

Pancyprian Alliance for Disability

**Submission of the Pancyprian Alliance for Disability
on List of Issues Prior to Reporting (LOIPR) for Cyprus'
reporting cycle on the implementation of the
International Covenant on Civil and Political Rights**

Nicosia, 13 May 2019

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Introduction

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 Convention on the Rights of Persons with Disabilities (CRPD) in Cyprus. The organizations and institutions participating in the Alliance are continuing their cooperation in the field of human rights of persons with disabilities, including the representation of the Alliance in Cyprus and abroad, when it comes to general disability policies.

The Alliance is comprised of twenty-seven (27) member 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 in political life and their civil rights.

The Alliance has prepared a “Strategic Action Plan for Disability 2018-2020 (SAPD¹), which was sent to all relevant authorities in April 2018. The SAPD includes the actions that Government should implement in order to secure the rights of persons with disabilities in Cyprus and it consists the answers to the National Disability Action Plan 2018-2020².

The Alliance, through its current report, aims to provide to the Human Rights Committee information on the implementation of the civil and political rights included in the United Nations International Covenant on Civil and Political Rights, in addition to the respective articles of the Convention on the Rights of Persons with Disabilities.

¹ Strategic Action Plan for Disability 2018-2020 available in Greek at:
<http://www.kysoa.org.cy/kysoa/page.php?pageID=73>

² National Disability action Plan 2018-2020 available in Greek at:
http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd8b_gr/dsipd8b_gr?OpenDocument

1. Equality and Non-discrimination (Article 5 of the CRPD/Article 26 of ICCPR)

1. The National legislation of Cyprus is not compatible with a human rights-based approach to disability, as it was supposed to be after the adoption and ratification by the Cyprus Government of the United Nations Convention for the Rights of Persons with Disabilities (UNCRPD)³ and the International Covenant on Civil and Political Rights (ICCPR)⁴. Unfortunately, the State did not show any interest in collaborating with representative organizations of persons with disabilities, contrary to what has been repetitively requested by the Pancyprian Alliance for Disability in its extensive SAPD 2018-2020⁵, for the adoption and implementation of a human rights-based approach to disability and to review all national laws and policies accordingly.

2. Another very important issue is that the national legislation of Cyprus such as the Equal Treatment in Employment and Occupation Law (L. 58(I)/2004)⁶, the Combating of Racism and Other Discrimination (Commissioner) Law (L. 42(I)/2004)⁷ and the Persons with Disabilities Law (L. 127(I)/2000)⁸, does not provide sufficient legal protection to persons with disabilities, because it does not recognize the refusal of reasonable accommodation as disability based discrimination.

3. The Government opposed for years the efforts of the disability movement of Cyprus to pass amendments of the above Laws, recognizing the denial of reasonable

³ United Nations Convention for the Rights of Persons with Disabilities (UNCRPD) available at: <http://kysoa.org.cy/kysoa/userfiles/file/Symvasi%20OHE%20kai%20Protokollo.pdf>

⁴ International Covenant on Civil and Political Rights (ICCPR) available at: <https://www.ohchr.org/Documents/ProfessionalInterest/ccpr.pdf>

⁵ Strategic Action Plan for Disability 2018-2020, para. 1, 2, 3, 4, 5, 7.

⁶ Equal Treatment in Employment and Occupation Law (L. 58(I)/2004) available in Greek at: http://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=84138&p_country=CYP&p_count=451

⁷ Combating of Racism and Other Discrimination (Commissioner) Law (L. 42(I)/2004) available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html

⁸ Persons with Disabilities Law (L. 127(I)/2000) available in English at: <http://webcache.googleusercontent.com/search?q=cache:INwFO3is-rsJ:www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/F485A5B8DC1DC847C2257AA30026CC4F/%24file/A%2520Law%2520to%2520provide%2520for%2520persons%2520with%2520disabilities%25202000-2007.docx+&cd=1&hl=en&ct=clnk&gl=cy>

accommodation as violation of the principles of equal treatment and non-discrimination, as recommended by the CRPD Committee in its Concluding Observations of May 2017⁹.

4. Disregarding the position of the Government, the Parliament adopted the Law (L. 63(I)/2014)¹⁰, amending the Persons with Disabilities Law (L. 127(I)/2000)¹¹, where the concept of “reasonable accommodation” is partly binding with the areas of independent living, inclusion in the community, equal participation in economic and social life, employment, the provision of goods and facilities, telecommunications and information services.

5. The Combating of Racism and Other Discrimination (Commissioner) Law (L. 42(I)/2004)¹² aims at protecting people from discrimination on several grounds such as the areas of employment, participation in organizations, social protection, social security, health care, education, access and provision of goods and services and housing. 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.

