

HUMAN RIGHTS

National Human Rights Institution  
(NHRI)

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ΧΡΟΝΙΑ



επίτροπος διοικήσεως  
& προστασίας ανθρωπίνων δικαιωμάτων

1991 OMBUDSMAN



# *contents*

	<i>Page</i>
<i>Contents</i>	<i>3</i>
<i>Introduction</i>	<i>5</i>
<i>Legislative framework</i>	<i>7</i>
<i>Cooperation with European and International Networks</i>	<i>9</i>
<i>Evaluation of work</i>	<i>11</i>
<b>2017</b>	<b>12</b>
<i>Reports / Interventions / Statements</i>	<i>13</i>
<i>Participation in preparatory legislative works –</i> <i>Cooperation with the Legislative Power</i>	<i>23</i>
<i>Events / Seminars / Training / Working Groups</i>	<i>27</i>
<b>2018</b>	<b>33</b>
<i>Reports / Interventions / Statements</i>	<i>34</i>
<i>Participation in preparatory legislative works –</i> <i>Cooperation with the Legislative Power</i>	<i>43</i>
<i>Events / Seminars / Training / Working Groups</i>	<i>46</i>
<b>2019</b>	<b>51</b>
<i>Reports / Interventions / Statements</i>	<i>52</i>
<i>Participation in preparatory legislative works –</i> <i>Cooperation with the Legislative Power</i>	<i>90</i>
<i>Events / Seminars / Training / Working Groups</i>	<i>93</i>
<b>2020</b>	<b>98</b>
<i>Reports / Interventions / Statements</i>	<i>99</i>
<i>Participation in preparatory legislative works –</i> <i>Cooperation with the Legislative Power</i>	<i>123</i>
<i>Events / Seminars / Training / Working Groups</i>	<i>127</i>
<i>Information &amp; Awareness Raising Campaigns</i>	<i>131</i>

# *introduction*



## Introduction



The promotion and protection of Human Rights applied horizontally in all aspects of private and public sector, as an extended mandate assigned to the Ombudsman in 2011, particularly with the amending Law L.158(I)/2011, which extends the competences of the Commissioner of Administration and the Protection of Human Rights (Cyprus Ombudsman).

Since then, the Commissioner has been renamed as Commissioner for Administration and the Protection of Human Rights with a broad mandate, as a National Human Rights Institution, including the competence to prepare ex officio reports with views, suggestions and proposals on human rights issues that do not fall within the respective powers assigned to the “Ombudsman” under other Laws.

In this context, the promotion and protection of Human Rights are already legislatively mandated since 2011 with the amendment of the Commissioner for Administration Laws (3/91), with the amending Law 158(I)/2011).

This publication aims to summarises separately, indicative reports, opinions and interventions submitted in the last four years as National Human Rights Institution, which have already been published as part of the Annual Reports of the Ombudsman Institution.

Furthermore, the publication includes the multidimensional actions of our Office taken for the promotion and protection of human rights in Cyprus, including the information and awareness campaigns under the scope of human rights.

**Maria Stylianou-Lottides**  
Commissioner for Administration  
and the Protection of Human Rights

National Human Rights Institution

# *legislative framework*

## *Legislative framework*

Law 58(I) of 2011 amended the Commissioner for Administration Law and assigned to the Commissioner for Administration extended responsibilities for the promotion and protection of Human Rights, leading to the recognition as National Independent Human Rights Institution.

By this amendment the Commissioner for Administration was renamed Commissioner for Administration and the Protection of Human Rights and assigned the following powers:

- ▶ to examine on his own initiative and prepare reports with opinions, proposals and suggestions on human rights issues;
- ▶ to have contacts and hold consultations with Non-Governmental Organisations, human rights organisations and other bodies, as well as with other authorities and commissioners;
- ▶ to attend meetings or other events of national human rights organisations of the States, held within the context of the UN, the Council of Europe and the European Union;
- ▶ to cooperate with human rights commissioners and other respective institutions of the UN, the Council of Europe and the European Union, as well as with foreign organisations for the promotion and protection of human rights.

Following its accreditation as National Human Rights Institution in Cyprus, the Commissioner became member of the European Network of National Human Rights Institutions (ENNHRI).

The Network brings together the independent human rights institutions across Europe to enhance their cooperation and coordination for a more effective promotion of the principles of human rights, both at national and European level.

Officers from our Institution contribute to the action of the ENNHRI Network, providing information of the human rights situation in Cyprus and participating in specialised conferences and educational seminars held by the Network.

*cooperation  
with european and  
international networks*

## *Cooperation with European and International Networks*

The Commissioner for Administration and the Protection of Human Rights, within the context of his cooperation with national Ombudsmen and the European Ombudsman, participates actively in various groupings of Ombudsmen, i.e. the International Ombudsman Institute, the European Ombudsman Institute and the Association of Mediterranean Ombudsmen, in which the Commissioner is a member of the Governing Body. These groupings, in order to promote and enhance the Commissioner's work and within the context of exchange of views, experiences and good practices, hold meetings and conferences where general and specific matters are discussed in relation to the Commissioner's work.

Moreover, the Commissioner, given its responsibilities as National Independent Human Rights Institution is a member of ENNHRI (European Network of National Human Rights Institutes), in order to enhance and promote human rights in the wider European region, as well as of Equinet (European Network of Equality Bodies), in his capacity as Equality and Antidiscrimination Body.

At the same time the Commissioner maintains a close and two-way cooperation with the European Union Agency for Fundamental Rights (FRA). Moreover, the Commissioner for Administration and the Protection of Human Rights has been selected upon decision by the Council of Ministers and appointed by the Agency, as representative of the Republic of Cyprus, as regular member of the Management Board and an Officer from his Office as alternate member.

Our Institution, in the capacity of the Commissioner as National Human Rights Institution, is actively involved in the proceedings of the Commonwealth Forum of National Human Rights Institutions (CFNHRI), which brings together 46 National Equality Bodies from 46 countries members of CFNHRI, both for filling in questionnaires and exchanging experiences and good practices on human rights issues, as well as in the processes through which CFNHRI seeks to promote human rights in its member states.

# *evaluation of work*

2017

*Reports / Interventions /  
Statements*

### *Support of a Single Mother, Asylum Seeker and Victim of Torture and Sexual Violence<sup>1</sup>*

The reason for the above-mentioned ex officio intervention of the Commissioner for Administration and the Protection of Human Rights, was the case of an asylum seeker from Eritrea, victim of sexual violence and exploitation by her traffickers, who was in Cyprus with her four-year-old son and who, pending the examination of her asylum application, resided at the Reception Centre for Asylum Seekers (KYAA) in Kofinou, for several months, without psychological support or specialized treatment.

During the preliminary investigation of the case, bureaucratic obstacles and shortcomings in the protection and support of the mother and child were identified.

The Commissioner pointed out, inter alia, that the legal obligation of State authorities to identify vulnerable persons in a timely manner (minors, single-parent families with minor children, victims of trafficking, persons with mental disorders, persons subjected to torture, rape or other serious forms of physical or sexual violence, etc) and to adapt management to meet their special needs, has not, so far, been effectively fulfilled.

The Commissioner also stressed that there are problems in providing psychological support services to newly arrived refugees and, in particular, to those found vulnerable (delays, lack of follow-up), as well as to providing appropriate interpretation services, especially in the early stages of reception and integration, but also in all the critical stages through which their request for international protection goes.

It was emphasized that policies concerning the access of refugee women to the most basic goods - health, education, welfare, employment - should take into account the conditions that make them more vulnerable on the basis of their gender, before and after their arrival in Cyprus.

In line with the above and with a view to upgrading and strengthening State actions to protect and support vulnerable refugee groups, the Commissioner came up with the following recommendations:

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<sup>1</sup> AYT 5/2016

- ▶ Immediate institutionalization and implementation of the mechanism for identifying vulnerable persons among refugees and individual assessment of their needs, with gender sensitivity and with indicative time schedules for recording the history and needs and referral to services, based on the guidelines set out by the law.
- ▶ Presence of a psychologist at the Reception Centre for Asylum Seekers in Kofinou, at least on a weekly basis and coordination of interpreters required for the pre-arranged appointments, by the Social Workers of the Reception Centre for Asylum Seekers. Finding a solution for more direct access of the residents of the Reception Centre for Asylum Seekers and of the Officers from various services to certified and appropriate interpreters.

As to the case that was the reason for the intervention, the Commissioner suggested, in particular, the detailed recording of the special needs of the mother and child, the referral of the mother and child to a psychologist for support, empowerment and treatment from their traumatic experiences, in regular basis (taking into account language factors, cultural barriers, gender dimension), as well as the preparation of an individual action plan by the Social Welfare Services, which includes monitoring and support for these persons in the event of refugee status recognition and departure of the mother and child from the Reception Centre for Asylum Seekers.

### *Acquisition of Cypriot Citizenship by Naturalisation from a Family of Recognised Refugees<sup>2</sup>*

The Report was prepared following the investigation of a complaint submitted by a couple of recognised refugees who live in Cyprus since 1999, in relation to the rejection by the Ministry of Interior of their application for acquisition of Cypriot citizenship by naturalisation. The couple applied in November 2009 and, approximately three years later, they were rejected based on a series of grounds, which, as established, were to a large extent subjective, general and not measurable.

The Report stressed that in cases where criteria of this nature are invoked, as required by the jurisprudence of the Supreme Court, a satisfactory investigation should be carried out, sufficient justification should be given and

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<sup>2</sup> A/Π 408/2017

the broader facts of the cases should be taken into account. It was also emphasized that invoking general and vague grounds, which can be applied and valid in any case, are not sufficient grounds for rejecting applications for citizenship.

As noted in the Report, the administrative file of the case contained no elements that could sufficiently document and convincingly justify the positions of the authority involved.

Moreover, there was also no reference to the fact that the applicants' wider family circumstances were taken into account and, in particular, the fact that all three of their children, who either grew up or were born in Cyprus, lived with them in Cyprus.

Furthermore, it seemed that the fact that the complainants' oldest son had, in the meantime, acquired the Cypriot citizenship and subsequently served in the National Guard, has not been taken into consideration.

Moreover, reservations have been expressed as to whether the reinforced framework of protection enjoyed by complainants due to their refugee status, which obliged the Republic to "facilitate" their naturalisation, has been sufficiently taken into consideration.

Finally, it was suggested that the Ministry of Interior and the Civil Registry and Migration Department reconsider the complainants' application for naturalisation, taking into account the opinions and findings set out in the Report.

### *Delay in the Examination of Application for Acquisition of Cypriot Citizenship by Naturalization<sup>3</sup>*

The process of the examination of applications for the acquisition of Cypriot citizenship by naturalization was the subject of commentary in a Report prepared after the examination of a complaint, which concerned the delay in the examination of a relevant application, submitted by the son of a Cypriot citizen.

The complainant submitted the application in August 2011, after residing in Cyprus for 11 years, while in January 2012 he received a letter from the Ministry

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<sup>3</sup> A/Π 1597/2012

of Interior informing him that it had been decided to accelerate the examination procedure of his application.

However, despite the fact that from May 2013 to July 2016, we proceeded with five relevant written interventions to the Ministry, the application was not forwarded for completion.

It was noted in the Report that, in recent years, we have submitted a number of Reports to the competent authorities, in relation to the long delays observed in the examination / processing of applications for the acquisition of Cypriot citizenship (mainly through the naturalization process).

In these Reports specific suggestions and recommendations were submitted, both for the promotion of individual cases, and the promotion of institutional arrangements that solve the problem at a systemic level and ensure the examination of applications within a reasonable, under the circumstances, time frame.

In relation to the complainant's case, the view was expressed that the non-processing of the application, after more than five years as of its submission, could not be justified. It was also claimed that the delay was made even more unjustified by the complainant's personal circumstances and, in particular, that his mother, who also lives in Cyprus, had already acquired the Cypriot citizenship.

Consequently, it was suggested that the examination of the application be processed immediately by the Ministry of Interior and the Civil Registry and Migration Department.

*24-hour surveillance through closed-circuit television system, of a prisoner detained in an area outside the Central Prison, which has been declared a prison<sup>4</sup>*

The conditions of detention of a prisoner who was serving a prison sentence of six years in a room of a private hospital that had been declared Prison for the purposes of his hospitalisation there, were the subject of investigation and commentary in a relevant Report prepared to this end.

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<sup>4</sup> A/Π 1000/2017

The main object of examination, as it emerged from the investigation carried out, was the continuous (twenty-four hour) surveillance of the complainant through closed-circuit television system that had been installed inside the room where he was staying.

The investigation showed that the decision to install the CCTV surveillance system, was based on the general responsibility of the Director of the Prisons Department, to ensure the prisons' safety and smooth operation.

Apart from the general invocation of the security of the prisoner himself and of the staff of the Prisons Department, who oversaw his guarding, as well as the layout and accessibility of the premise, the Prison Department did not propose any other factor that was taken into account and influenced the relevant decision.

In particular, it became clear that the Department was not at all concerned with the application of the principle of proportionality, which, as emphasized, is a constitutional requirement, derived from the rule of law. In other words, the necessity of the implementation of the measure was not assessed, nor whether it was proportionate to the intended purpose.

It was noted that according to the relevant jurisprudence of the European Court of Human Rights, the restrictions of prisoners' rights, and in particular, of their private life, should be justified based on the principles of legality, necessity and proportionality.

In this connection, imposed measures restricting individual rights should, as noted, be prescribed by State laws which should be compatible with international human rights standards, have been shown to be absolutely necessary to achieve, in a democratic society, the legitimate objective and be proportionate, i.e. to be as less intrusive as possible, in order to achieve the objective pursued.

The Report noted that the responsibilities and efforts made by the Prisons Department, to achieve security in detention facilities outside the Central Prisons are, in any case, understandable and respected, while the need for special security measures in such cases is not ignored, as the Prisons Department does not control the perimeter boundaries of the wider area.

However, the Report concluded that, in this case, the continuous monitoring of the complainant, through a CCTV system inside the room, so that competent government officials are aware of every moment of his life, even, in fact, while he was at sleep, without the existence and application of an appropriate institutional framework and specific criteria based on the principles of necessity

and proportionality, always in relation to the personality of the prisoner, was not compatible with the principles of modern democratic societies, and therefore this is a violation of the dignity of the person and of the private life within the meaning of Articles 3 and 8 of the ECHR which guarantees, on the one hand, the right to private life and, on the other, the avoidance of measures which constitute degrading or inhuman treatment.

The Report was submitted to the Director of the Prisons Department, suggesting that she should take the necessary actions to re-evaluate the issue, in the light of the remarks recorded above and within the context of respect of human dignity, as imposed by the relevant institutional framework. Moreover, a copy of the Report was sent to the Minister of Justice and Public Order for his own actions within the framework of his powers.

### *Public Statement on the cancellation of a theatrical performance<sup>5</sup>*

This Public statement made on the occasion of the public debate that unfolded “regarding the decision of the Municipal Council of Sotira to ban the performance of play “Cock” at the Municipal Theatre, alleged its inability to guarantee the safety during the performance due to the reaction of the local community”.

The statement noted that “freedom of expression is not explicitly defined in the Constitution; it includes artistic creation and art in general as a form of expression”.

Furthermore, under the jurisprudence of the European Court of Human Rights, “the freedom of expression is guaranteed by the dual concept of the freedom to hold opinions and the freedom to search, receive and impart information and ideas without the interference by public authorities and regardless of frontiers”.

The European Court of Human Rights, in *Vereinigung Bildender Künstler vs Austria* (case no 68354/01) dated 25/04/2017 reiterated that the freedom of expression, as guaranteed by the Constitution and the ECHR «constitutes one of the essential foundations of a democratic society, indeed one of the basic conditions for its progress and for the self-fulfilment of the individual».

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<sup>5</sup>A/Δ 3/2017

Subject to these restrictions the “freedom of expression is applicable not only to “information” or “ideas” that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any section of the population. Such are the demands of that pluralism, tolerance and broadmindedness without which there is no “democratic society”.

In the case of *Sunday Times* brought before the European Court of Human Rights it was stated that «the elements of information and crisis are elements that are part of the freedom of expression”, while furthermore in *Castells vs. Spain*, the Court underlined that “freedom of expression also includes information and ideas that offend, shock or disturb”.

In this connection, “freedom of expression includes not only the creator’s right of artistic expression but also a passive dimension which consists in the right of the recipient, i.e. the public, to enjoy uninterruptedly an artwork and to have the possibility to receive multiple stimuli for its artistic exaltation”.

However, the right of freedom of expression is “subject to limitations imposed by the Constitution itself and the ECHR, which include, inter alia, the accepted principles of morality. However, the imposition of such limitation should be provided for by a specific law and imposed by a competent body, observing the principle of proportionality which plays a major role in every case where a fundamental human right is to be restricted.”

As to the accepted principles of morality, it was noted that these are moral rules “regulating the outer social behaviour and not the inner one, i.e. the thoughts of individuals, which does not remain stagnant, but changes over time. In other words, it is the set of moral perceptions and principles that govern the specific time and place”.

The European Court of Human Rights, in *Muller et. al. vs Switzerland* (1988), stated that “the view taken of the requirements of morals varies from place to place”, while in *Handyside vs. UK*, a case known as the “Little Red Schoolbook Case”, the Court established that “the concept of public policy may vary from one country to another”.

The freedom of expression and of art in general is not subject to censorship, but, exceptionally, “this freedom could be restricted, if there is a reason that could entail the imposition of their restriction under the provisions of the Constitution and the Law”.

However, in this case a decision had been taken by “a body not authorised by law, without a recourse to a competent court, without the revelation of an offence and without the intervention being necessary to a democratic society”. Regarding the content of the theatrical performance that had to do with issues of “human relations and sexual relations of the same sex”, it was noted that the social ethics of the Cypriot society has accepted the cohabitation agreement between persons of the same sex. Consequently, “diversity is a fact and its acceptance is an integral part of the democratic values that we all defend as citizens.

Although, as noted, personal views are respected, “they cannot impose censorship in general and indefinitely. There is no place for self-judgment in the Republic, there is respect for popular sovereignty, as it is expressed by all the functions of the State”.

Therefore, and because “ensuring freedom of expression and promoting the acceptance and respect of human rights is the cell of an equitable society”, the View was submitted publicly, and all parties were invited to reflection and further dialogue.

### *Public Statement on the integration in the general education of children of refugees residing in the Reception Centre for Asylum Seekers in Kofinou*

The reason for this Statement was the decision of the Ministry of Education and Culture to create a preparatory reception class inside the Centre, for children who are at the age to attend secondary education and have been excluded or do not attend a school unit. A complaint was lodged on the same issue by a Non-Governmental Organization, which monitors and addresses issues related to the support and integration of refugees in Cyprus.

The Statement noted the criticality of access to education in the formation of tomorrow’s citizens and the corresponding weight of responsibility of the competent authorities to ensure the smooth and equal integration of refugee children in the education system and school environment. In particular, it was pointed out that the needs of refugee children for education should be met in a way allowing them to participate in the education system and make the most of their potential, otherwise their exclusion from the education system in combination with the often extended stay at the Reception Centre away from local community, are factors that will undoubtedly have a catalytic effect, not

only on their child psychosynthesis, but, above all, the conditions under which they will spend their adult lives.

As it was emphasized, the substantial protection of the rights of refugee children who come to Cyprus, through extremely traumatic and dangerous routes, includes and requires the taking of positive measures for their integration in education, as well as the comprehensive treatment of the problems they face at this stage of transition to a whole new environment.

For this reason, the competent authorities were called upon to immediately develop policies for the inclusion and integration of refugee children with vision and consistency, against any xenophobic attitude and short-sighted approaches wherever they come from, ensuring that education provides the guarantees for better living conditions, work and progress in adulthood.

The Statement also pointed out the disagreement with the controversial decision to create a preparatory class within the Reception Centre as it seriously affects the children's right to education, a view shared by the Commissioner for Children's Rights.

In this direction, a suggestion was made for immediate revision and replacement of this decision with other appropriate pedagogical measures for the needs of these children, in order to ensure their equal access to education in the context of developing a Policy and Action Plan.

The Statement was submitted to the Minister of Education and Culture for his actions and was notified, for information purposes, to the Minister of Interior, as the competent authority for immigration and asylum, to the Asylum Service, to the Commissioner for Children's Rights and to the Non-Governmental Organization.

*participation in  
preparatory legislative  
works  
cooperation with the  
legislative power*

## *Participation in preparatory legislative works Cooperation with the Legislative Power*

### *Parliamentary Committee on Institutions, Merit and the Commissioner for Administration*

The Commissioner for Administration and an Officer from the Office participated in meetings of the Parliamentary Committee on Institutions, Merit and the Commissioner for Administration, on 20 and 27 September 2017, to discuss the issue of “The repeated non-compliance of the Public Service, the Police, the Army, the Legal Entities of Public Law and the Local Authorities with court decisions”.

### *Parliamentary Committee on Education and Culture*

- ▶ On 01 March 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Education and Culture regarding the admission procedures for foreign students in Cyprus.
- ▶ On 20 June 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Education and Culture, during which the “Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Ratifying) Law of 2017” was discussed.

### *Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women*

- ▶ On 25 September 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women to discuss the issue of (a) “Briefing on the operation of the correctional facility, as well as on the proceedings of the Council of Release of Prisoners on Licence” and (b) “The need to take measures for the social reintegration of prisoners”.
- ▶ An Officer from the Institution participated in a meeting of the Parliamentary Committee on Human Rights and on Equal

Opportunities for Men and Women, on 09 October 2017, to discuss Prisons (Amending) Law of 2015.

- ▶ On 23 January and 15 May 2017, Officers from the Institution participated in a meeting of the same Committee to discuss the issue of the State shelter for victims of trafficking in human beings.
- ▶ On 02 October 2017, Officers of the Institution participated in a meeting of the Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women, during which the issue of “The need to take measures for the social reintegration of prisoners” was discussed.
- ▶ On 23 October 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women, to discuss the issue of “Parental Alienation - The difficulties faced by parents who are separated or divorced in communicating with their children”.
- ▶ On 11 October 2017, Officers from the Institution participated in a meeting of the Parliamentary Committee on Human Rights and on Equal Opportunities for Men and Women to discuss: (a) The legality of use of modern technologies (Drones) as a mean of surveillance and (b) the inability of prisoners to work after serving their time, since the employment in many sectors requires a clear criminal record, which they cannot obtain.

### *Parliamentary Committee on Legal Affairs*

- ▶ On 08 November 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Legal Affairs to discuss the Public Interest Disclosure Law of 2016.
- ▶ On 01 March 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Legal Affairs to discuss the issue of uniform regulation of hate speech.
- ▶ On 29 November 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Legal Affairs to discuss the Protection from Harassment and Stalking Law of 2017.

## *Parliamentary Committee on Labour, Welfare and Social Insurance*

- ▶ On 20 June 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Labour, Welfare and Social Insurance to discuss the proposed amendments of the Grant of Child Allowance Law, the Protection of Maternity Law and the Social Insurance Law, as well as the proposal for adopting a law on the protection of paternity.
- ▶ On 27 June 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Labour, Welfare and Social Insurance to discuss the issue of paternity leave and the amendments of the Protection of Maternity Law.
- ▶ On 13 June 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Labour, Welfare and Social Insurance where the Parliamentary Committee continued its briefing on the report of Cyprus submitted to the UN on the implementation of the Convention on the Rights of Persons with Disabilities continued.
- ▶ On 19 September 2017, an Officer from the Institution participated in a meeting of the Parliamentary Committee on Labour, Welfare and Social Insurance to discuss the intention of the government to terminate the operation of the Elderly Houses and Kindergartens of the Ministry of Labour, Welfare and Social Insurance.

