daily obligations such as bill payments, shopping and support provision/education of family members in basic domestic and family life).
- Day care (provided to persons with disabilities who received services during daytime, in care homes known as Homes for the Elderly¹²⁴ or Centres for Adults¹²⁵ and included nutrition, laundry, employment, entertainment etc.).

¹²⁴ Social Welfare Services – Ministry of Labour and Social Insurance
[http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/A7BE1DE61832FAFCC2256E5900363833/\\$file/Homes%20for%20the%20elderly%20and%20disabled%20law%201991.pdf?OpenElement](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/A7BE1DE61832FAFCC2256E5900363833/$file/Homes%20for%20the%20elderly%20and%20disabled%20law%201991.pdf?OpenElement)

- Residential/institutional care (provided to persons in need of constant care whose needs could not be met by their families or by the support services offered in the environment which they live).

150. Other measures relevant to article 28 are those linked to the degree of “incapacity” to work, resulting from accidents at work or diseases related to one’s employment. Disability and “invalidity” pensions are regulated under the Social Insurance Laws (L. 59(I)/2010)¹²⁶ (see par. 225-228 of the State Report for more information). Following a medical examination applied from time to time by the medical council, it was decided in the years 2012 – 2016, to the reduction of the degree of disability for many persons with disabilities who received pensions for up to 25 years. For instance, persons with physical disabilities (wheelchair users) or blind persons once decided to have a 100% degree of disability are now considered to have only 85% or less receiving a lower pension accordingly. An important number of the persons negatively affected by this change applied for a hierarchical appeal (that is an appeal before the authority taking the decision they challenge) or for an appeal before the Supreme Court to argue for their degree of disability as it was first acknowledged. The majority, however, of such pensioners did not appeal before any authority or court and continue to received a lower pension and of course, remain outside the labour force. Due to the lack of other measures for re-integration into employment, most persons are never provided with an opportunity to work again.

Recommendations:

- Prevention of poverty of persons with disabilities must be set as a priority in all social policies and legislation.

¹²⁵Social Welfare Services – Ministry of Labour and Social Insurance
[http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/C8A91A1B3626F553C2256E59003D084D/\\$file/Centres%20for%20Adults%201997.pdf?OpenElement](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/C8A91A1B3626F553C2256E59003D084D/$file/Centres%20for%20Adults%201997.pdf?OpenElement)

¹²⁶ Service of Social Insurance – Ministry of Labour and Social Insurance
[http://www.mlsi.gov.cy/mlsi/sid/sidv2.nsf/All/9CD6011AC9CD2687C2257A87002602C6/\\$file/%CE%9F%20%CF%80%CE%B5%CF%81%CE%AF%20%CE%9A%CE%BF%CE%B9%CE%BD%CF%89%CE%BD%CE%B9%CE%BA%CF%8E%CE%BD%20%CE%91%CF%83%CF%86%CE%B1%CE%BB%CE%AF%CF%83%CE%B5%CF%89%CE%BD%20%CE%9D%CF%8C%CE%BC%CE%BF%CF%82%20%CF%84%CE%BF%CF%85%202010%20%28%CE%9D59%28%CE%99%292010%29.pdf](http://www.mlsi.gov.cy/mlsi/sid/sidv2.nsf/All/9CD6011AC9CD2687C2257A87002602C6/$file/%CE%9F%20%CF%80%CE%B5%CF%81%CE%AF%20%CE%9A%CE%BF%CE%B9%CE%BD%CF%89%CE%BD%CE%B9%CE%BA%CF%8E%CE%BD%20%CE%91%CF%83%CF%86%CE%B1%CE%BB%CE%AF%CF%83%CE%B5%CF%89%CE%BD%20%CE%9D%CF%8C%CE%BC%CE%BF%CF%82%20%CF%84%CE%BF%CF%85%202010%20%28%CE%9D59%28%CE%99%292010%29.pdf)

- Social protection benefits need to be provided separately from all other social welfare provisions on the ground of disability and irrespective of income, financial situation and property or other assets.
- The detection of all needs for participation into society must be made mandatory so that social services law and practice, serve this purpose adequately. Provision of special place for assistants and choice of assistants must be made possible.
- The calculation of the amount of benefits must be made on the basis of what each person needs in terms of socio-cultural participation. Rent cost must also be calculated and/or cost of additional space as well as adequate and accessible housing needs.
- Provision of quality services, facilities, means, aids and equipment for persons with disabilities must also be calculated.
- Adequate standard of living must cover adequate nutrition, clothing and housing needs.
- Provision of further support to the families of persons with disabilities, not only in terms of financial support but of consulting services must be secured.
- The procedure of assessment for entitlement of social protection benefits must become less bureaucratic and more based on the human rights approach of disability, according to the provisions of the CRPD.
- The need for cost analysis of disability must be addressed so as to cover all real needs of persons with disabilities and not only their need to have a minimum standard of living.
- The assistance provided through the Welfare Lottery Fund Law¹²⁷ and the support given to DPOs who do not have other funding sources, need to be re-adopted and be enforced at its maximum, since their termination resulted into the termination of socio-economic support for persons with disabilities and their families.
- The needs for reconciliation of work and family life need to be considered so that caregivers of persons with disabilities, including family members, do not have to choose between work and family or work and care.

