

# **Franet National contribution to the Fundamental Rights Report 2021**

**Cyprus**

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## Fragnet country study: policy and legal highlights 2020

<b>Issues in the fundamental rights institutional landscape</b>	<b>GRECO report on anti-corruption:</b> , The Council of Europe’s anti-corruption group <a href="#">welcomed</a> the <a href="#">Judicial Code of Ethics</a> on preventing judges’ conflict of interest and the establishment of a <a href="#">Judicial Training School</a> , in compliance with its recommendations of 2019, but stressed the need for a <b>Code of Conduct for Members of Parliament</b> to be adopted to prevent various forms of corruption, including conflicts of interest.
<b>EU Charter of Fundamental Rights</b>	<b>Charter at the parliament:</b> Despite recommendations for the use of the Charter by Parliament for impact assessments and legal scrutiny, the Charter is still <b>not adequately used at the legislative level</b> . <b>Charter as regulator of hierarchy of laws:</b> Charter <b>article 53</b> was raised in <a href="#">Court</a> in 2020 in order to <b>regulate the hierarchy of provisions between the ECHR and the national Constitution</b> and to support the argument that the ECHR cannot be used in order to restrict rights granted under domestic laws.
<b>Equality and non-discrimination</b>	<b>No regulatory framework for care homes:</b> A <a href="#">report</a> by the Ombudsman in her capacity as independent mechanism for the monitoring of the implementation of the CRPD flagged the absence of a legal and policy framework to protect the rights of <b>residents of care homes for the elderly</b> .  <b>Change of gender on travelling documents:</b> Whilst the gender identity bill remained pending for the third year, the Interior Ministry issued guidelines foreseeing a <b>procedure for the change of name and gender</b> on travelling documents, without requiring a medical certificate of gender reassignment.
<b>Racism, xenophobia &amp; Roma integration</b>	<b>Implementation of school anti-racist code of conduct:</b> The evaluation of the <a href="#">Ant-racist Code of Conduct</a> revealed that that <b>school networks</b> and the exchanges between school teams was the most efficient <b>strategy for supporting the implementation of the Code</b> , which had been insufficiently implemented in previous years  <b>Roma integration issues :</b> The civil society <a href="#">report</a> on Roma integration highlighted the marginalisation and <b>daily racism faced by Roma women</b> as well as the problems of widespread <b>drug use</b> and drug related crime amongst the Roma.
<b>Asylum &amp; migration</b>	<b>No extension of residence permits during COVID-19 restriction measures:</b> The immigration authorities did not issue or renew permits, which expired whilst the restriction measures applied, but did not take measures against the holders of the expired measures.
<b>Data protection and digital society</b>	<b>“The Cyprus Papers”:</b> Following Al Jazeera <a href="#">revelations</a> about corruption in the implementation of the ‘golden passports’ program, the DPA <a href="#">reported</a> that the leakages to Aljazeera resulted in data breaches.  <b>Phone tapping:</b> The <a href="#">law on monitoring private oral or written communications was adopted</a> ;  <b>AI Strategy:</b> The government adopts its first <a href="#">national strategy on AI</a> .

<b>Rights of the child</b>	<p><b>Covid-19 measures</b> had a <a href="#">negative impact</a> on <b>single-headed families</b> who fell through the cracks of the support measures, on <b>students</b> without necessary connectivity and hardware to attend distant learning during lockdown and on families at risk of <b>evictions</b>, which resumed in September.</p>
<b>Access to justice, including victims of crime</b>	<p><b>New law against sexism:</b> Parliament adopts a new <a href="#">law criminalising sexist behaviour</a>, including on line harassment and sharing of intimate content, and set up a council monitoring implementation. The President of the Republic <a href="#">referred</a> the law back to parliament on the justification that it created an economic and administrative burden for the government and parliament <a href="#">revised the law</a> removing the monitoring body provision.</p> <p><b>Recourse to the ECtHR:</b> A <a href="#">victim of trafficking brought a case against Cyprus to the ECtHR</a> for <a href="#">failure</a> to safeguard the right to a fair trial, to provide protection from servitude and provide an effective remedy.</p>
<b>Convention on the Rights of Persons with Disability</b>	<p><b>Covid-19 measures</b> had <a href="#">devastating impact</a> on persons with disabilities, losing jobs and welfare grants. Children with disabilities faced inequalities and discrimination in returning to school after the lockdown</p>

# Chapter 1. Equality and non-discrimination

## **1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.**

### *Court rejects claim for age discrimination in retirement age*

On 25 November, the Administrative Court rejected a recourse by four police officers against the rejection of their application to return to work following a pre-retirement leave. They relied on a new law that came into force whilst they were on pre-retirement leave and that extended retirement to 61 year and six months of age for high-ranking police officers, instead of retirement at 61, the applicable legal provision until then. The extended service would result in additional retirement benefits. The applicants applied to the court in 2013 against this rejection, and, in 2017, the administrative court annulled the rejection, ruling there was no definitive decision by the competent body, the Chief of Police, rejecting their application to return to work. Following this decision, their application to return to work was re-examined and rejected again, this time with a decision of the Chief of Police. The police officers applied to the Court again, seeking to reverse the decision, which prohibited their return to work. Counsel for the applicants cited a number of arguments in favour of annulling the decision of the Chief of Police, i.e. that the rejection was inadequately justified and that it infringed the court decision of 2017 in favour of the applicants. Counsel for the applicants additionally raised the issue of equal treatment, as guaranteed in Article 28 of the Constitution, which prohibits discrimination in all fields and on all grounds. He argued that the law should apply to all, irrespective of whether they were serving a pre-retirement leave or were still in the service. Counsel for the Republic replied that the differential treatment was legitimate because it was applied to essentially different circumstances, since the posts of persons serving a pre-retirement leave are considered vacant. The Court rejected all arguments of the applicants and validated the decision of the Chief of Police to prohibit the applicants from returning to service to serve an extra six-month period. The argument of the applicants regarding unequal treatment on the ground of age in the law was rejected because, although elaborated in the final address of counsel for the applicants, it was not listed in the application as a reason for annulling the decision. According to judicial precedent, the court will not examine issues, which are not explicitly set out and fully justified in the recourse, and the mere invocation of a constitutional violation will not suffice. Given that all the other reasons were

found to be insufficient to annul the rejection of the applicants' claim, the rejection was confirmed.<sup>1</sup>

### *Care home for the elderly deprives a resident of his wheelchair until settlement of fees*

On 13 October, the Office of the Ombudsman, in its capacity as an independent mechanism for the rights of persons with disabilities under the CRPD, issued a decision in relation to the withholding of the wheelchair of an elderly person with disabilities until settlement of two months residency fees due to the home.<sup>2</sup> The incident took place in 2017, when the family of the elderly person decided to remove him from the home and visited the home in order to collect his belongings. Because of the decision of the home to withhold his wheelchair, the elderly person was forced to remain in bed for three days, until his family paid the fees due. The Social Welfare Services did not comment on the incident or responded to the letter of the Ombudsman. The report acknowledged that the legal framework is inadequate, and does not create an effective supervisory mechanism for the private homes. It criticised the Social Welfare Services for failing to issue guidelines for the operation of homes for the elderly. The report relied on the CRPD to conclude that the withholding of the wheelchair was unlawful and provided a set of recommendations for the Social Welfare Services without issuing sanctions against the home.

### *Upsurge of Covid-19 infections in care homes for the elderly*

In November, there was a sharp rise in COVID-19 incidents amongst older people residing in care homes, suggesting that the health protocols of the Ministry of Health were either not complied with, or insufficient.<sup>3</sup> In December, there was a further upsurge of COVID-19 deaths in care homes, leading the Third Age Observatory to raise issues regarding the circumstances leading to these deaths. The Third Age Observatory further raised the issue that the care home deaths were announced with a delay of 20 days, and that patients were not transferred

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<sup>1</sup> Cyprus Administrative Court (2020), [Kyriakou et al v. Republic of Cyprus through the Ministry of Justice and Public Order and the Chief of Police](#), Case No. 650/2018, 25 November 2020.

<sup>2</sup> Cyprus, Commissioner for Administration (2020), '[Έκθεση Επιτρόπου Διοικήσεως και προστασίας ανθρωπίνων δικαιωμάτων υπό την ιδιότητα του ανεξάρτητου μηχανισμού προώθησης, προστασίας και παρακολούθησης της Σύμβασης του ΟΗΕ για τα Δικαιώματα των Ατόμων με Αναπηρίες αναφορικά με κατακράτηση τροχοκαθίσματος ατόμου με αναπηρία από Στέγη Ηλικιωμένων μέχρι την εξόφληση τροφείων](#)', File No. SAA 140/2017, 13 October 2020.

<sup>3</sup> Euronews (2020), '[Κύπρος - COVID-19: 197 νέα κρούσματα και ένας θάνατος - Τα 35 κρούσματα σε γηροκομείο](#)'; Kathimerini (2020), '[107 νέα κρούσματα - 8 τα περιστατικά σε γηροκομείο της Λευκωσίας](#)', 16 November 2020; Kathimerini (2020), '[8 κρούσματα σε γηροκομείο στη Λεμεσό](#)', 14 November 2020; Alphanews (2020), '[Νέος συναγερμός στην Κυπερούντα: Δεκάδες κρούσματα κορωνοϊού στο γηροκομείο](#)', 19 November 2020.

to hospitals, questioning whether care homes have the necessary equipment and expertise to implement protocols and provide suitable treatment to residents falling sick. The doctor in charge of care homes in the district of Nicosia told the media that the deceased had not been transferred to hospitals to undergo treatment because their deaths were inevitable due to their advanced age. The owner of the care home where five elderly persons died stated that, when the doctor had tried to secure hospital beds for the residents, the public hospitals denied access.<sup>4</sup>

There have been no other measures or developments regarding discrimination against older people.

### *LGBTI and gender identity*

In 2020, Cyprus climbed up four places, from the 23<sup>rd</sup> position in 2019, to the 19<sup>th</sup> position in ILGA's 'Rainbow Europe' classification<sup>5</sup> thanks to the fact that its draft law on gender identity relies on self-identification of gender and to the implementation of guidelines issued by the Interior Ministry pending the adoption of the gender identity bill for the change of gender and name in public records.<sup>6</sup> The guidelines, issued by the Department of Archives, Population and Immigration, foresee a procedure for the change of name and gender on travelling documents, through the submission of a written application, by way of a letter and biographical note supported by a sworn statement. If they wish, applicants can attach a medical certificate showing medical gender reassignment therapy, but this is optional and only if the applicants believe it will reinforce their claim. Only persons aged 18+ can apply, and the correction of the gender cannot be made more than twice. The application must be examined within 30 days, provided there are sensitive personal data at stake and the right to private life is affected.

A national action plan on combating discrimination on the grounds of sexual orientation, disability, age, disability, ethnicity and religion, which started to be

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<sup>4</sup> Panayi, M. (2020), '[Εφιάλτης οι θάνατοι σε γηροκομεία - «Να αποδοθούν ευθύνες»](#)', *Phileleftheros*, 23 December 2020.

<sup>5</sup> For details, please see the relevant [webpage](#) of ILGA-Europe.

<sup>6</sup> Interview with Advisor to the President of the Republic on issues of multiculturalism, acceptance and respect for diversity, 5 October 2020.



discussed at the beginning of the year, was abandoned at the outbreak of the pandemic.<sup>7</sup>

### *The deportation of Enzo*

In August, a Brazilian transgender national known as Enzo, married to a Cypriot national through a civil partnership agreement, was arrested as soon as he completed his prison sentence, to be deported to Brazil. Instead of being transferred to the Menoyia Detention Centre, where all persons under deportation are detained, he was taken to a police station and detained in substandard conditions. The Menoyia detention centre was not an option, according to the police, because they were not sure whether they should place him in the men's or the women's wing and his safety could be at risk. At the police station, he was locked up in the cell all around the clock, he had to drink water from the washbasin, and he was not allowed to watch television or to have access to his mobile phone except for a few minutes every day. The police informed him that his deportation to Brazil would be delayed because of COVID-19.<sup>8</sup> Instead, Enzo was deported ahead of schedule on 7 September, whilst the parliamentary committee on human rights was convening to discuss his case. In order to pay for his ticket, the authorities confiscated the money he had earned while working in jail. He was escorted by three police officers to Sao Paulo where he was left without money. His lawyer reported serious fundamental rights violations: the Interior Minister refused to examine his case in light of the fact that he had family in Cyprus and responded that his Cypriot partner was free to join him in Brazil; his hormonal therapy for gender reassignment would be discontinued if he was deported, as he would not have access to the therapy in Brazil; he was not permitted to contact his embassy or his partner before departure and his phone was confiscated by the police and handed back to him only after they landed in Qatar. On 29 September, Enzo's lawyer filed a recourse in Court against the Interior Ministry regarding the orders of detention and deportation and the case was set for hearing on 20 October.<sup>9</sup>

### *NGO files complaint for law excluding same sex partners from survivor's pension*

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<sup>7</sup> Interview with Advisor to the President of the Republic on issues of multiculturalism, acceptance and respect for diversity, 5 October 2020.

<sup>8</sup> Kalatzis M. (2020) '[Από τη φυλακή, στον ανθρώπινο εξευτελισμό](#)', Politis, 24 August 2020.

