ANNUAL REPORT OF THE OFFICE OF THE COMMISSIONER FOR ADMINISTRATION AND THE PROTECTION OF HUMAN RIGHTS (OMBUDSMAN) ACTING AS EQUALITY BODY 2017-2018-2019







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CONTENTS



Contents

Contents	5
Introductory Note of Ombudsman	9
Introduction	15
ANNUAL REPORT 2017	23
A. Reports/Interventions	25
B. Mediating Action	49
C. Actions for Awareness and Briefing	55
D. Presence at meetings of the Parliamentary	
Committees of the House of Representatives	59
E. Participation in the EQUINET European Network	63
ENNUAL REPORT 2018	65
A. Reports/Interventions	67
B. Mediating Action	103
C. Actions for Awareness and Briefing	107
D. Presence at meetings of the Parliamentary	
Committees of the House of Representatives	115
E. Participation in the EQUINET European Network	121
ANNUAL REPORT 2019	123
A. Reports/Interventions	125
B. Mediating Action	151
C. Actions for Awareness and Briefing	165
D. Presence at meetings of the Parliamentary	
Committees of the House of Representatives	173
E. Participation in the EQUINET European Network	177



INTRODUCTORY NOTE OF OMBUDSMAN



Introductory Note of Ombudsman



2004. Since namely, when the Commissioner for Administration and the Protection of Human Riahts has beengiven the competence to act as an Equality Body, in the context of the harmonization of the Cvpriot leaal with the relevant European system Directives (extended details in the

following pages), the Equality and Discrimination Body, either ex officio or following relevant complaints, made key interventions in both the public and private sectors.

In particular, during the years 2017 - 2018 that are covered by this Report, the interventions of the Equality concerned, inter alia, in cases of discrimination or unequal treatment, on grounds of race, national or ethnic origin, community, language, colour, age, disability, sexual orientation, religion, political or other beliefs and gender.

Important aspects of the actions of the Equality and Discrimination Body over the last two years, have been the preparation of the Gender Mainstreaming Guide (2017) and the Code of Conduct on Preventing and Combating Harassment and Sexual Harassment in Public Services (2018).

At the same time and for highlighting the issues of equality and non-discrimination, part of the actions of the Equality Body concerned informing and raising awareness of issues within its competences, through the provision of trainings and presentations to actors of public and private sectors.

This is because, a culture of accepting diversity and countering inequality-promoting practices cannot be established, without making significant breakthroughs and highlighting major political and social issues, promoting equality and combating discrimination.

Maria Stylianou-Lottides Commissioner for the Administration and the Protection of Human Rights (Ombudsman)





INTRODUCTION



INTRODUCTION

In 2004 and for the purposes of harmonization of the national legislation with the European Directives 2000/43/EC kar2000/78/EC, as mentioned before, **The Fight Against Racial and Certain Discrimination (Commissioner) Law of 2004 (Law 42 (I)/2004) and The Equal Treatment in Employment and Labour Law of 2004 (Law 58 (I)/2004)** were respectively implemented.

With the said legislation, the jurisdiction was assigned to the Ombudsman to act as **Equality Body**.

Specifically, the Ombudsman, as Equality Body, has, on the basis of Law 42 (I)/2004, the jurisdiction to investigate individual complaints for the existence of discrimination, both in the public, and **in the private sector** of activities, for reasons related to the race, national or ethnic origin, community, language, colour, age, disability, sexual orientation, religion, political or other beliefs and sex.

On the basis of Law 42 (I)/2004, the field of action of the Ombudsman as Equality Body, extends also to the **sector of** employment, work and professional training.

Further than the said Law, the jurisdiction of the Ombudsman as Equality Body is also determined by:

- The Equal Treatment of Men and Women in Employment and Vocational Education Act (Law 205(I)/2002),
- The Equal Treatment in Employment and Labour Law (Law 58(1)/2004),
- The Equal Pay for Men and Women for Equal Work or Equal Employment Act (Law 177(I)/2002) and
- The Equal Treatment of Men and Women (Access to Goods and Services) Law (Law 18(I)/2008).

Based on the relevant legislation, the field of action of the Equality Body extends and covers the sectors of social protection, social insurance, social benefits, health treatment, education, and access to goods and services, including housing, employment and professional training.

The Ombudsman, as Equality Body, also has institutionally guaranteed jurisdictions that cover a wider span of activities, of preventive, informative and educational nature.

Amongst these action possibilities are included the promotion of the principle of equal treatment of all individuals, taking measures for the practical implementation of the legislative provisions that provide protection from treatment, which constitutes prohibited discrimination, the imposing of measures of the nature of sanctions (**recommendations, fines, or orders**) in cases where discrimination is found, which is prohibited by law, drafting Codes of Practice for issues of discrimination, conducting studies and the examination of issues of general interest, regarding discrimination, either ex officio, or after the application of individuals or organizations.

Amongst the jurisdictions of the Ombudsman, as Equality Body, based on the aforementioned legislations, is also the investigation, with out-of-court nature procedures, of complaints of individuals who believe that they have had unfavourable treatment in employment or at work, in the private or in the **public sector**, for reasons that are related to their racial or ethnic origin, religion or their beliefs, age, disability, sexual orientation or their sex, as well as **complaints of employees**, dueto pregnancy, breast-feeding or maternity.

Furthermore, the jurisdiction of the Ombudsman as Equality Body extends also to the investigation of complaints, related to discrimination due to sex in the sector of access to goods and services and their provision, including the insurance and financial services, both in the private and the public sector.

An important parameter during the investigation of the complaints by the Ombudsman, as Equality Body, is the principle of the reversal of the burden of proof.

That is, after the sufficient, documented complaint for a possible discrimination, the prohibited against person whom a complaint has been registered is called upon to prove that he/she has notmade the prohibited discrimination for which he/she has been reported. If it is found that the said complaint is well-founded, the Ombudsman, as Equality Body, may impose a fine to the person against whom a complaint has been made after respective consultations, or/and may make a recommendation to this person, which is of a binding nature.

In addition, in case it is found, that in any service programme, Law, Regulation or other legislation, there exists a provision, condition or criterion or any provision, condition or other legislation is going to be implemented, which constitutes a **prohibited discrimination**, the Ombudsman submits a Report relevant to the subject, to the Attorney General of the Republic.

Further to the aforementioned, that is, the investigation of complaints, the Ombudsman, as Equality Body, has the discretion and authority of:

- Ex officio examination of issues concerning prohibited discrimination.
- Provision of advice with regards to issues of discrimination and the implementation of the principle of equal treatment in the **public** or **private sector**.
- Issuing and publishing of orders in the Official Gazette of the Republic when prohibited discrimination is found, in which, the discrimination is defined and a deadline for its termination is placed in the way specified in the orders.
- Taking measures for the practical implementation of the legislation which prohibits the discrimination.
- Examination, subsequent to written applications by the public or private sector, whether the existing provisions, criteria or practices that are maintained, may constitute discrimination prohibited by law.
- Conducting studies and statistical research with respect to discrimination and publishing of their results.

It is noted that, in the context of the jurisdiction given to the Commissioner by **The Fight Against Racial and Certain Discrimination (Commissioner) Law**, in its capacity as an Equality and Anti-Discrimination Body, also examines issues related to **discrimination of people with disabilities** and in particular issues related to **accessibility** and the **refusal to provide them reasonable accommodations**.

In this context, a number of Commissioner's interventions are **combined**, both in its capacity as an Equality and Anti-Discrimination Body and in its capacity as an Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities.



ANNUAL REPORT



ANNUAL REPORT 2017

A. Reports/Interventions

During 2017, in the capacity of Ombudsman as Equality Body, the following Reports/Positions were submitted:

→ Transphobic behaviour of employee of Nicosia General Hospital¹

A complaint that concerned a serious transphobic behaviour andattack by a member of the staff of the Nicosia General Hospital against a transgender individual became the subject of an examination.

In the report, the Ombudsman expressed concern with respect to the specific complaint, underlining that behaviour that introduces prohibited discrimination, animosity and prejudice constitutes a daily experience of transgender individuals, in all walks of their lives, even in their contact with the public services, including health centres, which, by definition, should be places of safety, therapy, rehabilitation and calmness.

Given that, during the study, a criminal and administrational inquiry about the incident was under way, the Ombudsman did

¹ A.K.P. 23/2017

not deem it advisable to decide whether the claims of the complainant and the real circumstances of the complaint are well-founded or not.

In the Report, however, it was stressed that because transgender individuals are vulnerable to mocking, marginalization andtreatment involving discrimination, and to a large extent, they remain invisible, it is especially important that civil servants are informed about the special needs and circumstances of these people and their behaviour should not be governed by stereotypes and prejudices, which either willingly or unwillingly, may intensify the unfavourable position of transgender people.

In this context, the Ombudsman proposed the circulation of a respective circular on behalf of the Ministry of Health, with explicit reference to the prohibition of discrimination, on the basis of sexual orientation and the identity of sex, so that the required emphasis is aiven to the matter, as well as the enhancement of the legislative framework that governs the relations of the administration with the public (The Public Service Laws), with the addition of a provision that will explicitly and clearly prohibit any behaviour and stance which may discriminative treatment on the basis of sexual constitute orientation and of identity of sex, as well as of all the protected characteristics.

→ Handling of requests of Turkish Cypriots for Registration of their children in the District Administration of Famagusta²

After the examination of two complaints that were submitted by Turkish Cypriots, which concerned claims of their unfavourable treatment by the District Administration of Famagusta (DAF), during the procedure of issuing of a birth certificate of their children, a relevant **Report** was submitted with respective findings with regarding the matter.

As shown by the examination of the complaints, with no exception, in all cases of Turkish Cypriots who submit respective requests, a search is conducted regarding their origin, without taking into account their personal circumstances, with the result that delays arise in the procedure and the interested parties are subjected to hardship.

It was underlined that discretional facility, in the case of the District Officer (Registrar), for conducting the mentioned search, can be exercised neither unconditionally, nor randomly.

In this context, the implementation of a generalized practice, which implies the hardship of a specific group of citizens, constitutes, as stressed, abuse of discretional authority and exceeding of its limits.

The imposition, however, of fines for delays that are exclusively due to administration, directly violate the principle of legality and the basic principles on which the state of justice is supported.

² А.К.Р. 35/2014 кан А/П 1902/2016

It was also stressed that practices that place special conditions to serve specific groups of citizens, on the basis of their national origin, have to be justified adequately, implemented in good faith and corresponding manner, and have to take into account the personal circumstances of the applicants, as well as the objective obstacles in fulfilling the conditions that are placed.

In conclusion, in order to end the treatment of Turkish Cypriots in a way that introduces prohibited discrimination, during the procedures of issuing birth certificates for their children, the following were mentioned:

- → The amendment of the conditions that are placed by the DAF to Turkish Cypriots who submit an application, so that hardship and the unfavourable treatment that they are subjected to, as compared to the remaining citizens of Cyprus, is minimized.
- \rightarrow The immediate termination of the practice to receive applications, without the issuing and handing of a receipt.
- → The institutionalization of a flexible procedure of submitting applications, even expired ones, without the imposition of a surcharge fee, when there are objective reasons for the expiry of the deadline.

\rightarrow Police Action on the Basis of Ethnic Profile³

The Report was submitted to the Minister of Justice and the Chief of Police, after the investigation of the complaint, from which it arose that the subjecting of a group of persons to an on-thespot identity check, was based exclusively on their ethnic profile and, specifically, the fact that they were not Cypriot.

The institutional framework with regard to the Combating of Discrimination, the role and the jurisdiction of the Police when conducting searches of individuals, the general role of the Police with respect to its principle of non-discrimination and the confrontation of discrimination on the basis of ethnic profiling through the action of the Police, was analytically cited.

Amongst other things, it was stressed, that the stance that is shown by the Police towards categories of people and, in general, the treatment of these people, may, as long as it is constructive, contribute in achieving broader social peace. On the contrary, their random targeting on the basis of stereotype perceptions that lead to their aeneralized treatment as "suspicious" solely due to their ethnic, religious or other characteristics, leads to the weakening of any attempts made, for the purpose of cultivating a climate of tolerance and confidence. In the Report, suggestions were repeated, been submitted to the competent authorities in a that had previous Report of the predecessor, regarding the same issue.

³ A.K.P 21/2013

Specifically, the suggestions included:

- → the issuing of related analytical guideline directives to all police officers,
- → the implementation of a mechanism of registering relevant checks that are conducted, organized or unofficial, by all the departments of the Police, possibly through the issuing of a relevant form that will have to be filled,
- → the monitoring of the action of the members of the Police, for the purpose both of statistical evaluation and taking reparatory measures, where required, and of imposing sanctions, when abuse in the exercise of police authorities is found,
- → the introduction, in the training of police officers of all ranks, of a structured programme of training, with regard to avoiding the use of methods that constitute discrimination due to ethnic profile.

→ Exclusion of Specific Groups of Citizens of Third Countries from opening Bank Accounts and from Broader Access to Bank Services⁴

The Report was submitted after the investigation of a number of complaints, that had as their subject, the exclusion of specific groups of citizens of third countries, including asylum seekers, refugees and victims of trading and exploiting of individuals, from the opening of bank accounts and from the access, more broadly, to bank services, a fact that made their daily transactions and activities considerably more difficult.

The above were as a result of the fact that the said persons, cannot submit or secure identity or travel documents, which were being asked from them in financial institutions, based on regulations which are implemented for the combating of money laundering and the financing of terrorism.

From the communication that our Office had with the Central Bank of Cyprus, it was found that an amendment of the local legislation framework has been forwarded to Parliament, in a way that each person, who is legally found in the country, is able to have access to, at least, basic bank services. However, given that, the issue seriously affected the hospitality and social integration conditions of the affected individuals, a suggestion was made to the Finance Minister, with notification to the President of the Parliamentary Finance Committee, so that the immediate solution of the problem is promoted, in a way that it will respect the rights and the expectations created in good faith, of the individuals to whom our country provides international protection.

⁴ А.К.Р. 42/2016, А.К.Р. 45/2016, А.К.Р. 48/2016, А.К.Р. 56/2016, А.К.Р. 57/2016 кан А.К.Р. 81/2016

→ Termination of maternity benefit due to absence overseas⁵

The Social Insurance Services (SIS) proceeded with the termination of the maternity benefit, with the justification that the complainant was absent from Cyprus, in a non-member country of EU.

Specifically, as the SIS pointed out to the complainant, she was not entitled to maternity benefit as "according to the provisions of the legislation of Social Insurance, an individual loses the right to receive maternity benefit for any period of time she is absent from Cyprus, in a non-European country where Regulation C.E. (883/04) is not applied".

In a respective letter to our Office, the SIS noted, amongst other things, that "article 61(2) of the Social Insurance Laws defines that an individual loses the right of receiving maternity benefit for anyperiod of time she is absent from Cyprus» and, consequently, «the non-payment of maternity benefit to the complainant, for the period she was absent overseas, does not violate article 11 of Directive 92/85/EEC», which foresees that «the member states have the possibility for the right of payment or benefit to depend on the pre-condition that the employee fulfills the conditions of access to these benefits, foreseen by national legislation».

In the relevant **Report**, that was submitted for the specific issue, reference was made to the provisions of Directive 92/85/EEC, as well as the case law of the Court of Justice of the European Union

⁵ A.K.I. 49/2016

(WEU) with regard to the Directive, which pointed out that *«in the* case of maternity benefit (which is guaranteed by article 8 of the Directive), the maintenance of payment or the benefit of an appropriate payment to the employees for which the Directive applies, has to be secured»,⁶ as well as, that *«the meaning of the* benefit ... includes all amounts that are collected on the one hand by the employee during the maternity leave, and is not paid by her employer on the basis of her employment relation».⁷

According also to WEU, the benefit intends «to **safeguard** that the employee has, during maternity leave, an income which is at least equal to the benefit that is foreseen by the national legislation on social insurance in the case of interruption of her activities due to health reasons».⁸

The employee however, according to WEU, **has to have** during maternity leave «an income, at least equal to the benefit foreseen by national legislation on social insurance in the case of interruption of her activities due to health reasons».⁹

As noted in the report, the maternity benefit *«is provided as an off-set to the loss of earnings from employment, due to maternity leave», however, «article 61(2) of the Social Insurance Laws, in the cases where it can be applied, concludes in the deprivation of the benefit from the insured beneficiary, either during all the period during which she would have received the benefit, or for part of the same period, that corresponds to the time of absence from Cyprus, in a country outside the EU, the EEA (European Economic Area) and Switzerland».*

⁶ Paragraph 30 of the decision of WEU in the case C-411/96

⁷ Paragraph 31 of the same decision above

⁸ Paragraph 32 of the same decision above

⁹ Paragraphs 34 and 35 of the same decision above

As a consequence, it is not according to the provisions of article 11 of Directive 92/85/EEC, which defines, amonast other things, that in the case of maternity leave, the rights that are related with the employment contract of the women employees and the payment maintenance of and/or the benefit of an appropriate payment to the working mothers who have just given birth, and the breast-feeders, has to be secured, and that the benefit is deemed appropriate as long as it secures a said payment which is at least equal to that which the employee would collect in case of interruption of her activities for reasons that are connected with her health situation, possibly, within an upper limit, determined by national legislation.

The recommendation to the Minister of Labour, Welfare and Social Insurances was «to see that the amendment of article 61(2) of the Law, does not constitute a violation of Directive 92/85/EEC», as well as that the SIS «terminate the implementation of article 61(2) due to the fact that it implies violation of the Directive».

With regards to the complainant, as well as in a similar case, in which the SIS had interrupted the maternity leave from the mother, for the period of time she was absent overseas, in a country which is not a member of the EU, it was recommended to the SIS «to pay the maternity leave which they had been deprived of, to undo the violation of the Directive, for which there should have already been a full compliance to the provisions of the internal legislation».