⁹ CRPD Committee Concluding Observations on Cyprus, May 2017, CRPD/C/CYP/CO/1, para. 12. Concluding observations of the UN Committee on the Rights of Persons with Disabilities on the initial report of Cyprus available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsjzR8FDGXIfJ8tqgK4L3gsKjL8wI7iaruR0I71dSMiakNRfP66p59P8GBw8LtFbdDDG%2fGN7TSpyHndRhPYcYcMzUfXah78Fcs%2fKvnSxw8Uag>

¹⁰ Amending Law of Persons with Disabilities Law (L. 63(I)/2014) available in Greek at: http://www.cylaw.org/nomoi/arith/2014_1_063.pdf

¹¹ Persons with Disabilities Law (L. 127(I)/2000) available in English at: <http://webcache.googleusercontent.com/search?q=cache:1NwFO3is-rsJ:www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/F485A5B8DC1DC847C2257AA30026CC4F/%24file/A%2520Law%2520to%2520provide%2520for%2520persons%2520with%2520disabilities%25202000-2007.docx+&cd=1&hl=en&ct=clnk&gl=cy>

¹² Combating of Racism and Other Discrimination (Commissioner) Law (L. 42(I)/2004) available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/2004_1_42/full.html

6. Taken into consideration that among the duties of the Ombudsman's Office is the amendment of the abovementioned Law recognizing the refusal of reasonable accommodation as disability-based discrimination Cyprus Confederation of Organizations of the Disabled (CCOD) has sent a document with relevant proposals, but no answer is received until today¹³. 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 environment in buildings and in the provision of services for individuals) as discrimination under this Law.

7. The UN Committee on the Rights of Persons with Disabilities in its Concluding Observations on the initial report of Cyprus dated 8 May 2017¹⁴, noted the absence of effective legislation and mechanisms addressing multiple and intersectional discrimination, including against persons with disabilities of ethnic minorities. Our efforts to push the Government to enact appropriate and enforceable legislation, policies and programs preventing multiple and intersectional disability-related discrimination, including effective sanctions and remedies are still without any success.

8. The refugees and asylum seekers with disabilities are still not entitled to the same disability support schemes and benefits - including assistive technology, care and information - as Cypriot citizens with disabilities and equal access to these support schemes and benefits. Cyprus has also not ratified yet the 1954 Convention relating to the Status of Stateless Persons¹⁵, the 1961 Convention on the Reduction of Statelessness¹⁶ and endorse the 2016 Charter on Inclusion of Persons with Disabilities in Humanitarian Action¹⁷.

9. An example of possible intersectional discrimination on the grounds of disability, age, sex and nationality/ethnic origin is related to the disappearance, among other non-

¹³ Letter by CCOD to the Commissioner for Administration and Protection of Human Rights (Ombudsman) dated 22nd December, 2017, titled "Amendment of the Law on the Combating of Racial and Other Discrimination (Commissioner) Law of 2004 (L. 42 (I)/2004)".

¹⁴ CRPD Committee Concluding Observations on Cyprus, May 2017, CRPD/C/CYP/CO/1, para. 13-14.

¹⁵ Convention relating to the Status of Stateless Persons available at: https://www.unhcr.org/ibelong/wp-content/uploads/1954-Convention-relating-to-the-Status-of-Stateless-Persons_ENG.pdf

¹⁶ Convention on the Reduction of Statelessness available at: https://www.unhcr.org/ibelong/wp-content/uploads/1961-Convention-on-the-reduction-of-Statelessness_ENG.pdf

¹⁷ Charter on Inclusion of Persons with Disabilities in Humanitarian Action available at: <https://humanitarian-disability-charter.org/wp-content/themes/humanitarian-disability-charter.org/pdf/charter-on-inclusion-of-persons-with-disabilities-in-humanitarian-action.pdf>

Cypriot girls and women working in Cyprus, of an eight-year old girl with disabilities, which has not been seriously investigated by the responsible authorities of the Cyprus Government. Despite the proclaims for immediate investigations by the family members, friends and the headmaster of the special school where the girl with disabilities was educated, the responsible authorities didn't show the appropriate interest in order to find the girl as it does in similar cases for Cypriot students. As a result, almost three years after her disappearance the Cyprus Police arrest a man who confessed that he killed the girl with disability together with her mother and throw them in a "red lake".

Proposed questions:

- *Please provide information on any measures to review all existing laws and amend them in order to adopt and implement a human rights-based approach to disability.*
- *Please provide information on the measures taken to enact appropriate legislation and to put in place effective mechanism to prevent, combat and address multiple and intersectional discrimination.*
- *Please provide information on whether the Government is planning to include in the national legislation the denial of reasonable accommodation as a form of discrimination and what measures are planned in order to ensure that the denial of reasonable accommodation is understood as discrimination.*

2. Equality of Women and Men (Article 6 CRPD/Article 3 ICCPR)

10. Consistent gender and disability mainstreaming policies or any mainstreaming procedures with regard to either gender or disability, let alone an intersectional approach of the two, do not exist in Cyprus.