# *Events/Seminars/ Training/Working Groups*

 *Events / Seminars / Training / Working Groups*

The Commissioner for Administration and the Protection of Human Rights and Officers from the Office participated in conferences, lectures, events and educational seminars in Cyprus on the role and work of the Commissioner for Administration and the Protection of Human Rights.

An indication of these events is given below:

- ▶ The Commissioner for Administration and the Protection of Human Rights in cooperation with the Cyprus National Bioethics Committee held an event on: “I have the right and want to know what my DNA has in store for me”;
- ▶ The Commissioner for Administration in cooperation with the High Commission of Britain in Cyprus and the Constanteion Criminology and Forensic Sciences Centre, held a conference on: “Sexual Offences: Penalty? Correction? Treatment?”
- ▶ The Commissioner for Administration and the Protection of Human Rights, the Commissioner for the Protection of Personal Data, the Commissioner for the Children’s Rights and the Financial Ombudsman held an open debate on: “Independent Authorities and their Responsibilities”. The aim of the debate was to get to know the Commissioners’ responsibilities and role.
- ▶ Within the context of the Cyprus Chairmanship of the Committee of Ministers of the Council of Europe, the Commissioner for Administration and the Protection of Human Rights hosted at Filoxenia Conference Centre a meeting of experts from Member States of the Council, aiming at discussing and exchanging good practices on the prevention and management of sexual orientation and gender identity hate offences;
- ▶ An Officer from the Institution participated in a Round Table held by EDIN Central Council on the occasion of the International Day for the Elimination of Racial Discrimination;
- ▶ An Officer from the Institution participated in a public debate on “Hate speech. It concerns us!” held by the Cyprus Club of Reflexion on the Modernisation of our Society (OPEK).
- ▶ The Commissioner participated in and addressed a one-day conference on “Sexual Education” held by the Ministry of Education and Culture and the Pedagogical Institute of Cyprus.

- ▶ An Officer from the Institution participated in and addressed an event held by POGO Larnaca on “The child as the mirror of modern financial and social crisis”.
- ▶ The Commissioner participated in a special event held by the Ministry of Justice and Public Order for the presentation of the bill “The Children in Conflict with the Law (Prevention, their Handling within the Correctional System of Criminal Justice and Dealing with Delinquency) Law of 2017”;
- ▶ An Officer from the Institution participated with a presentation in the seminar on “Gender stereotypes at work and how to deal with”, held by the Prometheus Research Institute in cooperation with the Centre for Gender Equality and History;
- ▶ The Commissioner participated in a conference on “Europris Education in Prison Expert Group” held by the Prisons Department in cooperation with Europris (European Organization of Prison and Correctional Services);
- ▶ An Officer from the Institution participated in an International Conference on “Organisation, Coordination and Support of Migration Flows and integration in the EU”, held by the Mediterranean Migration Network.
- ▶ The Commissioner for Administration and the Protection of Human Rights together with Officers from the Office had a meeting with the members of the Committee on Petitions of the European Parliament while visiting Cyprus;
- ▶ An Officer from the Institution addressed a seminar on «Minorities and their Representations in the Cypriot media»;
- ▶ Officers from the Institution participated in an educational seminar on “Recognition, Assessment and Referral of Victims under Directive 2012/29/EU” held by the Advisory Committee for the Prevention and Handling of Violence in the Family and the Cyprus Centre of European and International Affairs, University of Nicosia.
- ▶ An Officer from the Institution addressed an event held by CYPRUS STOP TRAFFICKING on the occasion of the European Day Against Human Trafficking;

- ▶ The Commissioner together with an Officer from the Institution attended a lecture on “Sexual victimisation of children: extent, characteristics and modern challenges for social policy” held at the Presidential Palace on the occasion of the European Day against Child Sexual Abuse of the Parliamentary Assembly of the Council of Europe;
- ▶ The Commissioner and an Officer from the Institution attended a briefing one-day conference on the presentation of FRA Annual Report 2017, held at the House of Representatives.
- ▶ The Commissioner attended and addressed the KYSOA Electoral General Meeting.
- ▶ An Officer from the Institution addressed a one-day conference held by the Pýrinas Mathisis Nosilefton Psychikis Ygeias on “The rights of mentally ill patients”;
- ▶ The Commissioner attended and addressed a one-day conference on “Human Rights and the System of Criminal Justice” held by the Cyprus Police;
- ▶ The Commissioner for Administration and the Protection of Human Rights and an Officer from the Institution participated in a seminar of the European Commission against Racism and Intolerance (ECRI), held in Strasbourg on 23 and 24 of May 2017. The seminar was about the review of the General Policy Recommendation of ECRI No 2, of the European authorities for combating racism and intolerance.
- ▶ The Commissioner for Administration and the Protection of Human Rights and Officers from the Institution participated in the Conference «European Network of Ombudsmen Conference» held by the European Ombudsman in Brussels on 19 – 20 June 2017.
- ▶ The Commissioner for Administration and the Protection of Human Rights and an Officer from the Institution participated in an international conference of the Czech Chairmanship of the Committee of Ministers of the Council of Europe on “Immigration Detention of Children: Coming to a Close?”, held on 25 – 26 September 2017 in Prague.
- ▶ The Commissioner for Administration and the Protection of Human Rights and an Officer from the Institution attended the presentation of the Special Report of the Ombudsman, on “The challenge of migration flows and of protection of refugees – Issues of administrative

management and rights” held at the Athens Concert Hall (Megaron) on 01 June 2017.

- ▶ An Officer from the Institution participated in the General Meeting of the European Ombudsman Institute (EOI), in the event for the 20<sup>th</sup> anniversary from the establishment of the People’s Advocate Institution in the Republic of Romania and in the International Conference on Human Rights, held on 20 - 23 September 2017, at Bucharest. The Officer from our Office was elected Member of the Governing Body of the EOI for the next 4-year term of office.
- ▶ Officers from the Institution participated in a Public Consultation held by the Council of Europe Expert Committee on Immigration Detention. The meeting was held on 22-23 June in Strasbourg and the participants discussed and submitted their comments on the Project of Regulations on the Administrative Detention of Migrants, as proposed by the Expert Group.
- ▶ An Officer from the Institution participated in a meeting of the Working Group on Communication Strategies and Practices (Equinet), to discuss/analyse the new Framing Equality: Communication Handbook for Equinet. Participants dealt with the development of the communication campaign on equality issues and received information on the work of the Office of the President of the National Council Against Discriminations in Romania. The meeting was held in Bucharest.
- ▶ The Commissioner for Administration and the Protection of Human Rights in cooperation with the Ministry of Interior, the Cyprus Academy of Public Administration and the Office for Combating Human Trafficking of the Police held an one-day educational conference addressed to the public servants working in the front line in Famagusta area, aimed at strengthening them for the timely identification and referral of labour exploitation and marketing cases in the sectors of agriculture and livestock in particular.
- ▶ Within the context of the Cyprus Chairmanship of the Committee of Ministers of the Council of Europe, the Commissioner for Administration and the Protection of Human Rights hosted at Filoxenia Conference Centre the parallel Sessions of two Committees of the Council of Europe which discussed the promotion and establishment of minimum standards for the detention of illegal migrants and the use of alternative measures instead of detention in case of deportation proceedings.

- ▶ In cooperation with the Cyprus Youth Organisation and the Ministry of Education and Culture and with the support of ACCEPT LGBTI Cyprus, the “2<sup>nd</sup> Pan-Cypriot Pupils Forum on Diversity and Inclusion” was held.
- ▶ Officers of the Institution visited schools of primary and secondary education in order to present/discuss with members of the school community (pupils, teachers), about general and specific issues of racism and discrimination. Relevant presentations/lectures were held at university faculties.
- ▶ The Office, in cooperation with the Ministry of Interior, the Cyprus Academy of Public Administration and the Office for Combating Human Trafficking of the Police held a series of training courses addressed to public servants of first line on “Combating the Crime of Human Trafficking aiming at the celebration of marriages of convenience/forced marriages”.
- ▶ The Office, in cooperation with the Cyprus Academy of Public Administration and the Gender Equality Committee in Employment and Vocational Training, held in 2017 a series of workshops on: “Combating sexual harassment at the Public service”. The workshops were addressed to the heads of Organisations, to equality officers of Ministers and to other officials of the Public Service, who are involved in the decision-making process.
- ▶ In 2017, the Office in cooperation with the Cyprus Academy of Public Administration held jointly a series of seminars for public servants on bullying, mobbing, stalking and sexual harassment at work.

2018

# *Reports / Interventions / Statements*

 *Reports / Interventions / Statements*

*Report of the Commissioner for the Administration and Protection of Human Rights regarding the failure of the Civil Registry and Migration Department to comply within a reasonable time with an annulment judgment of the Supreme Court, as well as to assist in the inquiry of a case submitted to the Office of the Commissioner<sup>6</sup>*

The Commissioner launched an inquiry regarding the delay observed in the re-examination of a person's application for acquisition of Cypriot citizenship, following a relevant annulment judgment of the Supreme Court dated 6 June 2018 on the initial rejection of the Department, and after the Appeal, filed against the decision of the Court, was withdrawn on 15 June 2011.

Until the complaint was filed, the re-examination of the application of the interested party was pending, while, as it was afterwards found, the same person faced a series of difficulties in the renewal of his residence permit. Copies of letters of the complainant's lawyers to both the Ministry of Interior and the Civil Registry and Migration (CRMD) Department regarding the issue of the pending re-examination of his application was brought to the Commissioner's attention.

In a telephone conversation between the Officer of the Commissioner with the complaint's lawyers, these latter mentioned that, following regular contacts by telephone held with the CRMD, it was found that the examination of the case was not forwarded on the grounds that the case file could not be found and, therefore, efforts were made to create a copy of the file.

During the course of the inquiry, the Deputy Director of the CRMD, with four letters sent by the Office of the Commissioner, was asked to provide his comments and views, but without any result. Despite the fact that the CRMD failed to reply to these letters and inform the Commissioner of its own position regarding the complaint, it was deemed appropriate to prepare and submit the above Report, without the comments and views of the service.

On the substance of the complaint, that is, the non re-examination of the case following the annulment judgment of the Court, on the grounds that the administrative files was missing, the Commissioner, in the absence of contradiction by the competent service, based her findings on the information

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<sup>6</sup> C/N 31/2016

and evidence provided by the complaint's lawyers, the Principles of Administrative Law governing the obligation of the administration for re-examination after every annulment judgment, as well as on relevant case law of the Supreme Court.

After noting that the response of the CRMD was not as due in the light of the obligation of the services to contribute in the inquiries conducted out by the Commissioner, the Commissioner proceeded to comment on the essential part of the case, emphasising that the failure of the CRMD to issue a new administrative act regarding the said case, in the light of the annulment judgment of the Supreme Court, was outside the parametres of the relevant legal framework and the relevant case law on the matter.

The loss of the relevant administrative file cannot, as noted, constitute a satisfactory reason for the long delay in completing the re-examination procedure, as also confirmed by the case law of the Supreme Court.

In view of this, the Commissioner recommended that the necessary steps be taken to resolve any outstanding issues that prevented the completion of the re-examination procedure and promote the immediate decision on the case, based on the findings of the annulment judgment.

After the submission of the Report, the CRMD informed the Commissioner that the complaint's application had been approved.

*Report of the Commissioner regarding the handling of an application to grant a Guaranteed Minimum Income (GMI) benefit submitted by a recognised refugee with two minor children.<sup>7</sup>*

The Report was based on a complaint submitted to the Office by a recognised single-parent refugee in connection with a delay in examining her application for MGI in order to meet the basic needs of herself and her two minor children, aged 9 and 6 years old. As it was found, she was unable to work due to serious health problems (partial heart failure), and while waiting for a decision on the application, she received an emergency benefit, which was not enough to cover the basic needs of the family. In view of this, as reported in the complaint, rental debts were created (the family was constantly faced with eviction), as well as debts in the purchase of basic goods and in unpaid utility bills.

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<sup>7</sup> A/Π 694/2018

In the course of further inquiries into the complaint, the delay in the examination of the application for GMI was confirmed (9 months) which was due to the requirement of the Welfare Benefits Administration Services (WBAS) for the submission of specific documents (Court decision on child custody and maintenance order), which the complainant was unable to provide on the basis of her financial situation. Alternatively, she submitted a relevant affidavit of the father in August 2018. Although the document in question was immediately forwarded from the Office of the Commissioner to the Ministry of Labour, Welfare and Social Insurance, it seems, for undisclosed reasons, that it was not forwarded to the WBAS for handling.

As it was found during the inquiry, pending the completion of the examination of the application for GMI, the case was forwarded to the Social Welfare Services for examination and, in the meantime, the family received emergency financial aid. As the Office of the Commissioner was informed, three applications previously submitted by the complainant's ex-husband were rejected, due to the acquisition of an immovable property by the same in the years 2015 and 2016.

Following relevant information, according to which the complainant was being hospitalised in a bad condition, the Commissioner informed the service concerned, requesting again information about the final decision of the WBAS on the pending application for GMI.

Pending the actions of the service, the Office of the Commissioner was informed that the complainant passed away on 23/9/2018, and that the father of her children undertook their care. As he mentioned, he was unable to work due to health problems, and for this reason he submitted on 9/10/2018 a new application for GMI, so that he could cope with the increased needs of the children.

Although no official information was provided by the service on the exact content of the emergency aid granted to the complainant by the Social Welfare Services, pending a decision to grant GMI, it was found that the aid was insufficient in relation to the real needs of the family of three, while the communication and coordination between the WBAS and the Social Welfare Services on this matter proved to be deficient and fragmentary. The social intervention, which the family was referred to on the basis of the relevant Law, failed to demonstrate, in a timely and effective manner, the difficult financial situation in which the complainant found herself and the need for further support for herself and her children.

In analysing the relevant legal framework, the Commissioner noted that the requirement to provide supporting documents, although legitimate and necessary, should be implemented in a way that does not catalytically affect or abolish the main purpose served by the Law: To eliminate these people's risk of living in conditions of misery. In cases where the management of cases affects children, every effort should be made to expedite the institutionalised procedures and effectively manage the needs identified in their widely understood interest, as required by the legal protection of their rights.

In the light of the findings and concerns expressed in the Report, the Commissioner has recommended to the competent Minister that he takes, in a direct and effective manner, all steps necessary for:

- ▶ conducting a thorough examination with regard to the management of this case, including the content of the social intervention carried out by the Social Welfare Services in order to identify and meet the real needs of the family;
- ▶ examining the possibility of retroactive payment, to the extent possible, of the rents due and purchases created pending the examination of the application made by the complainant for GMI on the basis of the evidence to be submitted by the father of the children; and
- ▶ prioritising the examination of the application submitted by the father of the children for GMI, based on the new data and the real living conditions of the family, taking in account the best interest of the two minor children.

*Report of the Commissioner, in her capacity of the National Independent Authority for Human Rights, regarding the right to public breastfeeding.<sup>8</sup>*

The Report was the result of the amendment made to the Criminal Code to include the offence of “Preventing a breastfeeding mother”. More specifically, article 99B provides as follows:

“99B. Any person who, publicly and in a manner involving threatening or abusive or offensive character, utters any word or makes any sound in the hearing of any other person, or makes a gesture or places any object or distributes written or illustrated texts or behaves inappropriately or commits any other act in order to prevent a mother who is breastfeeding, shall be guilty of an offence and be liable, on conviction, to a fine not exceeding three thousand euros (€3.000)”.

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<sup>8</sup> A/D 3/2018

The Commissioner highlighted the above progress as extremely important and heartily welcomed the adoption by the legislature of the relevant criminal provision. In addition, the Commissioner stressed the need for this provision be framed by a series of measures that will empower women in their decision to breastfeed and highlight that this choice constitutes a human right which is also linked to the obligation to respect and promote gender equality.

The Commissioner highlighted that breastfeeding is recognised as an integral part of the right to health of the child and the mother, while noting that breastfeeding in public is now becoming established as part of a woman's right to be protected by gender discrimination. And this is because the right of every mother to breastfeed in public is linked to the right of every woman to participate in public life, including work, without being ashamed or discriminated against because of her choice which is linked to motherhood, self-determination over her body and, consequently, to her gender.

In order to embed and promote the above position, it is necessary, as the Commissioner stressed, to firstly fight gender and sexist stereotypes from which the aversion towards women who publicly breastfeed their children emanates. These stereotypes are associated with the perception that breastfeeding is "provocative", "embarrassing" or "inappropriate" and should therefore be done exclusively behind closed doors. They derive, on the other hand, from the "sexualisation" of the female body that tolerates, or even welcomes, the projection of the female breast exclusively or mainly as an "erotic object".

Consequently, the Commissioner noted that, in addition to the process of promoting the application of article 99B of the Criminal Code where such actions or behaviours are observed, at the same time, women need to be thoroughly informed and encouraged to report any harassing behaviour. To this end, the public needs to be adequately and decisively informed that any hostile acts or behaviour against mothers who breastfeed in public constitute criminal offences and are punishable.

It is also important, as emphasised, to provide more specific information to civil servants who serve or come into contact with the public, as well as to other bodies or organised groups, such as trade unions and employers' organisations. The Commissioner's recommendation was that the competent state authorities, including the Ministries of Health, Justice & Public Order and Labour, Welfare & Social Security, should cooperate in order to take all the necessary measures to embed and cultivate respect towards this right, since, without taking such measures, the newly introduced criminal offence of "Preventing a breastfeeding mother" is running the risk to be of minor practical importance.

*Report of the Commissioner as the National Independent Authority for Human Rights regarding the Conditions of Accommodation in the Reception and Accommodation Centre for Applicants of International Protection in Kofinou.<sup>9</sup>*

The Office of the Commissioner, given its role and responsibilities as the National Independent Authority for Human Rights, and on the occasion of visits made to the accommodation facility in Kofinou, as well as publications, during the period in question, in relation to the living conditions of people housed at the Centre, but also discussions taking place before the House of Representatives on the issue, has prepared and submitted the above report.

The Report recorded the Commissioner's findings regarding issues concerning the population of the Centre, during the period in question, the services provided thereby (food, hygiene, medical care/support, provision of benefits/facilities, social integration), the logistical infrastructure, issues concerning the accommodation of vulnerable groups in the Centre, the management of the Centre and the support of people leaving.

The Report provided findings in relation to significant problems and pathogens observed in the operation of the Centre, at the time when the inquiry was conducted.

More specifically, problems/shortcomings were identified in relation, inter alia, to:

- ▶ the management of the operation of the Centre by private bodies on the basis of short-term contracts;
- ▶ the level of maintenance of the logistical infrastructure of the Centre and the finding of timely and permanent solutions to the problems that arise;
- ▶ the provision of adequate cleaning services in common areas;
- ▶ the operation of the Centre for long periods of time in conditions of full occupancy resulting in the creation of tensions and the deprivation of the possibility of hosting other people who need it;

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<sup>9</sup> A/D 1/2018

- ▶ the timely identification of vulnerable persons and the coverage of their specific needs;
- ▶ the provision of adequate medical care and psychological support;
- ▶ the lack of adequate entertaining, educational and/or recreational programmes for the occupants of the Centre;
- ▶ the provision of an adequate support to people leaving the Centre, in relation to their smooth integration into the wider society and their independent living outside the Centre;
- ▶ the lack of adequate coordination between the services involved.

At the time of preparation of the Report, the Council of Ministers, in a meeting held on 14 March 2018, adopted a decision in relation to the Centre, based on a relevant Proposal made by the Ministry of Interior. Consequently, the Report made reference to and welcomed the decision adopted by the Council of Ministers.

The developments in relation to the conditions of accommodation and support in the Reception and Accommodation Centre for Applicants of International Protection in Kofinou are being closely monitored by the Office of the Commissioner.

*Report of the Commissioner as the Equality Authority and Anti-Discrimination Body regarding the provision of a place of religious worship in Paphos for the needs of Muslims during the celebration of Ramadan.<sup>10</sup>*

The Commissioner launched an inquiry into a complaint submitted in May 2018 by the “Religious Track of the Cyprus Peace Process” (RTCYPP) Office regarding the issue that arose in connection with the finding of a place of worship for the Muslim community in Paphos, in view of the beginning of the celebration of Ramadan on 15 May 2018.

According to the complaint, the competent services decided in October 2017 to terminate the operation of a mosque in Kato Paphos, while the efforts subsequently made by both the Muslim community and the RTCYPP to find

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<sup>10</sup> File No: C/N 692/2018

another place for the worship needs of the Muslims in Paphos (approximately 1500 members) were to no avail.

The Report made extensive reference to the national and international institutional framework that protects the right to freedom of thought, conscience and religion. Reference was also made to the case law of the European Court of Human Rights (ECHR) (*Witnesses and Others v. Turkey*), which states that any failure to provide a suitable place for the manifestation of religious freedom (even a simple space which is not necessarily a space properly designed as a place of worship), creates a direct intervention in the right to religious freedom. (Article 9 of the European Conventions on Human Rights (ECHR) - right to freedom of thought, conscience and religion).

In her Report, the Commissioner stressed that the issue needed to be addressed immediately and that the competent authorities needed to take effective measures to respond to the religious and worship needs of the Muslims of Paphos - even in a place that could be used temporarily as a place of worship.

Consequently, she urged the competent authorities to proceed with all the necessary actions / arrangements to find, even as a temporary solution, a suitable place of worship for the Muslim community during Ramadan.

After the relevant Report was submitted and on the basis of the recommendations included therein, actions/arrangements were made so that the Mosque in Kato Paphos can be used, even as a temporary solution, as a place of worship by the Muslim Community of Paphos during the last Ramadan (from 15 May to 14 June 2018).

*participation in  
preparatory legislative  
works  
cooperation with the  
legislative power*

 *Participation in preparatory legislative works  
Cooperation with the Legislative Power*

## *Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women*

- ▶ On 26 February and 19 March 2018, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, to discuss the bill to amend article 169A of the Criminal Code concerning the medical termination of pregnancy and the conditions under which it shall be allowed.
- ▶ On 12 March 2018, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women which discussed issues related to the living conditions of the occupants at the Reception Centre for Asylum Seekers in Kofinou and to the findings made following a visit held by the Committee on 12 February 2018.
- ▶ On 26 March 2018, Officers of the Office participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which the discussion continued regarding the Prevention and Combating of Trafficking and Exploitation of Persons and the Protection of Victims (Amending) Law of 2016.
- ▶ On 21 May and 18 June 2018, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women which discussed the need to strengthen the institution of foster care in Cyprus.
- ▶ On 24 September 2018, the Commissioner and an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women to discuss the Prison (Amending) Law of 2018.
- ▶ On 8 October 2018, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women to discuss the implementation of legislation on combating trafficking and exploitation of persons and the protection of victims, in particular with regard to the operation of the Multidisciplinary Coordination Group (PSO).

- ▶ On 22 October 2018, Officers of the Institute participated in a closed meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women to brief the Committee on the issues of Trafficking and Exploitation of persons and the protection of victims in the Republic of Cyprus.

### *Parliamentary Committee on Education and Culture*

- ▶ On 20 June 2018, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Education and Culture which discussed the difficulties and problems created in the Education System by the implementation of the new program for non-native speaking students.
- ▶ On 14 November 2018, an Officer of the Office participated in a meeting of the Parliamentary Committee on Education and Culture which discussed the problems that exist in attracting foreign students to Cyprus.