\rightarrow Discrimination (harassment) due to sex from the Superior 10

From the investigation of a relevant complaint that was submitted, regarding the supposed discrimination (harassment) due to sex, from the Superior of the complainant, in the Customs Department, it was found that he had repeatedly made remarks and suggestions to the complainant, regarding the way she dressed, which, in his opinion, was provocative, his wife also verbally attacked her regarding the way she dressed, while, due to non-compliance of the complainant to the above mentioned remarks and suggestions, the complainant was eventually moved to another office.

In the **Report** that was submitted, regarding the said reporting, there was an analysis of the terms "sexism", "discrimination due to sex" and "sexual harassment", as well as the relevant provisions of the Equal Treatment of Men and Women in Employment and Vocational Education Act in which Directive 2006/54/EC was integrated. The said Law, *«prohibits explicitly all discrimination due to sex, constitutes harassment due to sex and sexual harassment an offence, as well as a cause for claiming compensation and remedies».*

It was also pointed out that discrimination due to sex and especially harassment at work "are develop gradually, with the daily, and at first sight, painless but sexist habits, hints, references and remarks, that originate from perceptions and beliefs regarding the place of women and the pre-determined roles of women", something that should not be tolerated.

¹⁰ A.K.I. 76/2016

In this case, the complainant's undesirable behaviour of her Superior, regarding the way she dresses «had as a cause his subjective perceptions/opinions about how a private secretary should be dressed, charged with sexist stereotypes against the female sex in general, in the workplace ... and especially those that concern the boss-secretary relations».

As a result, the complainant was subjected to «harassment at her place of work, which constitutes prohibited discrimination due to sex, based on The Equal Treatment of Men and Women in Employment and Vocational Education Act and in addition, she was punished ... by being moved to another office ... due to her disobedience to adopt the standard way of dressing, according to her Superior, so that she would not expose him, and contradict the stereotype in the relations between bosses and private secretaries».

Moreover, the management of the Department of customs did not approach the subject of the complaint under the light of the provisions of the legislation and, as a consequence, did not recognize the dimension of sex, but as a simple difference between the superior and the private secretary, neither did it «protect the complainant or act to restore her work environment, as required on the basis of article 12 of The Equal Treatment of Men and Women in Employment and Vocational Education Act ... but it adopted with ease, the solution of moving her», satisfying the request of her Superior. Consequently, both the Superior, and the management of the Department, violated the provisions of the said article.

In the Report, no recommendation was made, as the complainant did not wish to return to her previous post as private secretary but it was noted that the management of the Department of Customs should «cater for the protection of the complainant from any unfavourable actions or changes at her place of work, due to the submission of the complaint under reference».

→ Announcement on the occasion of the World Women's Day 2017

On the occasion of the World Women's Day 2017, the Ombudsman issued a relevant Announcement.

In the Announcement, it is noted that while *«the European institutional framework and the developments on a European level created the expectation that the equality of sexes is not unattainable»*, it already became clear, that *«the prohibition of discrimination due to sex and the measures to combat it, is not enough, on its own»*.

With regard to the sector of employment, the necessity "for the existence of guarantees for the effective implementation of the legislation that concerns pregnancy and maternity, as well as the protection of working women from any form of discrimination due to sex, including harassment and sexual harassment, multiple and interlinked discrimination, or even, discrimination due to correlation" was pointed out.

Furthermore, the necessity was also noted for *«appropriate* positive action to safeguard the equality of the sexes, that is, actions to prevent discrimination and the practical support for equality, at least for the purposes of a) awareness/enlightenment of employers and employees, male and female, regarding the importance of equal participation of sexes in the professional

sphere and the creation of a constructive work environment, free of gender stereotypes and b) reconciliation of family life and 26 professional life and leisure time, both of women and of men, so that their participation in these sectors is truly balanced».

Finally, it was underlined, that the World Women's Day (constitutes once more, an occasion to confirm the need to take more active steps, collective and innovative, which promote increasingly more effectively, not only the beginning of the equality of the sexes at work and the equal representation of women in the decision-taking centres, in politics and in the public sphere, but also in the domain of the protection of women from poverty and violence».

→ Memo regarding the bill "Child Benefit (Amendment) Act of 2017"

In the context of discussing the bill with the title "Child Benefit (Amendment) Act of 2017", in the presence of the Parliamentary Committee of Labour, Welfare and Social Insurance, on 26 June 2017, the Ombudsman submitted a relevant Memo to the Committee.

In the bill under reference, the following amendments were included:

(a) The condition of obtaining the right of Child Benefit after the completion of minimum three (3) years of ordinary residence is replaced by the condition of legal and continuous residence for a period of five (5) years in the areas where the Republic exercises effective control

(...)

(f) Regarding the Single-parent Family Benefit, the additional conditions that existed, for children who are Cypriot citizens but the parent is not Cypriot, were removed from the Annex of the Legislation, as the relevant suggestions of the Ombudsman.

In the Memo, it was pointed out that "the removal of the conditions that are mentioned above constitutes a very positive development" with regard to "the exclusion from the single-parent family benefit of children of alien single parents with Cypriot citizenship" however, as pointed out, "with the replacement of the condition of three-year ordinary residence with five-year legal and continuous residence, the access to single-parent family benefit of parents who are citizens of third countries again becomes significantly more difficult".

Consequently, «the focus of the legislation will have to be on the legal and actual situation of the child and not of the parent. And this, because, as it arises, both from the name of the legislation, as the Child Benefit Act, as well as from the spirit and purpose of the legislation to support the children that grow up with a single parent so that the unequal relation between them and those who grow up with two parents is restored, it is the child that constitutes the object of regulation of the said legislation».

In view of the above, the Ombudsman, as the Equality Body, underlined that the State «will have to be very careful and thrifty when it limits the access of children to the specific benefit, introducing criteria which are not related with the economic ability of the parent, to maintain his/her child. In this respect, my present intervention is justified, since in my opinion, the suggested amendment will have a serious and disproportional effect on children of single-parent families of whom the parent who has the custody is a citizen of a third country».

→ Rejection of an application of a person with mental disability to obtain Cypriot citizenship

From the investigation of a complaint which was submitted by a Cypriot citizen, on behalf of her son who is an adult person with mental disability, regarding the rejection of his application for obtaining Cypriot citizenship with naturalization, because it was considered that he did not fulfill the condition set in the Population Registration Law to have "full capability», it was clear that the said Law constitutes a representative example of a legislation that interferes with the equal treatment and favours the discrimination against individuals with disability, in contradiction to the Convention of the UN for the Rights of Persons with Disabilities.

More specifically, the Civil Registry and Migration Department informed the son of the complainant that his application to obtain Cypriot citizenship was examined, but was not able to be approved because "the Republic of Cyprus, exercising its sovereignty rights and having taken into account that the provisions of article 111 of the Population Registration Laws are not fulfilled... according to which, a necessary condition for naturalization is to be fully capable, decided that there is no substantial reason for your naturalization as a Cypriot citizen». As a consequence, the son of the complainant continued to be the only member of his family without Cypriot citizenship, without «access to rights and facilities that concern the Cypriot citizens, contrary to his mother and his sister, in the country where he hasgrown up and lived for the past 28 years, that is, for the biggest part of his life, for the sole reason that he is a person with mental disability».

In Article 111 of the above Law, that defines the criteria and the procedure to obtain the identity of the Cypriot citizen, it is foreseen that, with regards to the obtaining of Cypriot citizenship based on naturalization, the Minister of Interior (when an application is submitted to him ... by any alien adult with full capability, who fulfills the Minister that he/she has the qualifications for naturalization according to the provisions of the Third Table (of the Law), may grant him/her a certificate of naturalization».

A corresponding condition for full capability is defined also in the provisions of the Law that govern the granting of Cypriot citizenship through other procedures, apart from naturalization, such as registration due to origin and registration due to marriage with a Cypriot citizen.

However, based on the provisions of the Convention of the UN for the Rights of Individuals with Disabilities «the right of free movement, of obtaining citizenship, as well as the wider use of "migration procedures" which apply in a country, has to be safeguarded for individuals with disability on an equal basis with individuals without disability, that is without any discrimination due to disability, as this meaning is defined above. In other words, any disability cannot constitute a reason for unfavourable treatment and exclusion of any person who applies to the migration authorities, submits requests or is evaluated in the context of a procedure that is related to migration and the obtaining of citizenship in a country».

Furthermore, from the Convention it appears that «any disability cannot constitute a reason for unfavourable treatment and exclusion of any individual who applies to the migration authorities, submits requests or is evaluated in the context of a procedure which is related to the migration and the acquiring of citizenship of a country».

And this, because with the Convention, the right of individuals with disability, including mental disability, «to self-determination, their equal value and their equal right to bear and exercise their rights like every other man, is recognized. It gives emphasis to their capabilities to develop skills and abilities, with the appropriate support, as well as to integrate fully in society, as long as all the obstacles that make this integration and equality unattainable, are constantly removed».

In all its extent, the Convention makes it an obligation to lift all the legal and behavioural obstacles, *«it prohibits the stereotypes, the prejudices and all practices harmful to the disability, calling upon the states to undertake their combating»* and *«recognizes each person as equal before the law and having the possibility of a legal transaction»*

In view of the above, in the relevant Report¹¹ that was submitted, it was noted that the aforementioned provision of the Population Registration Law favours the discrimination against individuals with disability, because it makes «the access of the complainant as well as of every applicant with mental disability to the right of obtaining Cypriot citizenship with naturalization, not only unequal

¹¹ Σ.Α.Α. 40/2016

but also impossible. As a result, there appears to be an explicit discrimination based on disability, in the form of excluding and the complete obstruction of the recognition and exercising of the right of free movement and citizenship, on an equal basis with other applicants». At the same time, there also is «multiple discrimination against the complainant, because the disability and his origin are linked and interlinked in the above discrimination», while the reference in the Law to «full capability» which is in contradiction with the provisions of the Convention, allows that each person with mental disability «is automatically considered as incapable, perpetuating one of the most common stereotypes against individuals with disability».

A recommendation of the Report was the harmonization of the Population Registration Law with the Convention, to lift the discrimination due to disability together with all the other violations that arise, with the condition of obtaining Cypriot citizenship with «full capability» of the applicants, as well as, and so that, after the submission of the request by the complainant for obtaining Cypriot citizenship, this would be examined on the basis of all that was analyzed in the Report.

→ Employment status of escorts/assistants of children with disability that attend public schools

A significant parameter to safeguard the participation and access of children with disability to joint education, as foreseen also by the Convention, is the issue of the employment status of school assistants, so that the State fulfills its obligations with regard to students with disability, as these arise from the Convention and the Laws on Special Education. As a result of a complaint that was submitted by the parents of a child that attended a Public School in which a school assistant/escort was provided, it was shown that even though the particular school assistant/escort did not adequately respond to her duties, she continued to maintain her post.

In the relevant Position¹² about the above matter, it was pointed out that the services of a school escort/assistant «constitute a form of reasonable adjustment and a personalized measure to facilitate the education of students with disability, the usefulness of which differs according to the student and his/her needs, but also according the school environment in which he/she is found. Consequently, the role of the school escorts is especially important for the course of the integration of the students in the educational system, while they can also exercise a pedagogical role¹³ ... the provision of individual support and reasonable adjustments will have to be set as a priority. The support should be continuous, adequate and personalized, whereas the provision of reasonable adjustments should be based on the evaluation of the social obstacles in education. A possible non-provision of reasonable adjustments constitutes discrimination due to disability».

On the basis of the Education and Training of Children with Disabilities Acts, «each child with special needs is entitled to free education in a public school, while the Ministerial Council caters for the recruitment of the required personnel, scientific and other ... the responsibility of the school assistants and escorts was assigned, at first, to the parents' associations» and later, the responsibility was assigned to the school boards.

¹² A.Σ.A. 6/2016

¹³ Κλεάνθους Α., Παπαλεξανδρή Τ., Φτιάκα Ε. «Ο ρόλος της συνοδού στα πλαίσια της ενταξιακής εκπαίδευσης», 12° Συνέδριο Παιδαγωγικής Εταιρείας Κύπρου.

With regard to the case in question, it was pointed out that although all the parties involved, amongst which, the parents too, raised an issue of the escort being inappropriate, as she did not respond adequately to her duties, the reports/charges against her «were removed from the relevant file, when the need to terminate the services of an assistant/escort came up, so that, in this way, these would not be evaluated, as an element of judgement of her appropriateness to maintain her post».

Therefore, while in the specific school a problematic situation existed and it was being maintained, which did not contribute to the «smooth exercise, on behalf of individuals with special needs, of their right to education in an equivalent way with the remaining students», no one was willing to put an end to it. This stance, was equivalent «to the failure of the State to respond to the obligations that the Convention imposes on it» as the children with disability that attended the specific school were subjected to «unequal treatment due to disability and, consequently, to forbidden discrimination».

As was pointed out in the Position, the par excellence problem in the choice of the appropriate persons for employment in the positions of school assistants/escorts, is the omnipotence of the School Boards, that is, of the employer, during the procedure of choosing, for the purposes of employment, since the members of the School Boards are a majority in the Selection Committees.

Therefore, if they agree in the recruitment/maintaining of a person in a position even if he/she is inappropriate, taking such a decision cannot be prevented, even if all the remaining members of the Committee, in which a representative of the Ministry of Education also participates, disagree. The suggestion in the Position was that, within the context of the obligations of the State for the provision of equal opportunities of learning to all children, the School Board involved, was to examine the situation at the school which concerned the reporting of a complaint by the complainants regarding the issue of school assistants/escorts, and to take measures.

While the Ministry of Education was obliged to conduct its own research, to find out if the rights of the children with disability were safeguarded in the specific school, as well as in every other school, and if not, to proceed with the appropriate actions under the circumstances.

With regards to the wider issue of the school escorts/assistants, a suggestion was made for the Ministry of Education and Culture to start those procedures, «which could allow a variation in the forming of the Selection Committees of the school assistants/escorts, taking into account during the formation of its proposal, the observations of the Committee of the UN about the Rights of Individuals with Disability in states that it evaluated, such as the substantial participation of parents in the said Committees, as well as for a co-evaluation by the Committees of the opinions/wishes and preferences of the children themselves.

The seriousness of the role that they play in the procedure of learning of children with special needs, in conjunction with the obligations of the State towards these children, do not allow the procedure of recruitment of the former, and their employment, to be essentially, an issue of the School Boards».

A further recommendation was related with the concern of the Ministry "with respect to the qualifications and criteria for choosing the school assistants/escorts so that their appropriateness and the harmonization of exercising their duties" with the provisions of the Convention, "is safeguarded from the beginning".

To this end, «the service schemes have to be amended, also, at least at a first phase, the systematic and compulsory training/education of the escorts/assistants on issues of disability, according to the Convention».





B. Mediating Action

On the basis of institutional capabilities, the Ombudsman, under her capacity as Equality Body, also gave emphasis during the year 2017, to the **mediating activity**. The mediations were done in cases where, at first sight, a base for the complaint was found, while the - written or/and oral – interventions of the Body towards the involved public authorities had as a result the settlement of pending issues or/and the fulfillment of specific requests of the complainants.

Typical cases, where there was a mediation/intervention of the Body with a positive conclusion, are the following:

- The Monitoring Center for Fundamental Rights, Racism and Xenophobia submitted to the Ombudsman as Equality Body, a complaint with regards to the possible commitment of offences in the spectrum of racism by supporters of XXXXX and, in particular, the posting of a banner by them, with an intolerant content, within the context of a football match.
- After the relevant interventions towards the Chief of Police, to the Cyprus Sport Organization (KOA) and the Cyprus Football Association (KOΠ), there was mobilization both of the Police, as well as of the athletic bodies, which led to the criminal conviction of a person, who was responsible for the respective incidents, and to the punishment of the club.¹⁴
- After our intervention as Equality Body within the context of the examination of a complaint that concerned the racist,

¹⁴ A.K.P. 53/2015 and A.K.P. 54/2015

disparaging and insulting, as it was claimed, treatment of three women, in a restaurant, the owner of the company gave a commitment to give clear instructions to its staff, to avoid similar incidents in the future.