11. Notwithstanding the lack of credible data on the situation of women with disabilities, 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. The CEDAW Committee¹⁸ recognized the higher exposure of

¹⁸ CEDAW Committee Concluding Observations on Cyprus, July 2018, CEDAW/C/CYP/CO/8, para. 24(d).

women and girls to intersecting forms of discrimination, owing to their ethnicity, disability, migrant status and other characteristics. In particular, it expressed concerns over the high number of girls with disabilities suffering from discrimination and sexual harassment in schools and their difficulties in gaining access to high-quality education¹⁹, and on the limited access of women with disabilities to the labour market.²⁰

12. More often than other women and more frequently than men with disabilities, women with disabilities are commonly close to the poverty line or 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.

13. No evidence exists regarding the living conditions of women with disabilities, especially regarding women 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.

14. The members of the Alliance have addressed a series of important issues to the Government within its SAPD²¹, including to design and implement policies and practices for women with disabilities such as the necessary, appropriate, specific services for single-parents families, especially women with disabilities who are living alone or women who have children with disabilities who live alone (transportation, care and supervision services, incentives for employment, empowerment and training programs), as well as measures to reconcile professional and family life for the benefit of children and adults with disabilities

¹⁹ CEDAW Committee Concluding Observations on Cyprus, July 2018, CEDAW/C/CYP/CO/8, para. 34(d).

²⁰ CEDAW Committee Concluding Observations on Cyprus, July 2018, CEDAW/C/CYP/CO/8, para. 36(e).

²¹ Strategic Action Plan for Disability 2018-2020, para. 26.

under their care. Unfortunately, until today, the Government didn't take any measures to resolve any of the abovementioned issues.

Proposed questions:

- *Is the State planning to amend existing legislation taking into account the interest of persons with disabilities who are exposed to multidimensional discrimination?*
- *Please provide information if the Government plan to incorporate the perspective of women and girls with disabilities in all gender equality policies, programmes and strategies, and the gender perspective in the disability strategies, employing a twin-track approach which also includes levelling and affirmative action measures to eliminate multiple and intersectional discrimination from all areas of life, both in urban and in rural areas.*
- *When and how Cyprus Government will ensure that ongoing gender-specific data and statistics on the living situation of persons with disabilities is compiled and published?*

3. Child Protection (Article 7 CRPD/Article 24 ICCPR)

15. According to the only study conducted in 2011 by the “Early Childhood Intervention Services” 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.

16. There is very limited access to early intervention and support provided to children with disabilities and their families, especially within the educational, health and social sector.

17. The repetitively proposed suggestions from the Alliance to adopt and implement human rights-based policies, laws and regulations to increase access by children with disabilities and their families to early intervention and other forms of individualized and

necessary service and support, including earmarked financial support²², are still not taken into consideration by the Government.

18. Segregated education remains rooted in the education system of Cyprus, which is also frequently reflected by the attitudes of teachers and other relevant professionals. The right of children with disabilities to inclusive education in mainstream schools may be also restricted by parental consent.

19. The efforts of representative organizations of persons with disabilities to persuade the State to decide upon a clear legislative scope of inclusive education and monitor its implementation with a view to fully replacing segregated education by inclusive education remains unsuccessful.

20. Consequently, according to statistical data from the Ministry of Education and Culture, out of the 8.118 children with special needs and disabilities who were educated during the school year 2015-2016, the 4.465 were in primary education and special schools. The percentage of children in special schools and classrooms increased from 15% in the year 2012 to 20% in 2017. However, this figure includes children with disabilities, 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 and who do not speak the language of the country.

21. When looking at the issues of inclusion, equal treatment and participation in society in Cyprus, the Government tends to focus only 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 behavior and media skills) do not consider the aspect of disability. Consequently, there is no reliable information in this area, or facts and figures. The lack of a centralized comprehensive system of data collection, disaggregated by age, gender, disability, ethnicity and other elements was also raised by the Committee on the Rights of the Child in 2012.²³

22. 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

²² Strategic Action Plan for Disability 2018-2020, para. 28.

²³ CRC Committee Concluding Observations on Cyprus, September 2012, CRC/C/CTP/CO/3-4, para. 17-18.

eligible, such provisions are rather unclear (e.g. Severe Motor Disability Allowance Scheme²⁴, Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car²⁵, Law on Guaranteed Minimum Income²⁶, Law on Mobility Allowance²⁷). 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 UN Conventions. 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 needs. In many cases children with disabilities are not able to live with their families and in their communities and are institutionalized.