### *Parliamentary Committee on Labour, Welfare and Social Insurance*

- ▶ On 12 February 2018, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Labour, Welfare and Social Security to discuss the bill to amend the Law on Mentally Retarded Persons (the Law on Mentally Retarded Persons (Amending) Law of 2017).
- ▶ On 20 February 2018, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Labour, Welfare and Social Insurance which discussed the amendment of the Law on Paternity and the Law on Social Insurance.

# *Events/Seminars/ Training/Working Groups*

 *Events / Seminars / Training / Working Groups*

In 2018, the Commissioner and Officers of the Institute also participated in several conferences, lectures, events and training seminars held in Cyprus on the role and work of the Commissioner.

Indicatively:

- ▶ An Officer of the Institute implemented as a trainer seminars and workshops regarding the Guide of Conduct and Ethics of Civil Servants, which are part of the training programme for Secretarial Officers in promotional positions. The seminars were held on 9 January and 21 March 2018, at the Cyprus Academy of Public Administration.
- ▶ On 7 March 2018, an Officer of the Institute held a lecture at the Police Academy on “Human Rights, Discrimination, Racism, Xenophobia, Multiculturalism”, within the framework of the training programme for members of the Aliens and Immigration Unit on border control issues.
- ▶ On 9 January 2018, an Officer of the Institute participated in the Gender SCORE Cyprus Stakeholder Reflection Workshop, organised by the Centre for Sustainable Peace and Democratic Development and the British High Commission in Cyprus.
- ▶ On 17 and 18 January 2018, Officers of the Institute participated in a two-day seminar on “Mediation and New Developments”, organised by the UK Legal Alumni, in collaboration with the British High Commission in Cyprus, and held in Nicosia.
- ▶ On 17 January 2018, an Officer of the Institute, presented a lecture at the Police Academy on “Cognitive objects of the new approach to policing”, within the framework of the training program for police officers.
- ▶ On 18 January 2018, an Officer of the Institute presented a lecture at the Police Academy on “Respect for Human Rights” to police officers who perform pedestrian patrol duties.
- ▶ On 23 and 24 January 2018, an Officer of the Institute participated in the seminar entitled “Seminar with human rights communicators leadership” held in Vienna and organised by the European Union Agency For Fundamental Rights (FRA) for individuals / liaison officers of various organisations dealing with the protection of human rights.

The aim of the seminar was to strengthen the public promotion and communication of issues related to the protection of human rights.

- ▶ On 6 March 2018, an Officer of the Institute participated in the meeting of the Working Group on Communication Strategies and Practices of Equinet held in Vilnius. During the meeting, the participants discussed and analysed communication strategies of young people on issues of Human Rights and Equality, issues related to the communication handling of hate speech and the planning of a European campaign to celebrate the 70th anniversary of the signing of the Universal Declaration of Human Rights by the UN.
- ▶ On 25 May 2018, an Officer of the Institute participated in the training program “Community Policing” with a lecture on “Social / National Groups, Behaviour, Racism”.
- ▶ On 24 May 2018, the Commissioner participated, together with an Officer of the Office, in a seminar organised by the European Commission against Racism and Intolerance (ECRI) in Strasbourg.
- ▶ An Officer of the Institute participated with a speech in an educational workshop organised by the Cardet Organisation on “LGBT Refugees: Rights, Practices and political proposals for the introduction of a framework for information and their integration in Cyprus”.
- ▶ On 18 and 19 September 2018, an Officer of the Institute participated in a training seminar entitled “Training on Strategic Narratives in a Media Society” and a meeting of the Working Group on Communication Strategies and Practices of Equinet held in Budapest. In the seminar, the participants were trained on the use of narratives as a key part of communication in the new media. At the meeting of the Working Group, the participants dealt with the planning of a campaign for the 70th anniversary of the signing of the Universal Declaration of Human Rights by the UN and discussed the proposal to create an equality check list, which will be promoted in pre-election periods with the aim of being adopted by political actors in order to make a positive contribution to equality issues. The meeting also discussed how the Equality Authorities handle victims of violence and how they promote / use their stories to raise awareness and inform the public, as well as the future actions of the Group and the Network.
- ▶ From 17 to 19 October 2018, an Officer of the Institute participated in a seminar held by the Equinet Network in Brussels, in collaboration with the European Commission and the European Economic and Social

Committee on “Tackling Discrimination and Ensuring Protection for carers in Europe”. During the seminar, good practices of Member States as well as research results in relation to the topic of the seminar were presented.

- ▶ On 9 October and 5 November 2018, an Officer of the Institute presented a series of lectures at the Police Academy on “Respect and Protection of Human Rights”.
- ▶ On 7 and 8 November 2018, an Officer of the Institute participated in a Structured Dialogue Workshop on “National Action Plan for the Prevention and Combating of Domestic Violence - Training of Coordinators”. The Workshop was organised by the Advisory Committee for the Prevention and Combating of Domestic Violence and was implemented by the Cyprus Academy of Public Administration.
- ▶ On 8 and 9 November 2018, an Officer of the Institute participated in a seminar entitled “Equality Bodies Countering Ethnic Profiling” held in Brussels. The seminar was co-organised by Equinet and the Open Society Justice Initiative, during which the concept of discrimination based on ethnic profile was presented, specific examples were provided and good practices were sought to address the problem.
- ▶ On 16 November 2018, an Officer of the Institute presented a lecture entitled “Discrimination and Racist Behaviours”, as part of a two-day seminar on combating xenophobia and discrimination and promoting respect for human rights at the Police Academy.
- ▶ From 19 to 21 November 2018, an Officer of the Institute participated in a seminar entitled “Not on Our Watch! Equality Bodies Fighting Hate Speech” organised by Equinet and the National Office against Racial Discrimination (UNAR).
- ▶ The Commissioner and an Officer of the Institute participated in an event co-organised by the International Ombudsman Institute (IOI) and the Northern Ireland Public Services Ombudsman) entitled “Own Initiative Event”. The event was held on 22 and 23 October 2018 in Belfast.
- ▶ In the framework of the actions of the Commissioner as an Equality Body, an Officer of the Institute conducted a series of trainings for members of the Trade Union School of SEK on combating sexual harassment at work. During the seminars, presentation was made on

the institutional framework, the experience of the Office of the Commissioner, the Cypriot case law and other relevant information. The seminars were held on 23 and 24 October and on 6, 8 and 29 November 2018, in Larnaca, Nicosia, Paphos, Paralimni and Limassol, respectively.

- ▶ On 7 December 2018, an Officer of the Institute made a presentation on the institution of the Commissioner to students of the Law Department of Frederick University as part of their course on alternative dispute resolution.
  
- ▶ On 10 December 2018, an Officer of the Institute participated in a workshop entitled “Elimination of Stereotypes and Social Prejudices in Public Administration”. The workshop was organised by the Office of the Commissioner of Gender Quality and the National Machinery for Women’s Rights.
  
- ▶ On 19 December 2018, the Commissioner, the Ministry of Justice and Public Order, the Office of the Commissioner for Gender Equality, the Cyprus Academy of Public Administration and the Committee for Gender Equality in Employment and Vocational Training entitled “Gender Mainstreaming in Public Policy”. The conference was addressed by the Minister of Justice and Public Order and the Director General of the Ministry of Labour, Welfare and Social Insurance, followed by a presentation of the Guide to Gender Mainstreaming to Public Policy and the action plan for the relevant educational programme by the Director and Coordinator of the Mediterranean Institute for Gender Studies.

# 2019

# *Reports / Interventions / Statements*

 *Reports / Interventions / Statements*

*Report as the National Human Rights Institution on ensuring that recognised victims of trafficking have access to their rights as reserved by the Legislation, regardless of their residence permit<sup>11</sup>.*

The Report was submitted following an inquiry into complaints submitted by a Non-Governmental Organisation on behalf of four recognised victims of trafficking with regard to the difficulties they faced in enjoying the rights provided by the Legislation due to the non-renewal of special residence permits granted to them as victims.

The inquiry revealed that all four complainants had received, as recognised victims of trafficking, special residence permits for a limited period of time, for the purpose of investigating their cases. These permits were not renewed as provided for by the relevant Legislation, due to the fact that no police investigation or criminal proceedings would be further pursued.

The problem was that despite the clear provisions of the law that ensures the access of recognised victims to specific rights, regardless of their residence status in the Republic and by only showing their “certificate of recognition”, in practice, this was not applied by the services providing them access to these rights.

Following a discussion on the matter held before the Multidisciplinary Coordination Group that was set up to deal with the trafficking and exploitation of persons, and following our written intervention, the Ministry of Interior took measures to resolve the problem, sending to other services involved instructions to accept the “certificate of recognition” as proof of the status of the victims as well as instructions about the unhindered access to their rights, regardless of their residence status.

In the Report, the Commissioner stated that the timely and effective support and protection of victims of trafficking is a key factor in the successful fight against such crime, ensures the restoration of the human rights of victims and prevents the possibility of re-victimisation and recurrence of the exploitation cycle. Consequently, she added, any unjustified and bureaucratic obstacles to the provision of support to the victims may disrupt the state’s efforts to create conditions of trust and security for these persons; conditions that are necessary for their smooth transition from the traumatic experiences they have

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<sup>11</sup> C/N 1034/2019, C/N 1190/2019, C/N 1193/2019, C/N 1202/2019

experienced during the period of their exploitation to the restoration of their fundamental rights and independent living

The Commissioner welcomed the action of the Ministry of Interior to remind in writing the heads of the services involved of their obligation, according to the Law, to provide all recognised victims with access to their rights, regardless of their residence status. However, in order to ensure the implementation of the Legislation in all cases, the Commissioner expressed the position that the above information should be disseminated to the “front line” officers of all services involved, who are called to serve the victims.

In view of this, the Commissioner recommended that all services involved forward the relevant letter of the Minister of Interior as a circular to their competent officers so that the specific issue is clarified, thus leaving no room for deviation from or wrong interpretation of the Law.

*Report regarding the handling of an application for the acquisition of Cypriot citizenship by “registration” as a result of the applicant’s marriage to a Cypriot citizen.<sup>12</sup>*

The Report was prepared following an inquiry into a complaint submitted by a Cypriot citizen regarding the rejection of his wife’s application to acquire Cypriot citizenship on the basis of her marriage with him.

The application was rejected by the Civil Registry and Migration Department in September 2018 on the grounds of a relevant reservation of article 110(2) of the Civil Registry legislation, which stipulates that a person, who acquired Cypriot citizenship by registration, is not entitled to transfer the right to acquire citizenship to another foreigner or his / her foreign spouse through the same procedure.

In the complaint, the applicant’s spouse, who acquired Cypriot citizenship on the basis of the same procedure, mentioned that, when the application was submitted and the relevant fee of €300 was paid, he had not been informed by the Department of the above condition/reservation of the law. He even claimed that if he had been properly informed, he would have first submitted his own application to acquire Cypriot citizenship by origin (since he is of Cypriot origin from his mother) or by naturalisation (since he has been living in Cyprus for many years) and then that of his spouse.

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<sup>12</sup> C/N 1922/2018

From the inquiry into the case, it was found that the action of the service involved to reject the specific application was in accordance with the provisions of the legislation on Civil Registry.

However, the Commissioner stated that the complainant's dissatisfaction with not being informed upon submitting the application that due to his own personal circumstances, his spouse was not entitled to acquire Cypriot citizenship by registration, was, under the circumstances, reasonable. According to the Commissioner, the formal requirements of the Law could be brought to his attention prior to submitting the application, so as to avoid the unnecessary submission and payment thereby of the relevant fee of €300.

The Commissioner stated in this regard that the issue of untimely information provided to persons applying for Cypriot citizenship regarding the non-fulfilment of the formal qualifications / conditions set by the Law, has been raised by other citizens too. She added, however, that the long delays observed in the examination of applications for citizenship in general, in connection with the particularly high fees for submitting a (new) application, make it necessary to regulate this issue in a way that is in line with the principles of good administration and good faith. This need, according to the Commissioner, is more urgent in cases of applications for citizenship submitted by spouses of Cypriot citizens, for whom the legislation provides more favourable arrangements, both in relation to the conditions of residence (3 years, instead of 5 or 7 years), as well as in relation to the fees payable (€300 instead of €1,000).

In conclusion, the Commissioner recommended that the competent authority:

- ▶ guide and assist the complainant's spouse to submit a new application by naturalisation which should be examined immediately;
- ▶ ensure that measures are taken to ensure that persons wishing to apply for citizenship (especially those who are spouses of Cypriot citizens and apply by registration) are informed in a timely manner of the basic requirements of the legislation, in order to avoid the submission of applications which clearly do not meet these conditions;
- ▶ review and, where appropriate, redefine the fees required to apply for citizenship, in particular for individuals who are forced to submit new applications under different procedures.

## *Report regarding the non-advancement/examination of requests to reopen cases of asylum on the basis of new evidence.<sup>13</sup>*

The Report was based on a number of complaints initially concerning delays and subsequently the non-advancement of the examination of requests submitted to the Asylum Service (AS) and the Refugee Reviewing Authority (RRA) for reopening asylum cases on the basis on new evidence.

The complaints were submitted by persons whose asylum applications had previously been rejected by both co-competent authorities, and who reverted at a later stage requesting that the files be reopened and their applications for international protection be re-examined on the basis of new evidence provided. According to the complaints, there was stagnation in the examination of the requests resulting in these persons remaining for long periods of time either under the status of asylum seekers, with limited rights, or under an unregulated residence status in the Republic, without any access to rights.

As it was found from the inquiry conducted into the matter, this stagnation was due to the disagreement that arose in 2016 between the two authorities as to who was responsible for examining the requests, resulting, in the period that followed, in the requests not being examined by either authority. As a result, the applicants were left without any document that could certify their residence status in the Republic as asylum seekers and, consequently, without access, albeit limited, to the rights conferred by that status regarding employment (registration in the Register of Job Seekers), social welfare (coverage of the material reception conditions with the coupons system) and health (inability to obtain / renew hospital IDs).

In analysing the relevant legal framework, the Commissioner noted that the submission of a subsequent application or presentation of new evidence by persons seeking international protection is a right that has been recognised by law, both at a national and international level. Consequently, she pointed out that the current situation violated the Refugee Law, as it posed the risk of return of persons in need of international protection and restricted their access to basic rights provided by the relevant Legislation.

Concluding, the Commissioner recommended that:

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<sup>13</sup> C/N 1851/2016, C/N 633/2017, C/N 449/2018, C/N 897/2018, C/N 1087/2018, C/N 1454/2018, C/N 1911/2018, C/N 1918/2018, C/N 85/2019, C/N 119/2019, C/N 208/2019, C/N 209/2019, C/N 210/2019, C/N 245/2019, C/N 519/2019, C/N 566/2019

- ▶ The AS and RRA take all necessary steps, including consulting with the Legal Services, to urgently resolve the issue of which authority is responsible for examining subsequent applications/new evidence.
- ▶ All persons, who have requested from both authorities to reopen their cases and meet the conditions of admissibility of the application for re-examination, be given letters/certifications recognising their status as asylum seekers.
- ▶ All other services involved (Department of Labour, Social Welfare Services, Ministry of Health) be informed that these persons fall again in the category of asylum seekers, in order to ensure their unhindered access to the rights provided by the Legislation.

*Own-initiative Report as the National Human Rights Institution regarding the institutional framework governing domestic work in Cyprus.<sup>14</sup>*

The Report was prepared on the occasion of the revelation that the victims of the serial killer named Orestis were mainly migrant female domestic workers and that the handling of the matter by the competent state authorities was insufficient.

First, the aim of the Report was to record the main problematic aspects presented in the institutional framework governing domestic work in Cyprus, as these emerged in the course of the inquiry conducted into the complaints submitted to the Office of the Commissioner in previous years. Secondly, the report prepared aimed at submitting to the relevant state authorities updated recommendations for the revision of the policy applied in order to remove, to the extent possible, the factors making domestic workers vulnerable to a wide range of exploitation and rights infringement practices, as the last comprehensive intervention of the Office on the matter was in 2013.

The Report briefly recorded the findings and recommendations made in a previous inquiry launched by the Commissioner's Office into the issue, the institutional developments that followed and the issues that arose through the complaints submitted thereto by domestic workers in the past 5 years. The report further analysed the international and national framework for the protection of domestic workers and the observations / recommendations made

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<sup>14</sup> AYT 15/2019

to the Republic by international and European institutions to improve the national framework.

In her general remarks, the Commissioner noted that there are still serious obstacles to the protection of the human rights of this vulnerable group of workers, in particular their labour rights. This fact, the Commissioner said, in combination with the ease of losing the legality of their residence status and their great financial need to repay the debts they created to come to Cyprus, make them extremely vulnerable to overexploitation as well as to violence.

The Commissioner also said that domestic workers often complain to the authorities that they suffer abuse, threats, deprivation of liberty, sexual harassment, psychological and physical violence from their employers, agents or other people in their work environment. She even added that several of these complaints include references that cumulatively constitute evidence of trafficking of persons for the purpose of exploitation.

According to the Commissioner, the following factors contribute to an increased risk of possible violence and exploitation suffered by women:

- ▶ The complete connection with domestic work and a specific employer (which create relations of power).
- ▶ The invisible living and working space.
- ▶ The incomplete institutional framework for handling complaints and protecting domestic workers.
- ▶ The real fear of losing status and deportation.
- ▶ The lack of information about their rights and the absence of support structures and integration policies.
- ▶ The stereotypes about female migration and domestic work.

Concluding, the Commissioner stated that, despite the recommendations made in the past by her Office and the relevant recommendations made to the Republic of Cyprus by international organisations, the existing policies for the protection of workers in this sector and for effective control of their living conditions are still highly problematic and inadequate.

The Commissioner also expressed her concern that, while the trafficking of persons, the exploitation practices and gender-based violence, as social phenomena, are being increasingly recognised and prosecuted, the exploitation

and violence against 56 female domestic workers is still invisible, without appropriate and dissuasive sanctions being imposed on perpetrators.

Concluding, the Commissioner recommended a holistic review of the residence and work policy in Cyprus regarding foreign domestic workers be made, in a way so as to remove the individual vulnerability factors, while emphasising that in order to achieve this, a multifaceted and coordinated approach to the issue is required to be adopted by the authorities involved. More specifically, the Commissioner recommended, inter alia, the following:

- ▶ Ratification of the Convention of the International Labour Organisation concerning Decent Work for Domestic Workers (the provisions of which ensure a minimum level of decent working conditions for this category of workers).
- ▶ Transfer of responsibility of management of matters concerning the employment status of domestic workers from the Ministry of Interior to the Ministry of Labour, Welfare and Social Affairs (which will strengthen the protection of the labour rights of domestic workers and facilitate their integration into society).
- ▶ Further enrichment of the Employment Contract (in order to accurately record working duties, working hours, payments for any overtime, information on how to terminate an employment relationship, etc.).
- ▶ Provision of adequate information to domestic workers about their rights and obligations.
- ▶ Independence of a residence permit from a specific employer.
- ▶ Decisive response to sexual harassment, ill-treatment and violence. (More specifically: a) investigation of relevant complaints with a victim-centred approach, and not with a view to migration management) b) adoption of deterrent, sanctioning and criminal measures against employers who violate labour contracts and / or use violence against domestic workers).
- ▶ Increase in the inspections carried out by Inspectors and other inspecting authorities in relation to the working conditions of domestic workers.
- ▶ Strengthening of the inspection of operation of the Private Employment Agencies.

Finally, for the purposes of designing and effectively implementing a new framework for the residence and work of domestic workers in Cyprus, the Commissioner recommended that a structured and systematic dialogue be held between the stakeholders, taking into account the gender dimension of the matter.

*Report as the National Human Rights Institution regarding the support received by victims of human trafficking living in the State Shelter.<sup>15</sup>*

The Report was based on a complaint submitted to the Commissioner by a Non-Governmental Organisation concerning problems in supporting women housed at the State Shelter for victims of human trafficking. These problems, according to the complaint, concerned, in particular: the stay of some victims in the Shelter (more than 3 months), their access to a telephone, the handling of their psychological support, the adequacy of the staff during the night shift and the accommodation of persons with serious psychological problems and dangerous behaviour, which negatively affected the newly arrived victims.

On September 26, 2019, within the framework of the inquiry conducted, a competent Officer of the Office of the Commissioner held a visit to the Shelter. During the visit, a meeting was held with the staff of the Shelter and representatives of the Social Welfare Services to discuss various issues related to the operation of the Shelter, the site was inspected, relevant documents were obtained, and interviews were conducted with three victims of trafficking residing in the Shelter.

Citing in detail the findings of the above inquiry, as well as the extensive legislative and institutional framework governing the support and protection of victims of trafficking in Cyprus, the Commissioner noted that timely and effective support and protection of victims is crucial for the successful fight against crime, ensures the restoration of the human rights of the victims and prevents the likelihood of their re-victimisation and recurrence of the cycle of exploitation. Therefore, she added, the operation of the Shelter should aim at the immediate relief and support of the victims and the cultivation of a climate of trust and security.

Welcoming the significant improvement that has taken place in the operation of the Shelter in recent years, the Commissioner noted that in order to fulfil the

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<sup>15</sup> C/N 1424/2016

objectives of its establishment, it is necessary to take further measures to improve its operation and, in particular, its connection with the Social Welfare Services and all the other services involved.

The issues on which the Commissioner argued that there is room for improvement, as well as the final positions and recommendations, were the following:

- ▶ As the purpose of the Shelter is to provide short-term accommodation to victims until their recognition, or for reflection purposes thereafter, the length of stay of victims at the Shelter should be, to the extent possible, within the reflection period (1 month) as provided for by the Law, in order to prevent victims from feeling “confined” and “trapped” or being institutionalised. The Commissioner, therefore, recommended that, where deemed feasible and safe, the victims leave the Shelter and be placed in open support structures or in an independent living space.
- ▶ In cases where the accommodation in the Shelter exceeds the expected period, the victims should be adequately and regularly informed of the reasons for this extension, as well as of the progress of their cases by the Police or the Court. The timely and adequate information of the victims, the Commissioner said, will reduce their anxiety and stress, facilitate their recovery and rehabilitation process and strengthen their sense of trust in the authorities (thus increasing the chances of their cooperation for the purposes of adjudicating their cases).
- ▶ Although the Law sets the provision of support services, including psychological support, as a priority in the implementation of state policies for trafficking, the period during which the Report was prepared, the Law provided only one visit of the victims to a psychologist of the Mental Health Services. More visits could be made, provided that these are deemed necessary by the psychologist and the victim expressed the desire to continue. The Commissioner expressed the view that, for these women, who have suffered extremely traumatic experiences, psychological support should be immediately and continuously available, and in order to minimise bureaucracy, she recommended that the provision of regular psychological services at the Shelter be considered. Such an arrangement, the Commissioner said, would facilitate the psychological support of those victims who, although assessed as requiring regular psychological support, refuse to go to the Mental Health Services.
- ▶ In relation to the provision of creative and recreational activities to the occupants of the Shelter, the Commissioner welcomed the positive developments that have taken place through the purchase of relevant

services. She noted, however, that these should be expanded to include activities that will contribute to their training, for the purpose of their vocational rehabilitation and / or independence from the framework of state support services (e.g., learning to use computers, English language, etc.).

- ▶ The role of Social Welfare Officers in the multifaceted support of the victims, especially in the early stages of the process, but also until their final return to independent life, is extremely important. As it was found, in the course of the inquiry, that only 1-2 Social Welfare Officers deal with trafficking issues in Nicosia, the Commissioner recommended to consider the possibility of increasing the staff of the Social Welfare Services involved in this field.