- A Cypriot citizen submitted a complaint, regarding the handling of the application of his daughter for a student grant. Specifically, while during the two previous years, the daughter of the complainant received a student grant, however, for giving the grant for 2017, it was requested by the Ministry, that a copy of the identity card of the mother is presented, who was born in England and had Cypriot origin, so that, as it was stated to the complainant orally, her legal residence in Cyprus was proven.
- After our intervention as Equality Body, the application of the interested party for a student grant, was finally approved, while, as was pointed out by the Ministry of Education and Culture, the identity card of her mother was not requested, to find out her legal stay in residence in Cyprus, but to confirm that the right number of the identity card of her mother has been written in her application.¹⁵
- The rejection of the application for a student grant in the case of a Syrian student of the University of Cyprus, who resides in Cyprus for around twenty years, became a subject for our intervention, after which, the Ministry of Education and Culture re-examined and approved the application of the interested party and decided the payment to her in arrears, of the amounts of the grant for 2015 and 2016.¹⁶

¹⁵ A.K.P. 41/2017

¹⁶ А/П 109/2016

- A Cypriot citizen, of Turkish Cypriot origin, submitted a complaint with regard to the delay of the Civil Registry and Migration Department (CRMD) to examine the application of his daughter to acquire Cypriot citizenship, based on her origin. After our intervention, the CRMD proceeded with the issuing of a Consular Birth Certificate to the interested party, a document which permitted her, at a later stage, to go to the competent District Administration and to register as a Cypriot citizen, as well as to apply for a passport of the Republic.¹⁷
- A Non-Governmental Organization submitted a complaint, on behalf of a beneficiary of international protection from Syria, regarding the refusal of registration at a school of Secondary Education. After our written intervention to the Ministry of Education and Culture, the request of the complainant for the registration in a school unit was finally approved.¹⁸
- As Equality Body, we examined a complaint regarding a request of a trans-gender individual, to change his official documents, so that these correspond to his re-instated and preferred sex. In our written intervention to the competent services, the timeless positions of the Ombudsman were presented, regarding the wider issue of the legal recognition of the identity of the sex and it was underlined, that this procedure, should be based on the self-determination of the individual, to be of an administrational nature, quick, transparent and without any obstacles, not to be dependent on any condition of medical nature and not to harm any

¹⁷ A.K.P. 15/2017

¹⁸ A.K.P. 31/2017

human right. After the intervention of the Ombudsman, the documents of the interested party were amended.¹⁹

- As Equality Body, we proceeded with written interventions in the context of examining of a complaint for rude behaviour and treatment of a trans-gender individual in a way that suggested discrimination, by an Officer of the Embassy of Cyprus in Germany. The result of these interventions was for instructions to be given by the Foreign Ministry, to the Ambassador in Berlin, so that the required recommendations are given to the Officer involved and that a circular is sent to all the Heads of Diplomatic Missions overseas, in which it was stressed that serving the public constitutes a fundamental obligation of the employees.²⁰
- Again, after our intervention, the promotion and fulfilment of a request was achieved for the granting of Cypriot citizenship to a citizen of a third country and the granting to him of the Minimum Guaranteed Income (EEE).²¹
- Our intervention also achieved the promotion and fulfilment of a request for international protection of an especially vulnerable individual.²²
- The re-issuing to a beneficiary of international protection, of a credit (web) card of a Co-operative Institution, which had been cancelled at a previous stage, was achieved after our relevant intervention.²³

¹⁹ A.K.P. 64/2016.

²⁰ A.K.P. 89/2016.

²¹ A.K.P. 23/2016.

²² A.K.P. 99/2016.

²³ A.K.P. 12/2016.





C. Actions for Awareness and Briefing

As Equality Body, it continued its multi-dimensional action in 2017 too, for the purpose of briefing the civil society and making it aware of issues that concern its jurisdiction.

Indicatively, the following relevant actions are mentioned:

- Officers of the Body visited schools of primary and secondary education, for the purpose of presenting/discussing with members of the school community (students, teachers), about general and specific issues of racism and discrimination. Relevant presentations/lectures also took place in University Faculties.
- Noteworthy is the realization of the «2nd Pancyprian Student Forum about Diversity and Integration», that was organized by the Ombudsman, in her capacity as Equality Body, the Youth Board of Cyprus and the Ministry of Education and Culture, with the support of ACCEPT AOAT (ACCEPT LGBT) of Cyprus.
- In the Forum, 120 students of Lyceums and Technical Schools from all the districts of Cyprus participated and its individual subjects concerned: (a) Refugees and asylum seekers, (b) Discrimination and racist incidents, (c) Sex stereotypes, (d) Homophobia and trans-phobia, (e) Reliajous freedom (f) Freedom of artistic expression.

- The cooperation of the Ombudsman with the Police, under her capacity as Equality Body, continued in 2017 too, for the purpose of training members of t he Police, on issues of Racism, discrimination and in a wider context, human rights.
- With the purpose of briefing and making aware of discrimination issues, as Equality Body, it continued during 2017 to have meetings with Non-Governmental Organizations and organized institutions, as well as active participation in events or actions which other forums/organizations organized in Cyprus.
- The Body continued in 2017 too, to provide information and data about issues of racism and discrimination to various forums which apply directly to it, such as: international and European organizations, public and private organizations, as well as interested citizens. To grant this information, questionnaires were completed several times, and letters were composed, which contained statistical data about the activity of the Body and information about cases which were examined, and Reports which were submitted.

→ «Gender Mainstreaming Guide in Public Policies »

In the context of implementing action for the Strategic Action Plan for the Equality between Men and Women 2014-2017, by the Office of the Ombudsman, the Ministry of Justice and Public Order, the Office of the Commissioner for the Equality of the Genders, the Cyprus Academy of Public Administration and the Commission on Gender Equality in Employment and Vocational Education ($EI\Phi$), a Gender Mainstreaming Guide in Public Policies and an action plan for an educational programme that would follow, was prepared – which were adopted by the Ministerial Council in 2017.

The specific implementation Guide to integrate the dimension of the gender in the Public Service/Administration constitutes an **innovative education tool** for high-ranking officials of Public Administration and it is a useful methodological tool, which will help, so that their impact on men and women, as well as the specific needs of men and women are taken into account during the design, implementation and evaluation of the policies.



D. Presence at meetings of the Parliamentary Committees of the House of Representatives

1. Parliamentary Committee on Legal Affairs

- An Officer of the Office participated in a meeting of the Parliamentary Committee on Legal Affairs, on 1/03/2017, in which the discussion that began on 15 February 2017 continued, regarding the joint regulation of the offence of rhetoric hatred. On the occasion of the discussion, a Memo of the Ombudsman was submitted.
- An Officer of the Office participated in the meeting of the Parliamentary Committee on Legal Affairs, on 29 November 2017, to discuss the Harassment and Harassment Monitoring Law of 2017.
- An Officer of the Office participated in a meeting of the Parliamentary Committee on Legal Affairs, on 8 November 2017, to discuss the Disclosure of Information for the Benefit of Public Interest Law of 2016.
- The Ombudsman Maria Stylianou-Lottides and a Senior Officer of the Office participated in a meeting of the Parliamentary Committee on Finance and Budget, on 18 October 2017, for the presentation/discussion of the Budget of the Office for the year 2018.

2. Parliamentary Committee on Labour, Welfare and Social Insurance

• An Officer of the Office participated in a meeting of the Parliamentary Committee on Labour, Welfare and Social Insurance, on 27 June 2017, during which, the issue of the paternity leave and the amendments to the Maternity Protection Act was discussed.

3. Parliamentary Committee on Education and Culture

- An Officer of the Office participated in a meeting of the Parliamentary Committee on Education and Culture, on 1/3/2017, regarding the admission procedures of foreign students in Cyprus.
- An Officer of the Office participated in a meeting of the Parliamentary Committee of Education and Culture, on 20 June 2017, regarding «the Council of Europe Convention on the Prevention and Fight against Violence against Women and Domestic Violence (Ratification) Law of 2017».

4. Parliamentary Committee on the Interior

 An Officer of the Office participated in a meeting of the Parliamentary Committee on the Interior, on 29 May 2017, during which the Marriage (Amendment) Law of 2017 was discussed. For the said subject, the Ministry of Interior has prepared an amendment bill, so that the references to «denomination» and «religion» from the documents which are submitted and issued according to the Marriage Law are deleted. The suggested amendment took into account the positions, findings and recommendations of a relevant Report of the Ombudsman, in which the basic position was formulated that the obligation of revealing the religious beliefs of the persons that engage in a civil marriage (through the Marriage Law), exposes these persons to discrimination and violates their rights for respecting their private lives and the freedom of thought and conscience.

5. Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women

- An Officer of the Office participated in a meeting of the Parliamentary Committee on Human Rights, on 16 and 23 January 2017, in which there was a briefing and discussion on the subject of the operation of the state shelter of victims of human trafficking for sexual exploitation.
- An Office of the Office participated in the meeting of ٠ the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, on 13 February 2017, during which the subject of «the necessity of promoting and accelerating the procedures for ratification of the Convention of Constantinople (Istanbul Convention) for its essential implementation» was discussed.

- An Officer of the Office participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, on 15 May 2017, to discuss the subject of the state shelter of victims of human trafficking.
- An Officer of the Office participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, on 22 May 2017, on the subject of the Report of the Commissioner for the Protection of Children's Rights, regarding the safeguarding of the rights of minor asylum seekers who are being accommodated in the Reception and Hosting Centre for Applicants of International Protection in Kofinou, on matters of education and accommodation.
- The Ombudsman Maria Stylianou-Lottides had a meeting with the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, on 16 October 2017.

E. Participation in the EQUINET European Network

The Ombudsman, in her capacity as an Equality Body, is a member of the Equinet European Network as from 2007.

In this Network, independent bodies participate, which have the jurisdiction of materializing the European Directives against discrimination in the countries of the European Union (Equality Bodies). The intention of the establishment and operation of the Network is the cooperation and coordination of the members for more effective action and, in this context, opinions are exchanged about issues that concern their common jurisdictions, common reports are drafted, and specialized conferences and educational seminars are organized.

During 2017, the Body participated in the Equinet's Working Group on Communication Strategies and Practices. Also, the Ombudsman, as Equality Body, and Officers of the Office participated during 2017 in meetings and international seminars that the Equinet Network organized.



ANNUAL REPORT



ANNUAL REPORT 2018

A. Reports/Interventions

During 2018, in the capacity of Ombudsman as Equality Body, the following Reports/Positions were submitted:

→ Position of Ombudsman as Equality Body regarding the safeguarding of a place of religious worship in Pafos, for the needs of Muslims during the festivity of Ramadan, dated 11 May 2018²⁴

The Ombudsman examined a complaint which was submitted in May 2018 by the Office of «Religious Track of the Cyprus Peace Process» (RTCYPP) regarding the issue that arose then, with regard to finding a place of worship for the Muslim community in Pafos, in view of the start of the festivities of Ramadan on May 2018.

According to the complaint, from October 2017 the competent services had decided the termination of the operation of the mosque in Kato Pafos, while the efforts that were subsequently made, both by the Muslim community, as well

²⁴ File No.: А/П 692/2018

as the RTCYPP for finding another place for the worship needs of the Muslims in Pafos (around 1500 members), did not succeed.

In the Position, there was an extensive reference to the national and international institutional framework that protects the right of thought, conscience and religion.

There was also a reference made to a case law of the European Court of Human Rights (ECHR) (case of Witnesses and Others v. Turkey), from which it derives that the non-provision of an appropriate place to express religious freedom, (albeit a simple place and not necessarily a place suitably converted to a place of worship), creates a direct intervention to the right of religious freedom. (Article 9 of the European Convention on Human Rights (ECHR) – right to freedom of thought, conscience and religion).

In her Position, the Ombudsman stressed that the issue needed immediate examination and that the competent authorities had to take effective steps, so as to satisfy the religious and worship needs of the Muslims in Pafos – albeit in a place that could be used temporarily as a place of worship.

Consequently, it was suggested that the competent authorities, proceed with all the required steps/arrangements, so that, even as a temporary solution, a suitable place of worship is found for the Muslim community during the Ramadan period. After the submission of the Position and on the basis of the suggestions that were included in it, steps/arrangements were made so that the Mosque in Kato Pafos could be used, even as a temporary solution, as a place of worship by the Muslim Community of Pafos, during the last Ramadan. (15 May until 14 June 2018).

\rightarrow Discrimination at work due to gender²⁵

A complaint that was submitted to our Office about discrimination at work due to gender, concerned the decision of the State General Laboratory to reject a suggestion of a complainant for the amendment of the time of starting of the contract to buy services from her, for reasons of maternity, although the State General Laboratory had awarded her the relevant tender for buying services.

In view though, of the decision of the Director of the Social Insurance Services that the employment of the complainant in the State General Laboratory was *«an employment of a hired person»* and consequently *«a relationship of a dependent job»,* in the specific case, the relevant provisions of *«the Equal Treatment of Men and Women in Employment and Vocational Education Law, in conjunction with the provisions of the Maternity Protection Law»* could be implemented.

Consequently, the refusal of approval by the State General Laboratory of the relevant request of the complainant for the extension of the time of starting her employment, due to maternity leave, constituted «a violation of the provisions of the Maternity Protection Law in conjunction with the provisions of the Equal Treatment of Men and Women in Employment and Vocational Education Law, which forbid the less favourable treatment of pregnant women or mothers and fall under discrimination due to gender».

The complainant, «due to labour and maternity, and therefore, due to gender, was deprived/lost access/position for work, for which she had been judged as suitable, for reasons that are

²⁵ Report with file no.A.K.I. 17/2017, dated 27 November 2018

related to maternity and, in particular, with the maternity leave which is legally regulated». Therefore, in her case, there was «a violation of the legal prohibition of discrimination in employment, due to gender».

In view of the above, the Ombudsman submitted her relevant Report to the Director of the State General Laboratory and informed him, according to article 22 of the Fight Against Racial and Certain Discrimination (Commissioner) Law, for her intention to proceed, with a recommendation for issues that are related to maternity rights. She invited him for a consultation *«for the purpose of discussing and finding a solution to restore any unfairness that the complainant was subjected to».*

→ Deprivation of appointment due to maternity leave²⁶

A pediatrician who was on maternity leave submitted a complaint to our Office regarding the intention of the Medical Services and the Services of Public Health to fill the position of appointment that they had originally offered to her, with another doctor, if she did not return to her duties while she was still on maternity leave.

The Ombudsman, in a relevant intervention of hers to the Service involved, noted that its possible decision to offer «an appointment to the vacant position of a pediatrician in the Paralimni Hospital to another doctor, due to the only reason that the complainant may not interrupt her maternity leave to undertake the duties of the position in the beginning of October, will imply a less

²⁶ Α/Π 1347/2018, dated 17 September 2018

favourable treatment of the complainant due to maternity and direct forbidden discrimination against her, according to the Equal Treatment of Men and Women in Employment and Vocational Education Law[Law 205(I)/2002]».

The above Law, «intends to implement the principle of equal treatment of men and women, amongst other things, with regard to the terms and conditions of employment and forbids any discrimination due to gender, regarding these issues, especially in relation with the marital and family status. It also mentions, that the case of less favourable treatment of a woman due to pregnancy or maternity leave constitutes discrimination. The unfavourable treatment of a woman in the state of pregnancy, labour, breast-feeding or maternity, as regards, amongst other things, the access to employment, the terms and conditions of employment, is presumed to be due to such a situation, unless the opposite is proven».

Furthermore, «discrimination due to gender is always direct and indirect discrimination, and any less favourable treatment of a woman which is related to pregnancy, labour, breast-feeding, maternity or sickness due to pregnancy or labour».

The Ombudsman, within the context of her jurisdiction as Equality Body based on Law 205(I)/2002 and the Fight Against Racial and Certain Discrimination (Commissioner) Law, suggested to the involved Service «that the complainant is hired for the vacant position of pediatrician at the Paralimni Hospital, regardless of the fact that ... she will be with a maternity leave and that she resumes her duties at the end of this leave».

\rightarrow Procedure of filling positions in the Police^{27}

Within the context of the procedure to fill positions for a specialist mechanic of helicopters in the Police, the complainant had to be submitted to a chest x-ray and a gynecological test, however, as she was in the fifth month of her pregnancy, it was decided that she would do the tests after labour.

However, a member of the Assessment Committee, informed her that as she was going to be submitted to the above tests at a later stage, the appointment was also going to be offered at a later stage, as compared to the other two male candidates.

The Ombudsman, in her relevant intervention to the Chief of Police, noted that the Equal Treatment to Men and Women in Employment and Vocational Education Law «defines that men and women should enjoy equal treatment, as regards, amongst other things, the access to employment and work, the terms and conditions of employment ... forbids all discrimination due to gender as regards access to employment, the terms and conditions of employment».

Based on paragraph (1) of article 8 of the above Law, «any discrimination due to gender is forbidden, (a) as regards access to employment or to a position of employment, permanent or temporary or extraordinary, of a defined or undefined duration, full-time or part-time, continuous or non-continuous employment, at all levels of the professional hierarchy and (b) as regards the defining and the implementation of the terms and the conditions of employment.

²⁷ Α/Π 861/2018 dated 26 June & 18 September 2018

The said prohibition concerns especially the content, the formulation and the implementation, amongst other things, of the terms of internal regulations of businesses, individual or collective agreement of employment or agreements of every nature, the working schedules, the advantages and benefits of every nature that are connected with each position or rank of employment, as well as the leaves for any reason».

Consequently, the intention of the Police to wait for the end of the maternity leave for the appointment of the complainant to the vacant position, will constitute to an unfavourable treatment to her, due to pregnancy and maternity, and will suggest direct forbidden discrimination due to gender. The result of such a possible decision of the Police, that is, to postpone the appointment of the complainant to the position of a helicopter mechanic until medical tests are done, will place her at a later stage, in a disadvantageous position regarding her seniority.

Furthermore, as the hiring of the complainant would have been at a different time than the time of the hiring of other two successful candidates, with the result of their seniority against hers, «only for the reason that it was not possible for her to undergo the required medical tests at the same time that they did, due to her pregnancy, the said seniority «will be due exclusively to her pregnancy and a direct discrimination due to gender will arise against her, which, according to the Equal Treatment of Men and Women in Employment and Vocational Education Law, is forbidden».

Therefore, the Ombudsman recommended the hiring of the complainant (with the annulling clause that she will not continue if the medical tests fail at a consequent and later stage», as well as that (after the completion of the remaining medical tests and given that their results will be positive, the appointment which will

be decided to be offered to the complainant, begins from the date that the appointment of the other successful candidates started, in the same procedure for the candidates».

\rightarrow Reconciliation of professional and private life²⁸

In April 2017, the European Union had announced the proposal of a set of measures (legislative and non-legislative) for the support of reconciling professional and private life for parents and persons who provide care. Amongst these was the proposal for a Directive of the European Parliament and the Council regarding the balance between professional and private life for parents and carers and the abolition of directive 2010/18/EU of the Council (COM (2017) 253 final & 2017/0085 (COD)).