Proposed questions:

- *What measures is the Government planning to set up in order to have a comprehensive mechanism for the collection of disaggregated data?*
- *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?*
- *What measures does the State intends to take in order to ensure that children with disabilities can exercise their rights equitably and be included into a participatory manner in political decisions?*

²⁴ Information about Severe Motor Disability Allowance Scheme available in English at: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd10_en/dsipd10_en?OpenDocument

²⁵ Information about Scheme for the Provision of Financial Assistance to Persons with Disabilities for the Acquisition of a car available in English at: http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/dsipd15_en/dsipd15_en?OpenDocument

²⁶ Information and the Law on Guaranteed Minimum Income available in Greek at: <http://www.mlsi.gov.cy/mlsi/mlsi.nsf/All/517E1B1FE19B0418C2257CD7001E73BB>

²⁷ Information and the Law on Mobility Allowance available in Greek at: <http://www.mlsi.gov.cy/mlsi/dsid/dsid.nsf/All/57271588CBA96B6CC2257AA10047BBAA?OpenDocument>

4. Equal Recognition Before the Law (Article 12 CRPD/Article 16 ICCPR)

23. The national legislation of Cyprus concerning the recognition of the right to exercise legal capacity is largely based on the principle of “substituted decision making” and plenary guardianship. Equal recognition before the law, is not guaranteed for persons with intellectual, psychosocial and other disabilities.

24. The primary goal of the Alliance is the abolition of all related legislation which is not compliant with the CRPD, such as the Administration of the Property of Incompetent Persons Law (L. 23(I)/1996)²⁸, the Persons with Intellectual Disability Law, (L. 117/89)²⁹ and the Psychiatric Hospitalization Law (L. 77(I)/1997)³⁰, to replace them with legislative provisions that guarantees supported decision making for all persons with disabilities, introducing a mechanism of supported decision-making so that is possible to implement article 12 of the CRPD and its requisites for access to support regarding the exercise of their legal capacity and the making of decisions.

25. In spite of the progress achieved during the consultations with the responsible Department for Social Inclusion of persons with disabilities, it was obvious that the Cyprus Government is still 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 and abolish all legal provisions which do not comply with that.

Proposed questions:

- *What measures is the State planning to adopt in order to ensure the equal recognition before the law of persons with disabilities and guarantee the right to self determination of persons affected and, in these respect, to replace the representation*

²⁸ Administration of the Property of Incompetent Persons Law (L. 23(I)/1996) available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/1996_1_23/full.html

²⁹ Persons with Intellectual Disability Law, (L. 117/89) available in Greek at: <http://cpmental.com.cy/epnka/userfiles/file/Nomos117-89-11-2018-1.pdf>

³⁰ Psychiatric Hospitalization Law (L. 77(I)/1997) available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/1997_1_77/full.html

in the guardianship laws as it has been until now in favor of a system of supported decision making?

- *Does the State plan to abolish the legislation that violates the right of persons with intellectual and psychosocial disabilities for equal recognition before the law (such as the Law on Administration of Property of Persons Incapable of Managing their Property and Affairs)?*

5. Access to Justice (Article 13 CRPD/Article 14 ICCPR)

26. The Government maintains the concept of substituted decision-making and guardianship across all national legislation, such as regarding the administration of property and accessing judicial procedures.

27. Accessibility including with regards to physical, information or procedural accessibility to justice, is not guarantee to persons with disabilities in Cyprus. In addition, barrier-free access to justice and accessible communication are not adequately or consistently secured.

28. Cyprus does not ensure equal access to justice for all persons with disabilities including the elimination of discrimination for the provision of legal aid to persons with disabilities (Legal Aid Law (L. 165(I)/2002)³¹). Also, legal aid does not cover expenses that result from disabilities, such as assistance, interpretation or travel costs. There are additionally, no evidence regarding whether persons with intellectual or psychosocial 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.

29. As recalled by the CRPD Committee, another obstacle for the proper implementation of the right of access to justice is that the State have not promote appropriate training for those working in the field of administration of justice (judges,

³¹ Legal Aid Law available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/2002_1_165/full.html

lawyers, prosecutors, police and prison staff). As a result, they have no experience in the field of the human rights-based approach to disability³².

Proposed questions:

- *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 articles 12 and 13 of the UNCRPD and articles 14 and 16 of the ICCPR?*
- *How is the State planning to guarantee equal opportunities of persons with physical, sensory, intellectual or psychosocial disabilities when taking legal actions to access the facilities and services of the justice system, barrier-free access to information and right-based communication and effective legal protection in the procedural sense?*

6. Liberty and Security of the Person (Article 14 CRPD/Articles 9-11 ICCPR)

30. According to the Cyprus Law on Psychiatric Hospitalization (L. 77(I)/1997)³³, a person may involuntarily be hospitalized/treated for reasons of a “serious mental disorder, for which only in a safe psychiatric center he could receive proper care”. 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 persons.

31. The Alliance strengthen its efforts in order to achieve legislative amendments necessary to prohibit all forms of non-voluntary detention and/or treatment on the grounds of impairment or impairment-related assumptions, and further to ensure adequate and individualized support to persons with intellectual and/or psychosocial disabilities.