<sup>9</sup> Alphanews (2020), '[Του έκοψαν εισιτήριο για απέλαση με τα €500 που μάζεψε από τη φυλακή](#)' 3 October 2020

In November, the NGO Accept LGBTI Cyprus filed a complaint with the Minister of Labour, Welfare and Social Insurance against a legislative provision that regulates eligibility to survivor's pension. The legislative provision complained of had been revised in 2019 in order to remove gender discrimination, as the eligibility conditions had until then included different provisions for women and men survivors.<sup>10</sup> The provision, after its 2019 revision, was grammatically worded in such a way that excluded same sex surviving partners, despite the fact that the same sex partnership law adopted in 2015 expressly if same sex partners have all the rights of heterosexual partners minus the right to adopt children.<sup>11</sup> According to Accept LGBTI, the revised law on widowers' pensions infringed article 14 of the ECHR, Protocol 12 to the ECHR and article 28 of the Cypriot Constitution, which provides an overarching and far-reaching non-discrimination provision.<sup>12</sup> Accept LGBTI argued that the denial of a widowers' pension to survivors of same sex partnerships further infringed Article 9 of the Cypriot Constitution, which provides that every person has the right to a decent existence and to social security.<sup>13</sup> Given the fact that the Parliamentary Committee on labour, welfare and social insurance recognised that the right to a survivor's pension is a property right that cannot be restricted, Accept LGBTI concluded that the said legislative provision violates Article 23 of the Constitution, which safeguards the right to property.<sup>14</sup> The extension of the right to a survivor's pension to include same sex partners would inevitably result in an increase to the state budget. As such, the proposal for this amendment cannot be tabled by parliamentarians, it must emanate from the executive. In order to comply with this requirement, the NGO called on the Labour Minister as the competent officer to submit to Parliament a proposal for legislative amendment, clarifying that survivors of same sex partnerships are also eligible for a survivor's pension.

### *Ombudsman's report on transfer of transgender person to Cyprus to serve prison sentence*

In December 2020, the NHRI examined a complaint submitted by the lawyer of a transgender person held in a foreign prison, on whom a three-year prison sentence pended. The complainant sought to continue serving her sentence in Cyprus. The Ombudsman responded that, in light of a bilateral agreement between Cyprus and the country where the person was imprisoned for judicial and legal assistance in

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<sup>10</sup> Cyprus, [Law on social insurance \(amendment\) of 2019 N.126\(I\)/2019](#) [Ο περί Κοινωνικών Ασφαλίσεων (Τροποποιητικός) Νόμος του 2019] N. 126(I)/2019], article 41 of the annotated law.

<sup>11</sup> Cyprus, [Ο περί Πολιτικής Συμβίωσης Νόμος του 2015 N. 184\(I\)/2015](#) (Law on civil cohabitation of 2015, N. 184(I)/2015)

<sup>12</sup> Cyprus, [The Constitution of the Republic of Cyprus](#) (Το Σύνταγμα της Κυπριακής Δημοκρατίας), article 28.

<sup>13</sup> Cyprus, [The Constitution of the Republic of Cyprus](#) (Το Σύνταγμα της Κυπριακής Δημοκρατίας), article 9.

<sup>14</sup> Cyprus, [The Constitution of the Republic of Cyprus](#) (Το Σύνταγμα της Κυπριακής Δημοκρατίας), article 23.

civil and criminal law, and in line with the prisoner's wishes, the Ministry of Justice ought to apply to the detaining country to permit the transfer of this person to a Cypriot prison. The report cited the Yogyakarta principles, pointing out that detention condition of LGBTI persons should not be additionally restrictive due to their sexual orientation, and should not expose these persons to violence or humiliating treatment.<sup>15</sup>

### *Teacher training for teaching the Health Education Curriculum at schools*

During school year 2019-2020, the Cyprus Pedagogical Institute of the Ministry of Education carried out trainings for primary education teachers on teaching sexual education through the implementation of the Health Education curriculum, which is based on World Health Organization guidelines<sup>16</sup>. 70 teachers participated in three whole day training seminars based on the sexual education handbook for primary education "Life journey". The training involved the implementation of sexual education activities in their classrooms, and trainees participated in a reflection process during the final meetings. The learning objectives were based on the health promotion approach and aimed to provide opportunities to students in order to explore critically the various social factors that determine issues of sexuality and to understand the ways in which society may influence attitudes, choices and behaviours concerning sexuality.<sup>17</sup>

## **2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.**

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<sup>15</sup> Cyprus, Ombudsman (2020), '[Report of the Commissioner for Administration and Human Rights in her capacity as NHRI regarding the treatment of a request for transfer to Cyprus of a LGBTI person convicted abroad](#)' (Έκθεση Επιτροπικού Διοίκησης και ανθρωπίνων δικαιωμάτων υπό την αρμοδιότητα της ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων αναφορικά με το χειρισμό αιτήματος μεταφοράς στην Κύπρο ατόμου που ανήκει στη ΛΟΑΤΚΙ κοινότητα το οποίο καταδικάστηκε στο εξωτερικό), Ref. Α/Ρ/726/2020, 14 December 2020.

<sup>16</sup> WHO-Europe and Federal Centre for Health Education BZgA, (2010).*Standards for sexuality in Europe. A framework for policy makers, educational and health authorities and specialists*. Cologne: WHO Europe and Federal Centre for Health Education BZgA <http://www.bzga-whocc.de/?uid=072bde22237db64297daf76b7cb998f0&id=Seite4486>

<sup>17</sup> Communication from the Ministry of Education, Culture and Sports, 5 October 2020.

There were no studies, surveys or other reports on discrimination against older persons.

### *Survey on political participation of LGBTQI+ people*

In June, the transnational project 'VoiceIt', funded by the EU Rights Equality and Citizenship program, on the participation of LGBTQI+ persons in politics produced its national report on Cyprus in June. The report studied the extent to which LGBTQI+ persons participate in public life and politics, focusing on four groups: LGBTQI+ persons, government officials, representatives from political institutions and the general public, so as to identify perceptions on LGBTQI+ rights, obstacles faced by LGBTQI+ persons with minority ethnic or cultural backgrounds and views on policy reform to encourage the participation of the LGBTQI+ community in the political arena. The methodology involved desk research and an on-line survey, disseminated through social media, direct emailing, press release, live-streamed online event. The online survey was responded by 658 participants, from whom only 427 fully completed the questionnaire. The participation of government officials and representatives of political institutions in the survey was low – only 19 representatives from political institutions and 22 government officials participated in the study. The sample comprised 427 participants of which 77% identified themselves as cisgender (43% female and 34% male), 1% transgender (7 male and 1 female), and 4% genderqueer. Ten (10) % of the participants did not specify their gender and 5% did not want to answer this question. Three (3) % of the sample identified as intersex. In terms of age, 3,5% of participants indicated that they belong to the 15-18 years old category, 58% identified as young adults (22% identified as 19-25 years old, 36% as 26-35 years old), 32,5% identified as middle-aged (25,5% identified as 36-45 years old and 7% and 46-55 years old), 4% identified as 56-65 years old and 2% as 66-75 years old. Concerning the distribution of target groups, 163 participants identified themselves as LGBTQI+ and 223 people identified themselves as general public. Twenty-two (22) of the participants were government officials (5% of the sample), out of whom only seven identified as LGBTQI+ and two chose the option "do not want to answer". Nineteen participants were representatives from political institutions (4.4% of the sample), out of whom only one identified as LGBTQI+.

In terms of experiences of discrimination, the survey found that even though the majority of LGBTQI+ recognized the existence of discrimination in Cyprus, when asked if they had personal experiences of discrimination the majority responded 'rarely'. The most common forms of discrimination reported, where the majority responded with 'rarely' or 'sometimes', were negative comments for behaving differently than expected according to their perceived gender. The answers tended towards "rarely" concerning intentional misgendering, use of LGBTQI+ terms in a

derogative way, negative comments online, mocking, verbal harassment, and discrimination in public places for being or being perceived to be LGBTQI+. Most answered “never” regarding the use of their dead name (for transgender people), exclusion from an event or activity, physical attacks, premeditated or otherwise, and sexual harassment for being or being perceived to be LGBTQI+. As regards political participation, representatives from political organisations tended to believe that LGBTQI+ individuals were adequately represented mainly through lobbying and advocating through NGOs. By contrast, 72% of the LGBTQI+ respondents felt they could not engage in political processes without the risk of discrimination and 63% felt that, if they engaged in politics, their positions would not be taken into account. LGBTQI+ participants expressed the view that political processes in Cyprus are sexist, patriarchal and homophobic and require a macho behaviour. Government officials (82%) disagreed with the statement that LGBTQI+ were equally represented in politics and 68% disagreed that there are enough opportunities for LGBTQI+ people to engage in politics in Cyprus.<sup>18</sup>

## **Chapter 2. Racism, xenophobia and related intolerance**

### **1. Legal and policy developments relating to the application of the Racial Equality Directive**

#### *Anti-racist code of conduct and recording of racial incidents at schools*

Since the school year 2014-2015, the Ministry of Education implements a policy of recording and addressing racial incidents at schools,<sup>19</sup> developed based on the

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<sup>18</sup> Avgousti A. and Vasiliou E. (2020), ‘Voiceit: Strengthening LGBTQI+ voice in politics- National Report Cyprus’, for ACCEPT LGBT Cyprus, June 2020. Not available on line at the time of writing.

<sup>19</sup> Cyprus (2016), Ministry of Education Code of Conduct against Racism & Guide for Managing and Recording Racist Incidents ([Κώδικας Συμπεριφοράς κατά του Ρατσισμού και Οδηγός Διαχείρισης και Καταγραφής Ρατσιστικών Περιστατικών](#)), 2016.

Follow-up Report of Cyprus for Recommendation No 20<sup>20</sup> and a recommendation from the Anti-Discrimination Body of the Ombudsman's office at the time. For the school year 2019-2020, reports were received from 129 schools, 88 of which reported zero racist incidents and 41 schools reported 245 incidents. These were based on various aspects of diversity: appearance 64 incidents; language 32; ethnicity 30; age 29; abilities 26; skin colour 21; 'other' 19; gender 14; sexual orientation 12; religion 11; gender identity 6; political or other beliefs 6; community 4; disability 3; citizenship status 3. The victims and perpetrators were mostly students and, in fewer cases, teachers or other school community members. Amongst 251 victims, there were 220 students, 19 teachers, and 12 other school community members; amongst 301 perpetrators, there were 274 students, 10 teachers and 17 other school community members. Most racist incidents were recorded to have taken place in the school yard and in the classroom, fewer in the football court and the school corridors and even were recorded having taken place in other spaces, like locker rooms, bus, toilets, online: 114 took place in the school yard, 74 in the classroom, 47 in the football court, 40 in the school corridors, eight on line, seven outside the school. Most racist incidents were reported by the victims to the teachers responsible for recording: 117 incidents were reported from the victims themselves, 89 from the teachers who heard them, 76 from student witnesses, 67 from students who heard about them, 64 from teachers who were witnesses, 12 from other individuals. The schools that recorded racist incidents reported the following consequences for students who were involved in racist behaviours: in 208 cases remarks were made to the perpetrators, in 172 cases the school communicated with the perpetrators' home, in 150 cases there were discussions with the perpetrators, the reflection sheet was used in 149 cases, written remarks were issued in 61 cases, deprivation of participation in activities was imposed in 61 cases, community service was sanctioned in 15 cases, 'other' consequences were imposed in seven cases and compensation was ordered in one case.<sup>21</sup>

The evaluation of the policy implementation revealed that the creation of the school network appears to be the most effective support strategy for schools implementing the policy. School teams created in the various districts had the opportunity to exchange experiences and views on policy implementation processes and reflect on their role and ways of managing the behaviours of colleagues, children and parents. According to the feedback from the network participants, despite the improvements in numbers of recordings compared to previous years, challenges remain in the following areas: insufficient reporting on racist incidents; lack of schools' accountability for the policy implementation; insufficient reporting leads to failure to develop contextually appropriate

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<sup>20</sup> Committee on the Elimination of Racial Discrimination. *Concluding observations on the combined seventeenth to twenty-second periodic reports of Cyprus: Information received from Cyprus on follow-up to the concluding observations*, CERD/C/CYP/CO/17-22/Add.1, 2 March 2015.

<sup>21</sup> Letter from the Ministry of Education to the FRANET contractor, 2 October 2020.

pedagogical interventions based on the racisms operating; further support is needed for schools to deal with racist behaviours by teachers themselves.

### *The Ombudsman's intervention for racial insults against a black footballer at the pitch*

In March, the Ombudsman's office, in its capacity as anti-discrimination authority, published the results of its self-initiated investigation regarding the oral racist attacks against a black football player during a football match on 21 February 2020. The player was subjected to repeated oral racial insults during the match until he could no longer play and left the game. His co-players saw he was upset and walked off the field with him. The referee interrupted the match and the player went to the police to report his racial abuse. The video posted on the internet showed that the verbal insults emanated not only from the supporters of the opposite team but also from the supporters of his own team. The report stressed the increased role of the state in acting retroactively to combat racism, highlighting the impact of racist acts not only on the person to whom they are directed but on all members of the same group, who will inevitably share the same feelings of humiliation and fear; and the risk of escalation of hostilities leading to severe forms of discrimination and violence. The report reiterated the recommendations of FRA, ECRI, the Council of Europe, and decrees of the UN and FIFA, which were integrated into the national legislative and regulatory framework, concluding that national law is compliant with all recommendations and guidelines at European and international level. The report was submitted to the Chief of Police and the President of the National Football Organisation, urging them to take criminal and disciplinary measures.<sup>22</sup>

### *Report on the status of foreign domestic workers in Cyprus*

In December, the Ombudsman published a report on the situation of foreign domestic workers in Cyprus, compiled by an academic and a member of the Ombudsman's office, under funding from the Hellenic Observatory of the London School of Economics. The report relied on a combination of desktop and field research, consisting of 150 questionnaires, 21 in-depth interviews and two focus groups of ten participants each. All participants were foreign domestic workers living in Cyprus' two main urban centres, Nicosia and Limassol, between November 2019 and February 2020. The report describes the gaps and weaknesses of the legal and policy framework, the experiences of foreign domestic workers, the long working hours, the lack of privacy involved in living in the employer's house, the

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<sup>22</sup> Cyprus, Commissioner for Administration and Human Rights (2020), 'Position regarding the racial attack against a football player ([Τοποθέτηση σχετικά με τη ρατσιστική επίθεση εναντίον ποδοσφαιριστή](#))', File No. 4/2020, 5 March 2020.

low remuneration, the lack of awareness of rights, the absence of a mechanism to oversee the implementation of the contract by the employer, the absence of an effective complaints mechanism against employer abuse, coercion and violence, mistrust of the authorities, and especially the police, and the problems in accessing medical care. The report concludes with recommendations for a redesign of the policy framework that regulates domestic work with policy changes and rights awareness, the ratification of the ILO Convention for Decent Work for Domestic Workers, the transfer of competence from the Ministry of Interior to the Ministry of Labour tasked, among others, with inspections at the work place, revision of the standard contract of employment to include more specific conditions on working hours and description of duties, living space, overtime payments, access to health care, information on rights and complaints, pensions and sanctions against employers.<sup>23</sup> The report did not refer to the Racial Equality Directive and did not connect the policy weaknesses identified with an infringement of the Directive.