In view of the discussion of the proposal in the European Parliament and the Council of EU and the deadline for the submission of amendments to the proposal, the Ombudsman, as Equality Body, sent relevant letters to the Cypriot members of the European Parliament, in which she noted that *«the proposals of the Committee for leaves and flexible adjustments of work are very important, because, on the one hand, they are based on the existing rights which will be strengthened in certain points and, on the other hand, in the introduction of new rights. In this context, the possibility will be given to the parents and the persons who have the responsibility of caring, to better combine their work and the duties of providing care, with the general aim of securing the principle of equality between men and women with regards to the opportunities in the labour market and the treatment at the place of work».*

²⁸ A.O.M. 4.2.15/5 dated 10 January 2018 and A.I.M. 5.7.02.07 dated 17 April 2018

«The adoption of the proposed Directive», added the Ombudsman, «will constitute an important development, including the proposed provisions of article 15 regarding the authorities of the institutions of equality of the member states, such as those of the Ombudsman, in the case of Cyprus».

More specifically, with respect to article 15 of the proposed Directive, the Commissioner noted that her Office agrees with the proposal of Equinet for its amendment.

\rightarrow Supernumerary position in the Military School

On 19 March 2014, following a complaint, my predecessor submitted a Report to the Ministry of Defence, noting that the provision of a minimum height of 1.63 m was arbitrary and indirectly discriminated against women candidates for entering the military schools and, therefore, was violating the principle of equal treatment for men and women in access to vocational training. Immediately thereafter, a final recommendation was submitted to the Ministry as "regarding future procedures for admission to the Greek military schools, to carry out, within the year (2014), an official statistical survey with the aim of obtaining comparative data and extracting reliable findings in order to come up with a scientifically acceptable system of measurement of height and weight, corresponding to the anatomical situation of the average Cypriot and the average Cypriot".

The result of that case was the change, from 2015, of the provision of a minimum acceptable height for women candidates (from 1.63 to 1.60 m). meanwhile, the complainant had already appealed to the judiciary, succeeding, on 10 February 2017, the cancellation of the decision to exclude her on the ground of claiming a post in the Military Schools, during the Health Examination stage.

There was correspondence between the Ministry of Defence and the complainant, who maintained that, on the part of the Ministry of Defence, there was no compliance with the above-mentioned decision of the Administrative Court, and she herself, in February of the year under review, submitted a new complaint to our Office. (CA 353/2018).

During the investigation of the complaint, the correspondence exchanged between the complainant and the Ministry involved was examined.

The latter referred to irrelevance because of the low score the complainant had secured in the Pancyprian Examinations of 2014. That is to say, that there was virtually no scope for compliance with the Decision because of that low score. And that is precisely where the Office's involvement was crucial to the outcome.

In a letter was reiterated that the complainant was excluded during the Health Examination stage, the result of which decisively determines whether the candidate for Military Schools, in case of failure at this stage, will continue is it then a candidate for them or not, that is, in the written examination that followed, the complainant did not even compete for the Military Schools, having been judged to have failed the Health Examination. It was stated that this was primarily supported by the Administrative Court itself ruling on the Complaint which held that the criterion of the minimum amount in question without any justification was in breach of the Constitution and in particular Article 28. The Court also stated: "... This conclusion has a profound effect on the final decision to exclude the applicant at the stage of Health Examinations by the Ministry of Defence."

It was noted that, as is apparent from the excerpt of the decision, but also from the minutes of the proceedings, the "final decision" concerned the stage of the Health Examinations, and therefore the claimant challenging the inequality issues at that stage was also admitted. since its exclusion at this stage was offended and annulled.

Secondly, it was pointed out that it is a welfare application of the 2014 Exam Guide itself according to which "The time series of Preliminary Examinations is Health Examination, Athletic and Mental Test. Candidates will proceed to the next examination, provided that they have successfully completed the previous one. "It is obvious, it was stated, that all candidates must be SUITABLE during the Preliminary Examination to proceed to the next examination.

The results of these Preliminary Exams, which, according to the applicable Examinations Guide, are communicated to the candidates and are published by the Ministry of Defence, usually before the completion of the Pancyprian Exams, show only the successful ones in the Preliminary Examinations, which proves that if not before the beginning of the written part of the Pancyprian Exams, it is already known to the candidates whether the participants in the Pancyprian Exams are competing for the purposes of Convention on Military Schools or simply for redundancy and / or access to other Schools, Higher Education.

Our suggestion was that the complainant obviously had been excluded from the Military Schools prior to her participation in the Pancyprian Examinations, as she had not successfully completed the previous stage.

As a result, following a relative analysis of the above, which resulted in our recommendation, the Ministry granted the complainant a supernumerary position in the Military School and she started her study there in the academic year 2018-2019.

→ Code of Practice for the Prevention and Combating of Sexual Harassment and Harassment in the Civil Service

Within the context of the Strategic Action Plan for the Equality of Men and Women, 2014-2017, of the National Mechanism for the Rights of Women of the Ministry of Justice and Public Order (action 4.4.4.), the Ombudsman, as Equality Body undertook the preparation of the Code of Practice for the Prevention and Combating of Sexual Harassment and Harassment in the Civil Service.

The Code, is an essential tool in the activation of the Equality of Men and Women in Employment and Vocational Education Law (Law 205(I)/2002) and the legislation regarding disciplinary offences in the civil service. The aim of the Code is the prevention and combating of sexual harassment and harassment – and as a disciplinary offence – in employment in the civil service, for successful implementation of the principle of equal treatment and respect of human dignity and comprehension of human rights. While the ulterior goal of the Code, is to make it understandable that sexual harassment and harassment contradict the principle of equal treatment of men and women, constitute discrimination due to gender and form of gender violence, which insults the dignity of the victims.

In the Code, it is stressed that any act of sexual harassment, harassment or other unfavourable treatment due to repulsion of such an act or due to submission of a relevant complaint (victimization) constitutes a criminal offence and is forbidden.

On 8 July 2018, the Ombudsman sent a relevant letter to the Ministerial Council regarding the upcoming presentation of the Proposal of the Minister of Labour, Welfare and Social Insurance to the Ministerial Council for the adoption of the Code. The Ministerial Council, in its meeting dated July 2018 (decision no. 85.394), decided «(a) to approve the adoption of the Code...(b) that all the Ministries, Departments, Services, Independent Offices and Services cooperate for the implementation of the Code of Practice for the Prevention and Combating of Sexual Harassment and Harassment in the Civil Service, with special emphasis on the obligation of each Competent Authority in taking measures for the prevention and combating of sexual harassment and harassment in the Civil Service, so that public administration contributes in the elimination of such phenomena in the Civil Service, (c) to authorize the Ministers, so that they brief the Legal Entities of Civil Law that fall under the jurisdiction of their Ministries, for the implementation of the said Code of Practice».

Meanwhile, on 11 July 2018, the Ombudsman presented the Code during a press conference that took place in the event hall of the Ombudsman's Office. The Minister of Labour, Welfare and Social Insurance Mrs. Zeta Emilianidou and the President of the Committee of Equality of Genders in Employment and Vocational Education Mrs. Louiza Zannetou were present at the press conference and delivered short addresses. In her presentation, the Ombudsman noted that *«in the context* of promoting the principle of equal treatment, as Equality Body we undertook the implementation of action no. 4.4.4. of the Strategic Action Plan for the Equality of Men and Women for the period 2014 - 2017, of the National Mechanism for the Rights of Women, of the Ministry of Justice and Public Order, for the introduction and distribution of the Code of Practice for the Prevention and Combating of Sexual Harassment and Harassment in the Civil Service».

The Code, added the Ombudsman, constitutes a *«useful tool for* better understanding the provisions of the national legislation and the unofficial and official procedure for investigating complaints. It also intends to brief all employees in the civil service regarding the institutions of the state which are involved with complaints or can provide relevant information».

«From our experience», concluded the Ombudsman, «in the examination of such complaints of harassment and sexual harassment it became clear there was a basic vacuum of detecting omissions and the unsatisfactory handling of their complaints by the competent authority».

«The Code that is being presented today», concluded the Ombudsman, «comes to fill the vacuum with the procedures that are foreseen for the examination of such complaints and to become a very important tool both for the employees themselves and for the employer».

\rightarrow Lack of access to the «Spyros Kyprianou» athletic centre²⁹

A complaint that was submitted to the Commissioner of the Limassol District Committee of the Pancyprian Disability Restoration Organization (Π .O.A.A.) concerned the lack of access to the «Spyros Kyprianou» athletic centre in Limassol. The «Spyros Kyprianou» athletic centre is under the administration of the Cyprus Sports Organization (KOA) and includes, amongst other things, a central athletic hall – for group sports, journalistic booths, medical centre and canteen.

As was found during the investigation of the complaint, the said athletic centre has enough parking spaces for vehicles for persons with disabilities, and spaces for transportation of persons with disabilities, however access of persons with disabilities to the stands was not easy, nor were the seats for watching activities equal to the other persons, due to the existence of stairs. As a consequence, the persons with disabilities were led to the arena of the stadium, where the playing ground is located, with the result that they were being exposed to danger as regards their physical integrity and, consequently, being submitted to unequal treatment due to the lack of a reasonable adjustment for the needs of their diversity.

In particular, on the basis of the social consideration of disability, it is of central importance, based on the Convention of the UN for the Rights of Persons with disabilities, *«that access, amongst other things, to the natural and structured environment, constitutes* one of its general principles, for the reason that it constitutes the starting point for facilitating persons with disabilities to exercise and to enjoy human rights and basic freedoms without distinction».

²⁹ Report with file no.Σ.A.A. 147/2016, dated 15 January 2018

Access to the structured environment, «may offer every citizen the opportunity for autonomy, freedom and interrupted transportation with safety in every place for social and other activities».

Article 9 of the Convention, indicatively defines the minimum obligations of the Party States to take appropriate measures so that persons with disabilities live independently and participate in all aspects of life. With article 30 of the Convention, «the right of participation in cultural life, entertainment, leisure activities and sports» is safeguarded and to this end, the States are invited «to safeguard further, that persons with disabilities have access to sports and entertainment installations».

To exercise the aforementioned right, "the installations for conducting the activities concerned, should be completely accessible for all persons with disabilities and regardless of the type of their disability, free from obstacles which delay the arrival to the place that they are found, the parking, the entry, the exit, the safe transportation to any of its internal premises, the use of any of its internal premises».

The absence of a reasonable adjustment, such as in the above case, leads to the exclusion of the persons with disabilities and the absence of the possibility to exercise their recognized right for participation in the culture life, entertainment, leisure activities and sports. Exclusion, however, of the persons with disabilities from exercising any right, in the absence of accessibility, implies prohibited discrimination against them, according to the UN Convention for the Rights of Persons with Disabilities, and violation of the principles of nondiscrimination and equal opportunities. Based on the above, the recommendation to the Cyprus Sports Organization (KOA) of the Ombudsman, in her relevant report, was that *«it plans and implements immediately, the procedure to take reparative measures for the abolition of the obstacles that deprive or limit persons with disabilities to watch uninterrupted, and on and equal basis with persons without disability, the sports activities of their choice, without running any danger».*

→ Handling of an application of a archery athlete with disabilities for his participation in an international competition³⁰

A complaint which was directed against the Cyprus Archery Federation (KOTOE) concerned the inadequate support that the sports federation provided on a long term basis, to an archery athlete who is a persons with disabilities, so that he can participate in international games for persons with disabilities overseas and, through his participation, to be able to be seeded, to secure a participation in the Paralympic games.

As it was found, due to mishandling by KOTOE the participation of the athlete in an international competition overseas was excluded, as they had indicated to him a wrong deadline for the submission of his application, with the result that he was subjected to financial loss, as he had already bought airline tickets and he had prepaid his participation fee for the games. The right of persons with disabilities to cultural life, entertainment, leisure activities and sports, is ratified in article 30 of the UN Convention for the rights of persons with disabilities. The basic aim of the said

³⁰ Report with file no.Σ.Α.Α. 94/2017 dated 10 April 2018

article «is the facilitation of the access of persons with disabilities to cultural, entertainment and sports activities and through this, the encouragement, empowerment and consolidation of their integration in all expressions of social life, with an equivalent way with the remaining population».

Especially with regards to sports, in paragraph 5 of the said article the following is foreseen:

«Having as an aim, the facilitation of persons with disabilities, to participate, on an equal basis with others, in entertainment leisure activities and sports activities, the Contracting States take the appropriates steps, so that:

a. they encourage and promote the participation, to a maximum possible extent, of persons with disabilities, in the main sports activities, on all levels,

b. they secure that persons with disabilities have the opportunity to organize, develop and participate in sports and entertainment activities especially for persons with disabilities and, to this aim, to encourage the provision, on an equal basis with others, appropriate direction, training and resources, c. they secure that persons with disabilities have access to sports, entertainment and touristic installations,

d. to secure that children with disabilities have equal access with the remaining children, in the participation of games, in entertainment and leisure and sports activities, including activities in the school system,

e. to secure that persons with disabilities have access to services, whoever is involved in the organizing of entertainment, touristic, leisure and sports activities».

The more specific obligations for the state that arise from paragraph (5) of article 30 of the Convention, *«intend to secure the right of persons with disabilities to participate in sports on*

the basis of equality of opportunities, to receive state support and to be faced as equal with the rest. In this context, athletes with disabilities have the right to be considered a central and inseparable part of sports and they will have to be facilitated to participate in all sports and at all levels, according to their preferences. Consequently, for this purpose, the state is obliged to promote the appropriate directions and to provide relevant guidance, to organize the required training for those who are involved and to provide adequate resources».

In the case under study, it was found that the exclusion of the participation of the athlete from the sports competition in the Czech Republic in June 2017, was due to the mishandling of KOTOE and therefore, in the Report of the Ombudsman, a recommendation was made, for the possibility of restoration, either by KOTOE, or directly by the Cyprus Sports Federation (KOA).

Further to the above recommendation, and for the purpose of improving and strengthening the protection of the right of persons with disabilities to sports, a recommendation was made that «KOA, in consultation with the representative organization of persons with disabilities, proceeds by adopting in its strategy and action, a more holistic and rightful approach, which will be compatible with the UN Convention for the Rights of the Persons with Disabilities. More specifically, it should be made clear that the equal access and participation of persons with disabilities to sports, constitutes their human right and not just a social service of the state».

In particular, KOA, as the ex-officio responsible state institution for sports, «should, on the one hand, promote the participation of athletes with disabilities in sports activities and competitions, and, on the other, to practically secure this participation, through enacting clear procedures, to provide adequate guidance to the sports federations and to the athletes themselves, and provide adequate resources».

→ Accessibility of persons with disabilities to the beaches³¹

The Ombudsman, in the framework of her jurisdictions as Independent Mechanism for the Promotion, Protection and Monitoring of the Implementation of the Convention of the United Nations Organization for the Rights of Persons with Disabilities, proceeded self-proclaimed, to the investigation of the issue of accessibility of persons with disabilities to the beaches.

From the investigation, it was found that the number of accessible beaches is rising every year and important steps have been taken for the investigation of the accessibility of the beaches by the persons with disabilities, as in the said beaches, it seems that there is a chain of accessibility and facilities which begins with the parking space for the persons with disabilities until their access to the beach and subsequently to the sea, as well as to the WC installations for the persons with disabilities.

However, a big number of beaches continue not to be accessible or their accessibility is partial, as they only provide access ramps until the beach, but not until the sea.

From the UN Convention for the Rights of Persons with Disabilities, and especially from article 9 of the Convention, originates the obligation of the State to secure the accessibility

 $^{^{31}}$ Report with file no. A.S.A. 2/2016 dated 31 July 2018

to the persons with disabilities, on an equal basis with the rest, in the natural environment and in external installations, as well as «for the purposes of promoting equality and abolishing discrimination against persons with disabilities, the states will have to take all the appropriate steps so that reasonable accommodations are provided. Refusal to provide reasonable accommodations to persons with disabilities, constitutes accordina to the Convention. forbidden discrimination, as it helps in the exclusion or/and restriction of the right of the persons with disabilities to enjoy or/and exercise their human rights on an equal basis with others».

On the specific subject, the UN in her Concluding Observations in April 2017, with regards to the initial Report of Cyprus, «expressed her concern, for the inadequate, completed and compulsory measures that should secure that the persons with disabilities have access on an equal basis with the rest, to the external environment and to other products and services».

The Committee recommended, that *«the State, in close cooperation with the representative organizations of the persons with disabilities, reinforces its efforts for the improvement of accessibility and the implementation of an internationally recognized standardization, so as to secure the accessibility in the external environment».*

As a consequence, in the case where «the forbidding, based on the Law on the Protection of the Beach, of the movement of motor vehicles or other wheeled vehicles on the beach, includes wheel-chairs too (automatic or manual), as the position of the Paraplegic Cyprus Organization (Ο.ΠΑ.Κ.), it creates, according to the provisions of the Convention and the highlights of the Committee in the General comment with no. 2 (2014), discrimination against the persons with disabilities ». Likewise, «the full forbiddance of the movement of animals on the beach, without any exception for guide-dogs for persons with visual disability, also constitutes discrimination against persons with disabilities, as it deprives or constitutes an obstacle for the persons who move with the aid of guide-dogs, to go to the beach with independence and, as a consequence, to have a full and equal access to the natural environment».

It also arose from the investigation of the case, that the ramps/corridors of access of the persons with disabilities and the persons with reduced mobility (AMK) to the beach, most probably do not fulfill any standard of accessibility and, consequently, the chain of accessibility of the persons with disabilities and the persons with reduced mobility from the parking space to the sea is not adequately secured.