³² CRPD Committee Concluding Observations on Cyprus, May 2017, CRPD/C/CYP/CO/1, para. 35-36.

³³ Psychiatric Hospitalization Law (L. 77(I)/1997) available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/1997_1_77/full.html

Unfortunately, the Government did not show any political will to undertake the appropriate legislative amendments to secure the liberty and the security of persons with disabilities.

Proposed questions:

- *What steps are being taken by the State in order to repeal all laws regarding the hospitalization of persons with psychosocial disabilities?*
- *By which specific measures Cyprus Government will ensure that disability in no event justifies a deprivation of liberty of persons with psychosocial and other disabilities?*

7. Freedom from Exploitation, Violence and Abuse (Article 16 CRPD/Article 7 ICCPR)

32. Violence against any person is recognized by several laws as a punishable crime in Cyprus, including the Cyprus Penal Code (Cap. 154)³⁴, 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)³⁵ and the Law on the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography (L. 91(I)/2014)³⁶. However, violence, exploitation and abuse against persons with disabilities in particular, are rarely or not mentioned at all in the aforesaid laws.

33. The basic Law regulating procedures of collecting evidence (statements, acceptable statements before the courts etc.), namely the Evidence Law (Cap. 9)³⁷ does not provide measures for adjustments or accessibility measures regarding persons with disabilities, other than with regard to persons with an “expression disability” or a “hearing disability”.

³⁴ Cyprus Penal Code (Cap. 154) available in English at: https://sbaadministration.org/home/legislation/01_02_09_01_COLONIAL_CAPS_1959/01_02_01_04_Caps-125-175A/19600101_CAP154_u.pdf

³⁵ Law on Domestic Violence (Prevention and Protection of Victims) (L. 119 (I)/2000) available in English at: [http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/6C894C26ECA9F6A3C2256E7E004E1C16/\\$file/Law%20which%20provides%20for%20the%20Prevention%20of%20Violence.pdf?OpenElement](http://www.mlsi.gov.cy/mlsi/sws/sws.nsf/All/6C894C26ECA9F6A3C2256E7E004E1C16/$file/Law%20which%20provides%20for%20the%20Prevention%20of%20Violence.pdf?OpenElement)

³⁶ Law on the Prevention and Combating of Sexual Abuse, Sexual Exploitation of Children and Child Pornography (L. 91(I)/2014) available in English at: http://www.cylaw.org/nomoi/enop/non-ind/2014_1_91/full.html

³⁷ Evidence Law (Cap. 9) available in English at: <http://www.mahkemeler.net/ifasil/Cap9.pdf>

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.

34. Furthermore, exploitation is a crucial topic with regard to all institutions, Centers for Adults and Care Homes, due to the serious limitations placed on most liberties of persons 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.

35. 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”³⁸, implemented by Mental Health and Mental Health Europe with the participation of “Advocacy Group for the Mentally 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.

36. According to the same project, domestic violence has both a physical and psychological impact on the health of victims, and available data 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.

37. 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 among the priorities of the researchers and consequently of the

³⁸ Handbook of the Project “Train Improve Reduce” on domestic violence and mental health: <https://trainimprovereduce.files.wordpress.com/2011/07/handbook-english-web.pdf>

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.

38. Bearing in mind that Cyprus has eventually ratified the Council of Europe Convention on preventing, and combating violence against women and domestic violence (Istanbul Convention)³⁹, the Alliance is expecting from the Government of Cyprus to provide accessible monitoring and reporting mechanisms to detect, prevent and combat all forms of violence, including sexual violence, against persons with disabilities in all settings, including all types of institutions, with a particular focus on women and children with disabilities, in addition to ensuring of capacity-building among employees within the judiciary, police, health and social sectors to ensure accessible and inclusive support services, including confidential complaint mechanisms, as well as shelters and other support measures.

Proposed questions:

- *Please provide information if the Government plan to take appropriate measures to overcome the insufficiency of legal provisions and accessible mechanisms to detect, report, prevent and combat all forms of violence, including sexual violence in private and public spheres against persons with disabilities, including children.*
- *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?*
- *When exactly Cyprus will set up a comprehensive strategy for the prevention of violence against women and children with disabilities, especially those in psychiatric and other institutions?*

³⁹ Information about Convention on preventing, and combating violence against women and domestic violence (Istanbul Convention) in Cyprus available at: <https://www.domviolence.org.cy/en/symvasi-tis-kostantinoupolis/>

8. Protecting the Integrity of the Person (Article 17 CRPD/Articles 6-8 ICCPR)

39. According to the Cyprus Law on Psychiatric Hospitalization (L. 77(I)/1997)⁴⁰ and other relevant legislation, persons with disabilities may be subjected to intrusive therapy and other medical treatments without their free and informed consent, and to insufficient safeguards to ensure full access to and respect of persons with disabilities' sexual and reproductive health and rights, in particular those of women and girls, including by enabling them to retain their fertility under all circumstances.