#### *Migrant integration action plan*

A national migrant integration plan has been compiled utilising EU funds. In November, the draft plan was subjected to stakeholder consultation and was presented publicly in December, pending its formal adoption by the Archives Population and Immigration Department in 2021. The plan is based on eight priority areas which include the recognition and certification of knowledge and skills of migrant, training of migrants, sensitisation of migrants and host society including actors involved in integration, actions to facilitate access of migrants to the welfare state, the protection of human rights of vulnerable migrants and refugees and the development of integration tools.<sup>24</sup>

## **2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime**

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<sup>23</sup> Hadjigeorgiou N and Ombudsman (2020), '[Report on the status of foreign domestic workers in Cyprus](#)', 18 December 2020.

<sup>24</sup> Cyprus, National migrant integration plan ([Εθνικό Σχέδιο 'Ενταξης Μεταναστών](#)) 2020-2022.



Since it was adopted in 2011, the law transposing the Framework Decision on Racism and Xenophobia was never applied. As in previous years, in 2020 the Attorney General rejected a request to launch a criminal persecution against a newspaper for an article that was found by the Media Complaints Board to contain hate speech in breach of the law transposing the Framework Decision.<sup>25</sup> The procedure followed by the Attorney General's office is to instruct the police to conduct an investigation to establish whether the law transposing the Framework Decision was violated. The police investigation has never so far resulted in a criminal prosecution. The police does not have legal background and no special training on hate speech; the only investigation they can carry out is to take testimony from the suspect, which is not relevant to establishing an offence under the law, since the act is document and undisputed and a motive is not necessary in this case.

The gaps and weaknesses of the national legal framework on hate speech were at the centre of discussions amongst stakeholders and proposals were discussed in order to amend the law to establish a more efficient mechanism for bringing cases to court, however the discussions were interrupted at the outbreak of the pandemic and did not resume. The main problem was located in the fact that prosecutions are discretionary upon the Attorney General without any alternative recourse. Given that the route for accessing justice is evidently problematic, stakeholders believe that there are issues of violations of the EU Charter as regards the right to an effective remedy.<sup>26</sup>

The special page in the website of the Ombudsman/Equality Body/NHRI on hate speech and freedom of expression lists a number of self-initiated interventions that are irrelevant to hate speech and to the Framework Decision.<sup>27</sup>

### *Conviction for racial verbal abuse*

In December, the District Court convicted two women of a racial attack and imposed on them a fine of 750 to each one of them. The incident involved an intense verbal in October 2019 attack against a third country national in a parking lot, when the victim witnessed the assailants damaging another car as they tried

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<sup>25</sup> Cyprus, Legal Service of the Republic, Office of the Assistant Attorney General, Ref. 93/84/259, 4 August 2020.

<sup>26</sup> Interview with Advisor to the President of the Republic on issues of multiculturalism, acceptance and respect for diversity, 5 October 2020.

<sup>27</sup> Please see [webpage](#) on hate speech at the website of the Commissioner for Administration and Human Rights.

to leave the car park and told them they should pay for the damage. The victim was recording the incident with her phone and subsequently posted it on social leading to a public uproar that led the police to launch an investigation even in the absence of a complaint from the victim. The assailants faced charges under the criminal code concerning, among others, common assault, incitement to violence or hatred against a group of persons or members of groups based on their race, colour or religion, causing unrest, threat and public insults. The judge justified his decision to impose only a fine on the assailants, on the grounds that the victim did not file a complaint and was thus presumed not to have a complaint and because of the social uproar against the assailants.<sup>28</sup>

## Chapter 3. Roma equality and inclusion

### 1. Measures and developments addressing Roma/Travellers

No Roma-targeted measures were reported in 2020. As previously reported, the Cypriot government does not recognise Roma as separate entity from the Turkish Cypriot community. As a result, the only measures that Roma can benefit from are the horizontal measures applicable to all vulnerable groups.

This year's civil society monitoring report on Roma integration strategy, published in May, focused on the challenges faced by Romani women, intermobility within Cyprus, and on the prevention of drug use among Roma, which are previously unresearched areas and of critical importance as far as integration is concerned. The report, which relied on interviews and consultations with members of the Roma community, found that social integration remains at very low levels and education continues to be problematic; as a result, illiteracy levels remain high. The interviews revealed that Roma women face intolerance, lack of respect, daily racism and discrimination and are marginalised both outside and inside. Drug use and drug related crime was identified as a major problem, noting that national

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<sup>28</sup> Perdios, T. (2020), '[Στα μαλακά με πρόστιμο 750 ευρώ οι δύο γυναίκες για τη ρατσιστική επίθεση](#)', *Dialogos*, 23 December 2020.

strategies on combating drug abuse do not make special provisions for the Roma.<sup>29</sup>

In December, the Ombudsman's office, in its capacity as NHRI, published a report following a self-initiated investigation into the situation of Roma, relying on consultations with the NGO CypRom, the competent authorities and on on-site visit to a Roma settlement at the centre of the old city of Limassol. The report identified education, employment and access to state services as the areas where most problems facing the Roma community are encountered, particularly access to health and housing. The report noted the bad condition of most houses in the Limassol Roma settlement and the lack of response from the authorities to requests for maintenance to render the residences liveable. The small size of residences was further identified as a problem, as large families are often forced to live in a single room, some houses do not have electricity or water and the location of the settlement is isolated from the rest of the community, leading to phenomena of social exclusion affecting particularly Roma women. Unemployment and reliance on welfare were also identified by stakeholders, noting that welfare is not only inadequate but also difficult to access because of bureaucracy. In the field of education, the report records the absence of adjustment and assistive measures to facilitate school integration, leading to early school leaving. The report records a number of measures in education which are in place for a number of years in order to encourage school attendance, such as extra Greek language classes, financial support for books, transport, uniforms, stationary, free breakfast and lunch etc., noting that in spite of measures school enrolment remains low and school leaving quite high. The mapping of the Roma population is difficult since the answer to the question of ethnicity in a population census is optional and some Roma choose to be identified as Turkish Cypriots instead. The report notes that Roma are facing problems of communication with the authorities who do not make any special effort to facilitate communication and service them, noting the marked absence of a comprehensive Roma inclusion strategy in all areas of life.<sup>30</sup>

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<sup>29</sup> Pelekani, C. and Symeou, L. (2020), '[Civil society monitoring report on implementation of the national Roma integration strategy in Cyprus: Identifying blind spots in Roma inclusion policy](#)', May 2020

<sup>30</sup> Cyprus NHRI (2020), '[Position of the Commissioner of Administration and Human Rights as National Independent Human Rights Authority \(NHRI\) regarding the living conditions of the Roma community in Cyprus](#)' (Τοποθέτηση Επιτρόπου Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων ως Εθνική Ανεξάρτητη Αρχή Ανθρωπίνων Δικαιωμάτων (NHRI) σχετικά με τις συνθήκες διαβίωσης της Ρομά κοινότητας στην Κύπρο), Ref. ΑΥΤ 3/2020, 22 December 2020.

## **2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion**

No measures were adopted targeting Roma and no official mapping was carried out as to how the Roma communities were affected by the pandemic. Given the fact that few if any Roma engage in typical forms of employment, it is presumed that they did not benefit from the support measures offered by the government to those persons who could not work during the lockdown. Cypriot Roma reside in ghetto-like communities that were not readily accessed during the lockdown, with the exception of individual volunteers who tried to address some of their needs and highlight their poverty.<sup>31</sup> Below are various measures which are not targeting the Roma exclusively, but which Roma students benefited from:

### *Measures at schools attended by a high number of Roma students*

The Ministry of Education reported the following measures, continuing from previous years, at two schools in Limassol that are attended by a high number of Roma children.

- At the Ayios Antonios Primary School the programme "*School and Social Inclusion Actions*" continued from previous years with the following additional measures:
  - o Extra support provided to pupils in language and mathematics;
  - o Teacher assistants in all classes;
  - o Additional extra-curricular activities, such as sports and dancing, during school hours as well as after school hours;
  - o Provision of a teacher who taught Turkish language and Maths to pupils and facilitate the communication between teachers, pupils and parents.
  - o The Adult Education Centres continued the organisation of the course titled "*History-language-culture*", especially designed for Roma children, where their history and other elements of their cultural heritage were taught free of charge.
  - o Turkish Cypriot/Roma pupils were involved in group play activities organised by the school and were part of group sports activities offered during breaks.

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<sup>31</sup> Pelekani, C. (2020), '[Blog: The Cypriot Roma and their living conditions during COVID-19](#)', 3 April, 2020.

- Children were offered free meals, when they attend the voluntary all-day school.
- At the Ayios Antonios Secondary School the programme "*School and Social Inclusion Actions*" continued from previous years with the following additional measures:
  - Turkish Cypriot teachers are employed to teach Turkish language 6 periods per week, History and Muslim religion and other social issues.
  - The Education Ministry employed a bilingual teacher in order to overcome the linguistic barriers between Greek and Turkish speakers. Turkish Cypriot/Roma children attend Greek language lessons 6 periods per week. Greek is taught as a second language and following the different level of attainment in Greek (Ellinomatheia) a differentiated instruction is employed during the lessons. The teacher assists students with improving academic achievement in other lessons of the curriculum.
  - Celebration of European Language Day and organization of food festival with the participation of children from different countries.
  - Active participation of Turkish Cypriot/Roma pupils in various school events.
  - Cooking, graffiti, athletic events and other activities, both in morning and afternoon hours, in the framework of the implementation of the programme "*School and Social Inclusion Actions*".
  - Visit to the mosque of the region.
  - Creation of an anti-racist mosaic.
  - Participation in an anti-racist conference titled "*All different, all equal*" that took place in Ypsonas Gymnasium. In the framework of the conference, Turkish Cypriot/Roma pupils took part in several activities (e.g., theatre, choir, presentation of words used in the Turkish Cypriot dialect).
  - Participation of Turkish Cypriot/Roma children in an organised educational visit to "*Four Seasons Hotel*". The children had the opportunity to visit the restaurant of the hotel and discuss about cooking.
  - Participation in an anti-racist conference titled "*All different, all the same*" that took place in Ypsonas Gymnasium. In the framework of the conference, Turkish Cypriot/Roma pupils took part in several activities

(e.g. theatre, choir, presentation of words used in the Turkish Cypriot dialect).

- Participation of Turkish Cypriot/Roma children in an organised educational visit to *"Four Seasons Hotel"*. The children had the opportunity to visit the restaurant of the hotel and discuss about cooking.

The measures listed are not targeting the Roma exclusively, but they are implemented in schools where the majority of the school population are Roma. The teachers themselves are often unsure as to whether a student is of Roma or Turkish Cypriot or Kurdish or other origin. Following the outbreak of Covid-19 and the lockdown measures, the Education Ministry implemented a distance-learning program in all secondary schools through a digital platform. Turkish-Cypriot Roma students had the opportunity to participate in distance learning and were provided with tablet devices along with coverage on internet connection in case they reported lack of digital equipment or internet connectivity. There is no reliable record as to how many Roma (or non-Roma) children were able to join the e-learning classes. Teachers were making phone calls to map Wi-Fi connectivity and availability of hardware, but not all families picked up the phone. Amongst those contacted, there is no definitive number of the Roma students who managed to join the e-class.



## Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures:

EUMS/ Republic of North Macedon ia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	For all types of permits that expired during the period when restrictive measures applied: No measures were taken, no fresh permits were issued and no renewals took place. No punitive measures were applied against persons whose permits expired during the period when restrictive measures applied, provided the affected persons applied for issue or renewal of their permits within reasonable	Administrative decisions in force for as long as restrictive measures applied.	The Ministry of Interior reported that no problems emerged in the implementation of these measures



		time after the restrictions were lifted.		
	<p>Holders of visas issued based on the <a href="#">Visa Code</a> No. 810/2009 (as last amended by <a href="#">Regulation (EU) No. 2019/1155</a>) (Schengen visas)</p>	<p>For persons with national or other visit permits such as Schengen visas, the validity of which expired from 15.03.2020 onwards until restrictions measures were lifted, there was no requirement for any action, no measures were taken against them and they were not placed on the list of prohibited migrants provided they departed shortly after the restrictions.</p>	<p>Administrative decisions in force for as long as restrictive measures applied</p>	
	<p>Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the <a href="#">Visa List Regulation</a></p>	<p>For persons with national or other visit permits such as Schengen visas, the validity of which expired from 15.03.2020 onwards until restrictions measures were lifted, there was no requirement for any action, no measures were</p>	<p>Administrative decision in force for as long as restrictive measures applied.</p>	

	(Regulation (EU) 2018/1806)	taken against them and they were not placed on the list of prohibited migrants provided they departed shortly after the restrictions.		
	Holders of long-term visas issued by the EUMS (under <a href="#">Regulation (EU) No. 265/2010</a> and beyond, under national law)	For all types of permits that expired during the period when restrictive measures applied: No measures were taken, no fresh permits were issued and no renewals took place. No punitive measures were applied against persons whose permits expired during the period when restrictive measures applied, provided the affected persons applied for issue or renewal of their permits within reasonable time after the restrictions were lifted	Administrative decision in force for as long as restrictive measures applied.	
	Holders of residence permits issued under <a href="#">Regulation (EC)</a>	No measures were taken, no fresh permits were issued and no renewals took place. No	Administrative decision in force for as long as	

	<a href="#">No. 1030/2002</a> (as last amended by <a href="#">Regulation (EU) 2017/1954</a> )	punitive measures were applied against persons whose permits expired during the period when restrictive measures applied, provided the affected persons applied for issue or renewal of their permits within reasonable time after the restrictions were lifted	restrictive measures applied.	
	Holders of local border traffic permit under <a href="#">Regulation (EC) No. 1931/2006</a>	N/A		
	Any other category of TCN not listed above.	N/A		

Notes:

TCN = third-country nationals

EUMS = EU Member State

The immigration authorities resumed their activities at the end of the lockdown period on 21 May. At the end of July, the immigration authorities announced that persons in possession of an immigration permit who were unable to enter Cyprus as a result of the COVID-19 related restrictions imposed in March could postpone their arrival to Cyprus until 30 November without losing the right to permanent residence.<sup>32</sup> This arrangement affected third country nationals who were granted a permanent immigration permit on the condition that they would take up permanent residence in Cyprus within a year from issue of the permit. The third country nationals eligible to such a permit are investors prepared to start up a business in specific industries.<sup>33</sup> Entry into Cyprus continued to be prohibited to third country nationals from category C countries, except for those already in possession of a valid residence permit, persons who by profession assist in the fight against COVID-19, family members of Cypriots and of persons entitled to family reunification subject to permission from a special committee and persons working in the implementation of public projects or other professional activity approved by a special committee. Permit holders who stayed out of Cyprus for longer than the three months permitted because of the COVID-19 related travel restrictions are also permitted to enter Cyprus. Persons who had never lawfully resided in Cyprus will not be permitted to enter the country even if a visa had been granted to them prior to the outbreak of the pandemic.<sup>34</sup>

## Chapter 5. Information society, privacy and data protection

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<sup>32</sup> Cyprus, Ministry of Interior, '[Σημαντική ανακοίνωση σχετικά με τις δυσκολίες άφιξης στην Κύπρο υπηκόων τρίτων χωρών που είναι κάτοχοι άδειας μετανάστευσης λόγω των περιοριστικών μέτρων στις διακινήσεις που λήφθηκαν εξαιτίας της πανδημίας του κορωνοϊού](#)', Press release, 28 July, 2020.