The Report was submitted to the Minister of Labour, Welfare and Social Insurance (the responsibilities of which include the Operation of the Shelter and the actions taken by the Social Welfare Services), the Chief of Police and the Minister of Interior, as the National Coordinator of state actions for the prevention and suppression of human trafficking and for the protection of victims.

### *Report on the institutional framework regulating the coverage of material reception conditions of asylum seekers residing outside the Reception Centre in Kofinou.<sup>16</sup>*

The issue of the effectiveness of the support framework for asylum seekers in Cyprus has been monitored over time by the institution of the Commissioner, as a matter that touches on the fundamental human rights of an extremely vulnerable group of the population.

The need for a new intervention by the Commissioner arose following an inquiry conducted into a number of complaints received over the last three years, both from asylum seekers and NGOs, which involved problems/shortcomings in the current institutional framework for supporting asylum seekers residing outside the Reception and Accommodation Centre of Applicants of International Protection in Kofinou. The Commissioner's findings on this matter were reinforced by articles published in the daily press, UNHCR

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<sup>16</sup> C/N 1799/2016, C/N 1867/2016, C/N 2034/2016, C/N 2235/2016, C/N 488/2017, C/N 906/2017, C/N 1064/2017, C/N 1084/2017, C/N 1146/2017, C/N 389/2018, C/N 390/2018, C/N 391/2018, C/N 567/2018, C/N 568/2018, C/N 705/2018, AYT 3/2018, C/N 1050/2018, C/N 1093/2018, C/N 1115/2018, C/N 1219/2018, C/N 1849/2018

announcements and a recent academic survey conducted to map the living conditions of asylum seekers in Cyprus.

Following the inquiry conducted into the complaints, the study of the relevant legislative and institutional framework and the wider monitoring of the developments on the matter, the Commissioner came to the following key findings:

- ▶ The amount of benefits provided to asylum seekers residing outside the Reception Centre is significantly lower than the corresponding amount paid to the recipients of the Guaranteed Minimum Income. The amount of rent allowance provided to applicants has not changed since 2013, despite the observed increase in rental prices throughout Cyprus, and does not seem to be sufficient to meet the needs. In addition, the allowance does not provide for the down payment that is normally required by landlords. As a result, in the months preceding the Report, the situation had worsened, with a significant number of asylum seekers, in some cases families with young children, remaining homeless.
- ▶ The coupons support system for the purchase of basic items does not seem to be able to meet all the basic needs of the applicants. The situation is aggravated by the fact that the coupons are redeemed exclusively in certain small and medium-sized enterprises, which are often far from the applicants' places of residence, are more expensive than large supermarkets, and had shortages of specialised but necessary everyday items.
- ▶ There are often delays in the issuance of coupons, leaving the asylum seekers seeking emergency financial support from the Social Welfare Services.
- ▶ Problems also arise in the utilisation of checks granted to applicants to cover their other expenses (e.g., water, electricity, heating bills, etc.). Apart from the fact that the amounts are low, there are difficulties in their redemption by the banks.
- ▶ Asylum seekers' access to work was limited to areas of employment at the lowest remuneration scale that involved unskilled manual labour, regardless of their academic qualifications or professional experience. In fact, many of the jobs on offer are in isolated areas outside of urban centres, and the cost of travel, combined with the low wages provided, has often been a deterrent to acceptance by the applicants.

- ▶ The referral of asylum seekers to jobs was largely made without taking into account their particular circumstances - 62 - or their possible increased vulnerability. In some cases, in fact, the inability of applicants to undertake the proposed job is perceived as “voluntary unemployment” and the coverage of their material reception conditions is terminated.

In analysing the relevant legislative framework and the relevant international obligations of Cyprus, as well as referring to the relevant case law of the Court of Justice of the EU, the Commissioner noted that, although the manner of fulfilling the legal obligation to cover the material reception conditions for asylum seekers is largely left to the host country, every framework of support must ensure that applicants have an adequate standard of living, capable of ensuring their maintenance and protecting their physical and mental health throughout the asylum procedure. This basic condition, the Commissioner argued, should inspire all policies and practices applied to this end.

The Commissioner also pointed out that the framework for supporting asylum seekers in Cyprus, as amended in 2013 in the light of the financial crisis and to minimise abuse of the asylum system, has significant shortcomings and does not seem to be able to meet current market realities. It is applied horizontally, thus leaving no room for specialised and targeted support in cases where there are special reasons. The Commissioner expressed particular concern about the problems encountered in covering the basic need for housing, which have led a number of people to remain, even temporarily, homeless.

In expressing her understanding of the difficulties encountered in making further financial resources available to support asylum seekers and all other socially vulnerable groups, the Commissioner emphasised that maintaining minimum standards for the effective protection and support of asylum seekers is a legal obligation of the Republic and is part of its wider obligation to protect the fundamental human rights of the population as a whole. Given that asylum seekers include people with a particularly traumatic past, families with children and people with special needs for protection and support, any discussion on the matter should go beyond the financial difficulties and aim to restore a dignified standard of living for this vulnerable group of people.

Concluding, and for the purpose of strengthening the protection of human rights of asylum seekers, the Commissioner recommended the following:

- ▶ The policies for the support of asylum seekers should be fully evaluated in relation to their adequacy and effectiveness. In this context, the amount of benefits/allowances provided, as well as the way in which they are granted, must be reviewed in order to respond to the current

situation of the economy, minimise the inconvenience suffered by beneficiaries and to ensure their dignity.

- ▶ The framework of support should be reviewed in such a way so as to ensure housing of all applicants residing outside the Centre and meet current prices in the rental market.
- ▶ With regard to the vulnerable groups amongst the applicants, measures should be taken so that the framework of support has the necessary flexibility to provide additional assistance to meet special needs and find suitable housing.
- ▶ Examine the possibility of expanding the sectors of the economy in which asylum seekers are allowed to be employed in order to include jobs that meet the needs of a larger segment of the applicants (including women, parents of children and people with health problems).
- ▶ As part of the implementation of the proposed measures, a study should be conducted on the most efficient use of existing financial resources, and opportunities provided for further strengthening the framework of support through resources of the European Union and / or other international organisations (e.g., Asylum, Migration and Integration Fund of the European Commission) should be explored.

The Report was submitted to the Minister of Labour, Welfare and Social Insurance and the Minister of Interior, whose responsibilities include implementation of the legislation to cover the material reception conditions of asylum seekers.

*Report as National Human Rights Institution regarding the policy on retaining bank guarantees paid by employers of domestic workers.<sup>17</sup>*

In recent years, a number of complaints have been submitted to the Commissioner by persons who had paid bank guarantees for the purpose of employing domestic workers, and which bank guarantees were retained by the Civil Registry and Migration Department (CRMD) for an indefinite period of

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<sup>17</sup> C/N 1270/2018, C/N 1725/2018, C/N 3/2019, C/N 1331/2019, C/N 1432/2019

time, despite termination of the employment relationship, for reasons of searching workers to be deported.

The procedure for the payment of bank guarantees for the purpose of employing foreign domestic workers, and, in particular, the clause on retaining the amount - for an indefinite period of time - in the event of termination of employment, was the subject of an earlier Report prepared by the Office of the Commissioner in 2007, recommended that the policy on withholding bank guarantees be reviewed, so as to take into account all the possibilities of development of the employment relationship and cease to operate exclusively, invariably, and sometimes punitively to the detriment of the parties directly involved. In particular, it was recommended that a time limit be set on retaining the guarantees and that the procedures and conditions for their liquidation be sufficiently clarified by the competent Department.

In the light of the fact that complaints continued to be submitted, the Commissioner decided to intervene once again on the matter and, in addressing the Ministry of Interior and the CRMD, reiterated the recommendation for review of the policy implemented in the spirit of the recommendations made in the past by her Office and in a manner consistent with the fundamental principles of good faith and proportionality.

In its reply on the matter, the CRMD informed the Commissioner that it would not proceed to returning the guarantees relating to the individual cases brought before it, as they were being examined under the current Legislation, which provided for the return of the guarantees only if the third-country national permanently left from Cyprus without the Republic incurring the costs of departure or until a new guarantee has been paid by another employer.

At the same time, however, the Department informed the Commissioner that the Ministry of Interior, taking into account the financial burden posed on the citizens from the long retention of guarantees, was working on amending the Aliens and Immigration Law to abolish the deposit requirement, in some cases, and the return of retained guarantees.

Public statements followed, according to which the Ministry had already proceeded with submitting to the Legal Service an Amending Bill for the complete abolition of the mandatory payment of bank guarantees by employers of third-country nationals. According to the same statements, all existing guarantees would be fully released upon the amendment of the Legislation.

In the Report, the Commissioner welcomed the above initiative of the Ministry, but also expressed the view that, until the process of amending the Legislation

is completed, the existing requests of employers to release their guarantees, especially when these have to do with means of livelihood or other humanitarian issues, should be examined immediately, in the light of the forthcoming policy change to be pursued on this issue.

In view of this, the Commissioner suggested to the Minister of Interior and the Deputy Director of CRMD that they review, within their discretion, the requests of employers who submitted the complaints to her Office, for the release/return of their guarantees, on a case-by-case basis.

*On 6 December 2019, an amendment to the Aliens and Immigration Law was adopted, and the obligation of the employer to pay a bank guarantee for the purpose of granting a temporary residence and employment permit to a third-country national was abolished. In lieu of a bank guarantee, the employer of a third-country national should submit a solemn declaration of commitment to cover the costs of removal of the third-country national, if deemed necessary.*

*Report as the National Human Rights Institution regarding the granting of residence permits to persons after their long-term stay in Cyprus.<sup>18</sup>*

The Report was submitted on the occasion of two complaints submitted by an NGO on behalf of a family from Sri Lanka, which has been living in Cyprus since 2000, regarding their non-formal residence status in Cyprus and the obstacles that this led to the enjoyment of their rights, especially those of the children of the family. The second complaint, in particular, concerned the case of the eldest son of the family and the difficulties he faced in securing a job after the end of his university studies.

From the information provided to us within the framework of handling complaints, the following background emerged:

- ▶ The parents of the family arrived in Cyprus with their eldest son (aged, at the time, 2 ½ years old) in 2000 with a residence permit for study purposes. The other two children of the family were born in Cyprus in 2003 and 2004.
- ▶ In 2002, the family applied for asylum on the basis of the riots in their country of origin, which was finally rejected in 2011. Thereafter, following requests made to the former Minister of Interior, the family was granted

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<sup>18</sup> C/N 1857/2017, C/N 1151/2019

special leave twice for humanitarian reasons, so that their children complete school. However, since 2015, the children remain under a non-formal residence status.

- ▶ The two youngest children of the family attend a public Senior High School, while the eldest of them is an excellent student, having received awards for his academic performance and ethos, while at second grade of High School, he received the 2nd Pan Cyprian Prize in a mathematics competition organised by the Cyprus Mathematical Society.
- ▶ The eldest son of the family received a school leaving certificate in 2015, attended the Pan Cyprian Examinations and was admitted to the Cyprus University of Technology, from where he graduated in June 2019 with a degree in Electrical Engineering. On the basis of his degree, he sought jobs, but due to the fact that he does not have a residence permit in the Republic, it was not possible for him to be employed by companies that were interested in hiring him.

The Report noted that there is currently a large number of immigrants who have been living in Cyprus for very long periods of time and have developed important social and economic ties with our country. Among these persons are children who were born here or spent most of their lives in Cyprus, attended public schools, learned to speak, many times, even only Greek as well as to live, behave and socialise based on local customs.

The Report also noted that a number of children, for many years now, do not have a permanent residence permit, because their parents, who probably came legally to our country, could not renew their residence permit. As a result, these children are at constant risk of arrest and deportation and are denied access to basic rights, such as health and socio-economic welfare.

From our inquiry, it was found that the only way in which people with long-term stay can now legitimise their residence status is through applications for a special residence permit on the basis of “humanitarian reasons”, which are examined by the Ministry of Interior on a case-by-case basis.

The Report highlighted the long period of time in which the family has been living in Cyprus (19 years), the high degree of integration of the children in the Cypriot society and the discrimination they experienced, despite the adverse conditions in which they grew up. Special reference was made to the family's eldest son, who is now a young adult, a graduate of higher education, and who, due to his unregulated residence status, is unable to find work on the basis of his academic qualifications.

Taking into account the special personal circumstances of the family, the Commissioner expressed the view that the case justifies for a more specific and favourable treatment of the eldest son of the family with regard to his request for a residence permit for work purposes, on the basis of humanitarian reasons as provided by the relevant legislation. In fact, the Commissioner added, the effective access of this person and of his brothers to social rights will contribute to their development and to the maintenance of their positive relationship with the Cypriot society.

According to the Commissioner, the smooth transition of these children to adulthood, in a way that allows them to become active, productive and useful citizens in the society of Cyprus, is only beneficial to the Republic.

In conclusion, the Commissioner suggested to the Minister of Interior that he exercises, in a positive spirit, the discretion he is provided by the law in order to grant residence and work permits to the eldest son of the family, taking into account his personal and family circumstances.

### *Report as the National Human Rights Institution regarding the handling of family reunification requests submitted by recognised refugees<sup>19</sup>*

The Report was based on a complaint submitted by an NGO on behalf of a recognised Somali refugee who, within 3 months of her recognition, requested family reunification with her two minor children.

According to the complaint, the complainant, following the initial approval of her request, was asked by the CRMD, for the purposes of granting entry visas to her children, to provide evidence of sufficient resources to maintain her children, something that is not provided by the law and which posed insurmountable obstacles to the implementation of the decision.

In her intervention in the case, the Commissioner addressed the Ministry of Interior and the CRMD in writing, noting that since the request for family reunification was submitted prior to the expiration of three months from the complainant's refugee status recognition, according to the Law (and in particular, article 25 of the Refugee Law), no additional evidence should have been requested. In the same letter, the Commissioner noted that, even if the

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<sup>19</sup> C/N 664/2019, C/N 942/2019, C/N 964/2019, C/N 967/2019, C/N 1478/2019

request was made after the expiration of three months, the requirement to provide additional information is, by law, potential. Therefore, she added, when deciding whether to request any additional information or not, the competent authority should exercise good faith judgement, taking into consideration all factors and, in particular, all humanitarian parameters that may affect the case. In any case, the Commissioner highlighted that the decision on the request for family reunification should take due account the best interests of minors.

Although, in the end, the CRMD informed the Commissioner that it would proceed, by way of exception, with the immediate implementation of the decision on the family reunification of the complainant, it nevertheless insisted on the correctness of the conditions set before it.

In the meantime, four new complaints on a similar matter were received, from which it appeared that the wider handling by the competent authorities of the refugees' requests for family reunification was problematic. In view of this, the Commissioner decided to intervene in the matter by submitting a Report.

In the Report, the Commissioner stressed that the right to private and family life is legally guaranteed and analysed the importance of family reunification in the successful integration of refugees (as defined through international texts and case law). In conclusion, she made the following recommendations:

- ▶ To abolish, in the context of compliance with the Legislation, the practice that requires the satisfaction of the conditions related to home, health insurance and living resources when refugees submit an application for family reunification within three months from their recognition.
- ▶ Even in cases where the application is submitted after the expiration of the three-month period as set in the legislation, to examine the satisfaction of the above conditions per case when it comes to the reunification of families with children and the special circumstances of the case justifies it.
- ▶ To issue a circular with instructions so that, during the examination of such requests (by officers of CRMD) and the execution of the decisions (by the consular authorities), special emphasis is given to the necessity of fast and humanitarian handling.
- ▶ To examine the requests made by the complainants as soon as possible and inform the Commissioner the soonest possible of the actions taken for this purpose.

*Report as National Human Rights Institution regarding the conditions of accommodation and support at the Reception and Accommodation Centre for Applicants of International Protection in Kofinou.<sup>20</sup>*

The Report followed a previous Report made by the Commissioner in the course of conducting an inquiry into the operation and accommodation conditions at the Reception and Accommodation Centre for Applicants for International Protection in Kofinou, which was submitted in May 2018. The new Report was made on the occasion of a visit carried out in June 2019 by the Commissioner and Officers of her Office at the Reception Centre, as well as of a relevant complaint submitted by a private company, staff of which are employed at the Centre's facilities, for the purposes of implementing the EU programme, EASO Project.

The complaint involved nuisance in the area of the Reception Centre, which was caused by the operation of adjacent industrial units for the treatment of animals or other waste near the Central Slaughterhouse in Kofinou.

The Report was prepared after the implementation of the Decision of the Council of Ministers in 2018 to restructure the Centre's operation with the state undertaking its management in order to solve the administrative problems that had occurred in the past and for the better coordination of stakeholders. The Report recorded the Commissioner's findings regarding the degree of implementation of the Decision of the Council of Ministers, in particular with regard to the population of the Centre, the support services provided in the facility, the logistical infrastructure and the support of vulnerable groups. The Commissioner's main findings were:

- ▶ The Social Welfare Services did not have, as they should, a regular and on a permanent basis presence at the Reception Centre. Instead, they continued to apply the practice they have in the past (i.e., getting involved only if the need arises and if they are called upon to intervene in a specific case), with a negative impact on the support of the Centre's occupants especially of the vulnerable persons.
- ▶ There were still problems and shortcomings regarding the provision of adequate medical care.

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<sup>20</sup> A/D 4 /2019 and C/N 1658/2019

- ▶ The coordination between the services involved continued to be inadequate.
- ▶ On the basis of her findings, the Commissioner made the following recommendations:
  - ▶ Taking all the necessary measures to effectively activate the Coordination Mechanism for the Reception and Accommodation Centres and to ensure its operation on a regular basis.
  - ▶ Presence of a general practitioner at the Reception Centre on a regular and permanent basis.
  - ▶ Daily presence of Social Welfare Officers for the provision of better support to the residents.

With regard to the nuisance at the Reception Centre caused by the operation of adjacent facilities, the Commissioner recommended that the issue be immediately resolved through the involvement and coordination of all relevant authorities, and measures be taken, including every necessary legal action, to remove the nuisance and restore normal living conditions.

For the purposes of implementing the recommendations concerning the operation of the Reception Centre, the Report was submitted to the Asylum Service, the Social Welfare Services, the Medical Services and Public Health Services and the Mental Health Services.

For the purposes of implementing the recommendations concerning the issue of nuisance observed in the area, the Report was submitted to the District Officer of Larnaca, the Community Council of Kofinou and the Labour Inspection Department.

### *Report regarding the wider handling of an application for the acquisition of Cypriot citizenship by naturalization.<sup>21</sup>*

The Report was based on a complaint submitted by an NGO on behalf of a third-country national, in connection with the delay from the CRMD to complete the examination of her application for Cypriot citizenship by naturalisation.

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<sup>21</sup> C/N 2069/2016

The relevant request was submitted to the competent authority in October 2011 and, until the submission of the complaint (in November 2016), remained unanswered. At the same time, the complainant's attempts to be informed about the progress of the examination of her application did not have any substantial results.

During the course of inquiry into the complaint, the Commissioner requested in writing the comments and views of the CRMD on the matter. A reply was finally received in February 2019, according to which, the complainant's application had been examined and rejected, because, as the CRMD limited itself to mentioning, it was not found beyond any doubt that she has been adequately integrated into the Cypriot society.

The Commissioner then requested and received a copy of the Note prepared by the CRMD and submitted to the Ministry of Interior on the case.

In the Report, the Commissioner noted that the problematic aspects that arise in matters regarding the granting of Cypriot citizenship have repeatedly preoccupied her Office, which resulted in a number of Reports and recommendations made in the past. Amongst the main problems identified were the very long delays in the examination of the relevant requests and the insufficient justification of negative decisions given to the applicants.

The Commissioner expressed the position that the handling of the present case highlights the above problematic aspects in the procedures for granting Cypriot citizenship. More specifically, the Commissioner noted, it took about 8 years to examine the complainant's application, while the decision of the CRMD to reject her application, as notified to the complainant by letter, states as the only reason for its rejection the inability to find "beyond any doubt" that she has been adequately integrated into the Cypriot society, without explaining the parameters that were taken into account and led to this conclusion.

From the information brought to the attention of the Commissioner, it was found that both the husband and six children of the complainant are Cypriot citizens. It was also found that in assessing the degree of integration of the complainant into the Cypriot society, account was taken of her lack of knowledge of the Greek language and of the fact that she was not working. In this regard, the Commissioner, although acknowledging that the language criterion is, in any case, an important element in assessing the degree of integration into the Cypriot society, it should, nevertheless, be assessed in conjunction with other criteria that may demonstrate the integration of the interested party in the Cypriot society. In this case, the Commissioner noted that the fact that the other members of her family are Cypriot citizens, which inevitably creates special ties with the place, does not seem to have been

sufficiently taken into account in examining her application. In conclusion, and on the occasion of the present case, the Commissioner reiterated the recommendation for taking immediate measures to ensure the completion of the procedure and the granting of Cypriot citizenship to the beneficiaries, within a reasonable time frame.

With regard to the case of the complainant, in assessing the information obtained from the inquiry conducted, the Commissioner recommended that the application be re-examined, in the light of the positions and remarks made in the Report.

*Own-initiative Report of the Commissioner as a National Human Rights Institution regarding the need to take measures to de-escalate tensions created at the Detention Centre for Undocumented Immigrants (HOKAM).<sup>22</sup>*

On the occasion of incidents that had occurred at the Detention Centre of Undocumented Immigrants (HOKAM) in Menogeia on 7 April 2019 and came to light, it was deemed necessary for the Office to visit the site within my responsibilities as the National Independent Authority for Human Rights, which was carried out by two Officers on 9 April 2019.

During the visit, the Officers of my Office talked to the Head of HOKAM and obtained relevant documents that are kept at the Reception Office and which include information regarding the detainees who were allegedly involved in the incident of 7 April 2019. They also held interviews with three (3) of the five (5) alleged detainees involved, who, upon being informed of the presence of the Officers at the facility, stated that they wished to speak to them.

On 24 July 2019, a specific detainee at HOKAM contacted my office by telephone and stated that he, together with other detainees, had protested against their unjustifiably continued detention. An electronic media article related to this protest was brought to my attention. Based on the said article, 31 detainees in Menogeia went on a hunger strike, denouncing “poor detention conditions” and “prolonged detention”.

On the same day, an Officer of my Office visited HOKAM and talked to about 15 detainees who participated in the protest, manifested by the detainees' refusal to come to the closed premises of HOKAM. The detainees, after each referring to their personal history, asked for my intervention so that Officers of

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<sup>22</sup> AYT 12/2019

the CRMD visit them for the purpose of discussing issues related to their detention, the legality and the necessity of which they dispute.

What gave rise to the Report, given all the information that emerged during the said visits of my Office to HOKAM, is the finding that the climate of tension created at the Centre, from time to time, is not due to the conditions of detention, but to the lack of effective communication of detainees with representatives of the CRMD, who are able to provide them with sufficient information and details both for the reasons of their detention and the prospect of its termination.

The inquiry launched by my Office aimed at looking into the causes that led, within a period of 3 months, to the protests and incidents at HOKAM and to examine whether the treatment of the detainees involved by the Police, as well as by other competent services, may have contributed to the occurrence of the reported incidents.

The conditions of detention of the detainees at HOKAM were not the subject of my inquiry, as their adequacy was not questioned by the detainees, and neither was it found that the detainees in question protested due to the treatment they received or receive from members of the Police working at the facility. The handling of the incidents on the part of the Police seems to have been based on the attempt to relieve the tension through dialogue and without the use of force.