For the specific issue, the obligation, on the basis of the UN Convention was pointed out, «for the introduction of universally designed products (in the case under study, ramps/corridors) which will be used by all persons without exception, including persons with disabilities, as well as the necessity that was pointed out in the General Comment of the Committee, to determine standards of accessibility which will take into account the diversity of persons with disabilities» as in this way, «discrimination will not occur against the persons with disabilities, whose disability is not connected with mobility, as they will not be deprived of the privilege of autonomy and decent access to the natural environment».

For the purposes of a more complete implementation of the obligations of the State, which are determined by the Convention for the realization of the rights of all the persons with disabilities, so that the beaches are completely accessible, the Ombudsman, in her relevant Report, submitted specific recommendations, both to the Cyprus Tourist Organization (KOT) (now Deputy Ministry of Tourism) and the Central Committee of Beaches, as well as to the coastal local authorities.

The recommendations of the Ombudsman concerned, on the one hand, the improvement, where needed, of the accessibility of the persons with disabilities to the beaches, so that they become completely accessible until the sea, as well as the continuation of the actions to increase the accessible beaches, as well as to secure that the existing chains of accessibility are complete and full and, on the other hand, securing the existence of available parking spaces for persons with disabilities, near the ramp/corridor of access and that at any point in time, the access of persons with disabilities from the parking space to the beach and the sea and other WC installations for the persons with disabilities, will be possible.

The Ombudsman further recommended the examination of the adoption of international standards for the construction of ramps/corridors in the beaches, as well as the amendment of the Law on the Protection of Beaches, «so that the forbiddance of the use of wheel-chairs on the beach is excluded, as well as to allow the movement of guide-dogs on the beach, when they act as guides to the persons with disabilities, always within the framework of the relevant provisions which are defined in the Law on the Protection and Welfare of the Animals».

In conclusion, the recommendation of the Ombudsman to the coastal local authorities was «to proceed, if they have not done so already, to the necessary actions (a) to educate the persons who are employed on the beaches within their administrational boundaries, so that they can provide, where and when needed, the required help and support to the

persons with disabilities and the persons with reduced mobility that go to the beaches, and (b) for securing that the accessibility of persons with disabilities and the persons with reduced mobility to the beach is at any point in time, uninterrupted and without any obstacle».

→ Stagnation of a student with ADHD (Attention Deficit Hyperactivity Disorder) (ΔΕΠΥ) due to incomplete attendance due to unexcused absences ³²

A specific student, due to ADHD, showed impulsivity andhyperactivity, as well as knowledge weaknesses and learning difficulties – issues that were known to the school which he attended in Nicosia. For his behavior, for which he either received disciplinary punishment, with excused absences, or he left the classroom, therefore he was charged with unexcused absences, «were due to the chronic and serious problems, as they are described, of the Educational Psychologist who was watching him».

Furthermore, the student, until the end of the first school semester had almost completed the maximum limit of unexcused absences, a fact, for which the parents appeared to be informed. It was possible then, that *«the efforts of both the parents, as well as the student himself, were intensified, so that there would not be any more unexcused absences, something however, which did not become feasible».*

The Educational Psychologist, who was watching the student, in a relevant note of hers, pointed out *«the serious effort that he*

³² Report with file no.Σ.A.A. 86/2017, dated 30 October 2018

made and stressed the need for the issue of his absences to be evaluated by the teachers' association with lenience, so that the chance is given to him to sit for examinations in the second examination period and not to remain in the same class, so that further difficulties are prevented».

However, this recommendation, was either ignored, or was not adequately evaluated during the taking of the relevant decision by the Teachers Association. This fact, *«in conjunction with the fact that other lighter, more lenient and more appropriate solutions for the case of the student, were not sought by the school... makes the final decision that was taken, disproportionate».*

On the basis of the Regulations of Operation of Secondary Public Schools of 1990 until 2016, which applied during the period crucial for the case, «students who had a number of unexcused absences, bigger that 51, stayed in the same class, without having the right to be referred to examinations to be promoted to the next class. However, in special cases, duly excused, of students who present serious health problems, with the presentation of a medical certificate, the teachers' association had the discretional privilege to decide otherwise, from what is mentioned earlier».

In the case in question, the Teachers' Association «applied the above Regulation without any deviation, judging that the number of absences of the student, given that it was more than 51, would not allow it to take any decision, other than to remain in the same class, without the right to sit for examinations».

However, and on the basis of the problems that the student faced, the Teachers' Association, within the context of discretional privilege, could have either considered some of the absences of the student as excused, or could have considered the suggestions and recommendations of the Educational Psychologist that was watching the student and had pointed out the need for the issue of his absences to be evaluated with lenience, as a satisfactory proof that his absences are connected with the problems that he was facing, and it should not have been judged with strictness, as there existed a special issue which varied the situation with regards to the others.

In 2017, new Regulations for the Operation of Secondary Public Schools were implemented, with which *«it became clear that* serious health problems include problems of mental health too and that its documentation is adequate, after being watched by the Service of Educational Psychology». The said development *«is positive, although, possibly, in this provision,* the problems related to ADHD should also be explicitly included».

The above new Regulations, to the degree that they touch upon issues that could be integrated in the definition of «disability», as foreseen in the UN Convention for the Rights of Persons with Disabilities, should be interpreted and implemented in agreement with the Convention.

Even though in the said Regulations explicit references have not been included related to issues of disability and, specifically, as to the obligation of the state to take all the necessary steps to secure the full enjoyment of all human rights and fundamental freedoms by children with disabilities, including the right of education, on an equal basis with the other children, nevertheless the competent Ministry is obliged, in any case, to secure that the implementation of the Regulations to students with disabilities should be done under the prism of the Convention. Specifically, and for the full and correct implementation of the new Regulations, the competent Ministry should «combat both the probable issues of ignorance of academics, with regard to special issues of behaviour of students who are related to mental health problems, and the stereotypes or prejudices which probably interfere in the correct assessment and evaluation of these issues». The educational system and teaching, should «be adjustable, so as to be in a position to include the various requirements of each student and to remove the obstacles that make this possibility more difficult»

→ Integration of children with disabilities in crèches and child care centres³³

A complaint which was submitted, concerned the refusal of a private Creche to register the child of the complainants, who is a person with Down syndrome.

In particular, the parents of a three-year-old child with Down syndrome had applied to a private crèche/child care centre for their child to attend it and had received the reply that this could only occur under the condition of the child having the accompaniment of a carer. The parents claimed that this condition was an exclusive consequence of the fact that their child has Down syndrome and it is due to the stereotype perception that a child with Down syndrome has to have a special or a segregated treatment and considered that the requirement that was set by the Creche constituted an

³³ Report with file no.Σ.A.A. 126/2017, dated 12 November 2018

inexcusable, unfavourable discrimination and indirect refusal of the request for registration of the child at the said Creche.

On the other hand, the Creche claimed that the aforementioned condition had been set due to the fact that the child did not walk and was overweight.

Nevertheless, the justification of the Management of the Creche was not convincing and for this reason, it cannot be excluded that the position that he/she expressed was due to an incorrect or/and prejudiced perception with regards to Down syndrome or disability, in a wider sense.

In the existing legislation, which governs the conditions of operation of the Creches, «no provisions are included, which implement the obligation of the state, which arises from the respective UN Convention, for taking all the necessary steps to secure the full enjoyment of all human rights and fundamental freedoms by children with disabilities, including the right of education, on an equal basis with the other children. As a consequence, no adjustments are foreseen for the evaluation of the needs of the pre-infants and infants with disabilities, so that it is decided by the competent state authorities, in cooperation with the parents and the private Creches, or according to the case, the provision of the necessary reasonable adjustments and their relevant economic coverage, where required».

The adoption, however, of such a holistic and legislatively ratified framework of attendance *«is essential, so that in any case, the personalized provision of appropriate care and the complete inclusion without discrimination of children with disabilities to the pre-school structures and communities is secured. In this way, the smooth transition of children with* disabilities in the pre-elementary and elementary education will be accelerated and facilitated, as well as their total integration in society, and also the prevention and combating of phenomena of separation, exclusion and stereotypes».

The recommendation of the Ombudsman in her Report to the Director General of the Ministry of Labour, Welfare and Social Insurance, in the jurisdiction of whom falls the operation of Creches and Child Care Centers, was to proceed to take all the necessary steps, so that the relevant legislation (the Children's Law) is amended the soonest possible.

→ Memo regarding the consultation for the formation of a new policy for serving the needs of children with disabilities or other educational needs³⁴

In view of the consultation for the formation of a new policy for serving the needs of children with disabilities or other educational needs, the Ministry of Education and Culture asked for the opinion of the Ombudsman, in the context of her jurisdiction as Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention for the Rights of Persons with Disabilities.

In the relevant memo to the Ministry, the Ombudsman made a special reference to article 24 of the Convention, by which *«the* right of persons with disabilities to education is recognized and, with the aim of realizing this right without discrimination and on the basis of equal opportunities, the obligation of the states is

³⁴ ΣΑΑ.11.10.06 dated 15 February 2018

adopted, to secure a comprehensive education system on all levels and lifelong education which is directed to: (a) the complete development of the human capabilities and the sense of dignity and self-esteem, and enhancing the respect of human rights, the fundamental freedoms and human diversity, (b) the development of personality, talents and creativity of persons with disabilities, as well as their spiritual and physical capabilities to the maximum possible, and (c) the facilitation of persons with disabilities to participate effectively in a free society».

As is analyzed further in the said article, «while realizing the right to education, the states secure that (a) Persons with disabilities are not excluded from the general educational system on the basis of disability, and that children with disabilities are not excluded from free and compulsory elementary education or from secondary education, on the basis of disability, (b) Persons with Disabilities may have access to comprehensive, free elementary education and secondary and auality education on an equal basis with others in the community in which they live, (c) Reasonable facility is provided for the needs of the person, (d) Persons with disabilities receive the required support within the general education system, to facilitate their effective education, and (e) Effective measures of personalized support, are provided to the environment which maximizes the academic and social evolution, which is according to the target of full integration».

In the General Comment no. 4(2016), on article 24 of the Convention, the Committee of the UN for the Rights of Persons with Disabilities noted that *«the right for joint/inclusive education includes the transformation of culture, of politics and the practice in all the structures of official and unofficial education, so that they are in a position to include the various* requirements and identities of each student, together with a commitment for removing all the obstacles which make this possibility difficult».

Also on the basis of the General Comment of the Committee, «the placement of students with disability in the general classes, which is not accompanied with structural changes in the organization, analytical programme, educational and learning strategies etc., does not constitute inclusion...the right to nondiscrimination...includes the right of non-segregation and the right of providing reasonable accommodations and it has to be perceived in the context of the duty to secure accessible learning environment and reasonable accommodations».

The Committee, in its Concluding Observations, regarding the initial Report of Cyprus, mentioned with regard to article 24 and the right to education, that *«it is deeply concerned for the absence in the national legislation, of a clear and applicable meaning of joint education in the general educational system. It noted with concern, that the meaning of segregation in education continues to remain deeply rooted in the educational system, a fact, which is often reflected in the stances of the academics and other relevant professionals».*

Therefore, it recommended to the Republic of Cyprus «(a) to take a decision for a clear legislative framework of joint education and to monitor its implementation, having as an aim the complete replacement of separatist education with joint education, (b) to adopt a clear, targeted and adequately financed action plan, which should include the provision of reasonable adjustments and adequate education and training for academics and to progressively secure that the children and trainee adults with disabilities may exercise their right for joint education, (c) to be guided by the general comment no. 4 (2016) and the targets of 4.5 and 4 (a) of Sustainable Development Targets for securing equal access to persons with disabilities at all levels and types of education, in educational installations and professional training».

On the basis of the above, the Ombudsman noted in her Memo that she awaits that the formation by the Ministry of Education and Culture «of a new policy for serving the needs of children with disabilities or other educational needs, must be completely compatible with what is foreseen in the UN Convention for the Rights of Persons with Disabilities and intends to the complete realization of all human rights for persons with disabilities, without discrimination of any type, based on disability. It should, in particular, introduce a new, clear legislative framework of joint education, which, at least, gradually and progressively, but within a reasonable time, will replace what today is defined as «special education», so as to secure that all children with disabilities may enjoy their right to joint/inclusive education»

→ Draft Bill that regulates the rules that govern the accessibility of websites and of portable applications for the equipment of organizations in the public sector³⁵

The Information Technology Department invited the Ombudsman, within the framework of her jurisdiction as Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention for the Rights of Persons with Disabilities, to participate in a public consultation regarding the drafting of the draft bill which regulates the rules that govern

³⁵ ΣΑΑ.12.3.13 dated 19 January 2018

the accessibility of websites and the applications for portable equipment of organizations of the public sector.

Hence, the Ombudsman submitted to the Department, her positions on the proposed Bill, on the basis of the combined interpretation of the provisions of the UN Convention for the Rights of Persons with Disabilities and of the provisions of Directive (EU) 2016/2012, in the Preamble of which (paragraphs 12-13) reference is made to the Convention.

In particular, it was noted that a provision will have to be included in the Bill, respective to that which is foreseen in the Persons with Disabilities Law (article 9C: Extrajudicial Protection), which provides that «Every person that considers that he/she is affected by a violation of the Law, has the right to submit a relevant complaint to the Ombudsman», as such a thing «secures a more complete compliance with the relevant Directive, a better application of the legislation after its voting, and enhanced protection of the rights of Persons with Disabilities, as they are foreseen by the relevant UN Convention».

Furthermore, the need was underlined, regarding the draft Bill, «for there to be a more active involvement and participation of organizations that represent the interests of persons with disabilities and the elderly, beyond submitting comments through Public Consultation».

In particular, «the participation and involvement of organizations that represent persons with disabilities and the elderly should be secured, not only during the preparation of the respective legislative framework, but also in the monitoring of the application of the legislation». For the purpose of fulfilling the obligation, according to the Directive, for submitting a report to the European Commission every three years, «regarding the results of the monitoring of the compliance of websites and applications for portable equipment of organizations of the public sector, to the requirements of accessibility», the draft Bill under discussion should secure that a Monitoring Committee will be established, which will monitor and submit reports to the European Commission.

Provided that what concerns the establishment and operation of the Monitoring Committee will be included in Regulations which will be issued by the Ministerial Council, the Ombudsman mentioned to the Department of Information Technology that according to her opinion, «for the preparation of the said Regulations, there has to be a close consultation with the disability, and other involved organizations. The possibility should also be examined, that within the composition of the Monitoring Committee itself, representatives of the said Organizations participate»



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B. Mediation Activity

On the basis of the institutional capabilities, the Ombudsman, in the capacity of Equality Body, in the year 2018, gave special emphasis to **mediation activity**. The mediations were conducted in cases where a justification of the complaint was found, at first sight, while – written or/and oral – interventions of the Equality Body to the involved public authorities had as a result the settlement of pending issues or/and the fulfillment of specific requests of the complainants.

Typical cases in which there was mediation/intervention of the Equality Body with a positive outcome, are the following:

- The reduction of the invoicing of water to a specific area.³⁶
- The fulfillment of a request for facilities in the payment of tuition fees at a school of Higher education.³⁷
- The provision of service from CYTA to a European citizen without the payment of any guarantee and the reexamination of the policy of CYTA for the provision of services to all European citizens who reside in Cyprus.³⁸

³⁶ A.K.P. 38/2014, A.K.P. 80/2015

³⁷ A.K.P. 49/2015

³⁸ A.K.P. 63/2017

- The access to hormonal therapy of a recognized refugee who is an intersex individual.³⁹
- The taking of measures by the Ministry of Education and Culture, for the support of a school in which Roma (Gypsy) children were attending and the securing of their right to education for the academic year that was going to follow, as well as taking measures for the arrangement of accommodating Roma families.⁴⁰
- The fulfillment of a request of a transgender individual for the change of name on his identity card.⁴¹

³⁹ A.K.P. 65/2015

⁴⁰ A.K.P. 31/2016

⁴¹ A.K.P. 113/2016



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C. Actions of Awareness and Briefing

As Equality Body, the Ombudsman, continued in 2018 too, hermulti-dimensional activity with the aim of briefing and making civil society aware about issues which fall under her jurisdiction.

Indicatively, in 2018, for the above purpose, the following actions were taken:

→ Integration of the Dimension of Gender in Public Policy

The Office of the Ombudsman, the Ministry of Justice and Public Order, the Office of the Commissioner of Gender Equality, the Cyprus Academy of Public Administration and the Equality Commission of Gender in Employment and Vocational Education (EI Φ), in the context of their actions for the integration of the dimension of gender to the policies (gender mainstreaming) and especially in Public Administration, organized a press conference with the title «Integration of the Dimension of Gender in Public Policies».

The press conference took place on 19 December 2018 and during the conference the Minister of Justice and Public Order and the Director General of the Ministry of Labour, Welfare and Social Insurance gave shorts addresses.

It was followed by a presentation of the Directive for the Integration of the Dimension of Gender in the Public Policies and the plan of action for the relevant educational programme by the Director, Mrs. Susana Pavlou and the Co-ordinator of Policies, Mr. Jozi Christodoulou of the Mediterranean Institute of Gender Studies.

→ Series of seminars with the subject of combating sexual harassment at work

Within the context of the actions of the Ombudsman as Equality Body, an Officer of the Office conducted a series of training sessions to the members of the Trade Union School of SEK(Confederation of Workers of Cyprus) with the subject of combating sexual harassment at work.

During the seminars, a presentation was made of the institutional framework, of the experience of the Office of the Ombudsman, of Cypriot case law and other relevant information.

The seminars took place on 23 and 24 October and 6, 8 and 29 November 2018, in Larnaca, Nicosia, Pafos, Paralimni and Limassol, respectively.

- On a regular basis during 2018, Officers of the Office of the Ombudsman, gave lectures at the Police Academy to members of the Police, about issues on Combating Discrimination.
- An Officer of the Office participated on 27/2/2018, in the Student Conference of Neapolis Gymnasium of Limassol, with the title «Elimination of Racism», on the occasion of the adoption and implementation by the school, of the Code of Conduct against Racism and Racist Management and Recording Guide at Schools, and made a relevant presentation.