40. Unfortunately, no statistical information or figures exist on compulsory treatment and those affected which are exposed to their human dignity.

Proposed questions:

- *Does the Government plans to take immediate steps to abolish all forms of guardianship and ensure, including through supported decision-making and adequate counselling, that any subjection to intrusive medical or surgical treatment without the individual, prior and fully free and informed consent, is prevented, and that personal integrity, autonomy and self-determination of persons with disabilities is guaranteed, with a particular focus on women and girls with disabilities?*
- *Does the Cyprus Government plan to adopt appropriate safeguards in order to ensure that persons with disabilities enjoy full autonomy with respect to their sexual and reproductive rights, on an equal basis with others, including by enabling them to retain their fertility, and that awareness of that issue be promoted among health professionals and the general public?*

⁴⁰ Psychiatric Hospitalization Law (L. 77(I)/1997) available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/1997_1_77/full.html

9. Living Independently and being Included in the Community (Article 19/Article 23 ICCPR)

41. Cyprus Government is still using an assessment procedure of disability, on an obligatory base, based on the International Classification of Functioning, Disability and Health (ICF), which violates the purpose of the CRPD to promote, protect and ensure the full and equal enjoyment of all human rights by all persons with disabilities. In practice, disability assessments that carried out by Cyprus Government, cause restrictions on legal capacity, participation to the community, independent living, employment and many other areas of life, hind the participation of persons with disabilities in all aspects of their life and does not respect the dignity, privacy and the human rights of persons with disabilities in general.

42. 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 Handicap⁴¹).

43. 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. Consequently, there are many persons 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.

⁴¹ Annual report for 2015 of the Committee for the Protection of the Rights of People with Mental Handicap available in Greek at: <http://www.cpmmental.com.cy/epnka/userfiles/file/annual-report-2015.pdf>

44. The Government of Cyprus has abolished in 2014 the only Scheme existed until that year, which ensured access to public programs for housing and accommodation of persons with disabilities. Despite our efforts for a new legislation/Scheme⁴² ensuring the access of persons with disabilities to public support and programs for housing, the Government does not seem to plan to bring back a new housing scheme soon.

Proposed questions:

- *How does Cyprus guarantee that persons with disabilities of all ages, including older persons, will have full and equal access to participation services and their right to free choice of residence and type of housing will be ensured?*
- *What measures is the Government of Cyprus plan to take in order to develop and implement safeguards securing the right to independent living, implement an adequately funded deinstitutionalization strategy, redirect resources allocated to institutionalization and earmark and allocate them to community-based services and increase the budget enabling persons with disabilities to live independently across Cyprus with access to individually assessed and adequate services, including personal assistance, within the community.*
- *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 Convention?*
- *Please provide information whether Cyprus Government plan to restore an upgraded, unified housing scheme for all persons with disabilities, the provision of which should be based on the human rights-based approach.*

⁴² Letter by Cyprus Confederation of Organizations of the Disabled to the Minister of Interior dated 19 April, 2019, titled “Preparation and implementation of a new Housing Scheme for people with disabilities”.

10. Freedom of Expression and Opinion, and Access to Information (Article 21 CRPD/Article 19 ICCPR)

45. The responsible Departments and Services of the Government refuse to implement the provisions of the international Conventions ratified by the country and those of the national legislation concerning the audio-visual media service providers (EU Audio-visual Media Service Directive 2010/13), who are obliged to make their services gradually accessible to persons with visual or hearing disability until accessible programs are available up to 5% of their total service time, invoking the economic crisis and the imminent modification of the relevant legislation.

46. There aren't any programmes with audio description or language audio interpretation in Cyprus. Therefore, the accessibility of radio and TV is not ensured.

47. Also, although Cyprus Sign Language is officially recognized by the Law on the Recognition of Cyprus Sign Language (L. 66(I)/2006)⁴³, sign language services are not available in public services, hospitals, police offices etc.

48. The Alliance send to the Government an extensive list of proposals for the implementation of all necessary legal and practical measures that 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 and at least covering 5% of audio-visual programs, other than news broadcast.

49. 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.).

50. Cyprus should provide sign language interpretation in public services and leisure and cultural facilities, and extend the opportunities to learn and communicate in Cypriot sign language and tactile communication.

⁴³ Law on the Recognition of Cyprus Sign Language (L. 66(I)/2006) available at: http://www.cylaw.org/nomoi/enop/non-ind/2006_1_66/full.html

51. Taking into consideration all the above mentioned weaknesses, Cyprus Government should allocate sufficient financial resources for high quality education of sign-language interpreters in the area of public services, leisure and cultural activities and in broadcasting, recognize and promote the right for persons with hearing and/or visual impairments, including deaf and deafblind persons, and their environment, including family members, to learn and communicate in Cypriot sign language and tactile communication, including by developing a Cypriot sign language dictionary, to ensure their participation and recognition in all spheres of life on an equal basis with others.