The inquiry into the two reported incidents revealed that the main reason for the creation of episodes is the lack of regular presence of the Officers of the CRMD at HOKAM. Regarding the incidents that took place on 7 April 2019, it became clear that an Officer of the CRMD arrived at HOKAM the next day and talked to some detainees, while regarding the protest that took place on 24 July 2019, it was found that the request made by the detainees involved was to have substantial contact with the said Department.

It becomes clear from the inquiry that in cases where the detention of persons at HOKAM is deemed appropriate and necessary, the regular presence of Officers of the CRMD for the purpose of full and continuous information of detainees about their return process is also necessary. Undoubtedly, the CRMD is able to provide detainees with information on the implementation of the decisions taken, the implementation stage of their return procedure and can generally contribute to the detainees' concerns and, consequently, in the timely relief of the tensions that may arise.

It was also stressed that the existence of a climate of constant tension at HOKAM inevitably creates security and discipline issues within the facility, issues that are particularly important for the protection of detainees and the staff.

Furthermore, such tension has a negative impact on the daily life of the entire population living in the facility, creating unnecessary frictions and disrupting relations between them.

The Commissioner noted that the handling of cases in which detainees express the wish to have their requests for the termination of their detention examined or re-examined on the basis of specific reasons should be governed by a well-structured and coordinated policy, so that detainees are provided by the authority responsible for the examination of such requests with regular and substantive information on the reasons for the continuation of their detention or the course of examination of their specific request.

In this regard, she pointed out that fragmented and appeasing-like actions following protests of detainees cannot be considered sufficient or satisfactory for the purpose of addressing the protests of detainees in Menogeia and creating a stable framework of normalcy in the facility.

In the light of the above, the Commissioner recommended that an Officer of the CRMD visit HOKAM, for the purpose of holding meetings with detainees and informing them regarding issues related to their detention, on a monthly basis.

With regard to persons, whose requests for international protection are pending, and are therefore considered applicants for international protection, but their detention continues for various reasons, it was noted that it is necessary to regularly inform them of the stage of their requests, as well as of the time schedules related to their handling.

The Report was submitted to the General Director of the Ministry of Interior and the Deputy Director of the CRMD for the purposes of coordinating the implementation of the above recommendations and taking all the necessary actions in implementing them.

*Report regarding the cancellation of the residence permit of a Cypriot citizen's wife due to the declaration of their marriage as sham.<sup>23</sup>*

The complaint was submitted to the Office by a Cypriot citizen regarding the difficulties he faced in renewing his wife's residence permit, as the CRMD refused to renew the permit on the grounds that it was previously cancelled in 2011, following his own statement that he intended to file for divorce. According to the complaint, despite unannounced checks carried out at the couple's

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<sup>23</sup> C/N 387/2017

residence confirming their harmonious cohabitation and the husband's written assurances that their disagreement had been settled, the request for renewal of her permit was not satisfied, resulting in the complainant remaining under a non-formal residence status for 6 years.

During the course of the inquiry into the complaint, the competent Department informed our Office that the request of the complainants was examined and rejected by the Minister of Interior in 2014, in the context of an administrative appeal filed before him against the decision to cancel the permit in 2011, and that there was no question of re-examining the case. Further clarifications on the background of the case were then requested and received. Pending completion of the inquiry, the complainant's wife informed our Office that the complainant passed away in September 2017.

The Report noted that the implementation of policies to prevent the abuse of the institution of marriage with the sole purpose of securing a residence permit for a third-country national is legitimate and legally guaranteed. At the same time, based on the guidelines applied in the EU Member States for this purpose, the ability of the state should be exercised with particular care and restraint at every stage of the procedure followed, and should be adequately and duly justified, so as to not to pose unjustified obstacles to the enjoyment of the fundamental human right to family life.

After examining the special circumstances of the case, it was noted that the decision to declare the marriage as a sham marriage was taken mainly on the basis of the content of a single deposition of the complainant taken 7 years ago. Consequently, the competent state authority exercised its discretion to check the authenticity of the marriage in an absolute and strict manner, taking into account only the facts of the case which could be considered as "indications of abuse" and ignoring other facts, such as the couple's established cohabitation and testimonies of their long-term relationship. In fact, it maintained the same attitude over time without examining the substance of the case and despite the couple's repeated efforts for the re-evaluation of their real circumstances.

Furthermore, the Social Security Services granted the complainant's wife a widow's pension and a funeral allowance, thus indirectly acknowledging the existence of a genuine marriage. Therefore, the insistence of the CRMD to consider for the past 7 years the presence of the complainant's wife in Cyprus as illegal and, therefore, unjustifiably not proceeding with a substantial re-assessment of the case, constituted contradictory behaviour that violates the Principle of Good Faith which should govern the action of the competent bodies.

In view of the above, the Report was submitted to the General Director of the Ministry of Interior and the Deputy Director of the CRMD, recommending the examination, in a positive spirit, of the pending application, while the Report was also forwarded to the Minister of Interior for information and any actions he may wish to take.

### *Public Statement on incidents of police violence<sup>24</sup>*

The attitude and behaviour of a member of the Police towards a citizen during a traffic control constituted the subject of the inquiry.

In her Statement, the Commissioner noted that the wider issue of the behaviour of members of the Police towards citizens, especially during out-of-court fines, has been the subject of inquiry and commentary by the Office in the past too. Relevant Reports submitted to the Police pointed out, among other things, that display of inappropriate behaviour of police officers is a form of mismanagement and contributes to creating a climate of dissatisfaction among citizens which inevitably leads to a sense of distrust towards the Police, thus significantly affecting its image.

It was stressed that the indifference of the citizens to the Police, due to the inappropriate behaviour of police officers, may affect their essential rights, as it sometimes poses a serious obstacle to their access to the Police. A strong position of the Office of the Commissioner is that the Police must show zero tolerance to unacceptable behaviours of its members and contribute decisively to the elimination of the phenomenon. In the context of submission of the relevant Report, a recommendation was made to the Chief of Police that all necessary measures be taken to ensure the proper treatment of citizens by members of the Police and the effective treatment of incidents of misconduct. In this regard, it was pointed out that it is crucial that members of the Police act with professionalism, conscientiousness, integrity and respect for the public, while demonstrating the necessary restraint and neutrality in special cases where citizens require extra attention, whether because they are under special circumstances or belong to special population groups.

In connection with the above cases, it was clarified that the correct treatment of citizens by the police includes notifying the citizen involved of the capacity, the name and/or the number of the police officer, as well as the reason for stopping the vehicle, in case of out-of-court fines for traffic offences.

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<sup>24</sup> C/N 798/2018 and C/N A/Π 1779/2018.

The recommendations of the Commissioner were adopted by the leadership of the Police with the issuance and dissemination of relevant circulars to the Police Directors of all districts, in the light of and in relation to the recommendations included in the relevant Report.

However, the phenomenon has unfortunately not been eliminated, as complaints continue to be submitted to the Office about the behaviour of members of the Police and public officers, in general, a fact which causes intense concern as their documentation is not possible, due to that the fact that the Commissioner, within the framework of her responsibilities, cannot study the content of oral conversations between citizens and members of the Police. Therefore, recommendations are made to the Chief of Police to intensify his efforts in order to ensure the proper treatment of citizens by members of the Police.

### *Statement on the occasion of the International Day Against Homophobia*

In a relevant Statement, the Commissioner noted that the 17th of May, the International Day Against Homophobia, “reminds us of the efforts made at an international, European and national level to establish the rights of LGBT people and to eradicate phobic syndromes and prejudices, as well as all those actions that every democratic state must take for the respect of human dignity and private life of every person.

As noted in the Statement, although the State seeks ways to strengthen the institutional framework of equality and the fight against discrimination based on sexual orientation and gender identity, LGBTI people “continue to be discriminated against and/or are subjected to psychological harassment, resulting in the violation of their human dignity and their social exclusion”.

Therefore, it was reminded that “human rights are associated with healthy democracies and the rule of law where everyone is equal before the law and has the right to non-discrimination. Because human rights can neither be divided nor offset. They are not under negotiation. They require a universal respect from everyone to everyone”.

And this is because when we refer to the rights of LGBTI people, “we are not talking about something unreal or for something extra. We are talking about the simple - without any quotes - fundamental human rights. These are the

things that every human being has the right to enjoy in order to preserve their inherent dignity”.

### *Statement on the occasion of the World Refugee Day*

In a relevant Statement on the occasion of the World Refugee Day on 20 June 2019, the Commissioner noted that refugee flows are one of the greatest humanitarian crises faced by humanity in the last decades and that these people often live in inhospitable countries where they experience racist behaviours and human rights violations and are treated as a threat.

In Cyprus, she added, both asylum seekers and refugees often face serious problems in their daily lives and the role of her Office is to continue to intervene where violations or insufficient protection are found, as well as any limitation on the exercise of human rights.

In a semi-occupied homeland like ours, the Commissioner pointed out, refugeeism has become part of who we are, and this is why we must be at the forefront of teaching that refugeeism is not a social burden.

### *Statement in relation to comments made by a Metropolitan bishop in the context of a speech addressed to the public*

The Statement was made on the occasion of statements made by the bishop about homosexuality, in the context of the speech he addressed to the public.

More specifically, the bishop has stated that homosexuality: “It’s a problem that parents usually pass on to the child. And this happens ... at the time of the sexual act. Or during pregnancy. That is, when the sexual act of parents is not made in a normal way. But anally. When a woman likes this, a desire is created ...” and that “homosexuality... has a specific smell... you smell bad, a rotten smell is coming out of you”.

The specific statements had provoked justified reactions in the public opinion and especially in the LGBTQI community. In her Statement, the Commissioner stated, first, that freedom of expression and dissemination of ideas is an integral part of the human personality and is protected as a fundamental human right, both on the basis of the international and legal framework, as well as the internal legal order. The Commissioner made a special reference to article 19 of the Constitution of the Republic of Cyprus and article 10 of the European

Convention on Human Rights (ECHR), which stipulates that freedom of expression includes freedom of opinion, reception and dissemination of facts, information, messages, news.

She also referred to the case law of the European Court of Human Rights (ECHR), which stated that: “Freedom of expression constitutes a necessary fundamental of a democratic society and is applicable in respect not only of ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State of any other part of the population”.

The Commissioner, however, clarified that this fundamental right may, under the relevant legal framework, be subject to restrictions in various cases, including for reasons of protection of the reputation or rights of third parties. The Commissioner made special reference to a specific judgment of ECHR 69, which emphasised that discrimination on the basis of sexual orientation is as serious as discrimination on the basis of racial or ethnic origin and colour and are not protected by the right to freedom of expression.

In the Statement, the Commissioner stated that the bishop’s statements undoubtedly offended women, motherhood and diversity as to their choice of sexual orientation. They also victimised the female sex once again since, with these statements, the burden of responsibility of the free choice of the people regarding their sexual orientation was transferred to women. Of particular importance, the Commissioner added, is the bishop’s reference to homosexual people, that a “rotten smell” comes out of their bodies which can be perceived by others.

The Commissioner expressed the view that even if the specific speech does not incite hatred or the use of violence against specific individuals and thus be characterised as hate speech, these views bore the element of devaluation and rejection and could lead to feelings of hostility and hatred to the detriment of homosexual people.

Taking into account, the Commissioner added, that racism is considered the set of perceptions that consider a certain group of people as subordinate and/or inferior on the basis of some special characteristics, then this speech cannot but to be considered as racist and should not be protected from the right to freedom of expression.

The Commissioner also stated that each one of us has the responsibility of his words and views, which are judged by the position he holds and the size of the different audience to which he addresses. In any case, the ability that now exists to rapidly transmit news to a large number of recipients should also be taken

into account, especially when expressing opinions and ideas that can stigmatise persons and create hostility regarding sexual orientation, which is directly related to the free will of human.

The Commissioner also stated that diversity is a right for the reasons that each one chooses and defines for himself and cannot be a reason for ridicule, devaluation or hostility, because in a context of chain behaviour, this can lead to a hate crime which is unquestionably condemnable by everyone.

On the basis of the above, the Commissioner concluded, the State is called upon to maintain a consistent and coherent attitude by condemning statements that may promote hatred, hostility, discrimination and racism.

### *Statement in relation to a “Publication and live streaming of a video with offensive content regarding the reputation of third parties”*

The Commissioner’s Statement was made on Sunday, 6 October 2019, after information about a video that contained various verbal insults to a person of different ethnic origin came to light, both on social media and the media. The authenticity of this audiovisual material was not disputed by anyone, while the person who had uploaded it on his personal Facebook account admitted that it was recorded by him and its retransmission had a specific reason.

The purpose of this intervention was not the various legal issues that may have arisen and were related to personal and private life, but the protection of the minor from various risks. Therefore, the Commissioner limited herself to the content of the video in question, which aroused in each recipient the feeling of shame and the need to respect human dignity.

More specifically, the words, the intensity and the gestures used show the hostility towards a woman on the basis of her characteristics and her ethnic origin.

As it was not noted, “it contains the element of devaluation and verbal attack to such an extent that not only is it racist, but, in case reproduction, it has the potential to influence third parties to such an extent that copying and imitating such behaviour can lead to the commission of violent acts”.

“Such behaviour,” the Commissioner added, “suspend or at least delay the possibility of cultivating and educating a culture of acceptance and respect for otherness”.

In relation to the presence of a minor, it was noted that “he has witnessed hostile behaviour and verbal insult to the dignity and reputation of a third person based on her different ethnic origin”.

“Through this incident,” the Commissioner continued, “a child experienced the lack of respect for a fellow woman because of the characteristics that distinguish her”.

Concluding in her Statement, the Commissioner said that “from this incident, an arrow hit the present and killed our future. Overturn is the obligation of all of us”.

### *Reports regarding the rejection of applications from children of displaced women<sup>25</sup>*

The Reports were submitted following inquiry into a complaint submitted by Cypriot citizens against the Ministry of Interior and the Service for the Care and Rehabilitation of Displaced Persons (SCRDP), with regard to their requests for financial aid in order to purchase a housing unit in accordance with state housing schemes for the displaced.

The complainants are children of displaced women and, during the period between 2014 and 2015, following the amendment of article 119 of the Civil Registry Law according to which children of displaced women can now participate in all state housing schemes offered to displaced person, submitted to the SCRDP an application to be granted financial aid to purchase a housing unit in accordance with the provisions of the Housing Assistance to Displaced Persons, Victims and Other Persons Law.

Their applications, however, were rejected by the Housing Assistance Committee because it was deemed that the relevant criteria of the Council of Ministers were not met and, in particular, as the Director of SCRDP informed them, “the date of purchase of the housing unit in relation to the application for housing aid exceeded the two years as provided for by the criteria of the Council of Ministers”.

The complainants objected to the above rejection mainly because, until 2013 when the relevant amendment took place, they were not recognised as refugees and therefore did not, at the time of purchase of their home, have the

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<sup>25</sup> APA 14/2017, C/N 525/2018

right to apply for housing financial aid. Consequently, as they argued, the rejection of their application on the grounds that two years had elapsed since the purchase of the house was incorrect.

The Report noted that children of displaced mothers have, since December 2013, been recognised as refugees too, theoretically providing persons in this category access to all state housing schemes for the displaced persons.

However, as also noted, persons who acquired their home without satisfying the time conditions provided in the relevant criteria (the purchase must have taken place within one or two years, depending on the case, from the submission of the application) cannot benefit from the Schemes.

The Commissioner expressed the view that it was a paradox to render the exercise of a right which has already been recognised impossible. The introduction of criteria, she added, for the provision of housing aid that are not related to the refugee identity, but to the time of purchase of the housing unit in relation to the time of submitting the application for financial aid, are exogenous factors that attack the core of gender equality and should be re-examined.

In order, therefore, to lift the different treatment of similar cases between refugees of displaced mothers who had bought a residence in a period prior to the recognition of their right and those who would have bought or purchased a house within the (restrictive) period of two years from recognition, the Commissioner recommended that the relevant services take all appropriate measures to review the conditions set out in the criteria for providing financial aid to registered refugees, in a way that makes it possible for them to exercise their right, in conjunction with the financial abilities of the State.

## *Investigation about everyone responsible for the death circumstances of St.K., after a decision of the Council of Ministers*

### *1. Introduction*

The Council of Ministers, with its decision of September 11, 2019, instructed the Commissioner for Administration and the Protection of Human Rights, to conduct an investigation against all those responsible in the services involved, in order to seek any responsibility for the events that led to the death of Stylianos.

Upon receiving the order from the Council of Ministers, a working group was set up by Officers, to initiate the investigation.

The investigation was completed within the schedule set by the Council of Ministers and on November 27, 2019, the Commissioner handed it over to the President of the Republic of Cyprus.

## *2. Methodology*

The investigation focused on the authorities involved in handling the case of St.K., as well as the responsibility for handling the special circumstances of his family, from his infancy until the date of his death. Specifically:

- ▶ The Ministry of Education, Culture, Sports and Youth and specifically, the Educational Psychology Service, the Counseling and Vocational Education Service and the schools in which St.K had studied (Pre-Primary-Primary Secondary Education).
- ▶ The Services of Mental Health.
- ▶ The Police.
- ▶ The Ministry of Labour, Welfare and Social Insurance and specifically, the Social Welfare Services.

For the purposes of conducting and completing the investigation, the relevant case files were received from the above authorities and a significant number of testimonies were received from Officers / stakeholders who had contact with St.K. and / or his family, throughout his life.

Following, after evaluating and recording the facts related to the case and the evidence gathered, as well as the relevant legal institutional framework (primary and secondary Legislation), the Commissioner came to specific findings and conclusions in relation to each authority / department involved.

## *3. Findings/Conclusions*

### Services of Mental Health

These Services did not have a strong involvement in the case of St., except from the early stages of his school age, when his mother had given her consent. His

monitoring was stopped after his mother's decision, despite the suggestions of the Social Services Officer from 2011-2013, for its continuation.

Their further involvement was not possible without the consent of the parents or the relevant issuance of a court decree by the Social Welfare Services (SWS), a process they failed to follow especially after the manifestation of suicidal ideation by Stylianos and the relevant suicide attempt.

During their cooperation with the family, all the legal procedures and the relevant protocols were followed, without any objections.

### Ministry of Education, Culture, Sports and Youth

This Ministry was the only Department that worked in a coordinated manner based on procedures and protocols, considering the importance of the case. It was the only Department that paid attention to the case, during Stylianos' studies from Kindergarten to High School.

He had personalized support and genuine interest from teachers, an escort and special support teachers.

The school, through the counselor, the educational psychologist and the Directors, notified the Police and the Social Welfare Services after the information about the suicide attempt of St.

They are the only ones who monitored his psychological condition and supported him psychologically in order to fulfill his goals related to his graduation and enrollment in the Technical School, in the engineering department. That was his dream, which he eventually achieved.

His teachers and the school counselor, were the ones who supported him after his break up from his adolescent love. Also, the school recognized the huge effort that he made to graduate, despite the difficulties of his life and the work he was obliged to do at his father's farm, and they gave him the Ethics Award at the end of the year.

The school had convened all the multidisciplinary departments to discuss its problems and was continuously informing the Social Welfare Services.

Finally, the school was the one that actually replaced the Social Welfare Services in Stylianos' support and prosperity, both physically and mentally, to the level permitted.

### Police

Disciplinary offenses were identified due to omissions and violation of Police Orders.

The omissions of the Police are summarized in two phases:  
The first one, it concerns the failure to assess the risk of domestic violence both physically towards the mother and psychologically towards the children.

Regarding the non-receipt of complaints but simple reports by her of violence, according to the Circular of the Chief of Police, they were not excluded from the obligation to further investigate the case if the relevant reports exceeded the number 20 and there was a conviction of the father for violence against the minor St. .

They should have taken into account the existence of minor children and the possibility of psychological violence, that both the Frontline Police and the Police Violence Prevention Office failed to detect, although they had access to the online entries, where with an identity search it brought up ALL the entries.

In particular, in terms of liability, it is summarized for the Office for the Prevention of Violence in the failure to coordinate in accordance with Police Order 336 with the SWS, despite the nuanced indications that included more than 20 reports on the existence of children and the possibility of psychological violence from the report the violence perpetrated by an adult but also the condemnation of the father for violence against his child, so that they are in vigilance and intervene in time to prevent unpleasant events.

The second omission of the Front Line Police was the failure to inform, whenever there was a report of violence from the mother, all those involved (SWS and the Office for the Prevention of Violence) through a specific form according to their obligation arising specifically from a police order creating personal responsibility for the Police Officers who failed to do so, therefore further investigation should be promoted in the context of disciplinary offenses. This omission is particularly important for both the Social Services Officers and the Police of the Prevention Office (although they had access to the information electronically), because with the absence of the information, they failed to awaken them to the constant and repeated violence to which Stylianos's family were subjected for purposes of investigation and any intervention, even if delayed, since the timely one had long since disappeared.

### [Social Welfare Services](#)

#### Detection of criminal and disciplinary offenses against specific persons

Social Welfare Services had the largest share of responsibility as detailed in the Report.

There is a lack of risk assessment for the existence of violence, both physical and psychological, but also a lack of proper coordination both in the early stages of family monitoring and later, violating almost all Administrative Orders and the relevant Manuals.

For the time in question of the suicide attempt, there is complete indifference and NO ASSESSMENT OF ANY RISK resulting in no action, no evaluation, no specialized support and no interest in the issue of St.

For this omission, serious disciplinary offenses arise that could result in the most serious penalties, against two specific Officials.

Both systemic weaknesses and personal responsibilities were identified for the possibility of committing criminal offenses as well as disciplinary offenses, against the two Officers, for an offense concerning failure to report a case of violence against a minor, while regarding the failure to investigate further and the physical violence against the mother, it needs to be promoted in the context of disciplinary action.

#### Possibility of committing a criminal offense by a third person non-civil servant

The failure of the SWS and the Police to recognize with the display of minimal diligence, the existence of psychological violence in Stylianos, through the early recording of events in the relevant files and the existence of a recurring pattern of violent behaviour from the perpetrator to the mother, suspended the complaint and the possibility of criminal prosecution of the perpetrator, which if it was done with the coordination of the SWS and the Police, it would have the ability to prevent the tragic event.

Because both the possibility of committing the offense of psychological violence of the perpetrator against St. and his siblings, as well as the possibility of systematic and repeated physical violence against the mother (after his own admissions in 2010 and 2019 to the SWS), remains open, the report was sent to the General Attorney for further investigation in the context of exclusive jurisdiction to prosecute.

#### *Subsequent Developments*

Following the handover of the Commissioner's inquiry to the President of the Republic, it was handed over to the General Attorney of the Republic, the Minister of Labour, Welfare and Social Insurance and the Chief of Police.

The Minister placed specific Officers of the Social Welfare Services under suspension, against whom, possible disciplinary and criminal offenses had been identified. At the same time, he appointed an investigating officer to conduct disciplinary investigations.

The Chief of Police proceeded to the appointment of the Assistant Chief of Support as an investigating officer, to investigate the findings of the result, which related to the actions of the Police.

At a Parliamentary Committee on Human Rights and Equal Opportunities meeting for Men and Women on 2 December 2019, the findings of the Commissioner's report on the *investigation of all those responsible in all departments for any responsibility for the events that led to his death* were discussed.

It is noted that the appointed criminal investigators have completed their investigation and have handed it over to the General Attorney, who has announced that in March 2021 he will release his conclusions regarding criminal offences.