- Officers of the Office, conducted an educational workshop on 19/3/2018, to children of the 4th Elementary School of Aglandja about issues of racism and discrimination.
- An Officer of the Office participated and addressed an educational seminar of the Cardet Organization with the subject: «LGBTI Refugees: Rights, Practices, and Policy Proposals introducing a framework of information and their inclusion in Cyprus» (1/6/2018).
- An Officer of the Office participated in a series of meetings of the Network for the Prevention and Fighting of Homophobic and Transphobic Bullying, which has been established as an initiative of the Programme «HOMBAT: Combating HomophoBic and Transphobic bullying in schools».
- An Officer of the Office participated and addressed an educational seminar on behalf of the Ombudsman that the Non-Governmental Organization (NGO) Cardet organized with the subject «LGBTI Refugees: Rights, Practices and Policy Proposals introducing a framework of information and their inclusion in Cyprus». (1/6/2018).
- An Officer of the Office participated in an Event of the Cyprus Refugee Council with the subject «Asylum in Cyprus: Challenges and Prospects»(23/5/2018).

- An Officer of the Office of the Ombudsman participated and addressed on behalf of the Ombudsman in an event of the LGBT+ and Friends of the University of Cyprus Club, with the subject «Legal and Social Acceptance of Transgender Persons in Cyprus»(20/11/2018).
- Press Conference with the title «Inclusion of the Dimension of Gender in Public Policies» of the Ministry of Justice, in cooperation with our Office (19/12/2018).
- Participation in a seminar with the subject «Elimination of Stereotypes and Social Prejudice in Public Administration» (10 December 2018).
- Participation in a seminar with the subject "Not on Our Watch! Equality Bodies Fighting Hate Speech" which was co-organized by Equinet and the National Office against Racial Discrimination (UNAR), in Rome (19-21/11/2018)
- Lecture with the subject «Discrimination and Racist Behaviour» (16/11/2018)
- Participation in a seminar with the subject «Equality Bodies Countering Ethnic Profiling» in Brussels (8-9/11/2018)

- Participation in a seminar with the subject «Tackling Discrimination and Ensuring Protection for carers in Europe», in Brussels (18-19/10/2018)
- Participation in the Annual General Meeting of Equinet, in Brussels (7/11/2018)
- Press Conference for the presentation of the Code of Practice for the prevention and combating of sexual harassment and harassment in the civil service (11/07/2018)
- Speech in a forum with the subject of the protection of maternity, which was organized by the Commission of Gender Equality and Vocational Education (21/06/2018)
- Participation in a seminar which was organized by the European Commission against Racism and Intolerance - ECRI), in Strasbourg (24/05/2018).
- Speech in a working forum «Gender and Women's Rights Working Group» of the Euro-Med Human Rights Network, which the Mediterranean Institute of Gender Studies organized (27/04/2018).
- Participation in an educational seminar for the Strategic Utilization (by the Equality Bodies) of Social Network Media (3-5/04/2018)

- Participation in a press conference that the EIΦ (Commission on Gender Equality in Employment and Vocational Education) organized, for the presentation of the study with the title «Cypriot Legislation and Case Law: The offence of sexual harassment and the protection of maternity» (20/03/2018)
- Presentation at a Student Conference of the Neapolis Gymnasium of Limassol with the title «Elimination of Racism», on the occasion of the adoption and implementation by the school, of the Code of Conduct against Racism and Racist Management and Recording Guide at Schools» (27/02/2018)
- Educational seminars of civil servants about issues of bullying at the workplace (19 January, 1, 22 February, 19 April and 21 June 2018).

In addition, with the intention of briefing and creating awareness about issues of discrimination, the Office continued during 2018 too, to have meetings and cooperations with Non-Governmental Organizations and other organized institutions.

Also, the Ombudsman and Officers of her Office, participated in conferences/seminars overseas.

Furthermore, the Office continued during 2018 too, to provide information and data on issues of racism and discrimination to various institutions which apply directly to it, such as: international and European organizations, public and private organizations, as well as interested citizens.

For the provision of this information, questionnaires were completed several times and letters were composed which included statistical data about the activity of the Office and information about cases which were examined and Reports which were submitted.



1991 OMBUDSMAN

D. Presence at meetings of the Parliamentary Committees of the House of Representatives

- 1. Parliamentary Committee on Finance and Budget
 - The Ombudsman and Officers of the Office participated in meetings of the Parliamentary Committee on Finance and Budget, on 7 November 2018, for the discussion of the budget of the Office of the Ombudsman for the year 2019.

2. Parliamentary Committee on Institutions, Values and the Ombudsman

 The Ombudsman and Officers of the Office participated in meetings of the Parliamentary Committee on Institutions, Values and the Ombudsman on 25 April 2018, for the discussion of the subjects of (a) «the Commissioner for Administration (Amendment) Law of 2017 and (b) Reports of the Ombudsman, the Equality Body and the Body against Racism & Discrimination».

3. Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women

- An Officer of the Office participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women, on 26 February and on 19 March 2018, for the discussion of a law proposal for the amendment of article 169A of the Criminal Code Act, which concerns the medical termination of pregnancy and the conditions under which this is permitted.
- An Officer of the Office participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women, on 5 March 2018, during which the Strategic Action Plan for the Equality of Genders 2014-2017 was discussed.
- Officers of the Office participated in meetings of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women, on 26 March 2018, during which the discussion regarding the Preventing and Combating Trafficking in Persons and the Protection of Victims (Amendment) Law of 2016 was continued.
- An Officer of the Office participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women, on 21 May 2018, during which the need to enhance the institution of the foster family was discussed.

- The Ombudsman and an Officer of the Office participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women on 25 September 2018, for the discussion of (a) the problems that are faced by persons with autistic characteristics, the need to support their families and the creation of the appropriate infrastructure of care and education and (b) the need to create Hospitality Centres for Adults with Special Needs or financial aid for existing centres of hospitality for persons with psychological problems, who have completed the age of 21.
- An Officer of the Office participated in a meeting of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women, on 8 October 2018, for discussing the course of the implementation of the legislation on combating trafficking and exploitation of individuals and the protection of victims, especially as regards the operation of the Multi-Disciplinary Co-ordination Group (ΠΣΟ).
- Officers of the Office participated in a meeting behind closed doors of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women, on 22 October 2018, to brief the Committee about issues of Trafficking and Exploitation of individuals and the protection of victims in the Republic of Cyprus.

4. Parliamentary Committee on Labour, Welfare and Social Insurance

 An Officer of the Office participated in a meeting of the Parliamentary Committee of Labour, Welfare and Social Insurance on 20 February 2018, during which the amendment of the Paternity Law and the Social Insurance Law was discussed.:

5. Parliamentary Committee on Education and Culture

 An Officer of the Office participated in a meeting of the Parliamentary Committee on Education and Culture, on 21 March 2018, during which the problems that are faced by teachers who are employed in the afternoon and evening programmes of the Ministry of Education and Culture, in the form of services bought, were discussed.



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E. Participation in the EQUINET European Network

The Ombudsman, in her capacity as Equality Body, is a member of Equinet (European Network of Equality Bodies) the as of 2007. In this Network, independent authorities/organizations, which have the jurisdiction for the implementation of the European Directive against discrimination in countries of the European Union (Equality Bodies), participate. The establishment and operation of Network intends for the co-operation and cothe ordination of the members for a more effective action and. in this framework, opinions are exchanged about issues that relate to their common jurisdiction, mutual reports are drafted and specialized conferences and educational seminars are organized.

In 2018, the Body participated in the Equinet's Working Group on Communication Strategies and Practices and the Equinet's Legal Working Group. Also, the Ombudsman participated during 2018 in meetings and seminars that Equinet Network organized.



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ANNUAL REPORT



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ANNUAL REPORT 2019

A. Reports/Interventions

During 2019, under the capacity of the Ombudsman as Equality Body, the following Reports/Positions were submitted:

→ Report regarding the handling by the Ministry of Health of a complaint of sexual harassment

The Report⁴² was submitted after the investigation of a complaint of a woman, working under the status of hourly-paid staff in a state hospital, regarding the handling of her complaint for sexual harassment at the place of work.

In particular, the complainer had reported that she had received verbal sexual harassment from her boss, who was also a member of the hourly-paid staff. As she claimed, although she had complained to the Human Resources Management and the case was investigated by the Ministry of Health, she did not receive any official briefing regarding the final finding of the investigation, and the inappropriate behaviour on behalf of the complainant was continuing.

From the investigation of the complaint, it appeared that the reports of the complainer were not underestimated by the Management of the state hospital concerned, but were

⁴² File No. AKI 35/2017

investigated and evidenced, on the basis of the Regulation which governs the disciplinary offences of the hourly-paid staff of the civil service. The above led the Director General of the Ministry of Health to give instructions so that the complainant receives verbal recommendations regarding his behaviour.

At the same time, however, the Ombudsman pointed out that sexual harassment is not explicitly included in the disciplinary offences which are foreseen by the Regulation for the hourly-paid staff of the civil service. Neither was there in force at the given time, a Code of practice for the prevention and combating of sexual harassment to members of the civil service, including the hourly-paid staff. Such a Code was issued by the Office of the Ombudsman in June 2018, while in July 2018, with a relevant decision, the Council of Ministers called upon the civil service to disperse it and to implement it.

The Ombudsman concluded, that due to the above two regulatory gaps, although in the complaint under investigation, the relevant disciplinary regulations were implemented, the required emphasis was not given to the fact that the behaviour of the complainant was not just indecent or impolite, it did not only show absence of seriousness and responsibility, but in addition, it constituted a serious form and great demerit of discrimination due to gender.

If this had happened, noted the Ombudsman, it is possible that the disciplinary penalty, which was imposed on him, could have been bigger, and the complainer, as a victim of such a behaviour, could have received sufficient briefing regarding the investigation of her complaints and the final finding. In addition, the impact that the harassment had on the capability and the mood of the complainer to continue to work under the same circumstances and in the same environment as the complainant, was going to be evaluated, so that it is decided whether it was necessary to make arrangements for her protection and the lifting of possible unfavourable repercussions and the negative climate which had been created. The Report was submitted by the Director General of the Ministry of Health, for the purpose of questioning and guidance for the handling of similar incidents in the future, while a copy was notified to the Director of the Department of Public Administration and Personnel, so that she is preoccupied with the possibility of amending the Disciplinary Regulations for the Hourly-paid Government Staff, in such a way that harassment and sexual harassment are defined as separate disciplinary offences.

→ Report against the Technological University of Cyprus, regarding the complaint of its worker for sexual harassment at the place of work

The content of the Report was confidential.

→ Report regarding forbidden discrimination due to gender due to non-calculation as service, of the period of extension of a sick leave due to pregnancy

The Report⁴³ concerned the claimed forbidden discrimination due to gender, as the period with which the sick leave of the complainer civil servant was extended due to pregnancy, was not calculated as service, with the result of reducing her annual leave.

Within the framework of the investigation of the complaint, the Deputy Director of the Department of Public Administration and Personnel, amongst other things, mentioned that the extension of the sick leave does not constitute «service», «that is, during the

⁴³ A.K.I. 1/2018

said extensions the employee does not gain annual leave...». According to Regulation 2 of the Public Service (Granting of Leaves) Regulations, actual service with full earnings includes, amongst other things, the sick leave, but it does not include the extension of the sick leave.

However, the Equal Treatment of Men and Women in Employment and Vocational Educational Law, amongst other things, forbids the direct and indirect unfavourable treatment of a woman, amongst other things, due to sickness which is due to pregnancy in relation to the two issues under reference and defines that the unfavourable treatment of a woman, amongst other things, due to sickness which is due to pregnancy, is presumed to be due to this situation.

In the Report, it was noted that the complainer, with the implementation of Regulation 2 of the Public Service (Granting of Leaves) Regulations, did not gain annual leave for the period of the extension of her sick leave which was due to her pregnancy and, therefore, underwent unfavourable treatment, due to gender, which, according to the Equal Treatment of Men and Women in Employment and Vocational Educational Law, is a direct forbidden discrimination.

Due to the fact that direct forbidden discrimination due to gender that the complainer underwent, is the result of the implementation of the above Regulation, the report was sent to the Attorney General of the Republic. → Intervention regarding the financing of a product from the Scheme of Business Innovation and a possible violation of Legislation for the Equality of the Genders

The said intervention⁴⁴ concerned the financing by the Ministry of Energy, Commerce and Industry, of a project of a private company for the perfection and disposal to the market of a specific product, mainly for use as a urinal for men.

As pointed out, the specific product had the shape of a nude woman's body and, by extension, the woman's nude body was objectified and was converted to a useful object/product to be sold to men.

The objectification of the body and, mainly, of the woman's body, is widespread in the advertisement of products and is considered as a result of androcentrism, the consideration of the male gender as a universal, objective and neutral stable value of the human kind, and of the female gender as something different, a type of special case or a diversion of the masculine rule. The authors, who took a position regarding this issue, mention that the use of the individual as an object, implies consequences further than those of "submission", such as violence.

Similarly, sexism too, which is a consequence of gender stereotypes, is based on the arbitrary distinction of the genders, reflects the perceptions of inferiority of women and superiority of men, expresses man's hegemonic role, it maintains the discrimination against women, inequality, and even violence.

On the basis of the preamble of the Convention of the Council of Europe for the prevention and combating of violence against women and violence in the family [Convention of Constantinople, which was ratified by Law 14(III/2017], violence

⁴⁴ E∆ 5.22.06.01

against women «constitutes a proof of the historically unequal power relations between women and men, which led to the sovereignty over and discrimination against women..» and the legal and actual equality between men and women constitutes a basic element for the prevention of violence against women.

The Convention obliges the states to take action, that is, to allocate resources, not only for the protection of victims and the persecution of perpetrators, but for the prevention of violence, amongst other things, with the promotion of changes in the social and cultural types of behaviour of women and men «with the aim of eliminating the prejudices, customs, traditions and other practices which are based on the idea of inferiority of women or the standardized roles for women and men» (article 12.1).

Consequently, the controversial product in this case, which constitutes objectification of the nude woman, «obviously expresses the stereotypes which are based on the arbitrary distinction of the genders, the perception of the superiority and inferiority of men and women respectively, and assigns specific roles to each gender, in a way which is extremely insulting to human integrity».

As an extension, it is a product «directly opposite to the state obligations for the purpose of the elimination of gender stereotypes and it can reasonably be considered that it negatively affects the continuous efforts which are intended for equality in practice, which constitutes a pursuit of the EU, based on the Treaties and a basic precondition for the prevention of violence against women based on the Convention of Constantinople».

\rightarrow Position on the occasion of Women's Day

In the Position⁴⁵ it was stressed that March 8 each year constitutes an awakening regarding the daily and timeless struggles made for the achievement of the substantial equality and equal treatment of women and men. Despite the fact that institutionally, there exists a fortification of the equality of the genders, the gender stereotypes remain strong and continue to connect certain roles to men and women on the basis of their biological characteristics.

The necessity of continuing and completing the work which had started was pointed out, so that (a) the inclusion of the dimension of the gender in public policies is promoted, (b) the Code of Practice for the Prevention and Combating of Sexual Harassment and Harassment in the Civil Service is promoted, (c) the correct and effective implementation of the Law on Equal Treatment of Men and Women in Employment and Vocational Education is assured, both in the public and the private sector and (d) in general, actions, good practices and policies are promoted so as to assure the substantial equality of the genders and to prevent the stereotype perceptions regarding their socially fabricated roles.

In conclusion, the state or the civic society was called upon to assist for a common purpose so that the so-called women's issues become social issues.

⁴⁵ A.A.A.Δ. 1/2019 dated 8 March 2019

\rightarrow Position on the occasion of the World Day against Homophobia

The Ombudsman, in a relevant Position of hers, noted that 17th May, World Day against Homophobia, «reminds us about the efforts that have been made on an international, European and national level, towards the enhancement of the rights of LGBTI persons and the demolition of phobic syndromes and prejudices, as well as everything else that a democratic state has to do to respect human dignity and the private life of each individual».

As was stated in the Position, although the State pursues and searches ways of strengthening the institutional framework of equality and the combating of discrimination due to sexual orientation and gender identity, LGBTI individuals *«continue to have discriminatory treatment and/or psychological harassment, with the result of insulting their human dignity and their social exclusion».*

Therefore, it was reminded that «human rights are identified with healthy democracies and states of justice where all are equal before the law and have the right to non-discrimination. Because human rights are not divisible, nor are they offset. They are not negotiable. They demand universal respect by all, for all».

And this, because when we refer to the rights of LGBTI individuals, «we are not talking about something unreal or about something extra. We are talking about simple – without inverted commas – fundamental human rights. Those, which every individual has the right to enjoy, so that his inborn dignity is protected».

→ Position on the occasion of World Day for Refugees

The Ombudsman, in a relevant Position dated 20 June 2019, as Equality Body and National Human Rights Institute on the occasion of the World Day for Refugees, noted that the flows of refugees are one of the biggest human crises that humanity is facing in the last decades and that the said people, are often found in inhospitable countries where they receive racist behaviours, experience violations of their human rights and are treated as a threat.

In Cyprus, she added, both asylum seekers and refugees, often face serious problems in their everyday life and the role of her Office is to continue to intervene where a violation or insufficient protection is found, as well as a possible restriction in the exercise of human rights.

The Ombudsman pointed out, that in a semi-occupied motherland such as ours, being a refugee has become one with our existence and, therefore, it is we, first of all, that have to feel obliged to teach everybody that being a refugee is not a social burden.