<sup>33</sup> Cyprus, Aliens and immigration regulations of 1972 until 2013 ([Οι περί Αλλοδαπών και Μεταναστεύσεως Κανονισμοί του 1972 μέχρι 2013](#)), 30 April 2004.

<sup>34</sup> Cyprus, Ministry of Interior, '[Ανακοίνωση για Υπηκόους Τρίτων Χωρών που επιθυμούν να εισέλθουν στη Δημοκρατία με σκοπό την απασχόληση](#)', Press release 31 July 2020.

## 1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

### *Distant education and data protection*

Both students and teachers raised the use of cameras in classrooms as of May, when COVID-19 lockdown measures started to be gradually eased and students at all levels started to return to classrooms. Discussions on conducting university examinations whilst universities remain closed were dominated by proposals about the use of cameras in order to invigilate students whilst taking the exam. The use of cameras emerged as a key issue of concern for university students who had enrolled for the conventional face-to-face on-campus teaching but were forced to adopt on-line teaching and on-line examination techniques.<sup>35</sup> Scholars opined that unless there is consent and specific procedures in place for the processing, storage and sharing of the data, provisions adopted by Universities for on-line platform teaching may infringe the principles of privacy and data protection protected by the GPDR.<sup>36</sup> Following a number of complaints submitted to the DPA regarding the use of software for invigilating distant exams in tertiary educational establishments, the DPA issued an opinion on the measures that need to be taken to ensure compliance with the GDPR.<sup>37</sup> The software which the students are asked install onto their computers has functions ranging from monitoring the student through a camera whilst taking the exam, preventing the student from opening other windows in order to surf the internet, show the room where they are sitting so as for the invigilator to ensure there are no books, notes or other persons, ask the student to show their ID for the purpose of identification, record the exam to ensure the person has not left the room and has not acquired help from books, other persons etc., monitor the movement of the eye to assess whether eyes are fixed for a long time on spots other than the computer screen and others. The DPA'S opinion asked

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<sup>35</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 3](#)', FRANET report commissioned by the Fundamental Rights Agency of the EU, May 2020

<sup>36</sup> Koupoti, C. (2020) "[Προσωπικά δεδομένα και ιδιωτικότητα στη διαδικτυακή μάθηση την εποχή του Κορωνοϊού](#)", *Paideia News*, 23 April 2020.

<sup>37</sup> Cyprus, Commissioner for the protection of personal data (2020), '[Γνώμη 1/2020 Επιτρόπου Προστασίας Δεδομένων Προσωπικού Χαρακτήρα, Επιτήρηση των εξ αποστάσεως/ διαδικτυακών εξετάσεων από ιδρύματα ανώτερης εκπαίδευσης](#)' 21 August 2020.

educational establishments to assess the need for the use of the invigilating program and adopt it only after examining alternative solutions, such as oral examination, homework or open book exams, examine the possibility of exams with physical presence of a small number of students in larger classrooms with different exam papers of same degree of difficulty; the decision as to whether a student has copied material for the exam must be made by the teacher; apply the principle of minimisation of data throughout the procedure; de-activate unnecessary functions of the program to avoid unnecessary collection of data; the student should be asked to produce the student ID and not the civic ID, biometric identification is not permitted and neither is the monitoring of the eye movement except in very exceptional situations specifically justified; students must be duly notified of the processing of their data, its purpose, its legal basis, any transfer of data to third countries, the time of retention of their data and their rights; ensure that the data is not used for any other purpose than the validity of the exam; adopt all necessary technical and organizational measures for the protection of data; ensure that access to data is restricted only to authorised persons; codify personal data so that they cannot be attributed to a specific person; ensure data is retained only for as long as necessary and no more than six months from the exam; choose the right software provider to ensure the implementation of measures in compliance with the GDPR.

The use of cameras in classrooms was a major issue for primary and secondary education too, when a circular from the Ministry of Education in May required that cameras be placed in classrooms in order for the class to be made available on line for children staying at home. The announcement led to reactions from teachers' organisations and the issue was finally resolved by the Data Protection Commissioner who clarified that the measure could not be implemented without the teacher's consent.<sup>38</sup> In October 2020, the Council of Ministers issued a set of regulations setting out the framework for distant education.<sup>39</sup> The regulations provide definitions of the basic terminology and the right of the competent authority to permit distant education as

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<sup>38</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 3](#)', commissioned by the Fundamental Rights Agency of the EU, May 2020.

<sup>39</sup> Cyprus, Regulations on the functioning of public schools of secondary education (Amendment) No. 3 ([Οι περί Λειτουργίας των Δημόσιων Σχολείων Μέσης Εκπαίδευσης \(Τροποποιητικοί\) \(Αρ. 3\) Κανονισμοί του 2020](#)), Number 448, 3 October 2020; Regulations on the functioning of public schools of primary education (Amendment) ([Οι περί Λειτουργίας των Δημόσιων Σχολείων Δημοτικής Εκπαίδευσης \(Τροποποιητικοί\) Κανονισμοί του 2020](#)), Number 449, 2 October 2020

and when necessary. The regulations do not address the hotly debated topic of cameras in the classroom but state instead that binding instructions as regards the technology to be used for distant education will be issued following an impact assessment as regards data protection in accordance with article 35(1) of the GDPR and following consultation with the DPA.

### *Leakages to the media about the grant of Cypriot citizenship to investors ('the Cyprus Papers')*

On 23 August, Al Jazeera published leaked documents that reveal that 2,500 people, including convicted criminals, paid to acquire Cypriot passports through the government's program of granting citizenship to investors.<sup>40</sup> The Data Protection Commissioner issued a press release that there is no doubt an issue of leakage and violation of personal data. The press release reported that on 4 June the Ministry of the Interior had submitted to the DPA a notification of data protection breach under article 33 of the GDPR. The DPA informed the House of Parliament that it also has a duty to notify a data breach, in light of the fact that the procedure foreseen in national legislation for the grant of citizenship to investors involves notifying Parliament in advance. The House of Parliament responded to the DPA that there was no leakage from its offices and that information about the granting of citizenship is divulged only to political party leaders, party spokespersons and the members of the Parliamentary Committee for Internal Affairs. The DPA's investigation into the leakage was ongoing at the time of writing.<sup>41</sup> The leakage to Al Jazeera is also subject of police investigation, still ongoing at the time of writing. Cyprus has not yet transposed the Whistle-blowers Directive and the rights of whistle-blowers did not appear in the public debate around 'the Cyprus Papers'.

### *The Bradford Factor*

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<sup>40</sup> Al Jazeera, '[The Cyprus Papers](#)', 23 August 2020.

<sup>41</sup> Cyprus, Commissioner for the protection of personal data (2020), '[Ανακοίνωση Επιτρόπου Προστασίας Δεδομένων προσωπικού χαρακτήρα για ενδεχόμενη παραβίαση δεδομένων προσωπικού χαρακτήρα](#)', Press release, 25 August 2020,

The DPA banned the processing and fined a private group of companies for a total amount of EUR 82,000 regarding the use of the automated system "Bradford Factor" tool, a software for scoring sick leaves of employees, aimed at discouraging short and frequent unplanned absences from work. The investigation was triggered by a complaint filed by the employees' trade union. The DPA found that the date and the frequency of a sick leave, insofar as the individual's identity is directly or indirectly disclosed, entail the processing of "special categories of personal data", as defined under Article 9(1) of the GDPR. Providing personal data to an automated system, scoring the data using 'Bradford Factor', and profiling individuals based on the results, is considered as processing of personal data and, as such, it needs to be in line with the GDPR. In the context of the DPA's investigation, the controller carried out an impact assessment of the processing operation and submitted it to the DPA, which opined that the controller failed to demonstrate that the employers' legitimate interest prevailed over the interests, rights and freedoms of its employees. The DPA concluded the processing system performed by the Bradford Factor lacked legal basis because, although the employer, was entitled to supervise the frequency and validity of sick leaves, this should not lead to mishandling and should be applied within the limits set by the GDPR. In addition to the fine, the DPA ordered the controller to interrupt the processing and delete all data collected. When deciding on the amount of the administrative fine, due regard was given to the number of data subjects (818 employees in total), the nature and duration of the infringements and the relevant turnover of the companies.<sup>42</sup>

### *Access to information*

In December 2020, the law on access to information came into effect.<sup>43</sup> The law was adopted in 2017 but with a timeframe of three years before it comes into force.

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<sup>42</sup> Cyprus, Commissioner for the protection of personal data (2020), '[Βαθμολόγηση αδειών ασθενείας των εργοδοτούμενων στις Εταιρείες Louis χρησιμοποιώντας τον Συντελεστή Bradford](#)', Ref. 11.17.001.006.043, 25 October 2019, published in February 2020.

<sup>43</sup> Cyprus, Law on access to information in the public sector of 2017 ([Ο περί του Δικαιώματος Πρόσβασης σε Πληροφορίες του Δημόσιου Τομέα Νόμος του 2017](#)).



### *Law on monitoring telephone conversations is adopted*

In February 2020, the law regulating the lifting the confidentiality of written private communications was revised to include the monitoring of private telephone communications for the purpose of combating serious crime. The monitoring can be carried out by persons authorised by the Chief of Police with the written permission of the Deputy Chief of Police, or by persons authorised by the chief of the intelligence service, where there is reasonable suspicion that a suspect has committed, is committing or will commit a crime, or that the security of the Republic is at risk or that the private communication is linked to or is related to the risk for the security of the Republic.<sup>44</sup> When debating the bill during parliamentary sessions, two amendments had been added to it by the opposition, aiming at strengthening the bill's safeguards towards protecting privacy. One amendment provided that the Court should sanction monitoring not merely on reasonable suspicion, but only if there are serious reasons rendering the monitoring necessary. The second amendment excluded telecommunications between lawyer-client from the ambit of the law. The bill was adopted in this form, but was subsequently remitted back to parliament by the President of the Republic, who objected to these amendments. The parliament renewed discussions on these points and eventually adopted a revised version of the bill. The law regulates access to written content in addition to access to oral telecommunication, although it does not regulate the retention of such content. Retention is regulated by an older law<sup>45</sup>, which

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<sup>44</sup> Cyprus, [Law on the protection of confidentiality of private communication \(Monitoring of communications and access to registered content of private communication of 1996\)](#) [Ο περί Προστασίας του Απορρήτου της Ιδιωτικής Επικοινωνίας (Παρακολούθηση Συνδιαλέξεων και Πρόσβαση σε Καταγεγραμμένο Περιεχόμενο Ιδιωτικής Επικοινωνίας) Νόμος του 1996], as amended by Law N. 13(I)/2020.

<sup>45</sup> Cyprus, Law on the Retention of Telecommunications Data for the purpose of investigating serious crimes (Ο περί Διατήρησης Τηλεπικοινωνιακών Δεδομένων με Σκοπό τη Διερεύνηση Σοβαρών Ποινικών Αδικημάτων Νόμος του 2007) N.183 (I)/2007. Available at [www.cylaw.org/nomoi/enop/non-ind/2007\\_1\\_183/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2007_1_183/full.html). Articles 4 and 5 of this law, which went beyond the scope of the Data Retention Directive, had been declared by the Supreme Court in 2011 to be unconstitutional for violating the right to privacy, family life and the secrecy of communications: Regarding the applications of Christos Matsias et al for the issue of an order of certiorari (Αναφορικά με την αίτηση του Χρήστου Μάτσιακ.α. για την καταχώρηση αίτησης για έκδοση διατάγματος Certiorari) 2011 1 A.A.D. 152, 1 February 2011. Available at [www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros\\_1/2011/rep/2011\\_1\\_0152.htm&qstring=183\(I\)%20w/1%202007](http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2011/rep/2011_1_0152.htm&qstring=183(I)%20w/1%202007)

remained in force in spite of the invalidation of the Data Retention Directive, as it was deemed to meet the concerns raised by the CJEU ruling in the *Digital Rights Ireland* case, being more specific and restricted in scope than the Directive it originally purported to transpose.