*participation in  
preparatory legislative  
works  
cooperation with the  
legislative power*

## *Participation in preparatory legislative works Cooperation with the Legislative Power*

### *Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women*

- ▶ On 9 and 15 May 2019, the Commissioner and Officers of the Institute participated in a joint meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women with the Parliamentary Committee on Legal Affairs to discuss about the “Information provided by the Cyprus Police about the procedure followed in the examination of complaints about missing persons”.
- ▶ On 3 and 10 June 2019, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women to discuss “The implementation of legislation on combating trafficking and exploitation of persons and the protection of victims, in particular with regard to the operation of the Multidisciplinary Coordination Group (PSO)”.
- ▶ On 8 July 2019, the Commissioner and an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women to discuss “The need to study the causes of homicide” and a meeting was held with a group of transgender children by the organisation Accept - LGBT Cyprus.
- ▶ On 12 September 2019, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women, during which the following were discussed: (a) “The implementation of legislation on hate speech against LGBT people” and (b) “The implementation of the UN Convention on the Rights of the Child and the need to institutionalise the process of assessing the best interests of the child”.
- ▶ On 23 September 2019, Officers of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women to discuss “The Law on Sex

## Education and the Procedure for Termination of Unwanted Pregnancy 2019”.

- ▶ On 7 October 2019, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women to discuss: (a) “The complete lack and need to create accessible support centres for under-age drug users in Larnaca and Famagusta”, (b) “The implementation of the pilot project of the Closed Treatment Centre for the Under-Aged with substance abuse problems approved by the Council of Ministers on 28 February 2019” and (c) “The right of women drug users to specialised addiction programs / structures”.
- ▶ On 14 October 2019, Officers of the Institute participated in a closed meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women to brief the Committee on the issues of trafficking and exploitation of persons and the protection of victims in the Republic of Cyprus.
- ▶ On 4 November 2019, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which the amendment of the Parent-Child Relations (Amending) Law of 2017 and the issue of “parental alienation” were discussed.
- ▶ On 11 November 2019, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which the following were discussed: (a) “information on the operation of the penitentiary institution and the work of the Council for the Release of Prisoners on Leave” and (b) “the need to take measures for the social reintegration of prisoners”.

*Events/Seminars/  
Training/Working Groups*

## *Events / Seminars / Training / Working Groups*

In 2019, the Commissioner and Officers of the Institute also participated in several conferences, lectures, events and training seminars held in Cyprus on the role and work of the Commissioner.

Indicatively:

- ▶ The Commissioner and an Officer of the Institute participated in a two-day conference organised by the Ombudsperson on “State and Society - Challenges for Rights and Freedoms”. The conference took place on 21 and 22 February 2019 in Athens at the Senate Hall of the Greek Parliament.
- ▶ The Commissioner, in collaboration with the Cyprus Academy of Public Administration and the Committee of Gender Equality (CGE) in Employment and in Vocational Training held a series of three-hour workshops entitled “Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace”. Throughout the year, about 30 workshops were carried in which more than 800 civil servants participated.
- ▶ On 16 January 2019, the Commissioner for Personal Data Protection held an information meeting at her Office to inform the Offices of the Commissioner for Administration and Protection of Human Rights and the Commissioner for the Protection of the Rights of the Child about the provisions of the new EU General Data Protection Regulation 679/2019.
- ▶ On 26 January 2019, an Officer of the Institute held a lecture at the Police Academy on “Discrimination, Racist Behaviours”.
- ▶ On 20 February 2019, Officers of the Institute participated in an educational workshop on the list of data published by each public body on the National Open Data Portal and the ways of publishing this data.
- ▶ Officers of our Institute participated as trainers in a series of seminars jointly organised with the Cyprus Academy of Public Administration and our Office, as the Equality Authority and Anti-Discrimination Body, on issues of bullying in the workplace (bullying, mobbing, stalking and sexual harassment). The seminars were organised following previous

seminars organised throughout the years and took place on 21 February, 17 April and 29 May 2019.

- ▶ Officers of the Institute held a lecture at the Police Academy on “Racial Discrimination” on 22 February, 5 March, 23 October, 7 November and 11 November 2019.
- ▶ On 4 March 2019, an Officer of the Institute gave a lecture to students of the Department of Law of the University of Cyprus, within the course of Administrative Law, the institution of the Commissioner of Administration as a form of extrajudicial control of administration. On 4 and 7 March, and on 9 and 11 October 2019, Officers of the Office made a presentation at the Police Academy for the Social Model of Disability.
- ▶ On 7 and 8 March 2019, an Officer of the Institute participated in a two-day training seminar of the NGO “Hope For Children” in the framework of the ALFACA II Programme for the institution of fostering unaccompanied children.
- ▶ On 27 and 28 March 2019, the Commissioner of Administration and an Officer of the Institute participated in a two-day workshop held in Athens on “Building a Comprehensive Criminal Justice Response to Hate Crime”. The workshop was organised by the Organization for Security and Co-operation in Europe (OSCE), in collaboration with the Greek Ministry of Justice, Transparency and Human Rights.
- ▶ On 12 April 2019, an Officer of the Institute represented the Office at the meeting of the Focus Group on the Vocational Guidance of minors who live, grow up and leave the care structures.
- ▶ An Officer of the Institute made presentations at the Police Academy on the “Respect and Protection of Human Rights”. The presentations took place on 17 April, 28 May and 19 September 2019 and were addressed to Police Officers involved in investigating cases on matters of the new policing approach and to Special Police Officers, who perform such tasks on the basis of which they come into contact with the public.
- ▶ On 17 April and 28 May 2019, Officers of the Institute held a lecture at the Police Academy on the “Protection of Human Rights”. The lecture was addressed to Police Officers dealing with the investigation of cases in subjects of the new policing approach.

- ▶ On 15 May 2019, an Officer of the Institute gave a lecture at the Police Academy on the “Protection of Human Rights”, in the context of a two-day seminar on Combating Xenophobia, Racism and Respect for Human Rights.
- ▶ An Officer of the Institute implemented as a trainer seminars and workshops regarding the Guide of Conduct and Ethics of Civil Servants, which are part of the training programme of members of secretarial staff. The seminars were held on 17 and 31 May 2019, at the Cyprus Academy of Public Administration.
- ▶ On 21 May 2019, an Officer of the Office held a lecture at the Police Academy on the “Respect and Protection of Human Rights”.
- ▶ On 23 September 2019, a series of training workshops was organised by the Cyprus Academy of Public Administration, in collaboration with our Institute and the Committee of Gender Equality (CGE) in Employment and in Vocational Training in relation to “Gender Mainstreaming” in public policies”. Each 6-day workshop was addressed to a specific target group of public officers, the purpose of which was to present and understand the relevant Guide that was prepared.
- ▶ On 25 September 2019, an Officer of the Institute participated in a workshop on “The work of the European Institute for Gender Equality (EIGE) in promoting and supporting Gender Equality in the European Union and the Member States. The case of Cyprus”
- ▶ On 7 November 2019, an Officer of the Institute participated in a workshop organised by the Centre for Gender Equality and History and the Cyprus Family Planning Association on “Young men and women for gender equality in the family”.
- ▶ An Officer of the Institute participated in the work of the NHRI Academy 2019 (Academy of National Human Rights Institutions) which took place from 3 to 7 June 2019, in Venice. The NHRI Academy 2019 was co-organised by ENNHRI and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and focused on the role of National Human Rights Institutions in the effective fulfilment of social and economic rights in the OSCE area.
- ▶ An Officer of the Institute participated in the General Assembly and the Annual Conference of ENNHRI (European Network of National Human Rights Institutions), held on 13 and 14 November 2019, respectively, in Brussels. In the lobby of the venue - 350 - where the

General Assembly and the Annual Conference were held, a presentation on the good practices of the National Human Rights Institutions (NHRI) on the issue of economic and social rights took place.

- ▶ The Cyprus Academy of Public Administration, in collaboration with the Commissioner and the Committee of Gender Equality (CGE) in Employment and in Vocational Training held a series of three-hour workshops entitled “Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace”. Throughout the year, about 30 workshops were carried out in which more than 800 civil servants participated.
- ▶ On 5 December 2019, the US Ambassador to Cyprus and her associates had a meeting with the Commissioner and Officers of her Office. During the meeting, various issues related to the level of protection of human rights were discussed.
- ▶ In the context of actions taken to inform and enlighten students about human rights that took place following the campaign prepared by our Office (December 2018) on the “protection of human rights 70 years later”, on the occasion of the 70th anniversary of the signing of the Universal Declaration of Human Rights, a series of training seminars (10 in total) entitled “Respect for human rights” were held in schools.
- ▶ As part of the public awareness week, held on the initiative of the Cyprus National Bioethics Committee, our Institute participated as a partner in the organisation of the open round table discussion, with the participation of the public, on “Child and the Right to Education”, which took place on 6 November 2019.
- ▶ On 9 December 2019, the Commissioner had a meeting with the Director of the Office of the Commissioner for Administration of Israel. During the meeting, various issues related to the level of protection of human rights were discussed.

2020

*Reports / Interventions /  
Statements*



## *Reports / Interventions / Statements*

### *Own-initiative Report regarding the violation of the right to life and health by the operation of asphalt concrete production units.<sup>26</sup>*

More specifically, the emissions of the said units cause nuisance and adversely affect the residents living in the parish of Saint Constantine and Helen, located nearby, as well as students who attend the school of the specific area.

Following the comments and opinions received from the Ministries and local authorities involved, the Report set out the relevant legal and regulatory framework governing the operation of the units in question, as well as relevant case law regarding the protection of the environment, which is directly connected with the right to life and health. Relevant positions of the UN Special Rapporteur on Human Rights and the Environment and the Council of Europe Commissioner for Human Rights were quoted, as well as relevant reports by the UN Committee on the Rights of the Child.

As it was noted, the local authorities involved failed to take appropriate measures to remove any nuisance and to remedy an existing illegality, such as the continued operation of an asphalt concrete production unit without the necessary permit which may harm public health and consequently the right to life.

More specifically, one of the two units continues to operate without holding the required operating license in violation of the provisions of the Regulation of Streets and Buildings Law and the Municipalities Law, without the competent authority, i.e., the local authority within the administrative boundaries of which the unit in question is located, to take all necessary measures to remedy the illegality, both in relation to the construction irregularities and the unlicensed operation.

As a result, the enjoyment of the right to life and health and, in particular, the right to live in a safe and healthy environment continued to be restricted to both the residents and the school students and staff.

The Report pointed out that when specific economic / business activities are to the detriment of human rights, even of a small group of the population, and

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<sup>26</sup> C/N 2353/2019 and AYT 13/2020

especially one that includes children, the protection of their rights should be a priority, as public health and, especially, children's rights outweigh any financial issues and costs.

Therefore, it was recommended that the efforts to move the units be intensified and completed as soon as possible, in order to preserve the children's right to health and fresh air while attending school, as well as the rights of all residents of the area to life, health, privacy and home which are directly affected by the current situation.

The Report was submitted to the Ministries and local authorities involved, recommending that they assist, to the maximum extent possible, in the efforts of the Ministerial Committee to immediately terminate the nuisance caused by the specific units.

The Report was also submitted to the Municipalities of Tseri and Geri, within the administrative boundaries of which the nuisance units are located, recommending that they take all appropriate measures to remove and/or reduce the nuisance and terminate the adverse impact on the comforts of the residents of the parish.

Furthermore, a recommendation was made to the Municipality of Tseri to take measures in relation to the violation of the provisions of the Regulation of Streets and Buildings Law and the Municipalities Law, with regard to the operation of one of the two units without holding the required license.

On the occasion of the case in question, it was pointed out that when siting industrial and/or residential areas in the context of development plans, the interaction between them and the prospects for their further expansion in the future, should be taken into account, so that cases similar to the case in question, where Category A industrial zones are adjacent to a residential area, do not arise.

Another recommendation made in the Report was that the findings of the forthcoming Environmental Impact Study in the area will constitute the basis for the implementation of all necessary measures, the regulation of the urban zones in the area, as well as the possibility of drawing up an incentive plan for relocating the industrial units which, due to the area in which they are located, constitute a source of nuisance.

Finally, it was recommended that the Department of Labour Inspection intensify, on one hand, its efforts to amend the Law on the Control of Atmospheric Pollution, so that asphalt concrete production units would need a gas waste emission permit, and identify, on the other, if it has not already done

so, the necessary instruments for measuring pollutants, so that, if and when the amendment of the relevant law is approved, it will be able to proceed directly to their supply, based on the legal procedures.

*Report regarding the non-inclusion of a Cypriot citizen's foreign spouse as a dependent person on public aid, on the grounds that she does not hold Cypriot citizenship.<sup>27</sup>*

The Report noted that this policy has no legal basis but is rather contrary to the relevant legislation regarding the responsibility of maintaining a spouse.

Therefore, it was recommended that the service involved re-examine the case in question by including the complainant's spouse as dependent on the amount of public aid he received and pay retroactively the amounts during the period in which he was a recipient of public aid.

A copy of the Report was forwarded to the General Director of the Ministry of Labour, Social Welfare and Social Insurance for their information.

*Own-initiative Report, following a relevant complaint that came to light, based on which during a football match, a footballer had experienced racist verbal attacks on the basis of his colour and racial origin by opponent footballers, as well as other persons on and off the field.<sup>28</sup>*

The said racist verbal attacks experienced, based on the complaints, by the footballer were forwarded to the two Services concerned, which are, in this case, the Cyprus Football Federation (KOP) and the Police, and would be investigated and handled based, on one hand, on the Disciplinary Regulations of KOP and the criminal legislation, on the other.

The Commissioner, however, without wishing to substitute the above-mentioned Services in the exercise of their powers and duties, decided to intervene in the matter on her own initiative.

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<sup>27</sup> C/N 2038/2013

<sup>28</sup> AYT 4/2020

Due to the severity of the complaints, and the immediate and intense alertness that should, in such cases, characterise the state which has the primary responsibility for combating racism and discrimination and protecting all persons within its territory regardless of origin, colour, religion, etc., the Commissioner decided to take an own-initiative position on the matter, on the basis of her responsibilities as the Equality Authority and Anti-Discrimination Body.

The Report noted that the state has an increased obligation to act preventively, deterrently and repressively against racism and to protect their real and potential victims. More specifically, in relation to the area of sports and, in particular, football, various European and international institutions have highlighted the need for active and comprehensive action against racism, as well as for a decisive response to incidents of racist violence.

After studying the international and national regulatory framework for dealing with and combating racist incidents or offences taking place in football, the Commissioner concluded that the national law is adequate, coherent and in line with the recommendations and guidelines adopted and promoted at an international and European level. In practice, however, what remains to be proven is the effective implementation of what is provided at the institutional level, so that, on one hand, perpetrators are punished through the imposition of severe penalties, and on the other, the dignity of the victims is protected by preventing and combating reproduction and consolidation of such behaviours in society.

Based on the above, the Report was submitted to the Chief of Police and the President of KOP, recommending that they investigate the complaints made and proceed with the disciplinary and criminal prosecutions provided for. In addition, KOP should, based on the Disciplinary Regulations, evaluate the reaction of the referee of the match, in order to see whether it was in accordance with what is required for the handling of such cases.

### *Own-initiative Report on the occasion of the International Day Against Homophobia, Transphobia and Biphobia*

After reference was made to the relevant statements made by the Director of the European Union Agency for Fundamental Rights (FRA) and a relevant research carried out thereby on the equality of LGBT people, the Report recorded the actions taken by the State for the institutionalisation of equality and the preservation of the fundamental rights of LGBTI people in Cyprus.

In particular, reference was made to the decision of the European Court of Human Rights (ECHR) in 1993 on the appeal filed by Andreas Modinos against the Republic of Cyprus, as well as to the progress made in the recognition and enjoyment of human rights of and the eradication of discrimination against the LGBTQI community. The criminalisation of homophobic and transphobic rhetoric as a statement of hatred, the legal recognition of homosexual cohabitation, the adoption of political cohabitation, initiatives to eliminate homophobic and transphobic intimidation in education, as well as the state legislative regulation on the legal recognition of gender identity are particularly positive developments, both for the LGBT community itself and for the rule of law in general.

However, as noted, the deconstruction of deeply-rooted stereotypes that permeate our society regarding the issue of sexual behaviour should remain our main goal in effectively tackling homophobia and transphobia.

It is necessary to understand that policies, attitudes and behaviours that discriminate on the basis of sexual orientation or gender identity are at the core of human dignity.

*Own-initiative Report regarding gender discrimination following the decision of the Ministry of Education, Culture, Sports and Youth to exclude a student team of girls from participating in the World Championship of Student Volleyball Teams.<sup>29</sup>*

The Commissioner, in her capacity as the National Human Rights Institute, intervened on her own initiative in the matter by stating that the structures and standards prevailing in the field of sport undermine the principle of equality and hinder the equal access and participation, while in relation to gender, indicative is the social division of sports into men's and women's.

According to the European Institute for Gender Equality (EIGE), progress on gender equality in sport is hampered by social perceptions and prevailing gender standards.

In view of the fundamental role that school and education play in the multifaceted development of students, the school has an increased responsibility for promoting the principles of equality and pluralism and

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<sup>29</sup> AYT 5/2020

overturning social stereotypes and prejudices that act negatively on the students' abilities.

Furthermore, article 28 of the Constitution enshrines the fundamental principle of equality without any direct or indirect discrimination, including in matters of education and sport. The Charter of Fundamental Rights of the European Union prohibits any discrimination, especially on grounds of sex, and stipulates that the equality of men and women must be ensured in all areas.

Consequently, as noted, the decision of the Ministry should take into account objective criteria that will not lead to violation of the European and constitutional principle of gender equality, as well as the European Convention on Human Rights.

In view of the foregoing, the Ministry was advised to take the content of this intervention into account before taking its final decision.

*Report regarding the role and handling of the Social Welfare Services and the Police in a case regarding the alienation of children from their mother.<sup>30</sup>*

Following an inquiry into a complaint submitted regarding the alienation of children from their mother due to their father's actions in violation of a relevant Court Order, the Commissioner submitted a Report to the Social Welfare Services and the Police and recommended, inter alia:

- ▶ The adoption and implementation of individualised measures aimed at ensuring the emotional balance of the children, bridging the gap created in their relationship with their mother, and restoring their emotional connection with her without any interruption that may lead to a setback.
- ▶ The adoption of appropriate measures in relation to the investigation of criminal offences related to the disobedience to the Court Order regarding the custody and residence of children with their mother.

The developments regarding the case are being monitored by the Commissioner.

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<sup>30</sup> C/N 1341/2019

*Report regarding the measures concerning care homes for the elderly in dealing with the spread of the COVID-19 pandemic and the post-COVID-19 era.<sup>31</sup>*

The restrictive measures taken in relation to people living in care homes for the elderly and the disabled have resulted in further social isolation of those most affected, as their contact with the outside world and their loved ones has become even more difficult or even impossible during the implementation of the measures.

The care of people living in care homes should not only be related to their health, but to the avoidance of social exclusion, their well-being and their dignity as well. The State, through the competent Services in collaboration with the owners of care homes, is obliged to take measures that will ensure the equal protection and enjoyment of the human rights of people living in care homes.

A recommendation was made to intensify the actions to develop creative activities for the people living in care homes, based on their individualised needs, and to implement a specialised care plan which will record the special needs of each resident, according to their physical and mental condition.

Another recommendation made was the provision of psychological support by specially trained staff in the post-Covid era too, as well as the intensification actions so that people living care homes are trained to use technology for information and socialisation purposes, through programmes to be implemented by the direction of care homes.

*Own-initiative Report regarding the pre-removal detention of a third-country national belonging to the LGBTQI community at Paphos Police Detention Centre.<sup>32</sup>*

The subject of the Report was the decision of the Police to transfer the complainant to Paphos Police Detention Centre, instead of the Detention Centre of Undocumented Immigrants in Menogeia (HOKAM), even against his will as this had been expressed through the complaint submitted by his partner and himself in a meeting he had with an Officer of the Commissioner's Office.

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<sup>31</sup> EMPT 4/2020 and C/N 892/2020

<sup>32</sup> EMPT 5/2020 and AYT 21/2020

Prior to his release, the complainant had concluded a Political Cohabitation Agreement with a Cypriot citizen, who is serving a prison sentence and was expected to be released in the near future.

The Report noted that after his release, the complainant was transferred to Voroklini Police Detention Centre for a COVID-19 diagnostic test who would then be transferred to HOKAM until his return to his country. The complainant's partner, by letter, expressed the complainant's dissatisfaction for being transferred to Paphos Police Detention Centre, instead of HOKAM as expected, given his imminent repatriation.

Although bearing in mind that the decision to transfer the person in question to the police detention centre was taken for the purposes of his own protection, as he has been informed, this does not negate the fact that the case had to do with an administratively detained person who should have been transferred to HOKAM, taking into account his own will.

As noted, balancing security and human rights issues with the dignity of detainees is often a challenge for the state. The basic principles, as these are established in international and domestic law, with regard to individual rights impose the obligation of the state to respect the value of man and not to interfere with actions or omissions in a minimal personal space that ensures both the non-violation of basic rights and their protection.

At the same time, any restriction of individual rights on practical grounds, as in the present case, cannot be accepted, as, according to the ECHR case law, restrictions on the rights of detainees must be justified on the basis of the principles of legality, necessity and proportionality.

In addition, enforced measures restricting individual rights must be prescribed by state laws that are compatible with international human rights standards, prove that are absolutely necessary to achieve a legitimate purpose and be proportionate, that is, as less intrusive as possible, for the purposes of achieving the objective pursued.

In this case, in view of the restrictive measures in force due to the Covid-19 pandemic, and the specific circumstances of this case, it is very likely that the complainant would have remained in detention for a long time and his return to his country would have taken place, according to information received by an Officer from the competent authority, in a future and indefinite time.

Apart from the general invocation of his own safety, there does not seem to have been any other factor that was taken into account and influenced the

relevant decision, since it seems that the authorities were not concerned with the application of the principle of proportionality, which is a constitutional requirement of the state law, and there do not seem to be specific factors which would justify the further detention of the complainant in a police detention centre instead of the HOKAM.

On the contrary, the decision to detain him in a police detention centre does not seem to have been the least burdensome or mildest possible measure in this case, but rather a prohibited measure, as detention for more than 48 hours is not allowed in certain cases.

Based on the above, it was recommended that the competent authorities immediately take all appropriate measures to transfer the complainant to HOKAM, after previously ensuring that his detention would be carried out under appropriate, for him, conditions, in the light of the principle of proportionality, and taking into account what was stated in the Statement in relation to the detention of LGBT people.

Furthermore, the reasons for the detention of 7 other administrative detainees who were detained in police detention centres instead of HOKAM had to be re-examined, a fact which deprived them from the facilities provided in the detention centre for informal migrants as administrative detainees, while their detention for more than 48 hours is contrary to the CPT Recommendations.

### *Own-initiative Report regarding the rights to freedom of expression and religious freedom.<sup>33</sup>*

After extensive reference was made to the protection of the rights to freedom of expression and religious freedom by the Constitution and the ECHR, the Report provided examples from the case law of the ECHR in relation to the protection of these rights.

As noted, in this very case, the exercise of freedom of expression through art has undoubtedly provoked and annoyed a portion of the population and has exceeded the legitimate limits of acceptance of provocation, touching both the divine and the religious feelings of the faithful. In doing so, it insulted the rights of third parties associated with religious freedom.

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<sup>33</sup> AYT 24/2020

This is because, according to the ECHR case law, respect for the religious feelings of the faithful constitutes a legitimate purpose which may restrict the exercise of freedom of expression and is permissible in a democratic society where public morals or social ethics make it necessary.

It is without doubt that these rights of third parties have been violated, while at the same time the freedom of expression has been violated through its abuse.

Because the more we violate the limits in the exercise of our rights, the more we create opportunities for the state to intervene and reduce them, as freedom presupposes respect for the rights of all our fellow human beings.