→ Position on the occasion of the World Day for the Elimination of Racial Discrimination

The Ombudsman, with a position dated 21 March 2019, on the occasion of the World Day for the Elimination of Racial Discrimination, noted that 21st March was established by the General Assembly of the UN as World Day for the Elimination of Racial Discrimination and, ever since, international and regional conventions, as well as national legislations, have developed a wide institutional framework of protection and promotion of human rights for all people, without any exception.

With the term racism, we mean the social practice or the political system, which, reproducing stereotypes and prejudices, and using the power or authority, supports the superiority and promotes the sovereignty of a specific group of persons against other groups. At the same time, racism is a mesh of perceptions, stances, behaviours and/or institutional structures.

As was noted, the prevention and combating of racism and discrimination in all their forms of appearance and fields of manifestation, is a bet for establishing legal order, with the basic tool of education and the cultivation of mutual respect and tolerance. At the same time, it is the obligation of all of us together, and of each of us separately, to secure the mosaic of human society with every colour, every language, every religion, culture and tradition, so that social security, democracy, human value, but above all, Freedom becomes the banner of our life.

→ Position related to comments of a Metropolitan within the framework of a speech open to the public

The Position was taken on the occasion of statements that a Metropolitan made about homosexuality, within the framework of his speech open to the public. In particular, the Metropolitan had stated that homosexuality:

« Is a problem which is usually transmitted by the parents to the child. And this happens ... at the time of the sexual act. Or during pregnancy. That is, when an abnormal sexual act of the parents occurs. Which is anal. If this is liked by the woman, it creates a desire ... and that «male homosexuality ... has a certain smell ... you were stinking, stench was coming out of you».

These specific statements caused justified reactions in the public opinion and especially in the LGBTI community.

In the Position, the Ombudsman mentioned, first of all, that freedom of expression and of spreading ideas is an ingredient of the personality of the individual and is protected as a fundamental human right, both on the basis of the international and legal framework, as well as of the internal legal order. The Ombudsman made a special reference to article 19 of the Constitution of the Republic of Cyprus and to article 10 of the 1st European Convention for Human Rights (ECHR), in the provisions of which, it is clarified that freedom of expression includes freedom of opinion, freedom of receiving and transmitting facts, information, messages, news. She also made a reference to case law of the European Court of Human Rights (ECHR)⁴⁶, in which the position was formulated that: «Freedom of expression constitutes an essential foundation of democratic society, and is implemented not only in the "information" or "idea" stage, where they are accepted favourably or are considered as painless or indifferent, but also, at those which insult, harm or annoy the State or any part of the population».

However, the Ombudsman clarified, this fundamental right, based on the relevant legislative framework, can be placed under restrictions, in various cases, amongst which are reasons which concern the protection of the reputation or the rights of third persons. The Ombudsman made special reference to a specific decision of the ECHR⁴⁷, in which it was stressed that discrimination on the basis of sexual orientation is equally serious to discrimination based on racial or national origin and on colour, and is not protected by the right of expression.

In the Position, the Ombudsman argued that the statements of the Metropolitan undoubtedly insulted women, motherhood and diversity regarding the choice of sexual orientation. They also victimized, once more, the female gender, since, with the said statements, the burden of the responsibility of the free choice of people regarding their sexual orientation was passed onto women. The Ombudsman added, that the reference of the

⁴⁶ Case Handyside v. United Kingdom

⁴⁷ Case Vejdeland and others v. Sweden)

Metropolitan about homosexual persons, that "stench" emerges from their body, which is perceived by third persons, acquires special importance.

The Ombudsman formulated the opinion, that even if this specific reason does not stimulate hatred or the exercise of violence against specific persons, so as to be characterized as a rhetoric of hatred, the specific opinions bore the element of belittlement and of rejection and could lead to feelings of animosity and hatred against homosexual persons.

The Ombudsman added that bearing in mind that racism is considered the set of views which consider a specific group of people as submissive and or inferior, based on some of its special characteristics, then this specific reason can only be considered as a racist reason, and does not enjoy protection from freedom of expression.

The Ombudsman also mentioned that each one of us has the responsibility of his speech and his opinions, which are judged by the position one holds as well as the size of the different audiences to which they are directed. In any case, though, it should also be borne in mind, that from now on, there is also the possibility of speedy transmission of news to a number of recipients, especially when opinions and ideas are expressed which may stigmatize persons and create animosity, regarding sexual orientation, which is directly connected with the free will of a person.

The Ombudsman also mentioned, that diversity is a right for the reasons for which everyone chooses and defines for himself and cannot become a reason for mockery, belittlement or animosity, as in a framework of chained behaviour, it may lead to the crime of hatred, which is undoubtedly condemnable by everybody.

The Ombudsman concluded on the basis of the above, that the State is called upon to maintain a consistent and coherent stance, condemning statements that may promote hatred, animosity, discrimination and racism. → Position regarding the «Publication and immediate transmission of a video with insulting content about the reputation of third persons»

The Position of the Ombudsman was taken on Sunday, 6 October 2019 and after information regarding a video which included various verbal expressions which were directed to a person with a different national origin were published, both on social network means and on the mass media.

The authenticity of the said audio-acoustic material was not doubted by anyone, while the person who had uploaded it on his Facebook account accepted that he had received it and its retransmission had a specific reason.

The aim of the current intervention was not the various legal issues which would possibly arise and would be connected with personal and private life, as well as with the protection of the minor child from various dangers. Therefore, the ombudsman limited herself to the content of the controversial video, which raised the feeling of shame to every recipient and that human dignity had the need to enjoy respect.

In particular, the reason which had been used, tension as well as gestures, result in the finding that animosity has been launched against a woman, on the basis of her characteristics which are related to her national origin.

As it was noted, *«it contains the element of belittlement and verbal assault to such an extent that not only does it constitute a reason for racism, but in the case where it is reproduced, it has the possibility of affecting third persons to such an extent, where in a successive sequence of copying and imitating such behaviour and consciences, it will lead to the commitment of violent acts».*

«Such behaviour», added the Ombudsman, «suspends or, at least, delays the possibility of the cultivation and education, of a culture of tolerance and respect for all types of diversity».

Regarding the presence of a minor child, it was noted that «he has become a witness of a hostile behaviour, as well as of a verbal insult to the dignity and reputation of a third person, based on his different national origin».

«Through this incident», continued the Ombudsman, «a child experienced the absence of respect to a fellow human being due to the characteristics which distinguish him».

The conclusion of the Ombudsman in her Position, was that «from this incident, "an arrow hit our present and harmed our future". The reversal is the obligation of all of us».

→ Reports regarding the rejection of applications of refugees born from refugee mothers

The Reports⁴⁸ were submitted after the investigation of complaints by Cypriot citizens against the Ministry of Interior and the Displaced Persons Care and Rehabilitation Service (YMAPE), regarding the handling of their applications for granting financial assistance for housing, to acquire a residence according to the state housing plans offered for the displaced.

The complainers are born from displaced mothers and during the period 2014 and 2015, after the amendment of article 119 of the Law on the Population Archive, where the displaced who are born from displaced mothers can now participate in all the state housing plans which are offered to the displaced, they submitted an application to YMAPE so that financial assistance is granted to

⁴⁸ File No. : APA14/2017 A/Π 525/2018

them to acquire a residence according to the provisions of the Housing Assistance to Displaced Persons, Victims and Other Persons Law.

However, their applications were rejected from the Housing Assistance Committee, because they were considered that they did not fulfill the relevant criteria of the Council of Ministers and, in particular, as the Director of IMAPE informed them, «the date of purchase of the residence in relation to the submission of the application for financial assistance exceeded the two years which the criteria of the Council of Ministers foresee».

The complainers disagreed with the above rejection, mainly because, until 2013, when the relevant amendment occurred, they were not recognized as refugees and, therefore, at the time of the purchase of their residence, they did not have the right to apply for financial assistance for housing. Consequently, as they argued, the rejection of their application with the reasoning that the two years had passed from the acquisition of the residence, was incorrect.

It was noted in the Report, that the refugee status of the displaced, born from displaced mothers is also recognized as from December 2013, theoretically granting to persons of this category, access to all the state housing plans for the displaced. Nevertheless, as it is also noted, persons who acquired their residence without fulfilling the time limits foreseen in the relevant criteria (the purchase to have been made within one or two years, according to the case, from the submission of the application), cannot benefit from the Plans.

The Ombudsman expressed the opinion that it is a paradox not to be possible to exercise a right which has already been recognized. The introduction of criteria, she added, for granting housing assistance which are not related to the identity of a refugee, but to the time of purchase of the housing unit, in relation to the time of submission of the application for financial assistance, constitutes external factors which offend the core in the equality of the two genders and has to be re-examined. Therefore, for the removal of the different treatment of similar cases between refugees born of displaced mothers who had purchased a residence, at a time period earlier than the recognition of their right and to those who will purchase or purchased in the (restrictive) period of two years from the recognition, the Ombudsman submitted a suggestion that the competent services take all the due steps for reviewing the preconditions that the criteria place, for granting financial assistance to refugees born of displaced mothers, in a way which constitutes the exercise of their rights feasible, in conjunction with the financial capabilities of the State.

→ Accessibility of persons with disabilities to places where theatrical performances are conducted

After the submission of complaints regarding the inadequate accessibility of specific places in which theatrical performances are conducted, which are managed by the Cyprus Theater Organization (THOC), the Ombudsman, within the context of her jurisdictions as Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights for Persons with Disabilities, proceeded self-proclaimed, to the investigation of the broader issue of accessibility of persons with disabilities to places where theatrical performances are conducted. For establishing the level of accessibility of the said places by persons with disabilities and, in particular, whether an adequate chain of accessibility is secured in them, from the parking space up to the place where the performances/events are conducted, as well as whether within the said places, the persons with disabilities can watch comfortably and safely watch the performances/events which are conducted, the opinions of the institutions which manage them were asked, and on-site visits were conducted.

In the relevant Report⁴⁹, suggestions were submitted both for the amendment of the Roads and Buildings Regulations, since due to the fact that they are not retrospective, they cannot be applied to existing inaccessible developments, and also to the services/ authorities/institutions which own or manage places in which theatrical performances are conducted, to safeguard:

- An unhindered chain of access from the parking place up to the said places for all persons with disabilities, regardless of their disability.
- The existence of a satisfactory number of parking spaces for persons with disabilities at a short distance from the entrances of the said places.
- The existence of a satisfactory number of seats for persons with disabilities, as well as for their escorts, within these said places.
- That the said seats are not situated only in a specific spot of the said places, but wherever and whenever it is technically feasible, at different spots and levels.
- That at any point in time, access of the persons with disability to the emergency exits is feasible.
- That both outside and inside their installations, there will be an adequate and satisfactory marking in appropriate forms, for facilitating the orientation and movement of all persons with disabilities, regardless of their disability.
- That the performances in the places that they own and/or manage, in which theatrical performances are conducted, will become fully accessible to persons with disabilities with visual and hearing impairment.

⁴⁹ A.Σ.A. 1/021 and Σ.A.A. 13/2018

• The provision of clear instructions to all their staff regarding the method of handling persons with disabilities.

Moreover, a suggestion was made that the managers of theatrical performances, in consultation with the representative organizations of persons with disabilities, amongst other things, stop the practice of demanding the in advance informing by persons with disabilities, of their wish to watch their performances and to ensure that at any point in time, even at a time shortly before the beginning of their performances, there is a number of seats for persons with disabilities, available within the theatres, in case the said persons arrive late at the place of the performance, as well as that the benefit which the European Disability Card offers to persons with disabilities, for free entrance to performances of the Cyprus Theater Organization (THOC) is not cancelled.

With regard especially to the Amphitheatre of the School for the Blind (Makarios III), which is managed by THOC, the suggestions to THOC were that, in cooperation with the Ministry of Education, Culture, Sport and Youth and in consultation with the representative organizations of persons with disabilities, they reexamine ways of making seats for persons with disabilities, at another place in the amphitheatre, other than the corridor at the top of the stands and that they proceed with the necessary arrangements so that watching the performances from the said corridor is done in comfort and safety.

Finally, regarding the remaining theatres/places in which theatrical performances are conducted, individual suggestions were made (a) to the Ministry of Education, Culture, Sport and Youth to examine ways, in consultation with the Ministry of Defence, so that the guard post which is located in front of the Pallas Cinema does not obstruct the safe use of the pavement which leads to the theatre and (b) to CyBC to expedite the construction of lavatories for persons with disabilities in its minitheatre, as well as to the Municipality of Lakatamia, in its Municipal Amphitheatre. → Own Initiative Intervention regarding the absence of an escort for children with disabilities in pre-primary education

The Commissioner investigated the non-placement of an escort for a children with mental disabilities who wished to attend a Kindergarten in Limassol.

Following the Own Initiative Intervention of the Commissioner to the Ministry of Education, Culture, Sports and Youth, a draft was drawn up so that the Kindergarten to be served by a school escort.

→ Provisions of the Minimum Guaranteed Income and Social Services in General Law which are connected to the needs of disability

The Ombudsman, in the context of her jurisdictions as Independent Mechanism for the Promotion, Protection and Monitoring of the UN Convention on the Rights of Persons with Disabilities, proceeded with the investigation of relevant complaints regarding the rejection of applications of persons with disabilities for the provision of Minimum Guaranteed Income (MGI), due to the incomes and/or the deposits of their spouses.

In particular, according to the complainers, during the examination of the said applications which are submitted by persons with disabilities, the Service for the Administration of Welfare Allowances of the Ministry of Labour, Welfare and Social Insurance, counts in their income / takes also into account the income of their spouses or also possible bank deposits of their spouses, with the result of rejecting their applications with the rationale that the income of their family unit exceeds that which is determined in the MGI legislation.

From the investigation of the said complaints, it was established that their subject is directly connected with the provisions of the Minimum Guaranteed Income and Social Services in General Law of 2014 (Law 109(I)/2014), which bind both Administration of Welfare Allowances during the examination of every application for MGI, and the Minister of Labour, Welfare and Social Insurance during the examination of every appeal against the rejection decision of Administration of Welfare Allowances to such an application.

In particular, according to the above Law, every married applicant who is a person with disabilities, regardless of his/her age, is considered as a member of the family unit, for Administration of Welfare Allowances to decide whether he is a beneficiary of MGI and, as an extension, of disability allowance, of additional allowance for the needs of the disability, or also of a subsidy for services of care, bearing in mind all the income, immovable property or monetary/economic information of the family unit.

In the case, that is, (a) of married persons with disabilities who have completed the age of 28 years, like the complainers, (b) of married persons with disabilities who have not completed the age of 28 years and (c) of a single person with disabilities who has completed the age of 28 years, the incomes of the members of his family unit (spouse/child) are counted in the income of the applicant, and also the immovable property of the members of the family unit, as well as their monetary/economic information/deposits are taken into account, according to the case.

Consequently, the person with disabilities becomes a dependent of the family unit, with the visible danger of the downgrading of the quality of his living conditions and of all the remaining members of the unit, since the family unit, without state contribution, is called upon to cover the needs for food, clothing/footwear, services of home maintenance, water/electricity/fuel, health, transport, telecommunications, entertainment of the person with disabilities as well as the needs which arise from his/her disability.

Therefore, while the cost of the needs which arise from the disability are recognized by the Law, since it foresees the provision of a disability allowance to the beneficiaries of MGI, an allowance for the needs of the disability or even a subsidy for the services of caring, however the Law does not include a provision that the person with disabilities who does not become a beneficiary of MGI, will at least become a beneficiary for the benefits which are directly connected to the needs of his/her disability, regardless of the family income.

However, persons with disabilities should not undergo any discrimination and should not have any dependence on their family unit, but should have an autonomous support based on the basic benefit and their needs. An adequate standard of living contributes, as a chain reaction, to the rights of persons with disabilities, which are recognized by the UN Convention on the Rights of Persons with Disabilities, such as their right to independent living, personal choices and decisions, with regards to the place of living, as well as the participation and integration in the community, while at the same time it excludes the danger of their marginalization.

In view of the above findings and especially as the provisions of the same Law, according to which, married persons with disabilities under 28 years old, married persons with disabilities over 28 years old and single persons with disabilities over 28 years old, when they do not become beneficiaries of MGI, they neither receive a disability allowance, nor an allowance for the needs of the disability, and not even an allowance for care, even when it is deemed that they have a need for care, and having taken into account the provisions of article 28 of the Convention on the Rights for Persons with Disabilities, as well as the Concluding Observations of the UN Committee on the Rights for Persons with Disabilities which concern the said Convention, the following suggestions were submitted to the competent Ministry:

- To promote the amendment of the Law in a way, so as to safeguard that the persons with disabilities, regardless of their age, will not be deprived of disability allowance, the allowance for the needs of the disability or the subsidy for the services of care, due to the counting in their income, of the incomes, immovable property, deposits or other monetary/economic information of the members of their family unit.
- To take all proper steps for the implementation of action no. 20 of the National Action Plan for Disability 2018 – 2020, which concerns the formulation of a new policy and legislation, with a three-month consultation period for this purpose, with persons with disabilities.

→ Remarks regarding the provisions of the bill titled «The Unified Education (Support Structures) Law of 2019»

Subsequent to a relevant meeting with the organizations of the parents of children with disabilities, during which their positions and opinions were filed on the proposed bill, the Ombudsman, in a relevant Position of hers to the Ministry of Education, Culture, Sports and Youth, presented her remarks regarding this, with the aim of compatibility with the UN Convention on the Rights of Children and the UN Convention on the Rights of Persons with Disabilities.

The remarks of the Ombudsman, which aimed to consolidate the various opinions of the organized parents on the matter, always on the basis of the provisions of the Convention, include, amongst others, the following:

 The early diagnosis and intervention for children aged 0 – 3, who still attend infant/child nurseries, is of crucial importance for the child, as well as for the subsequent provision of the necessary support to it by the State, in the context of the educational procedure.