There have been no initiatives in Cyprus to amend the law that had transposed the Data Retention Directive<sup>46</sup> in order to bring it in line with the CJEU ruling in the *Digital Rights Ireland* case. In fact, a Supreme Court decision in 2014 ruled that the national law remains in force and is not affected by the invalidation of the Data Retention Directive.<sup>47</sup> The Cypriot data retention law<sup>48</sup> is far more specific and restricted in scope than the Directive it purports to transpose; most of the concerns raised by the CJEU ruling in the *Digital Rights Ireland* case as regards the Data Retention Directive are addressed by the Cypriot law. The only two

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<sup>46</sup> Cyprus, Law on the Retention of Telecommunications Data for the purpose of investigating serious crimes (*Ο περί Διατήρησης Τηλεπικοινωνιακών Δεδομένων με Σκοπό τη Διερεύνηση Σοβαρών Ποινικών Αδικημάτων Νόμος του 2007*) N.183(I)/2007. Available at [www.cylaw.org/nomoi/enop/non-ind/2007\\_1\\_183/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2007_1_183/full.html). Articles 4 and 5 of this law, which went beyond the scope of the Data Retention Directive, had been declared by the Supreme Court in 2011 to be unconstitutional for violating the right to privacy, family life and the secrecy of communications: Regarding the applications of Christos Matsias et al for the issue of an order of certiorari (*Αναφορικά με την αίτηση του Χρίστου Μάτσιακ.α. για την καταχώρηση αίτησης για έκδοση διατάγματος Certiorari*) 2011 1 A.A.D. 152, 1 February 2011. Available at [www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros\\_1/2011/rep/2011\\_1\\_0152.htm&qstring=183\(I\)%20w/1%202007](http://www.cylaw.org/cgi-bin/open.pl?file=apofaseis/aad/meros_1/2011/rep/2011_1_0152.htm&qstring=183(I)%20w/1%202007)

<sup>47</sup>Cyprus, Supreme Court, Appeal Jurisdiction, [Attorney General v. Andreas Isaiah et al regarding the order for the discovery of telephone data issued by the District Court of Paphos on 7 September 2011](#) (*Γενικός Εισαγγελέας ν. Ανδρέα Ησαΐα κ.α. αναφορικά με το διάταγμα αποκαλύψεως τηλεπικοινωνιακών Δεδομένων που εξεδόθη από το Επαρχιακό Δικαστήριο Πάφου την 07.09.2011*) Civil Appeal No. 402/2012, 7 July 2014.

<sup>48</sup> Cyprus, Law on the Retention of Telecommunications Data for the purpose of investigating serious crimes (*Ο περί Διατήρησης Τηλεπικοινωνιακών Δεδομένων με Σκοπό τη Διερεύνηση Σοβαρών Ποινικών Αδικημάτων Νόμος του 2007*) N.183(I)/2007. Available at [www.cylaw.org/nomoi/enop/non-ind/2007\\_1\\_183/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2007_1_183/full.html).

concerns of the CJEU which are not met by the Cypriot data retention law are the breadth of the data affected by the Directive, which inevitably “*entails an interference with the fundamental rights of practically the entire European population*”<sup>49</sup> and the unlimited territorial scope, as there is no requirement in the Cypriot law that the data be kept in Cyprus or even in the EU. Although issues were raised about the legality of the national data retention law and its compliance with the EU acquis, the law continues to remain in force and is in fact used in order to prosecute various offences, mainly drug trafficking and child pornography.

#### *Ratification of amending protocol of data protection convention*

In August 2020, Cyprus ratified the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of the Council of Europe.<sup>50</sup>

#### *Agreement for exchange of data with Israel*

In December 2020, the Cypriot parliament ratified an agreement concluded between Cyprus and Israel in May 2018 on collaboration in public security matters.<sup>51</sup> The areas of cooperation include organised crime, terrorism, trafficking in persons, cyber-crime, ‘illegal migration or other serious crime’, public security in public events and mass gatherings, intelligence for public security, science and technology applied to public security, et al. The forms of cooperation foreseen under the agreement include the exchange of information related to natural and legal persons involved in organised crime and their connections,

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<sup>49</sup>CJEU, Joined cases C-293/12 and C-594/12, Digital Rights Ireland and Seitlinger and Others, 8 April 2014, paragraph 56.

<sup>50</sup> Cyprus, [Νόμος που κυρώνει το Τροποποιητικό Πρωτόκολλο στη Σύμβαση για την προστασία του ατόμου από την αυτοματοποιημένη επεξεργασία δεδομένων προσωπικού χαρακτήρα του 1981](#) (Law ratifying the Protocol amending the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data of 1981), N. 6(III)/2020, 14 August 2020.

<sup>51</sup> Cyprus, [Νόμος που κυρώνει τη συμφωνία συνεργασίας μεταξύ της κυβέρνησης της Κυπριακής Δημοκρατίας και της κυβέρνησης του κράτους του Ισραήλ σε θέματα δημόσιας ασφάλειας](#) (Law ratified the agreement of collaboration between the government of the Republic of Cyprus and the state of Israel in matters of public security), N. 8(III) of 2020, 18 December 2020.

establishing for this purpose a point of contact available on a 24-hour, seven day-a-week basis. The agreement provides that the communicating, keeping and processing of personal data shall be subject to the respective domestic laws of each party.

#### *The parody Twitter account in the name of the Justice Minister*

On 27 December 2020, the police secured a search warrant from the court and entered the house of a teacher in Larnaca. They confiscated her laptop and mobile phone, following a complaint from the Minister of Justice that the teacher was behind a parody Twitter account that satirised her life style and offended her. The police secured the court search warrant claiming that they suspected forgery of electronic data and offences relating to violation of personal data.<sup>52</sup> The teacher denied having any connection with the Minister's parody account. The police gave no explanation on the means used to identify the teacher as the person behind the parody account. The Minister issued a statement that she was not interested in pressing charges against the teacher and that her only wish was for the parody account to be deleted. Although a request was sent to Twitter to remove the parody account, this was still in operation at the time of writing. Journalists, lawyers and opposition parties issued statements criticising both the Justice Minister and the police for exceeding their powers, stating that this was a matter for civil justice and not criminal justice and that the invasion into a person's home and confiscation of her laptop and phone were of questionable legality, since the offences cited were apparently not committed and, even if they had, do not give rise to a lifting of the confidentiality of communications. Opposition parties and members of the legal profession sent open letters to the Attorney General asking him to opine on the legality of the Minister's actions and on the measures to be taken in response to the violation of rights of the private individual affected.<sup>53</sup> The person whose home was searched applied to the Supreme Court for permit to file an application for a certiorari order to cancel the search warrant issued by the trial court against her. She

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<sup>52</sup> Cyprus News Agency (2020), ['Ξεκαθαρίζει η Αστυνομία: Μετά από παράπονο της Γιολίτη προχώρησε σε έρευνες για τον troll λογαριασμό'](#), 30 December 2020.

<sup>53</sup> Vasiliou V. (2020), ['Στήνουν τη Γιολίτη στον τοίχο για την αστυνομική έφοδο'](#), *Phileleftheros*, 6 January 2021.

secured it, as the police had failed to prove there was a *prima facie* case against her at would justify the issue of a search warrant.<sup>54</sup>

## 2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

<b>MS</b>	<b>Actor*</b>	<b>Type*</b>	<b>Description</b>	<b>Are Ethical concerns mentioned? (yes/no)</b>	<b>Are Human Rights issues mentioned? (yes/no)</b>	<b>Reference</b>
<b>CY</b>	Academia	report/study	An EU funded transnational project under the Horizon program, which analysed the human rights challenges created by Smart Information Systems (SIS), setting out the legal and ethical framework	Yes	Yes Human rights are mentioned throughout the text without specific references to particular rights,	University of Central Lancashire Cyprus, Sherpa project of Smart Information Systems, Horizon 2020

<sup>54</sup> Cyprus, Supreme Court (2021), Re. the application of xxx Zarou with ID no. xxx22 for the filing of an application for the issue of a certiorari order ([Αναφορικά με την αίτηση της xxx Ζάρου με Α.Δ.Τ. XXXX22 για την καταχώρηση αίτησης για την έκδοση εντάλματος certiorari](#)), Civil application no. 5/2021, 18 January 2021.

			<p>relevant to tackling each challenge, both current and future. Smart Information Systems (SIS) are defined as a combination of big data analytics and Artificial Intelligence (AI), including, but not limited to Google search, Amazon's Alexa, healthcare and surgery robots, and social network data analysis for advertising purposes.</p> <p>The project examines the regimes of the protection of human rights at different levels.</p>		<p>although the following are mentioned in the report as matters for concern:</p> <ul style="list-style-type: none"> <li>-Protection from automatic processing of personal data</li> <li>- Threat to right to life from lethal autonomous robotics</li> <li>- Risk of dehumanisation of justice by the on-line dispute resolution mechanisms</li> </ul>	<p>Rodrigues, R., Panagiotopoulos, A., Lundgren, B., Lahlé Shaelou, S. Grant, A. (2020) <a href="#">Regulatory options for AI and big data</a></p>
<b>CY</b>	Government	National strategy	<p>The Department of Electronic Communications of the Ministry of Transport, Communications and Works, in collaboration with a group of Artificial Intelligence (AI) experts, compiled the first "National AI Strategy: Actions for the Utilization and Development of</p>	yes	<p>Yes</p> <p>The strategy sets out actions to promote research and innovation, enterprising and start-up conditions, competition, the creation of national pools of data, digitalisation, smart</p>	<p>Cyprus, Ministry of Transport, Communications and Works, Department of Electronic Communications (2020), <a href="#">'Εθνική Στρατηγική ΤΝ: Δράσεις για την Αξιοποίηση και Ανάπτυξη της ΤΝ στην</a></p>

			<p>AI in Cyprus".<sup>55</sup> The strategy relied on a draft based on the coordinated EU AI strategy, other AI strategies by EU Member States and the proposals received by the group of AI Experts through a questionnaire prepared by Department of Electronic Communications. The questionnaire was also sent to digital ecosystem organisations, the public sector, companies (SMEs, start-ups) and banking organizations in Cyprus.</p> <p>The strategy sets out actions to promote research and innovation, enterprising and start-up conditions, competition, the creation of national pools of data, digitalisation, smart cities, centres of excellence, development of skills and utilization of talents, long life learning. There is a nominal vague reference to the need to develop a moral and credible AI, acknowledging the necessity of comprehending the ways in which</p>	<p>cities, centres of excellence, development of skills and utilization of talents, long life learning. There is a nominal vague reference to the need to develop a moral and credible AI, acknowledging the need to comprehend the ways in which AI impacts on issues of morality and human rights to address issues of credibility of the technology.</p> <p>The following issues were identified in the action plan as needing attention:</p> <ul style="list-style-type: none"> <li>- Privacy and data protection, which may be at risk because of</li> </ul>	<p><a href="#">Κύπρο</a>, 13 January 2020.</p>
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<sup>55</sup> Cyprus, Ministry of Transport, Communications and Works, Department of Electronic Communications (2020), ['Εθνική Στρατηγική ΤΝ: Δράσεις για την Αξιοποίηση και Ανάπτυξη της ΤΝ στην Κύπρο](#), 13 January 2020.

			<p>AI impacts on issues of morality and human rights to address issues of credibility of the technology.</p> <p>The Cypriot National Strategy was published in January 2020 and does not take stock of the European Commission's White Paper on AI, which is published in February 2020.</p>		<p>automatic processing, generated by the use of AI.</p> <ul style="list-style-type: none"> <li>- Since the use of IT may affect the conduct and quality of life of IT users, it is necessary to locate human rights that may potentially be compromised because of the use of certain AI apps.</li> <li>- Transparency as regards the purpose and data which affected system decisions, e.g. Traceability, clarification, communication as regards the system</li> </ul>	
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					<p>capabilities and design.</p> <ul style="list-style-type: none"> <li>- Equality and diversity of AI users, which is to be attained through safeguarding justice in the decisions of the AI logistics, avoiding prejudice.</li> <li>- Safety of users through resistance to potential data theft or even loss of life where AI is used in operating heavy machinery, and must include an alternative operation plan in the event of an attack to the AI system.</li> </ul>	
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					<p>The plan does not set out mechanisms for safeguarding these rights but pledges to launch a public debate, submit reports and encourage research in this field.</p>	
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\*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

\*\* for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

## Chapter 6. Rights of the child

### 1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

<b>Measures to address the specific vulnerabilities of children living in poverty</b>	<p><i>e.g. income support to single-headed families or dependant on number of children in the household; meals for children provided for free; free access to health services; suspension of evictions in households with children; support for distance learning (e.g. provision of computers/tablets, or access to internet)</i></p> <p><i>Single-headed families</i></p> <p>No support was provided to single-headed families during the pandemic, even though they were particularly hit. Most single parents work in the informal sector, since their family responsibilities do not allow for a full-time job schedule, and many lost their work during the pandemic without being eligible for state support because there were no support schemes for uninsured workers. Many single parent families were led to extreme poverty, their only support coming from initiatives of NGOs and private initiatives in the form of food and supermarket coupons. Single mothers in many instances did not receive their alimony pay because their former partner also stopped working. The Pancyprian Association of Single Parent families estimates that there are approximately 30,000 single parent families in Cyprus but only about 10,000 of them receive the single parent benefit because of the several stringent conditions of eligibility foreseen in the law.<sup>56</sup> During the pandemic lockdown, single mothers previously eligible for a child benefit were asked to declare if they are in a cohabiting relationship and if the answer was positive then the child benefit would be discontinued. The Association of Single Parents complained to the Labour Minister about the new practice, since this condition of</p>
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<sup>56</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 4](#)', commissioned by the Fundamental Rights Agency of the EU, June 2020.

eligibility is not spelled out in the law or the scheme regulations.<sup>57</sup>

#### *Education in the pandemic lockdown*

On 10<sup>th</sup> March, the Council of Ministers announced the shutting down of all schools and kindergartens, initially of the capital Nicosia and in the days that followed, of all other cities too. The Ministry of Education instructed teachers to map the connectivity and equipment landscape of those families they could reach. Teachers reported problems reaching families of migrant and refugees who do not speak Greek, families whose parents are not computer literate and could not support their children in joining the endeavour and a great number of families whose only equipment is one mobile phone for the entire family.<sup>58</sup> On 24<sup>th</sup> March, the Education Ministry announced that it completed the design of a system to provide distant teaching and pedagogical support to all public schools. The press release stated that the government would support all children and families so that no one is excluded from the endeavour. NGOs serving migrant communities reported that very few children of migrant or refugee background were able to benefit from the on-line platform for e-education.<sup>59</sup>

In spite of the official announcements, students in primary, secondary and tertiary public education remained without daily contact with their schools two months after the lockdown started. This was attributed to a number of reasons including the absence of planning on the part of the Education Ministry, the repeated change of instructions to primary and secondary education teachers and the change of software to be used, IT training and knowledge

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<sup>57</sup> Consultation with the president of the Association of Single Parents, 5 October 2020.