The Report was submitted in the capacity of the Commissioner as the National Independent Authority for Human Rights, aiming to encourage reflection on the protection of all human rights, including the “right” to art and of its exponent to be kept away from the threat of any personal persecution.

*Report regarding the handling of a request for transfer to Cyprus of a person belonging to the LGBTQI community who was convicted abroad.<sup>34</sup>*

More specifically, the complaint involved a request for transfer to Cyprus by a person belonging to the LGBTQI community and sentenced to three years in prison abroad, in order to serve his term in the Central Prisons.

The Report firstly set out the current legal framework for the provision of mutual assistance in civil and criminal law matters between the Republic of Cyprus and the country in question, which lays out the conditions for the transfer of convicts from one contracting party to another.

The Report then pointed out the problems faced by LGBTQI people, who are extremely vulnerable in places of detention to possible discrimination due to their sexual orientation. In particular, transgender people detained or imprisoned are significantly more exposed to violence, both by prison staff and their inmates. Therefore, and to ensure the protection and respect of transgender persons in detention or imprisonment, the Authorities should, on one hand, ensure that they address these persons by the name of their own

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<sup>34</sup> C/N 726/2020

choosing which corresponds to their gender self-determination, and that they are distributed proportionally, on the other.

Therefore, Prison Directorates should recognise the need of these individuals for special protection and at the stage of allocating detainees to cells, it may be useful to take into account the wishes and concerns of these detainees in order to be detained in conditions that ensure their safety, to the maximum extent.

Subsequently, after reference was made to the Recommendation CM/Rec(2010)5 of the Committee of Ministers on measures to combat discrimination based on sexual orientation or gender identity and to the Yogyakarta Principles plus 10, the Report re-emphasised the obligation of the Authorities to ensure that LGBTQI persons who deprived of their liberty are detained in a place and under conditions that promote their protection and protect their rights to humane treatment and respect for their dignity and diversity. To this end, the wishes and concerns of the individuals themselves are crucial, which the competent authorities must take into account to the maximum extent possible by involving LGBTQI individuals in the decision-making processes in relation to the conditions of their detention.

Based on the foregoing, and in view of the wish of the person concerned to be transferred to Cyprus to serve his prison term, a recommendation was made that the Ministry of Justice and Public Order, within the discretion provided by the relevant legal framework, expedite actions in this direction, if the terms and conditions laid down by the relevant legislation apply in the present circumstance.

A copy of the Report was communicated to the Attorney General of the Republic, the Director General of the Ministry of Foreign Affairs and to the Embassy of the Republic of Cyprus in the country where the person in question is being held.

*Report regarding the handling of an immigrant couple's application for a residence and work permit, until the completion of a court procedure<sup>35</sup>*

The complaint involved the arrest and detention for the purpose of deportation of a third-country national, even though he was the supporter of a family of

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<sup>35</sup> C/N 1574/2015

four in Cyprus and a witness in an ongoing civil trial for a car accident in which his wife was seriously injured and was seeking compensation.

The Report submitted by the Commissioner on 2/4/2020 to the Minister of Interior expressed the position that the handling of this case by the Civil Registry and Immigration Department, although regular, was inelastic and did not take into account the serious real facts for which the temporary stay of the couple in Cyprus was important. In particular, as the Report noted, the fact that the court case concerning the couple was still pending, in which they were key witnesses, was not sufficiently taken into account.

Concluding, the Commissioner expressed the position that, in this case, there were humanitarian reasons justifying the exercise, in a lenient and favourable manner, of the discretion of the Minister of the Interior towards the satisfaction of the complainants' request for a residence and work permit in Cyprus, until completion of the trial.

*Report regarding the delays observed in the examination of applications for acquisition of Cypriot citizenship by naturalization and registration due to marriage with a Cypriot citizen, and the failure of the Civil Registry and Immigration Department to inform the Commissioner of the progress/outcome of individual cases.<sup>36</sup>*

The Report was submitted on 25/2/2020 on the occasion of a large number of complaints submitted in recent years to the Commissioner involving delays in the examination / processing of applications submitted for the acquisition of Cypriot citizenship, either by naturalization (M127 applications) or by registration due to marriage with a Cypriot citizen (M125 applications).

In the Report, the Commissioner made special reference to 24 complaints submitted to her Office in 2016 and 2017, about which, despite her repeated requests to be informed by the Civil Registry and Immigration Department in writing about the examination of the complainants' applications, she did not receive any relevant information.

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<sup>36</sup> C/N 13/2016, C/N 633/2016, C/N 1066/2016, C/N 1678/2016, C/N 111/2017, C/N 321/2017, C/N 428/2017, C/N 676/2017, C/N 786/2017, C/N 1046/2017, C/N 1101/2017, C/N 1139/2017, C/N 1348/2017, C/N 1455/2017, C/N 1469/2017, C/N 1498/201, C/N 1951/2017, C/N 1952/2017, C/N 1953/2017, C/N 1954/2017, C/N 1955/2017, C/N 1956/2017, C/N 1957/2017, C/N 1958/2017, dated 25/2/2020

In their majority, these complaints involved applications which, at the time of submission of the complaints, were pending for a period ranging from 1 to 3 years, while some others involved even longer delays.

The Commissioner noted in the Report that the phenomenon of large and often long-standing delays in the examination and processing of applications for Cypriot citizenship by naturalization or registration due to marriage with a Cypriot citizen has been observed for the last 10 years, despite the systematic interventions made in the past by her Office to resolve the problem, and despite the recent efforts made by the Ministry of Interior to improve the situation by simplifying the examination procedures and implementing overtime to examine more applications.

The Commissioner stated that she recognises the peculiarities involved in handling applications for the acquisition of citizenships, which are related to the criteria set by the Law (such as: conditions of legal residence for many years, intention to stay in Cyprus, good character and integration into Cypriot society), and that the proper examination of whether these criteria are met, takes time. However, as she noted, these peculiarities cannot justify the extent of the delays observed.

As the inquiry revealed that the long delays are due to delays in assigning and/or initiating the examination of applications (and not to difficulties in assessing them), the Commissioner concluded that the implementation of administrative and staffing arrangements to ensure that the examination of applications is initiated immediately or soon after they are submitted, will solve, or at least significantly alleviate, this timeless problem.

According to the Commissioner, the need to resolve the problem is compounded by the fact that delays in the granting of nationalities have a negative impact on the daily lives of those affected, in particular with regard to their ability to have equal access to basic public goods, such as access to health and welfare services, access to aids and benefits and access to the labour market.

At the same time, the Report noted the failure of the CRMD to inform the Commissioner of the progress/ outcome of a large number of individual applications, despite the fact that this was its legal obligation under the Commissioner of Administration Laws, thus preventing the Commissioner from conducting an inquiry into the complaints made by the affected citizens in time.

Concluding, the Commissioner recommended that the Ministry of Interior and the CRMD re-examine the problem and immediately take all those

administrative measures that will ensure the examination of applications for the acquisition of Cypriot citizenship within a reasonable time frame. In particular, it was recommended that arrangements be made to ensure that the examination of applications begins immediately or shortly after their submission.

With regard to the individual cases on the occasion of which she submitted the Report, the Commissioner recommended that, for those of which the examination of the applications was still pending, the completion of procedure be promoted immediately.

Finally, the Commissioner recommended that the CRMD take all necessary measures to provide her, in accordance with the relevant Law, with information and comments she requests in a timely manner, so that the inquiry into the complaints on behalf of her is immediate, timely and effective.

*Report regarding the exercise of the right to freedom of expression and its legal restriction in the context of operation of the Cyprus News Agency.*

In her Report, the Commissioner suggested the Director of CNA to evaluate the announcements sent to him for publicity on a case-by-case basis, giving emphasis on the exercise of the right to freedom of expression, always provided that these do not contain references that affect the reputation or dignity of other persons or constitute hatred, incitement to violence and hate speech.

*Statement as the National Independent Authority for Human Rights on the occasion of the World Day Against Trafficking in Persons*

On the occasion of July 30, designated by the UN as the World Day Against Trafficking in Persons, the Commissioner made a relevant public Statement.

The Statement noted that the Republic of Cyprus, as an EU Member State but also as a state participating in other international organisations, has transposed into its national law the broad legal and institutional framework that has

evolved internationally in recent decades for preventing and combating trafficking in persons and protecting its victims.

The Report also noted other actions and initiatives undertaken by Cyprus in this direction, such as the elaboration of an Action Plan, against Trafficking, the establishment of a Multidisciplinary Coordination Group against Trafficking, and the operation of a state shelter for the protection of victims of trafficking for the purpose of sexual exploitation.

However, according to the Commissioner, despite the positive developments at an institutional level and the undertaking of a wide range of awareness-raising and information actions internationally, millions of people are still being victimised every year, under conditions equivalent to modern slavery, and are making more than 30 billion dollars of profits for organised and cross-border trafficking networks. She also noted that the vast majority of victims of trafficking for the purpose of sexual exploitation (about 95%) are women and girls, while men, mainly immigrants, make up the majority of victims of trafficking in labour and forced labour.

The phenomenon of trafficking, as noted in the Statement, is unfortunately also present in Cyprus, where, according to relevant research and reports by international organisations, vulnerable people continue to be used for trafficking purposes and be subject to extreme forms of exploitation.

As the Commissioner further noted, trafficking in persons continues to be one of the most serious forms of human rights violations worldwide, in particular, the fundamental rights to life, liberty, security, physical integrity and dignity. This is why, she added, the fight against this heinous crime should be one of the primary goals of any democratic and solidarity State, with the assistance of all its institutions involved and the support of civil society.

### *Statement as the National Independent Authority for Human Rights on the occasion of the World Refugee Day*

On the occasion of June 20, designated by the UN as the World Refugee Day, the Commissioner made a relevant public Statement.

The Statement referred to data from the UN High Commissioner for Refugees (UNHCR), which show that extremely large numbers of people worldwide are forced to flee their homes each year. Data which, as the Commissioner said,

should put the society of nations on alert for solidarity towards refugees and the search for more effective solutions.

The Commissioner also referred to the position of the Commissioner for Human Rights of the Council of Europe (CoE) that “the protection of the human rights and dignity of refugees is not a choice but a moral and legal obligation to be observed by the Member States” and finally highlighted that Cyprus, not only as a member state of the CoE, but also as a country with its own experience on refugeeism, should continue to be vigilant and ready to recognise the human rights of all people fleeing war and persecution.

### *Own-initiative Report as the National Independent Authority for Human Rights regarding the living conditions of the Roma community in Cyprus<sup>37</sup>*

The purpose of the Report, submitted on 22 December 2020, was to record the real daily life of the Roma community in Cyprus, the challenges it has to face, the obstacles it has to overcome, but also the needs it has to cover in order to approach a humanly acceptable standard of living.

For the purposes of preparing the Report, the positions and views of the competent public services (Social Welfare Services, Ministry of Education, Culture, Sports and Youth and Turkish Cypriot Property Management Office) were obtained, as well as of the non-governmental organisation CypROM, engaged in addressing the problems faced by the Roma community in Cyprus. A visit was also carried out to areas where Roma live, while study was made on the relevant legislative and institutional framework.

The main issues that the Commissioner was concerned with were the housing conditions, the access of Roma students to education, the employment opportunities and the access of Roma to health and welfare services - factors which are, as she mentioned, interrelated and interdependent for ensuring decent conditions of living. As the Commissioner further noted, without basic education and knowledge of the Greek language, the chances of access to the labour market are minimal, while without the possibility of employment, the economic dependence of the Roma on the state is extended, without room for improvement. At the same time, housing in isolated and/or unsuitable premises/ houses, as well as the difficulties or the inability to access adequate

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<sup>37</sup> AYT 3/2020

health services, exacerbate social marginalisation and widen the gap between the Roma and the rest of society.

With regard to the housing conditions, the Commissioner noted that their houses, especially for the Roma living in the Limassol District, are unmaintained and present many serious operational and construction problems that need to be immediately repaired, while in many houses, there is not even supply of electricity or hot water. The Commissioner acknowledged the fact that there should be institutionalised procedures in place for addressing the housing issues, as well as the fact that the frequent movement of Roma may make it difficult to handle their housing needs. However, as she argued, these difficulties can be solved by adopting more flexible procedures and by being in frequent contact with those living in homes.

In addition, the Commissioner expressed the view that the remote Roma settlements in the countryside should be closed and the residents there should move to urban centres, where they can more easily integrate into the wider Cypriot society.

With regard to education, the Commissioner acknowledged the commendable actions and initiatives taken so far - such as remedial teaching for learning the Greek language, the provision of free meals to children, the provision of Turkish language courses by Turkish Cypriot teachers and courses for the Roma dialect (Kurbetcha) - aimed at safeguarding the right to education of the Roma children. However, it was found that challenges still remain, mainly in terms of ensuring the enrolment of all children in schools and further reducing the drop-out rate before completing compulsory education, as well as in terms of ensuring that these children are provided with adequate and a satisfactory level of education, which will give them the basic knowledge and skills that will enable them to break the vicious circle of marginalisation and poverty.

Regarding the problems of the access of Roma to employment, the Commissioner pointed out that these are directly related to education, as many Roma do not speak Greek (or have limited knowledge of) or English, which minimises their chances of employment. As a result, most Roma remain unemployed and depend entirely on public benefits/aids, while their chances of becoming independent of the socio-economic support system are reduced.

Problems were also identified in the access of Roma-Cypriots to public health services, as many have not been informed and instructed to register with the National Health System and enjoy the medical care that is available to other Cypriot citizens.

With regard to the social welfare support received by the Roma, the Commissioner noted that this is limited to the horizontal measures taken by the Social Welfare Services to support all vulnerable groups, without any targeting that takes into account the specificities of the culture and of their way of living. In this regard, the Commissioner pointed out that the ten-year Action Plan (2021-2030), which the Social Welfare Services were called upon to draw up following a Communication from the European Commission, is an opportunity to adopt for a holistic approach to the Roma issues and that it should be focused on the respect for and protection of fundamental rights, with an emphasis on safeguarding the rights that guarantee a dignified life.

Finally, the Commissioner made a series of Recommendations to all relevant services for taking concrete measures and intensifying the efforts made, in order to improve the current situation and ensure decent living conditions for members of the Roma community.

*Report as the National Human Rights Institute and as the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment regarding the preventive measures to reduce the spread of the COVID-19 virus in the Reception and Accommodation Centres for Applicants of International Protection and the living conditions of the persons housed there.*

The Report, dated 23 April 2020, recorded and commented on the preventive measures taken to limit the spread of COVID-19 at the Temporary Reception and Accommodation Centres for Asylum Seekers in Kokkinotrimithia and Kofinou, as well as the general living conditions of the persons housed there and the respect for their human rights, in light of the movement restrictions implemented due to the pandemic.

From a visit held at the “Pournara” Centre in Kokkinotrimithia, as well as the written and face-to-face information received, it was found that strict sanitary measures were taken and observed, including thermometry of people entering the Centre, spraying of the tents and common areas, installation of antiseptics in all areas of the Centre, provision of information regarding the pandemic with leaflets translated into the native language of the occupants, while relevant instructions had been given orally too. It was also found that all occupants had been equipped with personal protective equipment and that, in case of a suspicious case, there was a specially designed area for an overnight stay under

quarantine until transferred the next day to a Government Hospital for further examination. At the Centre there was a doctor available every other day, as well as two nurses who provided their services on a 24-hour basis.

In relation to the Centre in Kofinou, it was found that a risk assessment and management plan had been developed based on the instructions of the Ministry of Health and the World Health Organization, on the basis of which an action plan for the protection against Covid-19 was formulated and implemented, including specific daily procedures and actions in case of positive case.

After reference was made to recommendations made by international bodies on the operation of the reception and accommodation centres for asylum seekers/immigrants, as well as to relevant case law of the European Court of Human Rights, the Report submitted to the competent Ministers specific recommendations so that they would take all appropriate actions to further ensure the rights of those living in these Centres and avoid overpopulation.

In fact, it was emphasised that any restrictive measure taken, which goes beyond the temporary nature, is not absolutely necessary and/or is disproportionate to the purpose of protecting public health, is an arbitrary measure and should immediately be terminated. Therefore, a specific recommendation on the review of measures was submitted immediately after the lifting of the restrictive measures that had been imposed on the wider society.

*Report as the National Human Rights Institute and as the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, following a visit held in the Pournana Centre of Temporary Reception and Accommodation for Applicants of International Protection in Kokkinotrimithia.*

On 4 December 2020, the Commissioner, together with Officers of her Office, carried out a new unannounced visit in the Pournana Centre for Temporary Reception and Accommodation of Applicants for International Protection in Kokkinotritithia.

The purpose of the visit was to follow up the course of implementation of the Commissioner's previous recommendations, and to closely determine the material living conditions of people living in the Centre and whether they complied with international human rights principles and standards.

In general, it was found that the Centre was overcrowded, which inevitably had a negative impact on the living conditions of the occupants.

More specifically, it was found that people who met the conditions to leave the Centre were unable to do so due to the provisions of the Infection (Defining Measures to Prevent Spread of the COVID-19 Coronavirus) Decree, resulting in problems with the smooth transfer of persons from the quarantine areas to the main building of the centre, where living conditions are improved. As a result, occupants who were in the isolation/quarantine areas were experiencing serious problems with regard to the conditions of their hygiene, while there was a risk for further spread of the COVID-19 virus (since even after the 14-day quarantine period as provide, they still remained in the isolation/quarantine areas due to lack of space in the main building of the Centre).

Furthermore, with regard to the infrastructure of the Centre, the following emerged:

- ▶ The assembly of prefabricated houses to replace the tents that had been (temporarily) erected in the Centre was still pending.
- ▶ The conditions in the quarantine area, where people who were found positive to the virus were housed, did not meet the international accommodation standards and the relevant health protocols. More specifically, it was found that 23 people did not have access to a shower/bath and were served by a single toilet, while that there was lack of electricity in the isolation/quarantine areas.
- ▶ It was even found that the Centre also housed people belonging to vulnerable groups, such as pregnant women, potential victims of trafficking, unaccompanied minors or alleged minors, and a person with a disability.

In view of the findings, a Report was submitted to the competent authorities on 9 December 2020, which included, inter alia, the following recommendations:

- ▶ Immediate granting of an exit permit from the Centre to the occupants who met the relevant conditions to leave.
- ▶ Arranging transportation outside the Centre of unaccompanied minors who were still accommodated in the Centre and ensuring a safe zone for those of them who were in quarantine areas.

- ▶ Immediate assessment of the needs of all the occupants of the Centre who belonged to vulnerable groups and their transfer to appropriate facilities outside the Centre.
- ▶ Acceleration of actions for the operation of a second specially designed quarantine area outside the Centre, to which occupants found positive to the virus should be transferred.
- ▶ Immediate transfer from the quarantine area to the main area of the Centre of all individuals who completed 14 days in quarantine and were negative to the virus.
- ▶ Promotion of actions for the uninterrupted supply of electricity in all areas of the Centre and examination of alternative ways to provide full electrification in case of further delay in the operation of the EAC substation.
- ▶ Immediate replacement of the tents with the already existing but unassembled prefabricated houses and implementation of the required landscaping works to resolve the problems observed in the quarantine areas during periods of heavy rainfall.
- ▶ Increasing the number of sanitary facilities, especially in the quarantine/isolation areas and resolving the problem of uninterrupted hot water supply.
- ▶ Arranging daily presence of a doctor and increasing the number of nurses in the Centre.

### *Report regarding the granting of a special entry permit to unmarried couples.*

A number of complaints were submitted to the Commissioner in 2020 regarding the non-granting of a (special) entry permit to Cyprus to non-Cypriot citizens who have a long-term relationship with Cypriots or other persons residing permanently in our country, due to restrictive measures taken to prevent spread of the COVID-19 virus.

A Report submitted on 20 November 2020 made reference to a relevant Communication from the European Commission in October 2020, which provided guidance to Member States on the specific handling of such requests, namely: entry into EU countries to persons who are in a “durable, duly attested”

relationship with EU citizens or persons residing permanently in the EU, even if that relationship is not legally recognised by their national law.

The said Communication expressed the position that the reunification of certified partners should be facilitated, while indicative examples were provided for possible evidence that could be provided by the applicants to attest their relationship.

The Commissioner expressed the position that the general exclusion of entry into our country without assessing, in each case individually, whether the approval or rejection of a request for reunification of persons in a durable relationship, is not based on the principle of proportionality, which provides that the measure taken should be proportionate to the purpose for which it was taken.

Finally, the Commissioner recommended that the competent authority, in view of the long period of time during which several of the affected couples could not meet, examine whether it could, at its discretion, extend the Infection (Defining Measures to Prevent Spread of the COVID-19 Coronavirus) Decree (No 30) of 2020 in order to include the category of partners with whom citizens of the Republic or other citizens residing permanently in the Republic have a durable, long-term and duly attested relationship (based on the criteria recommended by the European Commission in its relevant Communication).

### *Report regarding the working and living conditions of domestic workers in Cyprus.*

The Report was prepared by the Commissioner, in collaboration with a Professor at UCLan Cyprus University, and constitutes the first survey conducted on the rights of domestic workers based on interviews, focus groups and questionnaires completed by the domestic workers.

The survey found that domestic workers in Cyprus work an average of 58 hours per week, 40 % more than the 42 hours provided for in the employment contract, while 1 in 5 reported that they work more than 70 hours per week. Thirty two percent of them reported that they do not always get paid or do not get paid the salary they were promised. Based on the findings of the survey, 75 % of the domestic workers would not submit a complaint with the police if they were victims of physical violence.

Furthermore, when asked whether overtime is paid, only 7 % of the domestic workers answered in the affirmative, 35 % said that overtime is not paid and 58 % that they are unaware of the working hours provided for in the employment contract.

It was further reported that only one third of the domestic workers clean one house only (as provided for in the employment contract). Half of the workers clean two houses and the rest of them three, while 79 % of those cleaning more than one house, they work at houses indicated by their employer.

Forty percent of the domestic workers would not complain to their employer if they were not satisfied with some of the requirements (e.g., if they were asked to work an extra day a week without pay).

Thirty-seven percent reported that they have never visited a doctor during their stay in Cyprus, while 48% of them who need to go to the doctor, they do so through their employer. In addition, 56 % of the domestic workers do not stop working in case of illness.

The Report made recommendations for the ratification of its Convention on the Rights of Domestic Workers, the transfer of responsibility for domestic workers from the Civil Registry and Immigration Department to the Ministry of Labour, further improvements in the employment contract, better provision of information to domestic workers of their rights and responsibilities and decisive tackling of violence against domestic workers.

The recommendations also involved the recognition of the profession of domestic workers and care staff, as well as of the services they offer as real and distinct areas of employment, the provision of information to domestic workers regarding their access to health services and the improvement and continuation of dialogue with the parties involved.

*participation in  
preparatory legislative  
works  
cooperation with the  
legislative power*

## *Participation in preparatory legislative works Cooperation with the Legislative Power*

### *Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women*

- ▶ On 20 January 2020, Officers of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which the procedure followed regarding the choice of sterilisation in public and private hospitals and the sexual and reproductive rights was discussed.
- ▶ On 21 January 2020, the Commissioner and an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a discussion was held on “The Additional Protocol to the Convention on Cybercrime, regarding the criminalisation of acts of a racist and xenophobic nature committed through computer systems”.
- ▶ On 17 February 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a briefing was provided on the Strategic Plan on Equality 2019-2023.
- ▶ On 16 March 2020, the Commissioner and an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a discussion was held on “The need for timely and proper information of women on egg freezing/storage, who wish to maintain their fertility for the future”.
- ▶ On 1 June 2020, Officers of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a discussion was held on “The need for social support and temporary accommodation of former prisoners with problems of substance abuse and support for individuals who successfully complete rehabilitation treatment programmes.
- ▶ On 15 June 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities

between Men and Women, during which a discussion was held on “The need for timely and proper information of women on egg freezing/storage, who wish to maintain their fertility for the future”.