¹²⁷ Welfare Lottery Fund Law available at:
http://www.kysoa.org.cy/kysoa/userfiles/file/nomotheties/nomoi%20voulis/5_79_1_1992.pdf

D. List of Issues recommended by Pancyprian Alliance for Disability for the Cyprus State review by the UN Committee on the Rights of Persons with Disabilities

Articles 1-4 – Purpose, Definitions, General Principles and General Obligations

- Is Cyprus Government planning 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?
- What measures have been taken by the State to prepare and adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the CRPD?
- What measures will be taken by the Focal Point in order to encourage the Cyprus Confederation of Organizations of the Disabled to return to the Thematic Technical Committees?
- What the State has done in order to strengthen the participation of persons with disabilities, including women, men girls, boys and older persons with disabilities in decision-making processes?

Article 5 – Equality and non-discrimination

- What efforts have been made by State to fight against all forms of discrimination based on disability?
- When the State party is planning to include in the national legislation the denial of reasonable accommodation as discrimination? What measures have been taken to ensure that the denial of reasonable accommodation is understood as discrimination?

Article 6 – Women with disabilities

- Is the State planning to incorporate the perspective of women and girls with disabilities in all gender equality policies, programmes and strategies?

- Is the State planning to incorporate 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?

Article 7 – Children with disabilities

- Is the State planning 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?
- How is the State plan to secure the rights of children and adolescents and eliminate any form of sexual abuse and violence against of those residing in institutions or receiving care in specific facilities?

Article 8 – Awareness-raising

- Is the State Party plan to implement awareness-raising campaigns, in order to promote and strengthen the human rights approach and the awareness of the CRPD standards positive image of persons with disabilities by focusing on their skills and talents, with the involvement of persons with disabilities and their representative organisations?

Article 9 - Accessibility

- When the State is planning to prepare and implement an action plan to ensure accessibility to the physical environment, transportation, information and communications technologies?
- Is the State plan to adopt a proper legislation that ensures the accessibility of persons with disabilities in all aspects of their life?
- Is the State planning to introduce a monitoring mechanism and effective sanctions for non-compliance with accessibility standards in all areas covered by the Convention, including the transport sector, in line with General Comment no.2 on Accessibility?

- Is the Cyprus Government planning to establish a new “Department of Accessibility”, to monitor and manage or even make proposals to achieve full accessibility everywhere, including the areas of physical and built environment, transportation, information and communication technology (ICT), internet, media, products design and provision, in all public and quasi-public services as well as other facilities and services? When? How?
- When Cyprus is going to incorporate in its legal framework all the European and International Standards, Regulations and Directives concerning accessibility?

Article 10 – Right to life

- How Governmental Services ensure that they adequately inform persons with disabilities about issues affecting their lives, such as their right to refuse medical treatment and inform them adequately about its nature and consequences upon their health and their care rights?
- How Governmental Services ensure and respect the right of persons with disabilities to give their consent prior to any decision taken concerning their lives?
- Is Cyprus Government planning to collect statistical data in order to enable a valid comparison to be made between the frequency and causes of deaths of persons with disabilities living in institutions and persons with disabilities who are part of the society?

Article 11 – Situations of risk and humanitarian emergencies

- Is the State planning to design all humanitarian aid and disaster preparedness measures according to the standards of inclusion and accessibility?
- Is the State planning to design an effective strategy for disaster and emergency response without creating discriminating structures and violations of the fundamental rights of persons with disabilities, including their right to privacy?

Article 12 - Equal recognition before the law

- What measures is the State planning to adopt in order to ensure the equal recognition before the law of persons with disabilities, according to the provisions of Article 12 CRPD?

- Does the State plan to abolish the legislation that is in contrast with the provisions of Article 12 of CRPD (such as the Law on Administration of Property of Persons Incapable of Managing their Property and Affairs)?

Article 13 – Access to justice

- Is the State planning to change the legal provisions and policies regarding the right to participate in legal proceedings, so that they comply with the standards of article 12 of the CRPD?
- Is the State planning to adopt effective mechanisms to ensure that all pre-trial and judicial procedures are compatible with articles 12 and 13?
- Is the State planning to establish an effective mechanism for access to justice needs with regard to violations of the CRPD?
- When the State plan to promote appropriate training for those working in the field of administration of justice?

Article 14 - Liberty and security of the person

- What steps are being taken by the State in order to repeal all laws regarding the hospitalization of persons with mental disabilities?

Article 16 – Freedom from exploitation, violence and abuse

- How is the State planning to improve monitoring and inspection of violence exploitation and abuse of persons with disabilities in social care homes and psychiatric institutions, and at the work place to prevent violence against and abuse of residents with disabilities?
- How is the State ensuring that persons deprived of their liberty, have access to independent complaints mechanisms?
- Is the State planning to educate the professionals in law enforcement, the legal system, the health system, medical examiners, caregivers, educational staff etc., so that to be able to

handle and interact with women and men with disabilities who were victims or were exposed to violence? How and when?