<sup>58</sup> AKIDA (2020), Open letter and questions to the Ministry of Education, Culture, Sports and Youth ([ΑΚΙΔΑ: Ανοικτή επιστολή και ερωτήματα στον ΥΠΠΑΝ. Αναμένουμε ξεκάθαρους απαντήσεις](#)) 29 March 2020; Politis (2020), Tele-teaching days ([Ημέρες τηλεδιδασκαλιών](#)), 30 March 2020.

<sup>59</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 1](#)', commissioned by the Fundamental Rights Agency of the EU, March 2020.

gaps amongst the teachers and.<sup>60</sup> The Ministry of Education handed out 6,000 tablets to secondary education students and 65,000 users were using the software Microsoft Teams. However, even though tens of thousands of students had received codes for the program Teams, distant learning did not start until the last week of April, due to weaknesses reported by the schools, relating to software and to access to the students.<sup>61</sup> The second phase of distant education commenced with the issuance of new instructions from the Ministry of Education on 23 April which were met with strong reactions from both students' and teachers' organisations, who warned that inequalities between students were being entrenched as not all students were provided with the necessary equipment and connectivity to join the on-line meetings. The Primary Teachers Union announced that, two months after the pandemic lockdown, about 2,000 primary school children still do not have appropriate devices for distance learning, such as tablets or computers at home.<sup>62</sup>

#### *Continuous measures in education*

A number of measures in education remained in place from previous years intended to benefit students from vulnerable groups. In the frame of the project "School and Social Inclusion Actions", a number of actions were implemented in 2020 in 102 schools and 17.000 students participate in it (15.6% of total student population). The project objective is to mitigate the negative impact of the economic crisis on education and students, by ensuring social welfare and support to vulnerable groups of population and particularly those below the poverty level or those are at risk of social exclusion. It aims at enhancing social cohesion by preventing the risk of social marginalisation and exclusion, improving learning outcomes, reducing school failure and delinquency and

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<sup>60</sup> Infokids (2020), ['Με προβλήματα η εξ' αποστάσεως εκπαίδευση – Υπάρχουν ελλείψεις'](#), 27 March 2020.

<sup>61</sup> Hanni, G(2020), ['Μεγάλη πληγή της κυβέρνησης τα σχολεία'](#), *Stockwatch*, 24 April 2020.

<sup>62</sup> Diadraseis (2020) ['Ανοιγμα σχολείων ως παιδοφυλακτήρια;'](#) *Dialogos*, 3 May 2020.

reducing early school leaving. During school time, the project offers assistant teaching in mainstream classes, intensive Greek language courses for students with migrant background, curriculum creative activities by professionals, activities within the framework of health education and citizenship. During afternoon time, the project offers support teaching and creative activities, first language courses for children with migrant background, Greek language courses for students and parents/guardians with migrant background, psychosocial support services by clinical and counselling psychologists to either students and parents or group workshops.

Due to the COVID-19 pandemic, there was no internal evaluation of the programme concerning 2019 - 2020 school year. An external partner will perform the final evaluation of the project following procurement procedures.<sup>63</sup>

#### *Household evictions*

As of 1<sup>st</sup> September, families started receiving eviction notices from banks, and evictions are officially scheduled to resume on 22 October, after six months of suspension. Evictions were initially suspended due to the pandemic on 18 March for three months until 18 June, but the suspension period was then renewed until 31 August.<sup>64</sup> The evictions planned include both land plots and homes because, as is often the case in Cyprus, title deeds do not mention houses built on the land after the certificate was issued. Although households are not exempted from the evictions law and they can be sold to the highest bidder, the people occupying the house can remain in it until an eviction order is secured from the court, which can take an additional year or two. As a result, there have not been any evictions of families from their homes yet, although the landscape as regards evictions is changing fast because of the electronic auctions. A NGO active in the anti-eviction movement reported that, during the pandemic, there were no evictions. However, there was so much pressure from

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<sup>63</sup> Communication from the Ministry of Education, Culture and Sports, 2 October 2020.

<sup>64</sup> 24 Hours (2020), ['Επανάρχιζουν οι εκποιήσεις – Οι πρώτες ειδοποιήσεις'](#), 7 September 2020.

	<p>banks that many people surrendered the keys of their homes voluntarily to them.<sup>65</sup></p> <p>In September, the main opposition party asked for an extension of the suspension of all home evictions until end of this year, stating that although in theory the banks had frozen all evictions, due to the pandemic, some procedures nevertheless continued.<sup>66</sup></p> <p>By end of November, four opposition parties joined forces to back the proposal tabled by the main opposition party AKEL for postponing until March 2021 evictions of main residences of up to a value of €350,000 and of small professional premises employing less than ten persons and having an annual cycle of work under €2m. The proposal was strongly opposed by the Finance Ministry, the Central Bank and the association of banks. In December, parliament adopted the opposition party bill with a majority of 31 votes against 17. The new law suspends until 31 March 2021 all procedures for eviction from first residence the value of which does not exceed €350,000 and small professional premises, as proposed by the main opposition party.<sup>67</sup></p>
<p><b>Measures to protect children from violence</b></p>	<p><i>e.g. set up of new helplines or strengthening of existing ones through training or increased number of staff; campaigning on issues related to violence and COVID 19; revision of standard operating procedures for health and social workers to ensure identification and referral of victims of violence during COVID-19; social services identify alternative methods if home visits become impossible; internet safety support to families.</i></p> <p>No special measures were adopted to support children at risk of violence during the pandemic.</p> <p>On 22 June, UNHCR reported to Parliament that unaccompanied children were detained in mixed spaces with adults at a closed refugee camp and that some</p>

<sup>65</sup> Consultation with Association against Evictions, 5 October 2020.

<sup>66</sup> Dialogos (2020), [Αναστολή εκποιήσεων μέχρι τέλος του χρόνου ζητά το ΑΚΕΛ](#), 10 September 2020.

<sup>67</sup> Cyprus News Agency (2020), [‘Η Βουλή αναστέλλει με νόμο εκποιήσεις μέχρι την 31η Μαρτίου 2021’](#), *Brief*, 17 December 2020.



	<p>children had reported sexual abuse from adult detainees.<sup>68</sup> During the period of the lockdown, the Social Welfare Services, who act as official guardians of all unaccompanied children, did not visit the camp until after the lockdown when UNHCR reported the presence of unaccompanied children in the camp. Following the UNHCR reports, the Social Welfare Services took 47 children under their care as Guardians, on the eve of the parliamentary.<sup>69</sup> The Interior Minister reported to Parliament that they were only 'alleged children' pending age determination, but the Child Ombudsman intervened stating that whenever there is any doubt as to whether a person is a minor or not, the benefit of such doubt must always be given to the person who alleges to be a minor. Quoting a Council of Europe report on unaccompanied minors, the Child Ombudsman pointed out that the risks for a child wrongly placed in a camp with adults are much higher than the potential abuse of the benefits afforded exclusively to children by adults falsely claiming to be children.<sup>70</sup></p> <p>Between January and August 2020, 52 children residing in shelters and two children residing in homes went missing. All children were subsequently found except 18 migrant children from Somalia, Congo, Mali, Cameroon and Guinea. According to the Justice Minister's report to parliament, the main reasons why children leave the shelters are to visit friends, relatives or parents, or as a reaction to the fact that they were taken to the shelter against their will. The reasons why children leave their homes are abuse, a confrontation with parents, 'reactionary' behaviour, and mental health problems or to visit friends. The Child Commissioner stated that the missing children from the</p>
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<sup>68</sup> Vasiliou V. (2000), '[Πουρνάρα: «Όταν έφευγα, παρακαλούσαν να μείνω»](#)', *Phileleftheros*, 23 June 2020.

<sup>69</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 4](#)', commissioned by the Fundamental Rights Agency of the EU, June 2020.

<sup>70</sup> Commissioner for the protection of the rights of the child (2020), Σημείωμα Επιτρόπου, για τη συζήτηση στην Κοινοβουλευτική Επιτροπή Ανθρωπίνων Δικαιωμάτων και Ίσων Ευκαιριών μεταξύ Ανδρών και Γυναικών, '[Η κατάσταση που επικρατεί στο κέντρο προσωρινής φιλοξενίας αιτητών ασύλου στην Κοκκινотριμιθιά](#)', Press release, 22 June 2020.

	<p>state shelters are a serious problem and that both the police and the Social Welfare Services must play their part, as it appears that there are networks that exploit children running away from the shelters.<sup>71</sup></p> <p>An Erasmus project currently under way, in which a Cyprus-based private organisation is a partner, is in the process of developing innovative tools to support children against violence.<sup>72</sup></p>
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## **2. Legal and policy measures or initiatives developed about criminal proceedings**

Cyprus has not yet transposed [Directive 2016/800 on procedural safeguards for children](#) who are suspects or accused persons in criminal proceedings. A bill is currently under way for its transposition, which was expected to be adopted before the end of 2010.<sup>73</sup> The bill was still pending year's end.

<b>Legislative changes</b>	<i>e.g. reform of the criminal code</i>
<b>Policy developments</b>	<i>e.g. guidance or training for law enforcement officers on the treatment of child suspects; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection</i>
<b>Other measures or initiatives</b>	<i>E.g. relevant activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information in relation to the entering into force of the Directive.</i>

Potential infringement proceedings on the right to presumption of innocence

In 2018, the European Commission issued formal notice to Cyprus calling for the full implementation of EU Directive 2016/343 on the presumption of

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<sup>71</sup> Kalatzis, M. (2020), '18 παιδιά εξαφανίστηκαν από στέγες', Politis, 17 September 2020.

<sup>72</sup> For more details, see the project website of [Stop Child Abuse](#).

<sup>73</sup> [Draft law entitled 'Law on children in conflict with the law of 2020, \(Νομοσχέδιο με τίτλο 'Ο Περί Παιδιών σε Σύγκρουση με το Νόμο Νόμος του 2020'\)](#).

innocence and the right to be present at the trial in criminal proceedings.<sup>74</sup> The Commission considered that the national transposition measures notified by Cyprus amounted to only a partial transposition of the Directive and that some provisions of the directive are missing, particularly with reference to public references to guilt by public authorities and the availability of appropriate measures if this happens. Gaps were also located with regard to how suspects and accused persons can be presented, for example at court, using physical restraint measures, and to the right to be present at the trial. On 20 October 2020, the Commission sent reasoned opinions to the Cypriot government, giving it two months to respond, failing which the case may be referred to the Court of Justice of the EU.

## Chapter 7. Access to justice including crime victims

### 1. Victims' Rights Directive

Cyprus transposed the Victims' Rights Directive in 2016 without providing structures for its implementation, nor was a policy framework, such as an action plan introduced later to facilitate its effective implementation.<sup>75</sup> The transposing legislation mandated the Social Welfare Services with victim support, without however providing for any specific structures or budgets. As a result, the Social Welfare Services continue to provide the support to eligible victims that they provided prior to transposition of the Directive, without maintaining records on how victims of violent crime can benefit from these horizontal measures. The Social Welfare Services operate a funding scheme for local government and non-profit civil society organisations, in the framework of implementing the EU Regulation on De Minimis aid,<sup>76</sup>

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<sup>74</sup> European Commission, '[Fair Trial: Commission urges BULGARIA, CROATIA, CYPRUS and ROMANIA to fully transpose the EU rules on the presumption of innocence](#)', 20 October 2020.

<sup>75</sup> Cyprus, [Law establishing minimum standards on the rights, support and protection of victims of crime](#) (Ο περί θέσπισης ελάχιστων προτύπων σχετικά με τα δικαιώματα, την υποστήριξη και την προστασία θυμάτων της εγκληματικότητας νόμος του 2016) N. 51(I)/2016, 22 April 2016.

<sup>76</sup> European Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest

through which they can approve funding applications of NGOs to provide support services to victims. This means that the availability of services depends on applications being submitted for funding, on the Social Welfare Services approving them and on the NGO delivering. On the ground, the only NGOs with technical capacity to apply for and implement government-funded projects specialise in specific types of crimes and victims – mainly victims of trafficking and of domestic violence. This can at least partly be attributed to the fact that domestic violence and sex trafficking have for several years formed policy objectives of successive governments, which special legislation and mechanisms for implementation, as opposed to other forms of violence which had neither. Public funding covers only some of the programs run by these organisations, who additionally have to rely on private support, memberships, fundraising and EU funds. There are no victim-support NGOs targeting victims of violence beyond domestic violence, child abuse or sex trafficking. A young British tourist woman who complained to the police about having been gang raped in a hotel in Cyprus was subjected to seven hours of questioning by the police without a lawyer present and was allegedly threatened and forced to retract her rape complaint; there was no NGO nor any other service to advise, support or protect her from secondary victimisation. The victim was eventually convicted of having filed a false claim.<sup>77</sup>

#### *Police measures and the GRETA report*

The police reported that, where the victims of crimes are children, the police will ensure that no information is disseminated that might lead to their identification. The investigation and criminal prosecution do not depend on the submission of a complaint from the child victim; the criminal procedure can continue even if the complaint is withdrawn. The testimony of the child victim can be taped and presented in court. During the police interview, children victims are escorted by their legal guardians or an adult of their choice. The police continue the criminal case even after the maturity of the child victim.

The 2020 GRETA report on Cyprus, however, stated that although a child-friendly environment was created in the Children's House in order for children victims to give testimony, staffed by multi-discipline professionals, and despite the fact that a videotaped testimony can now be presented in Court without the child being present, there have been instances where children being cross examined for several days and by non-specialised

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<sup>77</sup> The Telegraph (2020), '[British teenager in Cyprus gang rape case handed four-month suspended jail sentence](#)', 7 January 2020.

lawyers of defendants who challenged the credibility of the child. The Cypriot authorities informed the GRETA delegation that there is no available data as regards the number of child victims of trafficking or sexual abuse who have been cross-examined in court.<sup>78</sup>

### *Victims of trafficking*

In August 2020, a special place for the reception and interviewing of recognised victims of trafficking was set up, to receive the victims in a friendly environment aiming at building trust between the police and the victim.