- ▶ On 22 June 2020, Officers of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a discussion was held on the situation at the Temporary Reception and Accommodation Centre for Asylum Seekers in Kokkinothrimithia.
- ▶ On 29 June and 7 September, Officers of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a briefing was provided on the operation of the penitentiary institution.
- ▶ On 6 and 27 July 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which the following were discussed: (a) “The Combating Certain Forms and Manifestations of Sexism Against Women Law of 2020” and (b) “The Combating Sexism and Sexist Behaviours against Women through Criminal Law and Related Issues Law of 2020”.
- ▶ On 7 September 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a briefing was provided on the operation of the penitentiary institution and the need to take measures for the social reintegration of prisoners.
- ▶ On 14 September 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which the following were discussed: (a) “The Combating Sexism and Sexist Behaviours against Women through Criminal Law and Related Issues Law of 2020” and (b) “The Combating Internet Sexism Against Women through Criminal Law and Related Issues Law of 2020”.
- ▶ On 19 October 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a briefing was provided on the work carried out by the Council for the Release of Prisoners on Leave.
- ▶ On 26 October 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which the following were discussed: (a) “The need to protect the rights of HIV-positive people” and (b) “Prioritisation of certain special groups of the population (pregnant, parents with children under the age of 5, retired and disabled) in public and private areas where service is provided”.

- ▶ On 2 November 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a discussion was held on the need to protect the rights of HIV-positive people”.
- ▶ On 9 and 23 November 2020, the Commissioner and an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a discussion was held on “The Prisons (Amending) (No2) Law of 2020”.
- ▶ On 7 December 2020, an Officer of the Institute participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which a discussion was held on the “Modernisation of the law on adoption and possibilities of including counselling and support structures for childless couples interested in finding available children for adoption”.

*Events/Seminars/  
Training/Working Groups*

## *Events / Seminars / Training / Working Groups*

In 2020, the Commissioner and Officers of the Institute also participated in several conferences, lectures, events and training seminars held in Cyprus on the role and work of the Commissioner.

Indicatively:

- ▶ On 10 February 2020, an Officer of the Institute participated in a meeting held at the Ministry of Foreign Affairs on the establishment in Cyprus of a National Commission for International Humanitarian Law.
- ▶ Between 24 and 27 February 2020, an Officer of the Institute held a series of lectures at the Police Academy and, in particular, to the members of the Police serving in the Detention Centre of Unauthorised Immigrants in Menogeia, on Human Rights, Discrimination, Racism - The role of the Police.
- ▶ On 25 and 26 February 2020, an Officer of the Institute participated in a conference in Vienna held by the Fundamental Rights Agency (FRA) in collaboration with Equinet on the promotion of actions to raise awareness of the implementation of the Charter of Fundamental Rights of the European Union at a national level.
- ▶ On 13 May 2020, the Commissioner had a meeting with the representative of the Office of the UN High Commissioner in Cyprus, Mrs Katja Saha Savarimuthu, and her associates. During the meeting, the Commissioner briefed the UNHCR representatives on the reply received from the Minister of the Interior regarding the partial implementation of the actions taken to comply with her recommendations, following this Report submitted in her capacity as the National Independent Authority for Human Rights and the National Mechanism for the Prevention of Torture, with regard to the preventive measures implemented to limit the spread of the COVID-19 virus at the Pournara Temporary Reception and Accommodation Centre for Immigrants in Kokkinotrimithia and the Reception and Accommodation Centre for Asylum Seekers in Kofinou.
- ▶ Officers of the Institute participated in an Online Conference on “Protecting and promoting equality as a fundamental value of the EU: 20th anniversary of the Race Equality Directive” attended by

representatives of EQUINET, the European Union Agency for Fundamental Rights, the Croatian Presidency and the Commissioner for Equality of the European Commission. The online conference was held on 29 June 2020.

- ▶ On 27 August 2020, the Commissioner had a meeting at her Office with representatives of the organisations of parents of children with disabilities. During the meeting, views were exchanged regarding, *inter alia*, the start of the school year and the problems faced by children attending (in whole or in part) the special units of schools, in relation to the actions that should be taken to ensure the proper, orderly and lawful operation of the District Committees of Special Education and Training, as well as on the issue of their representation.
- ▶ An Officer of the Institute participated in a training programme of the police on “Trafficking in Persons: Victim Identification and Case Handling” which took place from 2 to 4 September 2020. As part of his participation, the Officer made a presentation on: “Responsibilities of the Commissioner of Administration and Human Rights - State Obligation to Respect Human Rights - Interventions of the Commissioner of Administration in Combating the phenomenon of Trafficking in Persons”.
- ▶ An Officer of the Institute participated in an online seminar organised by ENNHRI on the implementation of judgments of the ECHR and the role of National Authorities for Human Rights. The seminar was completed in 4 sessions held between 10 September and 22 October 2020.
- ▶ On 17 September 2020, an Officer of the Institute held a lecture at the Police Academy and, in particular, to the members of the Police serving in the Detention Centre of Unauthorised Immigrants in Menogeia, on Human Rights, Discrimination, Racism - The role of the Police.

An Officer of the Institute participated in the online meeting of the Legal Working Group of the ENNHRI held on 24 and 25 September 2020.

- ▶ An Officer of the Institute participated in a series of meetings of the National Working Group on Priority Setting, established within the framework of the “Voiceit” programme, in order to prepare a National Action Plan for the respect and protection of the rights of LGBTQI people. The meetings were held on 28 September and 30 November 2020.

- ▶ An Officer of the Institute worker participated in the NHRI Academy 2020 online training programme. The seminar was completed in 10 sessions held between 29 September and 29 October 2020.

*Information & Awareness  
Raising Campaigns*

## *Information & Awareness Raising Campaigns*

### *Information campaign on the 70th anniversary of the Universal Declaration of Human Rights, (2018 - 2019)*

On the occasion of the 70th anniversary of the signing of the Universal Declaration, the Commissioner prepared a relevant Statement and organised a relevant information and enlightenment campaign.

The inaugural event of the campaign on “The Protection of Human Rights 70 years later” took place on 5 December 2018, at 10:00 am, in the multipurpose hall of the Ministry of Finance in Nicosia.



In her welcoming speech, the Commissioner noted, among other things, that *“70 years later, the Declaration continues to constitute a common heritage, the common ideal of all nations, which are obliged to make every effort to develop respect for the human rights and fundamental freedoms to all peoples and nations, as well as to each individual”*.

She added that *“the respect for human rights should not constitute only a legal obligation. It is a matter of attitude and behaviour. The effective protection of rights is possible when the respect for human, for every human, without any discrimination, becomes the property and way of life of everyone. When every*

*human realises that human rights concern everyone and each one of us individually, affecting every level of our lives”.*

At the event, speeches were also addressed by Mr Andreas Loverdos, Associate Professor of Constitutional Law at Panteion University of Athens and a lawyer of the Greek Supreme Civil and Criminal Court, and Mr Nikos Chr. Charalambous, who served as the first Commissioner of Administration.

Speakers at the event were Mr Andreas Dimitropoulos, Emeritus Professor of the School of Law of the National and Kapodistrian University of Athens, Mrs Katja Saha Savarimuthu, representative of the United Nations High Commissioner for Refugees, and Mr Achilleas Demetriades, Lawyer and President of the Committee on Human Rights of the Pan Cyprian Bar Association.

During the event, audiovisual material prepared as part of the campaign for the 70th anniversary of the UN Universal Declaration of Human Rights was shown.

The event was simultaneously interpreted into sign language.



At the end of the event, a series of informative events took place across all cities in Cyprus. More specifically:

- ▶ on 5 December 2018, at The Mall of Cyprus in Nicosia
- ▶ on 7 December 2018, at Dioikitirio Square in Limassol
- ▶ on 8 December 2018, at Ermou Square in Larnaca
- ▶ on 14 December 2018, at Kings Avenue Mall in Paphos
- ▶ on 15 December 2018, at Faneromenis Square in Nicosia

▶ on 21 December 2018, at Paramithoupoli in Nicosia



Throughout the entire campaign, the audiovisual material prepared was projected on the social media of our Office, as well as by all the radio and television organisations and the public broadcasting channel, RIK.

It shall be noted that the said audiovisual material was available in forms accessible by people with disabilities. More specifically, the short films prepared for the purposes of the campaign were subtitled in Greek and English, and all the printed material was available in Braille, as well as in large print, for access by those with hearing and visual disabilities.

In the context of the actions implemented to inform and enlighten students about human rights, a series of educational seminars was held in public and private secondary schools on the “Respect for human rights” which involved the respect for human rights without discrimination.

The educational seminars were carried out by Officers of the Office in the period between April and May 2019 in both private and public school across all Cyprus.

## *Information campaign on Combating Discrimination and Hate Speech in Pre-Election Campaigns (2019)*

In April 2019, and in view of the forthcoming elections to the European Parliament on 26 May, the Commissioner organised an information campaign on Combating Discrimination and Hate Speech in Election Campaigns.

As part of the campaign, the Commissioner sent relevant letters to all political parties/movements that participated with candidates in the European elections, as well as to local news organisations. By the said letters, the Commissioner:

- ▶ informed the recipients of the campaign launched by the European Network of Independent Authorities against Discrimination (Equinet) to promote the principle of equality and non-discrimination, and of the Recommendations published in March 2019 on Combating Discrimination and Hate Speech in Election Campaigns;
- ▶ invited all the political parties and/or or other movements to show zero tolerance to any phenomenon of hate speech and publicly state that discrimination and phenomena of incitement to hatred are unacceptable and will not be tolerated. She also encouraged all candidates participating in the European elections to exercise their right to freedom of expression responsibly, fairly and with respect for every human being and their rights.

The Recommendations made by Equinet on the matter were translated in Greek and were forwarded together with the said letters of the Commissioner to all stakeholders.



## *Information campaign and a series of actions on the rights of refugees, immigrants and asylum seekers (2019)*

The Commissioner, in the framework of her responsibilities as the National Independent Authority for Human Rights and Equality Authority and Anti-Discrimination Body, launched a campaign on the rights of refugees, immigrants and asylum seekers.

One of the aims of the campaign was to give emphasis on women who are struggling, every refugee mother, every domestic worker, every woman, victim of torture or inhumane treatment of any kind, who, in addition to the gender violence which they are subject to, are at the same time responsible for waging a struggle for the social integration of themselves and their families in the host country.

As part of the campaign, the Commissioner and Officers of her Office carried out visits to the Cyprus Association of Recognised Refugees “New Genesis Centre” in Nicosia and the Reception and Accommodation Centre for Political Asylum Seekers in Kofinou.



During their visit at the Association, the Commissioner and the Officers of the Office had the opportunity to talk to the attendees and listen to the experiences and problems they are facing. They were given the assurance that our Office will be standing by their side, providing assistance at all times to resolve any issues that concern them.



During the visit to the Reception and Accommodation Centre for Asylum Seekers in Kofinou, the Director of the Centre guided the Commissioner and the Officers of her Office in the facilities of the Centre. He also informed them about the corrective actions and projects that had been and/or would be implemented to improve the daily life of the occupants at the Centre, as well as about the problems and challenges they are faced with.

The above were recorded by the Officers of our Office, and after highlighting the apparent improvement of the facilities and living conditions in the Centre as well as the elimination of pathogens observed in the past, the Commissioner assured the Director of the Centre that, within the framework of her responsibilities as the National Independent Authority for Human Rights, Officers of her Office will remain in open communication with him to ensure that all the necessary actions and representations to all services involved to address and resolve the identified problems, are made the soonest possible.

The Commissioner, in collaboration with the NGO “AWARE” campaign, organised on 9 July 2019 in Nicosia the event entitled “Refugee woman, immigrant woman in Cyprus”.

The Commissioner, addressing a speech at the event, noted that “*my door is open to all of you, and I am asserting the readiness of our Office to listen and guide you, and to act as a mediator for your just requests*”.



Speeches were also addressed by the representative of the “Aware” campaign and the Protection Officer of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Cyprus. Refugee and immigrant women living in Cyprus shared their experiences with the public, in relation to the difficulties of their journey to an unknown country away from their families and with an uncertain ending, and their optimism and hopes for a prosperous future in Cyprus, despite the problems and challenges faced with in their effort to become fully integrated into the Cypriot society and affairs.



The attendees had the opportunity to immerse themselves in the arts, civilisation and culture of the refugees and immigrants, through events presented during the event. With their song, narratives and dances, they travelled the audience to their homeland and introduced them to their culture and cultural peculiarities.



The event was followed by a short reception accompanied by music.

The event was supported by the United Nations High Commissioner for Refugees, the Cyprus Refugee Council, the Mediterranean Institute for Gender Research and the Association of Recognised Refugees.

Following the event and as part of the information campaign, a series of actions were carried out to assist the struggle of refugees, immigrants and asylum seekers to overcome the problems they are faced with in building a dignified life and fully integrating into the Cypriot society.

More specifically, a series of lectures, seminars and other activities were held to further inform people about the problems and difficulties faced by refugees, migrants and asylum seekers, aiming at cultivating a culture of respect and solidarity towards third-country countries, as well as a series of contacts and consultations with authorities/bodies, NGOs and the representative organisations of our fellow men, in order to finally achieve their smooth integration into the Cypriot society and remove the problems they are daily faced with.

## *Campaign on Combating Homophobic and Transphobic Bullying in Schools (2019-2020)*

On 6 March 2019, the Agreement on Cooperation and Declaration of Principles resulting from the HOMBAT European project was signed, which involves the fight against homophobic and transphobic bullying in schools.

The Agreement on Cooperation was signed by 9 bodies which form the HOMBAT network: Ministry of Education & Culture, Commissioner for Administration and Protection of Human Rights, Commissioner for the Protection and Rights of the Child, Cyprus Youth Organization, Accept-LGBTI Cyprus, University of Nicosia, Frederick University, CARDET and the Cyprus Family Planning Association.

The objective of the project was to holistically prevent and combat homophobic and transphobic bullying in schools, and was mainly targeted at teachers, school advisors, students, parents of students, educational authorities, civil society representatives and other professionals in the field of education.

As part of the project, a Teacher's Guide on Responding to Homophobia and Transphobia in Education was prepared, and a series of educational activities and workshops were held to inform and train all parties involved.



## *ENNHRI: Economic and Social Rights: Practices of NHRI's in Europe (2019 - 2020)*

The ENNHRI [European Network of National Human Rights Institutions] at its General Assembly and Annual Conference held in Brussels in November 2019 held an event to present the good practices of the National Human Rights Institutions (NHRI) on economic and social rights.

More specifically, the event focused on posting posters in the lobby of the venue where the work of the Annual Conference and the General Assembly took place, regarding the work of the National Human Rights Institutions in the field of economic and social rights.

It was therefore an opportunity for the NHRIs to showcase their work in this area, enabling the exchange of good practices among the participants in the Annual Conference and the General Assembly.

Within the framework of the Commissioner's responsibilities, both as the NHRI and as the Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities, our Office has chosen to showcase a specific issue relating to the socio-economic rights of persons with disabilities.

More specifically:

- ▶ The handling of complaints received by people with disabilities regarding the decision of the Ministry of Labour, Welfare and Social Insurance to reject applications filed by the disabled for the provision of a minimum guaranteed income and/or benefits related to their disability, due to the income and/or bank deposits of members of their family (ESR Issue).
- ▶ A relevant report was submitted by the Commissioner to the Ministry which emphasised, inter alia, the obligation of the state to provide adequate standard of living and social protection to the disabled, and recommended that the relevant legislation be amended, so that the disabled have full access to the minimum guaranteed income and benefits related to their disability (NHRI Action).
- ▶ As a result of the Commissioner's intervention, the ongoing discussion on the issue was brought before the Parliamentary Committee on Labour, Welfare and Social Security for the amendment of the relevant legislation (Impact).



It shall be noted that the ENNHRI has created a special page on their website entitled “Economic and Social Rights: Practices of NHRI’s in Europe”, illustrating the way in which members contribute to safeguarding the economic and social rights.

Therefore, our Office, by choosing to showcase a specific issue related to the rights of people with disabilities, aims to make the specific problem faced by people with disabilities in Cyprus and the actions taken to alleviate it more widely known.

### *Information campaign on Hate Speech and the Freedom of Expression (2020 - Ongoing)*

Within the framework of her responsibilities as the National Independent Authority for Human Rights, the Commissioner has been carrying out since 2020 an information campaign on hate speech and the freedom of expression.

More specifically, a special page was created on the Office’s website which gathers the most important interventions made by the Commissioner as the National Independent Authority for Human Rights with regard to issues related to hate speech and the freedom of expression.

This specific page is being constantly updated.

The purpose of this campaign is to guide the public as to the concept of hate speech and the freedom of expression, both for the purposes of information and awareness about specific issues.

Furthermore, as part of the said campaign, Officers of the Office hold information seminars at the Academy of Public Administration and the Police Academy.

### *EQUINET: Equality2020 campaign (2020)*

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

The conference was attended by representatives of EQUINET, the European Union Agency for Fundamental Rights (FRA), the Croatian Presidency, as well as the Commissioner for Equality of the European Commission, Mrs Helena Dalli. The conference focused on the importance of the Directive and the important role that Equality Bodies have played over time in the promotion and implementation of the provisions of the Directive.

On the occasion of the conference, a special website was created to promote good practices related to the promotion of equality and the fight against discrimination by Equality Bodies.

In this context, EQUINET chose to showcase as an example of good practice the contribution of the Commissioner as the Equality Authority and Anti-Discrimination Body in ensuring the accessibility of people with disabilities to the beaches and, in particular, her relevant Report and the developments that followed towards the implementation of her recommendations made therein (Cyprus Equality Body Intervention: Beach Access for Persons with Disabilities).

In the video, the President of the Cyprus Paraplegics Organization (OPAK) Mr Demetris Lambrianides and an Officer of our Office describe the importance of the Commissioner's intervention, as the Equality Authority and Anti-Discrimination Body, in improving the accessibility of the disabled to the beaches, as well as the wider catalytic importance of the Commissioner's interventions in the promotion of human rights of all the disabled people.

The specific campaign, including the audiovisual material prepared by our Office, was widely covered by social media and our Office’s website as well as the media.



### *Commonwealth Forum of National Human Rights Institutions (CFNHRI) Campaign IDAHOBIT2020: ‘Breaking the Silence’ (2020)*

The International Day Against Homophobia, Biphobia and Transphobia is marked every year on 17th May. To celebrate, the CFNHRI brought together the testimony of its members to produce an animated film: ‘Beyond Tolerance’.

Narrated by Victor Madrigal-Borloz, the ‘Beyond Tolerance’ campaign reminds everyone of the importance of upholding the human rights of LGBTI (lesbian, gay, bisexual, transgender and intersex) people and the work of CFNHRI members to achieve this.

Every person has the right to be treated equally and to live a life free from discrimination and persecution. However, in the Commonwealth, nearly two-thirds of countries still criminalise same-sex activity between adults and many people continue to face discrimination, violence and abuse because of their sexual orientation and/or gender identity.

The theme for IDAHOBIT 2020 was 'Breaking the Silence' and across the Commonwealth NHRIs raised their voices to promote the human rights of LGBTI people."

In the occasion of the campaign, an Officer of our Office made a statement to CFNHRI regarding "Upholding human rights for LGBTI people in Cyprus". The statement is on CFNHRI's website. Also, the Officer from our Institute was interviewed by the producers of the animation, for the preparation of the script of it.



### *Commonwealth Forum of National Human Rights Institutions (CFNHRI) Campaign LGBT History Month (2021)*

The CFNHRI, as part of the LGBT History Month in the United Kingdom, is campaigning for its previous work on SOGI rights.

More specifically, the CFNHRI is presenting the work done by its members in this field and highlights, inter alia, the work done by our Office, on the basis of the responsibilities of the Commissioner as the National Independent Authority for Human Rights, on this issue.

Our Office is participating in this campaign, both by showcasing its work as mentioned above and by republishing its relevant publications on social media and on the website of our Office.

**"The ultimate goal is for all people to be treated equally and for everyone to recognise that LGBTI people have the same human rights as everyone else."**

Kyriacos Kyriacou  
Office of the Commissioner for Administration and the Protection  
of Human Rights, Cyprus



### *Information campaign on COVID-19 & Human Rights (2020 - ongoing)*

With the spread of COVID-19 virus in Cyprus and the restrictions imposed by the State to prevent its spread, our Office, as a human rights defender, has been put on alert in order to intervene and help any possible violation.

In view of the above, our Office has been conducting since last March an awareness campaign in relation to the COVID-19 virus and the protection of human rights.



To this end, a special page was created on the website of our Office which includes links to all the necessary information about the COVID-19 pandemic, as well as our reports/interventions regarding the virus and its impact on human rights in general.

Furthermore, all the statement/interventions made by the Commissioner are extensively promoted by the social media account of our Office and are republished by the media. The Commissioner has been repeatedly invited for interviews, both by newspapers and live news shows, to provide information on the content of her reports/interventions.

In view of the anniversary of the adoption of the Universal Declaration of Human Rights, these interventions have been consolidated into a special edition to form an easy-to-use tool with information on the rights of people with disabilities in isolation at Reception Centres, care homes, children, people with disabilities and their right to information, couples seeking entry permit (#loveisnottourism), etc.

### *Information and Awareness-Raising Campaign “Break the Silence” (2021)*

Within the 30th anniversary of the introduction of the institution in the Republic of Cyprus, our Office has launched a series of information and awareness-raising campaigns, on the basis of the Commissioner’s responsibilities.

The first campaign is entitled “Break the Silence” and involves harassment and sexual harassment in the workplace. This topic was chosen due to the constant revelations about cases of sexual harassment that come to light.

It shall be noted that other campaigns will follow throughout the year (every two months), which will involve all the responsibilities of the Commissioner.

As part of the “Break the Silence” campaign, audiovisual material was prepared in which the findings of investigations on reports and cases of sexual harassment are presented.

For the purposes of the campaign:

- ▶ Posters were prepared, which were sent and posted in all governmental departments.
- ▶ The said posters are promoted through our social media account and the website of our Office.
- ▶ A short audio video has been prepared which is promoted through the social media account and the website of our Office.

- ▶ In consultation with the Cyprus Broadcasting Authority, the audio message of the campaign is broadcast by radio stations and the short video prepared is broadcast by television channels.
- ▶ The Commissioner gave interviews to the media regarding the current information campaign.
- ▶ The Commissioner had meetings and consultations with NGOs and other members of civil society, regarding harassment and sexual harassment in the sports, theatre etc.
- ▶ Theatrical Organisation of Cyprus has asked the cooperation of the Commissioner for the preparation of a Code regarding harassment and sexual harassment in the field of theatre.



The Code of Practice for the Prevention and Eradication of Sexual Harassment in the Public Service prepared by the Commissioner, as well as the recent implementation of the recommendation submitted by the Commissioner to remove sexist content from the public service can be found on the special page prepared on the website of our Office.

The Office of the Commissioner, in collaboration with the Cyprus Academy of Public Administration and the Committee of Gender Equality (CGE) in Employment and in Vocational Training held a series of three-hour workshops on the “Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace”. Until present, more than 30 workshops have been carried out in which more than 800 civil servants participated.