- What steps are being taken by the State to collect data on the prevalence of persons with disabilities who are victims of abuse, violence and exploitation including forced institutionalization and treatment, in order to devise effective strategies to eliminate these practices?

Article 19 –Independent living and social inclusion

- Please explain when and how the State is planning to undertake a de-institutionalization process by providing in a reasonable length of time a range of living arrangements in the community, with the necessary individual support to persons with disabilities of any age and intensity of support needed, as well as awareness raising and empowerment actions to enhance choice and self-determination skills of persons with disabilities?
- Is the State planning to review, amend or abolish all relevant legislation so as to become compatible with article 19 of the CRPD?
- What steps are being taken by State to ensure that persons with disabilities are able to choose their place of residence and type of housing within the community?

Article 20 – Personal mobility

- How is the State ensuring the personal mobility of all persons with disabilities?
- Is the State planning to adopt mobility allowances and other appropriate measures to ensure the personal mobility of persons with disabilities?
- Is Cyprus Government planning to update the provisions of the Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car, so that all persons with disabilities will be eligible?

Article 21 – Freedom of expression and opinion, and access to information

- Is Cyprus Government planning 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 programs, other than news broadcast? When and how?
- Is the State planning to establish an “Image Processing Institute” for the conversion of films, documentaries and other television series and programmes into accessible formats (audio description, sign language, subtitling, etc.)?
- Is the State planning to establish specific regulations ensuring the unimpeded access of persons with disabilities to public websites, according to international regulations and guidelines? When?
- Is the State planning to provide sign language services in all public services? When?

Article 24 - Education

- How is the state planning to support and ensure the implementation of the right to inclusive education?
- Is the State planning the modification of the existing Law on Education of Children with Special Needs of 1999 in a consistent manner with the principles of inclusive education, as outlined in Article 24 of the CRPD?
- Is the State planning to repeal the definition of “children with special needs”, which refers to the “medical model of disability”, and replace it with the definition of “children with disabilities” in a way that is fully consistent with the concept of “disability” as interpreted in the CRPD?
- When and how the State is planning to collect statistics based on the definition for children with disabilities as interpreted in the CRPD?
- How is the State ensuring the transition of children with disabilities from school to society within the framework of the CRPD guidelines?

Article 25 – Health

- How is the State ensuring that the dimension of disability is incorporated into all ongoing legal amendments including the reform procedures for the new health system?
- Is the State planning to amend the Medical Institutions and Services General Regulations 2000–2013 so as to secure free medical treatment and medication for persons with disabilities without exceptions on the ground of the type of disability and independently of their income?
- Is the State planning to adopt an effective policy in order to ensure the elimination of all accessibility barriers within the health care system?
- How is the Cyprus Government ensuring that healthcare professionals are aware of the CRPD principles?

Article 26 – Habilitation and rehabilitation

- Is the Ministry of Health planning to proceed with the establishment and operation of rehabilitation centers for all types of disabilities and provide them with services in conformity to the European standards (quality, accessibility, security issues etc.)?
- When the State planning to reform the policy on providence of prosthetics and upgrade the relevant public center for ensuring a scientific intervention and support for persons with disabilities, aiming at the best possible rehabilitation of amputees?
- Is the State planning to establish a domiciliary nursing care for people with severe disabilities? When?

Article 27 – Work and employment

- Is the State planning 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 will be extended in order to cover the private sector too, as it is the fact in several European Countries?

- How is the State planning to elaborate and guarantee that reasonable accommodation will be provided to employees with disabilities in the public and private sectors?
- Is the State planning to introduce adequate measures in order to improve the situation of disabled women with regard to gainful employment? When and how?

Article 28 - Adequate standard of living and social protection

- Does the State plan to replace the medical-based procedures of assessment of all persons with disabilities in a holistic manner, with procedures that are consistent to the human rights approach and compatible with the provisions of the UN CRPD, in general?
- What measures is Cyprus Government planning to take in order to prevent the poverty of persons with disabilities?
- Is the State planning 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?
- What measures is Cyprus Government taking in order to address the need for cost analysis of disability in order to cover all real needs of persons with disabilities and not only their need to have a minimum standard of living?
- Is the State planning to restore all benefits and Schemes that reduced or abolished due to austerity measures?
- How is the State ensuring adequate standard of living of persons with disabilities, for example by covering nutrition, clothing and hygienic needs?
- What consulting and other services do exist in Cyprus for the support of the families of persons with disabilities?

Article 29 - Participation in political and public life

- What measures will be undertaken by the State in order to ensure equal participation of persons with disabilities to the political life of Cyprus?
- How is the State intending to ensure the right of voting for all persons with disabilities?
- What measures will be undertaken by the State so that all persons with disabilities will have equal access to the whole electing procedures and especially persons with sensory and intellectual disabilities?

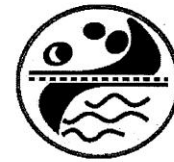
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