The 2020 GRETA report on Cyprus expressed concern over the following gaps as regards the protection of victims of trafficking:

- During the period under review (2015-2019), no legal aid was granted to trafficking victims and only two applications for legal aid for claiming compensation were approved.
- Compensation is not granted to victims together with the criminal court conviction in human trafficking cases. The setting up of the victim support fund has been delayed and no trafficking victim has so far received state compensation.
- The rate of conviction is very low; training should be provided to prosecutors and judges in order to ensure that human trafficking cases are not re-qualified into offences that carry lesser penalties and deprive trafficking victims access to protection, support and compensation.
- The employment regime of migrant domestic workers may facilitate trafficking and exploitation of domestic workers. The authorities should provide adequate resources and training to labour inspectors to enable them to fulfil their mandate and ensure that inspections take place in private households to prevent abuse of domestic workers and detect human trafficking.
- Vulnerable asylum seekers who are presumed to be victims of trafficking are provided with a meagre allowance and are expected to find accommodation by themselves, exposing them to risks of exploitation.
- National legislation should provide for a recovery and reflection period when there are reasonable grounds to believe that a person is a victim of human trafficking, together with all the measures of protection and assistance envisaged by the Convention during this period.

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<sup>78</sup> Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA) (2020), ['Evaluation Report Cyprus- Third Evaluation Round'](#), 11 June 2020.

## 2. Violence against women

### *Rise in domestic violence incidents*

From the very first weeks of the Covid-19 lockdown, the NGO SPAVO, which supports victims of domestic violence, reported an increase of 30% in the number of calls to their helpline in the period following the outbreak.<sup>79</sup> Between 9 and 17 March, there was a 30% increase in the calls to SPAVO's helpline, five new applications for admission into shelters and four new requests for individual consultations. SPAVO stated that home restriction of women with their abuser under crisis conditions such as these, their isolation from social and working life and their exclusion from social support offered fertile ground for the perpetrator to consolidate control over the victim. SPAVO further highlighted the economic insecurity experienced by women during the pandemic, many of whom lost their jobs or suffered a salary cut, is often a reason for victims to return to their abusers, leading to situations of increased violence. The shutting down of schools forced women to stay at home to carry out the work traditionally charged to them by the social construction of gender, which forces these women into social isolation and inability to seek help. At times of crisis, said SPAVO, perpetrators take advantage of the under-staffing of social services, the new priorities of society and the suspension of the support structure that would otherwise help the victim.<sup>80</sup>

The actual number of victims of domestic violence hosted at the shelters of SPAVO from January until November 2020 were 542: 228 women and 304 children. During 2019, the number of persons hosted was 168. In 2019, the NGO handled 1748 calls at its helpline, whereas in 2020 this number rose to 4537.<sup>81</sup>

At end of April, SPAVO announced the introduction of a new service, funded by a telecommunication company, whereby victims can send an SMS rather

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<sup>79</sup> Cyprus, Association for prevention and handling of domestic violence (2020), 'Home isolation due to Covid-19 creates fertile ground for deterioration of domestic violence' ([Ο περιορισμός λόγω covid-19 δημιουργεί έφορο έδαφος για επιδείνωση της ενδοοικογενειακής βίας](#)), Press release, 17 March 2020.

<sup>80</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 1](#)', commissioned by the Fundamental Rights Agency of the EU, March 2020

<sup>81</sup> SPAVO, [Statistics 2019-2020](#).

than phone their helpline.<sup>82</sup> The resources of SPAVO in terms of space in the shelters and support services, however, have not increased in order to meet the increased demand, so a question remains as to what happened to the new incidents that emerged during the lockdown.<sup>83</sup>

### *Police statistics on domestic violence*

On the international day for the elimination of violence against women, the police announced that in 2018, they handled 947 complaints for domestic violence; in 2019, they handled 1,183 complaints; and in 2020 up until October, they handled 1,400 complaints. The police announcement added that the victims were in their vast majority women and cautioned that the numbers may not show the real extent of the problem because of underreporting.<sup>84</sup> No data was offered about any other form of violence.

### *New law criminalising sexist behaviour is adopted*

On 26 November, parliament adopted a law criminalising various forms of sexist behaviour, following submissions of drafts from opposition MPs. Citing the Recommendation of the Council of Europe's Committee of Ministers on preventing and combating sexism,<sup>85</sup> the CEDAW and the Istanbul Convention, the law states that sexism is connected with violence against women and girls and that everyday sexism amounts to a continuum of violence, creating an atmosphere of harassment, fear, discrimination and exclusion. Particular reference is made to on-line sexism and the abuse of social media through posting visual data of intimate moments without the consent of the persons concerned, a phenomenon that disproportionately affects young women and girls as well as LGBTQI persons, women journalists, politicians, public persons and human rights defenders. The law criminalises the submission into an electronic system data containing sexism, defined as publicly or privately manifested conduct directed against specific persons or groups of persons, consisting of action, gesture, visual presentation, practice, written or oral statement emanating from a perception that a person is inferior because of gender or other characteristic, aiming at: prejudicing the rights of the victim(s), lowering their dignity and eventually depriving their access to public services and their unequal access to resources; inflicting physical, psychological or socioeconomic injury on

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<sup>82</sup> Phileleftheros (2020), '[Γραμμή βοήθειας μέσω SMS για θύματα οικογενειακής βίας](#)', 29 April 2020.

<sup>83</sup> Consultation with the NGO Network against gender based violence, 5 October 2020.

<sup>84</sup> Cyprus Police (2020), '[25η Νοεμβρίου, Παγκόσμια ημέρα της εξάλειψης της βίας κατά γυναικών: Βασικές προτεραιότητες για την Αστυνομία Κύπρου, η αντιμετώπιση της βίας στην οικογένεια και βίας κατά γυναικών](#)', Press release, 25 November 2020.

<sup>85</sup> Council of Europe, [Recommendation CM/Rec\(2019\)1 of the Committee of Ministers to member States on preventing and combating sexism](#), 27 March 2019.

the victim(s); creating a hostile and humiliating environment; discriminating against and excluding the victim; and promoting and reinforcing gender stereotypes. In order to meet the prerequisites of the offence, the act must have been committed intentionally. For natural persons, the penalty foreseen is up to one-year imprisonment and/or a fine of €5,000. For legal persons, in addition to the fine and the imprisonment of the person representing or controlling the organisation, the court may order the temporary exclusion from public provision and the temporary prohibition of exercise of any commercial activity. No minimum sentence is foreseen. Prosecutions must be sanctioned by the Attorney General. The law provides for the setting up of a seven-member council against sexism, consisting of a president, three members from the public sector and three from NGOs, appointed by the Council of Ministers. The mandate of the council will be to advise the ministries, conduct surveys and research, compile an annual report and submit it to the President of the Republic, develop actions and strategies for public awareness and sensitisation and evaluate the implementation of the legal framework and inform parliament about gaps. The law provides that its provisions must not restrict in any way the exercise of fundamental rights and freedoms including the freedom of expression and association.<sup>86</sup>

The law falls short from creating a user-friendly mechanism for accessing justice, relying instead on the Attorney General to decide, at his absolute discretion, on whether charges should be brought against perpetrators. No compensation to victims is foreseen.

Shortly after its adoption, the President of the Republic referred back to parliament this law for reconsideration. Even though he agreed with the criminalisation of sexist behaviour, he asked for the removal of provisions that would have meant an economic and administrative burden on the government. He pointed out that he did not see a reason for the setting up of a special body to monitor the implementation of the law, since there were already a number of bodies in place that could perform the tasks foreseen in the law. As a further reason for the referral of the law, the President cited the fact the law does not clarify which ministry will be tasked with monitoring its implementation.<sup>87</sup> Parliament agreed with the referral of the law and

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<sup>86</sup> Cyprus, [Law providing for the combating of sexism and sexist behaviours and related matters of 2020](#) (Νόμος που προβλέπει για την καταπολέμηση του σεξισμού και των σεξιστικών συμπεριφορών και περί συναφών θεμάτων του 2020), N 209(I)/2020, 26 November 2020.

<sup>87</sup> Dialogos (2020), [Ο Πρόεδρος διαφωνεί με τη σύσταση του Συμβουλίου κατά του Σεξισμού](#), 16 December 2020.



revised the law accordingly, removing the provision for the setting up of a special monitoring body.<sup>88</sup>

### *Public consultation on bill for domestic and other forms of gender-based violence*

On 1<sup>st</sup> December, the Justice Ministry announced the launch of a public consultation on a bill on domestic violence and other forms of gender-based violence, purporting to bring national legislation in line with the Istanbul Convention.<sup>89</sup> The Ministry did not make the bill publicly available but sent it instead to selected organisations for their comments. The public consultation will end on 15 December 2020. The bill marks a departure from the original plan to compile a single piece of legislation comprehensively covering all forms of gender-based violence. The first draft for criminalising gender-based violence was being processed by the Attorney General's office for some years, until it emerged that many of the offences under the draft were already established under the Criminal Code. On 12 December, the Justice Minister summoned all competent departments to solve this matter and asked the Law Commissioner to present a new draft. The legal framework on gender-based violence will now be scattered in various pieces of legislation, including this bill once it is adopted, the criminal code, the bill on stalking which is still under discussion and a bill on civil offences, which is currently at the stage of drafting. The Justice Minister also informed the competent bodies that the Council of Europe has asked for a judicial training program to be put into place. Gaps were reported during the parliamentary discussion, namely the absence of any shelters and the lack of specially appointed and trained police officers in Larnaca and Famagusta.<sup>90</sup>

### *A trafficking victim sues Cyprus at the ECtHR*

On 11 November a woman from the Dominican Republic, who had been a victim of sex trafficking in Cyprus, filed an application to the European Court of Human Rights against Cyprus. The application seeks to challenge a decision of the Supreme Court of Cyprus delivered in April 2020, which had rejected at second instance her claim of compensation against her employer.

The case started in 2009 when the national Assize Court tried and acquitted the victim's employer from trafficking charges, ruling that the testimony of

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<sup>88</sup> Cyprus, Law on the combating of sexism and sexist behaviours and related matters ([Νόμος που προβλέπει για την καταπολέμηση του σεξισμού και των σεξιστικών συμπεριφορών και περί συναφών θεμάτων](#)), N. 209(I)/2020, 28 December 2020.

<sup>89</sup> Cyprus, Ministry of Justice and Public Order (2020), ['Δημόσια διαβούλευση Νομοσχεδίου με τίτλο: "Ο περί καταπολέμησης της βίας κατά των γυναικών και της ενδοοικογενειακής βίας νόμος του 2020"](#), Press release, 1 December 2020.

<sup>90</sup> Consultation with parliamentarian assistant, 1 December 2020.

the victims including the applicant lacked credibility. The applicant, who had been recognised by the Cypriot police as a victim of trafficking, subsequently applied to the civil court for compensation; her claim was rejected at first instance and upon appeal.<sup>91</sup> This, despite the fact that the main witnesses at her trial was the head of the police anti-trafficking unit who testified in her favour, describing her trafficking situation in detail. The lawyers representing the applicant, appointed by the victim support NGO Cyprus Stop Trafficking, described the Appeal Court decision as wrongful and very disappointing, as the court adopted a monolithic approach by refusing to examine the 30 grounds of appeal and merely restricted itself to ruling that the applicant had no grounds for compensation because the perpetrators were not convicted.

The application to the ECtHR relies on:

- Article 6(1) of the ECHR which safeguards the right to a fair trial, arguing that the applicant's right to a civil action was prejudiced by a wrongful interpretation of the national anti-trafficking law, in a manner that prevented a victim from claiming compensation where the perpetrator was not convicted by the criminal court. This interpretation does not tally with the duty of the state under article 15(3) of the Council of Europe Convention on Action against Trafficking in Human Beings to safeguard the right of victims to compensation. The applicant's right to a fair trial was further prejudiced by the fact that there was a delay of 11 years for the final determination of the court case.
- Article 4 of the ECHR regarding the protection against servitude, arguing that she was detained in slavery-like conditions and was forced to work against her will because of the failure of the state to put mechanisms in place to protect her by revoking the policy of issuing 'artiste visas', subsequently revoked.
- Article 13 of the ECHR for the failure of the state to provide an effective remedy for the rights of the ECHR.

The decision of the ECtHR was pending at the time of writing.<sup>92</sup>

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<sup>91</sup> Cyprus, District Court of Nicosia, [Charitin Altsgracia Baez Nunez v. Yiannakis Georgiou et al](#), Action No. 1930/09, 19 January 2018.

<sup>92</sup> Demetriou M (2020), [Πήγε... ΕΛΑΔ καμπαρέ της Λευκωσίας](#), *Politis*, 1 November 2020.

## *The house of woman*

On 1<sup>st</sup> December, the 'House of Woman' came into operation, a project carried out in the context of compliance with the Istanbul Convention, based on a proposal of a technical committee appointed for this purpose by the Council of Ministers. The aim is to gather under one roof all services for women victims of violence to reduce the chances of secondary victimisation and stigmatisation. The concept is based on good practices from other countries, which the technical committee had visited in June 2019. The Council of Ministers approved the technical committee's proposal in November 2019 and the Social Welfare Services granted funding for the House's operational expenses for two years to a NGO specializing on domestic violence, namely SPAVO. The plan is for women filing complaints at the police to be referred to the specially trained and appointed police officer and to the House, ensuring that the victim will not give testimony to anybody other than the special police officer. The Ministries of Labour, health and Justice, and potentially the Ministry of Education where children are involved, are assigned competence, whilst the referral mechanisms will involve the police, the Social Welfare Services and the NGO SPAVO. This multi-discipline combination will enable the victims to avoid having to repeat their testimonies and to receive the necessary protection and support, based on individualised risk assessment.

## *Police responses*

The police are currently developing, in collaboration with a telecommunications firm, an application that will give the victims the possibility to inform instantly the police when they are in danger.