52. On May 10th, 2019 the Parliament of Cyprus has ratified the Marakesh Treaty by incorporating to the country's national legislation the guidelines of the "EU Directive (2017/1564) of the European Parliament and of the Council of 13 September 2017 on certain permitted uses of certain works and other subject matter protected by copyright and related rights for the benefit of persons who are blind, visually impaired or otherwise print-disabled and amending Directive 2001/29/EC on the harmonisation of certain aspects of copyright and related rights in the information society"⁴⁴,. Amending the existing Copyright Law (L. (59/1976)⁴⁵, has adopted an appropriate Law, for the promotion of production and distribution of barrier-free works through authorize entities. In Cyprus no concrete measures are foreseen for any tangible improvement to actively support the availability of barrier-free accessible works for blind, sight impaired and otherwise reading impaired persons (e.g. through financial support of libraries for the blind and other authorize entities) and thus to end the book famine for the future.

Proposed questions:

- *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?*

⁴⁴ EU Directive (2017/1564) available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017L1564&from=EN>

⁴⁵ Copyright Law (L. (59/1976) available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/1976_1_59/full.html

- *Please provide information, including a time plan, on whether the State is planning to provide sign language services in all public services.*
- *How does Cyprus plan to contribute to the effective implementation of the new Law which incorporates the “Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled of the World Intellectual Property Organization (WIPO)” which ensure access to public works for persons with any kind of disability, in particular blind, visually impaired or otherwise print disabled persons.*

11. Participation in Political and Public Life (Article 29 CRPD/ Article 25 ICCPR)

53. Although the provisions of article 11 of the Registration of Electors and the Electoral Catalogue Law of 1980 (40/1980)⁴⁶, 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 psychosocial disabilities.

54. Additionally, in spite of the fact that there is no specific legislation 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)⁴⁷. According to this Law, persons under guardianship who cannot manage their own affairs including people who, because of mental disorder, addiction, alcoholism, brain or other physical injury, or other disease, are not in a position to exercise critical thinking based on their own free will, and are not able to manage their own property or other affairs” are considered “incompetent”. The provisions of the above Law define an “incompetent person” as “persons with severe mental and other cognitive disabilities who

⁴⁶ Registration of Electors and the Electoral Catalogue Law of 1980 (40/1980) available at in Greek: http://www.cylaw.org/nomoi/enop/non-ind/1980_1_40/full.html

⁴⁷ Administration of the Property of Incompetent Persons Law (L. 23(I)/1996) available in Greek at: http://www.cylaw.org/nomoi/enop/non-ind/1996_1_23/full.html

are under guardianship”. Hence, they are considered as not having “contractual and legal capacity”. Consequently, a number of persons with severe intellectual 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 persons with disabilities votes since no support measures are provided to them in order to exercise their civil rights.

55. In addition to the SAPD 2018-2020, CCOD send a letter to the Organization for Security and Co-operation in Europe⁴⁸ and has had a meeting with them, asking the relevant authorities of Cyprus to expeditiously take legislative amendments to guarantee to all persons with disabilities including persons with intellectual and/or psychosocial disabilities the right to vote and to stand for election and adequately included, supported and trained to exercise their right to vote and stand for election.

56. The Government of Cyprus didn’t proceed yet to any amendments of the existing legislation in order to guarantee the free expression of the will of persons with disabilities as electors to support and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice. Despite our efforts, the Government didn’t respond to the request of hundred of persons with disabilities for their right to political participation and public life, excluding them from participating to the upcoming elections in Cyprus.

57. With a letter to the responsible Minister⁴⁹ for the elections of the President of the Republic of Cyprus, we have asked Minister of Interior, in cooperation with CCOD and the other representative organizations of persons with disabilities, to proceed immediately with the implementation of a series of measures, ensuring the exercise of the right to elect and be elected without any discrimination and the right of participation to the political and public life of all citizens with disabilities in Cyprus. The measures, facilities and other arrangements requested are:

⁴⁸ Letter by CCOD to Organization for Security and Co-operation in Europe dated January 25th, 2018 titled “Participation in political and public life”.

⁴⁹ Letter by CCOD to the Minister of Interior dated 28 August, 2017 titled “Providing facilities for people with disabilities to participate in political and public life”.