Because police training was suspended during the pandemic lockdown, a special lecture was uploaded in the police portal by way of training front line officers on the use of the protocol for risk assessment of intimate partner violence. In September, a special police unit on gender-based violence was set up in Limassol, as part of a wider project to develop special gender-based violence units throughout the country.

## *Draft laws and bills*

A number of bills and draft laws are awaiting adoption by parliament: the bill on stalking which has been under review for some years; the harmonisation of national legislation with the Istanbul Convention by criminalising forms of violence and widening the definition of rape; and the

criminalisation of the purchase of sexual services which was proposed by opposition MPs as a proposal to address the problem of trafficking and exploitation of women.

# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

### *Independent living*

The long-term project of de-institutionalisation independent living in the community that started in 2015 continued through to March 2020. Seven new homes of supported residence for persons with intellectual disability were set up, which now accommodate 30 persons from all over the country who either used to reside in old people's homes or did not have adequate supportive family environment. The homes offer specialised professional services and daily routine in conditions of safety and dignity, with creative time involving entertainment, skills development and socialization.<sup>93</sup>

The Department of Social Integration of Persons with Disabilities regularly updates the homes where persons with disabilities reside or visit for day care with information about Covid-19 and the changing protection measures. On 3 August, the Department notified all residences that the use of masks is obligatory for staff and visitors, visits must be reduced to the minimum and be allowed only on appointment and subject to taking temperatures and the residents should be allowed to leave the residence only when absolutely necessary. All residences were supplied with gloves and antiseptics and Covid-19 tests were budgeted for both residents and staff members.<sup>94</sup>

The Pancyprian Confederation of Disability Organisations KYSOA raised concerns that the austerity agenda, as a means of addressing the economic crisis resulting from the pandemic, is affecting negatively de-institutionalisation and independent living. The Confederation stated that the need for independent living became more obvious during the lockdown, when half of the victims of the pandemic in Europe were persons in closed institutions and

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<sup>93</sup> Communication from the Department of Social Integration of Persons with Disabilities, 6 October 2020.

<sup>94</sup> Communication from the Department of Social Integration of Persons with Disabilities, 6 October 2020.

homes. In Cyprus, persons with disabilities and chronic illnesses were the first to have to lock themselves in the house in order to preserve their health and that of their family members and were more negatively affected by the impact of isolation, the rise in domestic violence, the degradation of health care, the lowering of their income, the suspension of operation of essential services to them, the educational inequalities and the increasing poverty and unemployment. In order to address these, the Confederation is submitting a comprehensive proposal for the implementation of the right of persons with disabilities to independent living. The recommendations put forward include calculations and comparisons of costs of institutionalisation versus de-institutionalisation and a comprehensive legislative framework for the implementation of an adequately funded deinstitutionalisation strategy through the reallocation of funds currently expended on institutionalisation.<sup>95</sup>

### *Measures for adults with disabilities*

The Department of Social Integration of Persons with Disabilities urged persons with disabilities to avail themselves to information on the Covid-19 developments and measures from the governmental website.<sup>96</sup> The content uploaded on this website was in such format so that it could easily be converted into braille and into a sound format. The Committee on the Protection of Persons with Mental Disability took the initiative of monitoring announcements, converting texts into easy-to-read format and uploading them. The Confederation of Disability Organisations KYSOA circulated a weekly newsletter with information on matters pertaining to the pandemic that were of interest to persons with disabilities. The escorts of persons with disabilities in the supported employment scheme were instructed to inform and update all persons with disabilities in their team of all developments. Escorts were also instructed to call and visit persons with disabilities regularly to support them and accompany them whilst exercising in the neighbourhood. On 26 March, all organisations running programs of supported employment were instructed to suspend the employment of persons with intellectual disabilities for their own

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<sup>95</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 4](#)', commissioned by the Fundamental Rights Agency of the EU, July 2020.

<sup>96</sup> [www.pio.gov.cy/coronavirus](http://www.pio.gov.cy/coronavirus)

protection. The persons who stopped working in these schemes were eligible for a special sickness benefit.<sup>97</sup>

The Confederation of Organisations for Persons with Disabilities KYSOA reported that persons with intellectual disabilities who participated in the supported employment schemes and were instructed to stay at home during the lockdown-received amounts of €30 to €50 for two months through procedures that the Confederation described as humiliating. Almost all the hundreds of persons with intellectual disabilities employed under the program of supported employment, earning wages of €1,8 to €3 per hour, were forced to stay at home for two or more months during the Covid-19 lockdown. During this period, no salary was paid to them. The Confederation reported that the Ministry of Labour, Welfare and Social Insurance had issued a circular encouraging person with disabilities forced to refrain from work, to apply for the loss of wages benefit, without explaining that this will lead to a reduction of their Minimum Guaranteed Income. Those who applied received benefits, which were often equal to one third of the amount subsequently deducted from their Minimum Guaranteed Income. Other persons with disabilities reported to the Confederation that their Minimum Guaranteed Income was suspended during lockdown without any warning or explanation up. Many persons employed under the supported employment scheme were informed by their escorts that the application for a benefit for loss of wages during lockdown was a trap and would lead to deductions of amounts much higher than the benefit or even indefinite suspension of their Minimum Guaranteed Income. As a result, they refrained from applying for this benefit. Many of the persons with intellectual disabilities who returned to work after the lockdown received only 50 % of their salaries whilst others had their employment terminated on the justification that the workspace is limited or that the circumstances developed in the post-COVID-19 19 period led to a reduction to their volume of work and there was no longer any work for them to perform.<sup>98</sup>

#### *Children with disabilities and their return to school*

On 20 May, the eve of the scheduled return to school, the Ministry of Education announced that students attending special education units or having special needs, which require attendance by assistants or escorts, should not go to school on 21 May. He pointed out that they would only be allowed to school following medical opinion from their personal doctor about their state of

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<sup>97</sup> Communication from the Department of Social Integration of Persons with Disabilities, 6 October 2020.

<sup>98</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 4](#)', commissioned by the Fundamental Rights Agency of the EU, July 2020.

health.<sup>99</sup> The opinion would then be assessed by a special committee that would decide on whether they would be allowed to go to school and what measures ought to be taken for their protection. The Ministry circular warned that the same measure would apply for the future re-opening of special education schools.<sup>100</sup> The decision led to several negative reactions including street protests by parents of children with disabilities<sup>101</sup> and was criticised by the Commissioner for Administration<sup>102</sup> and by academics<sup>103</sup> for being discriminatory and unlawful. On 29 May, the Ministry announced that 323 children of special education without Covid-19 symptoms could return to school.<sup>104</sup> However, concerns remained about the remaining children with disabilities who were met with preconditions, as obligatory testing and documents to be submitted to be allowed to return to school.<sup>105</sup>

Schools of special education re-opened on 9 June, but in order for students to be allowed to return to school the parents had to fill out and submit a special form providing information about the child's state of health with an attached medical certificate and a recommendation from the child's doctor as to whether school attendance for the particular child is recommended or not. The form also required parents to acknowledge the contents of the health protocol that must be followed at school and to take responsibility for 'the risks that may potentially arise'. Depending on the information supplied in this form, the Special Committee would decide whether the child with disabilities would be permitted to return to school or not. The same form was requested of all children attending special education schools or using the services of escorts in integrated schools or other children with serious problems of 'health and adjustment' to fill up a document to enable the assessment of their children by

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<sup>99</sup> Cyprus, Ministry of Education, Culture and Sports (2020), '[Ανακοίνωση του Υπουργείου Παιδείας, Πολιτισμού, Αθλητισμού και Νεολαίας αναφορικά με τη φοίτηση παιδιών με ειδικές ανάγκες](#)', Press release, 20 May 2020.

<sup>100</sup> Cyprus, Ministry of Education, Culture and Sports (2020), '[Ανακοίνωση του Υπουργείου Παιδείας, Πολιτισμού, Αθλητισμού και Νεολαίας αναφορικά με τη φοίτηση παιδιών με ειδικές ανάγκες](#)', Press release, 20 May 2020.

<sup>101</sup> Omegalive (2020), '[Έξω από το Υπουργείο Παιδείας οι γονείς μαθητών της ειδικής εκπαίδευσης](#)', 22 May 2020; Dialogos (2020), '[Ξανά έξω από το Υπ. Παιδείας οι γονείς παιδιών με αναπηρίες](#)', 25 May 2020.

<sup>102</sup> Kathimerini (2020), '[Επίτροπος Διοικήσεως: Παραβίαση των δικαιωμάτων των παιδιών ΑμεΑ](#)' 21 May 2020.

<sup>103</sup> Symeonidou S. (2020), '[Για άλλη μια φορά τα παιδιά με αναπηρία εκτός σχολείου...](#)', 21 May 2020.

<sup>104</sup> Ministry of Education, Culture and Sports (2020), '[Απόφαση της Ειδικής Επιτροπής για άμεση φοίτηση παιδιών στις Ειδικές Μονάδες ή στις γενικές τάξεις](#)', 29 May 2020.

<sup>105</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 4](#)', commissioned by the Fundamental Rights Agency of the EU, June 2020.



a special committee.<sup>106</sup> The requirement to fill up this form as a prerequisite for children with disabilities to return to school led to several reactions of parents who argued that the requirement amounts to discrimination and infringement of the children's right to education.<sup>107</sup>

At year's end, the confederation of disability organisations KYSOA issued a statement highlighting the problems facing children and trainees with disabilities following the closure of the schools and the need to apply distant learning, leading to their increasing marginalisation and eventually their total exclusion from education. The statement pointed out that this was the result of the refusal of the Ministry of Education to proceed to a suitable design of distant education almost one year after the outbreak of the pandemic in order to safeguard the unobstructed participation of children with disabilities in education and their full involvement in all distant learning processes, impacting on their participation and integration into the community and the protection and dissemination of democratic values and human rights. KYSOA submitted a statement to the Education Parliamentary Committee with proposals for reasonable adjustment measures to lift the participation barriers of children and adults with disabilities from education and adult learning, addressing the shortcomings of the non-accessible internet platforms, the deficient access to connectivity for some students with disabilities, the absence of technical support to guide students with disabilities and their families on how to connect and use the internet education platforms, the unsuitability of the internet material which is not adjusted to the learning needs of children with disabilities, the lack of training of teachers on how to provide accessible educational material in digital form, the failure to provide specialised individual support to children with mental disability that would enable them to join the classroom and interact with their peers.<sup>108</sup>

#### *Re-opening of schools after the summer holidays and the use of masks*

On 21 August, the Council of Ministers announced that schools would resume in September with the physical presence of all students based on a revised health protocol that involves, amongst others, the use of masks by everyone aged over 6. This announcement was met with negative reactions from

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<sup>106</sup> Cyprus, Ministry of Education, 'Λειτουργία της Ειδικής Επιτροπής για τα παιδιά των ειδικών μονάδων και με εξυπηρέτηση από ειδικό συνοδό σε συνεργασία με μέλη της Συμβουλευτικής Επιστημονικής Επιτροπής Λοιμοξιολόγων του Υπουργείου Υγείας', Press release, 25 May 2020.

<sup>107</sup> Trimikliniotis N and Demetriou C (2020), '[Coronavirus COVID-19 outbreak in the EU: Fundamental Rights Implications, Cyprus Country Report 4](#)', commissioned by the Fundamental Rights Agency of the EU, July 2020.

<sup>108</sup> Paideia-news (2020), '[ΚΥ.Σ.Ο.Α.: Η περιθωριοποίηση των μαθητών και των εκπαιδευόμενων με αναπηρίες συνεχώς επιδεινώνεται](#)', Press release 31 December 2020.

teachers and parents, including the parents and teachers of children with disabilities for whom the practical difficulties in using the mask essentially affected their right to education. The Ombudsman's office, in its capacity as monitoring body for the implementation of the CRPD issued a self-initiated intervention stating that the decision of the competent authority cannot be challenged as it concerns a public health matter. The report set out the WHO recommendations for the use of mask by children and suggested the use of masks with a transparent shield around the lips to enable lip reading and the use of a face shield in those instances where the student's participation in the classroom is difficult with the mask. The report referred to the CRPD's provisions on reasonable accommodation, non-discrimination, equality of opportunity and respect to the evolving capacities of children with disabilities, concluding that no reasonable accommodation measures were adopted to enable children with disabilities to access education on equal terms with other students.<sup>109</sup> The decision for all children aged 6+ to wear masks was replaced with a decision for all children at secondary school to wear masks, exempting primary school children from this obligation.

#### *Care assistants for students with disabilities*

During the school year 2019-2020, no reduction was made to the number of care assistants that were employed to cater for the needs of children with special needs. The Council of Ministers, with its relevant Decisions, has approved 813 posts in Primary Education (Kindergartens, Primary and Special Schools) and 307 posts in Secondary General and Secondary Technical and Vocational Education and Training. In 2020, the total number of posts is 1120, compared to 860 in 2018.<sup>110</sup>

## **2. CRPD monitoring at national level**

The Pancyprrian Council for Persons with disabilities, which was nominated as the coordinating mechanism for the implementation of the CRPD under article 33(1), has not convened since July 2013 and has had no activity since. The Independent authority for the promotion of the rights of persons with

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<sup>109</sup> Cyprus, Independent Authority for the promotion, protection and monitoring of the CRPD (2020), 'Αυτεπάγγελτη Τοποθέτηση αναφορικά με την υποχρεωτική χρήση προστατευτικών μασκών από παιδιά με αναπηρία άνω των έξι ετών κατά τη φοίτηση τους στα σχολεία' Ref. ΑΥΤ.20/2020, 24 August 2020.

<sup>110</sup> Communication from the Ministry of Education, Culture and Sports, 5 October 2020.

disabilities within the Office of the Commissioner for Administration and Human Rights did not convene in 2020. <sup>111</sup>

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<sup>111</sup> Consultation with the Confederation of Organisations of Persons with Disabilities KYSOA, 5 October 2020.

# Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
	No promising practice has been identified for this thematic area

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020
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	initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice relating to the topics addressed in this chapter.
	No promising practice has been identified for this thematic area.

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b>  Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
	No promising practice has been identified for this thematic area.

# Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE.</b> Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decision relating to the topics addressed in this chapter.
	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
	No case law has been identified for this thematic area.