- To ensure the possession of the electoral register of all persons with disabilities and to ensure that all persons with disabilities are treated with respect and without stigmatizing, stereotypical or disability-related political behaviours.
- To ensure that all polling stations and procedures are accessible to all persons with disabilities: Ensure that electoral processes, facilities and materials are appropriate, accessible and easy to understand and use by people with disabilities for the purposes of their uninterrupted participation electoral processes on an equal base with other citizens. More specifically:
 - To provide clear explanations at all stages of the electoral process and access to information and material on elections and nominations such as the use of easy to read language.
 - Financing to ensure that all the information provided are accessible and easy to understand at all stages of the electoral process.
 - Provide assistance or support by a person of their choice as a personal assistant at all stages of the electoral process.
 - To make all polling stations accessible to persons with all kinds of disabilities.
 - To carry out information events on the electoral process by specialized bodies, with respect to the diversity of citizens with disabilities and their fundamental rights.
 - To provide appropriate training to the members of local election committees in order to ensure that they are able to explain the process in a meaningful way to persons with psychosocial and intellectual disabilities.
 - Implement accessibility measures and electronic voting.
 - Pre-election campaigns and campaigns to be accessible to everyone.

Proposed questions:

- *Please provide information if Cyprus Government plans to make any legislative amendments to guarantee to all persons with disabilities including persons with intellectual and/or psychosocial disabilities the right to vote and to stand for election and adequately included, supported and trained to exercise their right to vote and stand for election.*
- *What measures will be undertaken by the State in order to ensure equal participation of persons with disabilities to the political life of Cyprus?*
- *When is the Government of Cyprus planning to adopt a legislation specifically facilitating the ability 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, to guarantee them right to register and vote?*
- *What measures will be undertaken by Cyprus Government 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, including the right to have assistance in voting by a person of their own choice?*

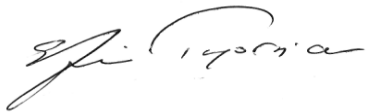
Signatories



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ACM SIGACCESS Cyprus



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Association of Teachers in the Special
List of Applicants



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«ΣΥΝΔΕΣΜΟΣ ΓΟΝΕΩΝ ΚΑΙ ΦΙΛΩΝ ΚΕΝΤΡΟΥ
ΗΜΕΡΗΣΙΑΣ ΦΡΟΝΤΙΔΑΣ ΕΝΗΛΙΚΩΝ (ΑΜΕΑ)
ΚΟΙΝΟΤΗΤΩΝ ΔΙΑΜΕΡΙΣΜΑΤΟΣ ΜΟΡΦΟΥ»

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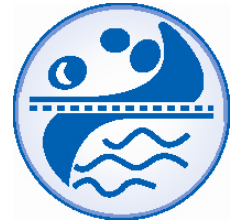


Χ Ρ Ν Λ Λ

Christakis Nikolaides, President
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Marios Kouloumas, President
Cyprus League Against Rheumatism



Antros Constantinou, President
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Savvas Christodoulou, President
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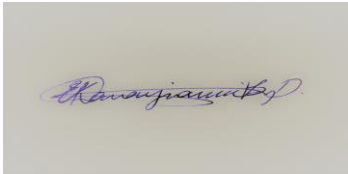


Charalambos Papadopoulos, President
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Eleni Karagianni, President
Cyprus Psychological Association



Σύνδεσμος Ψυχολόγων
Κύπρου



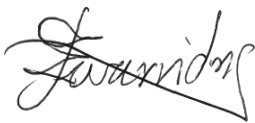
Iakovos Valanides, President
Limassol Parents and Friends Association
of Children with Special Needs



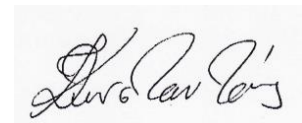
Iosif Anastasiou, President
Democratic Labour Federation of Cyprus



Stelios Nicolaou, President
Multiple Sclerosis Association Larnaca

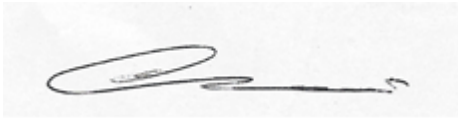


Xenofon Ioannides, President
Elpidoforos Group



Demetres Constantas, President
Organization of Students and Graduates
of Vocational Rehabilitation Center of
Disabled Persons





Michalis Louca, Honorary President
Pancyprian Down Syndrome Association



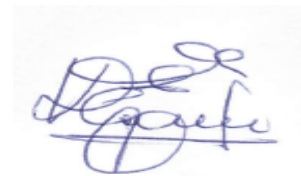
Χ Ν Λ Λ

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Pancyprian Organization of the Blind



Antonios Pavlas

Antonis Pavlas, President
Pancyprian Organization for
Rehabilitation of Disabled Persons



Constantinos Efrem, President
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Yioula Pitsiali, President
Pancyprian Organization of Parents and
Friends of Children with Cerebral and
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Γ Π Ρ Ο Δ Ρ Ο Μ Ο Υ

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Pancyprian Retina Society





Nimfodora Charitou, President
Parents Association of the first Care
home in Paralimni



Despoina Constantinou, President
Rehabilitation initiative team for mentally
deprived people who are irregularly
located in Athalassas Hospital



Thomas Katsionis, General Director
“Theotokos” Foundation