- The said bill should secure that all children should have the opportunity to equal access and to then be judged whether they can manage, based on the personalized support programme.
- The teachers should have a holistic education so that they are ready to face persons with disabilities and should not have random education.
- The school assistants/escorts should cease to be hired by the School Boards and specific service plans should be determined which should demand teachers' qualifications.
- It should be foreseen that the opinion of the child, is not only expressed, but is also adequately taken into account, according to the degree of perception and maturity of the child.
- There is no adequate guarantee of the participation of the parents in the procedure of decision-taking with regard to the type of education which the child will receive and the monitoring of its course, to the opinion of whom, the experts wanted to give an additional weight, with regard to the legal status which applies today.
- To guarantee that differentiated and personalized analytical programmes should be formulated, which will lead to the same result of ordinary education to the degree of capability of everybody. On this specific matter, the issue of the evaluation of the children has to be cleared, mainly with regard to the common examinations at the end of the semesters.
- The existence of compatible structures is necessary for serving the needs of all children without exception, for

reducing the number of students per department, as well as for the presence of a second teacher in the classroom, when necessary, for the provision of support to children that need it.

• The parent of the child should from now on become an equal partner with the other institutions, in matters that concern his/her child itself.

→ The Decree on Roads and Buildings (Amendment of Annex III) of 2018

A complaint which was submitted to our Office by a representative Organization of persons with disabilities, concerned the publishing, in September 2018, in the Official Gazette of the Republic, of a Decree of the Minister of Interior (Regulatory Administrative Act) with which paragraph 3.191 of Annex III of the above Regulations was replaced by paragraph 3.185.

In particular, with the Decree, amongst other things, the general requirements of accessibility of persons with disabilities to lavatories in buildings of public use were amended, since paragraph 3.191 of Annex III was replaced by paragraph 3.185. Consequently, with the replacement of Table 2 of paragraph 3.191 with Table 2 of paragraph 3.185, the requirements for lavatories for persons with disabilities in buildings of public use were reduced.

The Organization asked from the Ministry of Interior, the restoration of the downgrading of the provisions of the Regulations, as well as, amongst other things, the termination of possible attempts of further amendments of provisions of the Regulations regarding the accessibility in public buildings of persons with disabilities who move on wheelchairs, since the said group of persons with disabilities is not represented in the Consultative Committee of Accessibility. The Ombudsman, with her letters to the Ministry, drew his attention to the relevant provisions of the UN Convention on the Rights of Persons with Disabilities (Articles 2, 4, 9 and 27), relevant passages from the Concluding Observations of the UN Committee on the Rights of Person with Disabilities, with regard to the initial Report of Cyprus (Paragraphs 7, 8, 25 and 26), as well as the remark of the Committee, in the General Comment with no. 2 (2014), that the safeguarding of full access to installations which are open to the public constitutes a vital pre-condition for the effective exercise of many rights which are covered by the Convention. She pointed out that the above Decree sets aside and violates the rights of persons with disabilities, especially of those who move with wheelchairs.

A suggestion of the Ombudsman to the Ministry was the revocation of the Decree and the re-examination of its provisions with regard to the accessibility of persons with disabilities to lavatories, after asking and taking also into account the opinions of the representative organizations of persons with disabilities which are directly involved.



B. Arbitrary Action

On the basis of institutional capabilities, the Ombudsman, under her capacity of Equality Body, also gave emphasis to **arbitrary activity** during 2017. The arbitration was made in cases where, at first glance, a validity of the complaint was established, whereas, the written and/or verbal – interventions of the Body towards the involved public Authorities had as a result, the settlement of pending issues and/or the fulfillment of specific requests of the complainers.

Typical cases, in which there was arbitration/intervention of the Body with a positive conclusion, are as follows:

In a complaint⁵⁰ which concerned the transfer of a working woman outside her district of permanent residence, for the implementation of the Plan of Transfer of Indefinite Employees and Temporary Indefinite for Office and Administrative Duties, the Ombudsman, with a letter to the Department of Public Administration and Personnel noted that despite the facilities foreseen by the said Plan, which are associated with maternity, especially through the provision of transferring women employees to their district of permanent residence up to nine months from the completion of the birth of a child, however, in her view, these facilities, in certain cases, were not

⁵⁰ File No.: AKI 31/2017

enough for the support of families with increased needs for care.

In particular, in the case under examination, the complainer was a mother of two infants, aged 3 and 1 years old, while the job of her husband was of such nature that it did not allow him to conclude basic obligations, such as the transportation of the children to the kindergarten. Under the light of these personal circumstances, and given the margin of discretion of the Department, based on which, special personal reasons may be taken into account and may justify the granting of an exception, the Ombudsman suggested the re-examination of the case of the complainer. In particular, she expressed the opinion that the possibility could be examined for the exemption of the complainer from the Plan, to be extended up to at least until her younger child becomes two years old.

After a complaint⁵¹ of a woman working in the Municipality of Nicosia, regarding an inappropriate behaviour which her boss demonstrated against her in the Municipality, the Ombudsman asked for the opinion of the Mayor of Nicosia about the issue. In particular, she asked that she is informed as to whether the claims of the complainer were investigated or if any other actions were taken to handle the situation.

In the answer which was received, it was noted that the Municipality proceeded with an examination of the claims of both sides and proceeded with sending a letter to the complainant, in which, on the one hand, it mentioned that his behaviour was «indulgently unacceptable», and on the other hand, it indicated that the behaviour was not according to

⁵¹ File No.: Α/Π 129/2019

the Regulations of the Municipal Services, (according to which, every Municipal Employee is obliged, amongst other things, «not to act or not fail to act or behave in a way which may defame the prestige of the municipal..» and «to behave with decency, courtesy and honesty». Therefore, it was pointed out to him that in case such behaviour is repeated, the Service will proceed with disciplinary persecution against him, according to the Municipal Regulations.

Given the above, the Ombudsman was satisfied that the Municipality of Nicosia responded to the obligation it has as an employer, to intervene in issues of indecent behaviour or harassment against an employee, so as to secure the protection of the dignity of each worker.

🐸 After the complaint⁵² of a policewoman, regarding a decision for her inclusion in the personnel which is recalled off-duty for the execution of a duty, despite the fact that she was a single parent of a minor child, the Office of the Ombudsman, informed the Chief of Police with a letter, about the complaint. At the same time, she pointed out that both on the level of the European Union, as well as on the national level, the handling of the issue of under-representation of women in employment and the support for the development of their careers through the improvement of the conditions of work, so that they can combine their responsibilities in their professional and private lives, are proclaimed aims and priorities. As it was also noted, within the measures which are aualified for the achievement of these aims, is the enhancement of the right of all parents, who have the responsibility for the care of minor children, to ask for flexible arrangements and working hours.

⁵² File No. : Α/Π 1857/2018)

On the basis of the above, it was requested that the case of the complainer is re-examined with sensitivity and taking sufficiently into account the fact that she herself had the responsibility of caring for a minor child of young age.

Then, the Chief of Police informed the Ombudsman that arrangements were made from then on, that the staff of the Workshop where the complainer served, would not be set on an on call twenty-four hour shift, a fact which satisfied the request of the complainer.

- A complaint⁵³ which was submitted by a policewoman, regarding the non-provision of facilities at her place of work, and in particular, for her request that it would be allowed to her, for health reasons, to wear during the execution of her duties, an operational uniform and not an official one, was brought by the Ombudsman to the attention of the Chief of Police.
- In his relevant reply, the Chief of Police informed the Ombudsman that instructions were given to the Police Station manager, where the complainer was working, so that it is allowed to her to come to work with an operational uniform, until a transfer is arranged for her to another Department/Office, where she could exclusively wear an operational uniform.
- A Complaint⁵⁴ against the Forestry Department, which concerned the moving of a person with mental disability, who works as a seasonal, hourlypaid, indefinite employee in the Department, in a

⁵³ File No.: Α/Π 1934/2018

⁵⁴ File No.: Α/Π 372/2019

place of work where the new conditions were creating dangers to his safety and health, resulted in the intervention of the Ombudsman. In the context of the intervention, the Ombudsman asked that the request of the complainer is examined so that he is returned to his previous position of work.

The Director of the Forestry Department, taking into account what was drawn to his attention by the Ombudsman, gave instructions so that the request of the complainer is satisfied and, at the same time, that all the required measures are taken for securing the dignity and the rights of all workers in the workplace and especially of the persons with mental disability.

- After a complaint⁵⁵ of a teacher regarding the nonsatisfactory granting of reasonable adjustments and facilities, for health reasons, in the school where she was working, the Ombudsman applied to the Director of Intermediate General Education, citing analytically all the facts, together with suggestions for solutions which would enable to facilitate the complainer.
- Subsequently, the relevant Inspector visited the school, and then instructions were given both to the Headmaster, as well as the competent School Board, so that the issue is settled with the conversion of the hall, which is located on the ground floor, to a hall in which the complainer would teach certain of her classes. At the same time, it was arranged that she would also teach the children of the Special Unit, the hall of which was also located on the ground floor. The said arrangement satisfied the complainer and, therefore, the intervention was complete.

⁵⁵ File No.: Α/Π 372/2019

- In a complaint⁵⁶ of a worker in a state hospital, regarding her request from exemption from night shifts, during the days when she receives injection treatment, an intervention was made by the Ombudsman to the Department of Public Administration and Personnel.
- After the intervention, it was secured that the service of the complainer will be adjusted accordingly, so that on the days that she receives an injection treatment she does not do night shifts.
- After a complaint⁵⁷ which concerned the failure of the Social Welfare Services to grant to the complainer, who was an employee of the Services, reasonable adjustments to the job due to the condition of her health, the Ombudsman intervened, which led to the satisfaction of the request of the complainer to be posted in the Administration of the Ministry of Labour, Welfare and Social Insurance.
- After a complaint⁵⁸ which concerned the decision of the Social Insurance Services to reject an application to pay maternity benefit, the Ombudsman, after a correspondence which she had with the involved Service, was informed that, after all, the application was re-examined and the payment of the maternity benefit was approved.
- In a complaint⁵⁹ which concerned the delay for over two months in the payment of the maternity benefit, and although the benefit was paid after all, the

⁵⁶ File No.: AKI 3/2017

⁵⁷ File No.: A/Π 1352/2018

⁵⁸ File No.: A/Π 1941/2018

⁵⁹ File No.: A/Π 1701/2019

Ombudsman informed the Social Insurance Services about it, drawing their attention, so that delays with such a duration, in the payment of maternity benefits are not repeated.

Subsequent to an ex-officio intervention of the Ombudsman as Equality Body, five Iraqi families of Kurdish origin were moved, who were staying in tents on a pavement on Makarios Avenue in Nicosia, at the point where the Offices of the Asylum Service are found.⁶⁰.

→ Accessibility of persons with disabilities to beaches

After the submission of the relevant Report of the Ombudsman, a broader meeting was held at the Offices of the Cyprus Tourism Organization (now, Deputy Ministry of Tourism), at which representatives from our Office, of involved Authorities/Services and representative organizations of persons with disabilities were present. In the meeting, the content of her Report was discussed extensively, as well as the steps that had to be taken to broaden the accessibility of persons with disabilities to beaches. It was further decided to establish a Committee for the Accessibility of persons with disabilities to the beaches, in which our Office also participates.

A discussion followed before the Parliamentary Interior Committee for an amendment of the relevant legislation [the Law on the Protection of the Beach (CAP. 59)] for the improvement of accessibility of persons with disabilities to beaches and on 29 May 2019, the Law on the Protection of the Beach (Amendment) Law

⁶⁰ AYT. 4/2019

of 2019 (Law 79(I)/2019) was published in the Official Gazette of the Republic, with which the specific provisions of the Law that concern the accessibility of persons with disabilities to the beach were amended, as a suggestion in the relevant Report of the Ombudsman.

The said amendments which have been made to the Law, are the following:

- a. The banning of driving a motor vehicle or other wheeled vehicle on the beach, does not include the use of a wheelchair any more, automatic or hand-driven, which is a transportation means for a person with disabilities, as well as automatic-driven means or small vehicles which offer transportation to persons with serious mobility disability, which move on a special passageway with appropriate marking [paragraph (d) of article 5D].
- b. The banning of driving or walking of any animal on the beach or washing of an animal in the sea, except only from areas which are designated by the Central Committee of Beaches as areas for washing of dogs in the sea, does no longer include the driving or walking on the beach or the entering in the sea of trained dogs for the assistance of blind people and persons with disabilities, which are used by them as assistants and/or escorts [section (e) of article 5D].
- c. Paragraph (d) of section (2) of article 5G was replaced by the paragraph «the local administration authority should create infrastructures, with the corresponding labeling, to safeguard the free and unhindered access of persons with disabilities to the beach and the sea, including the accessible parking spaces and lavatories, as well as the passageways, appropriately transformed for easy and safe entry of persons with wheelchairs into the sea».

At the same time, the number of ramps/passageways of access to the beach increased and/or the existing ones were improved,

while autonomous systems of sea access (Seatrac) and special amphibious wheelchairs were placed on beaches which did not have and/or were not accessible to persons with disabilities.

Furthermore, a new meeting was held at the Offices of the Deputy Ministry of Tourism, at which our Office also participated, during which the additional actions that had to be taken were examined, for the improvement of accessibility of persons with disabilities to the beaches, as well as the contribution of the Deputy Ministry of Tourism to this direction.

As a result of the meeting, the Deputy Ministry of Tourism announced the beginning of the Plan for subsidizing projects for the organization and safety of beaches with the emphasis on the improvement of infrastructures for persons with disabilities (2019-2020), which is directed to local authorities and, amongst other things, concerns the provision of support for the improvement of existing infrastructures for persons with disabilities which concern mobility difficulties and creation of infrastructures for other groups of persons with disabilities.

→ Accessibility of persons with disabilities to places where theatrical performances are conducted

After the submission of the relevant Report of the Ombudsman, the Cyprus Theater Organization (THOC):

a. Proceeded with representations to its Studier to implement, where possible, the suggestions which were included in the Report and concerned the Amphitheatre of the School for the Blind (Makarios III).

- b. Has included in its programming, the over-titling in Greek, of all the productions of the Central and of the New Stage, as well as of Stage 018 and of «Apothikes» Theatre, with the frequency of two over-titled performances per month for each production (information about the said performances are uploaded on the webpage of ΘOK).
- c. For the year 2020, over-titles in Greek are programmed both for the Central and for the New Stage as well as for the Children's Stage of THOC.
- d. Continues the Operation of «Δείτε μας Αλλιώς» [«See us Otherwise»] which offers the possibility to persons with visual disability to watch the performances of ΘΟK on specific dates.

→ The Roads and Buildings (Amendment of Annex III) Decree of 2018

Subsequent to a relevant intervention of the Ombudsman to the Ministry of Interior, regarding the publishing of the above Decree with which the accessibility of persons with disabilities to lavatories in buildings of public use was downgraded, the Ministry proceeded, amongst other things, with the following actions:

 It submitted a proposal to the Consultative Committee of Accessibility for the reviewing of the Roads and Buildings (Amendment of Annex III) Decree of 2018 (Κ.Δ.Π. 262/2018), [Regulatory Administrative Act] on the basis of which, in all categories of development there will always be a place accessible and transformed for persons with disabilities.

- After securing the comments of the members of the Consultative Committee, the issue would be promoted to the Ministry of Interior for information and approval and then the draft of the Decree would be put for public consultation for one month.
- The Ministry of Interior gave instructions to expedite the issuing of a Decree to replace the existing one, to solve the problem which was established regarding the lavatories, with regard to which a public consultation will follow, so that all the interested and affected parties will be able to submit comments and opinions before its finalization and issuing.
- It would promote a proposal before the Consultative Committee for the participation of the Cyprus Paraplegic Organization (Ο.ΠΑ.Κ.) in the Committee, since it has the opinion that the representatives of Ο.ΠΑ.Κ. «have useful opinions and information about accessibility».

Subsequently, and in particular, on 13 Δεκεμβρίου 2019, the Roads and Buildings (Amendment of Annex III) Decree No.1 of 2019 was published in the Official Gazette of the Republic, with which the accessibility of persons with disabilities to lavatories in buildings of public use was improved. In particular:

- In restaurants/cafeterias and developments of similar use with a total area of 65 sq.m., from now on, lavatories accessible to persons with disabilities are required, without discrimination to gender.
- The said provision does not apply to developments which are integrated in joint developments, provided that such a jointly-owned and jointly-used space is determined at the same level and at a distance not bigger than 40 metres.

The minimum number of lavatories and facilities for persons with disabilities per development is determined in a relevant Table which is included in the Decree.

> → Provisions of the Law on Minimum Guaranteed Income and More on Social Benefits which are connected to the needs of disability

After the submission of the report of the Ombudsman regarding the specific provisions of the above Law, a discussion began, before the Parliamentary Committee of Labour, Welfare and Social Insurance, for the amendment of the said Law and/or for the preparation of a new legislation, so that persons with disabilities have full access to Minimum Guaranteed Income and to the allowances which are related to their disability and not to be excluded from them, due to the amount of the monetary/economic information of the members of their family units.





C. Actions for Raising Awareness and Briefing

The multi-faceted action of the Ombudsman as Equality Body, with the aim of briefing and raising awareness of the civic society for issues which are connected with her responsibilities also continued in 2019.

Indicatively, in 2019, for the above aim, the following actions were taken:

- The Office supported the campaign of the **Equinet** Network, during the months of March-May 2019, regarding the combating of discrimination and the rhetoric of hatred in the election campaigns, in view of the Euro-elections of May 2019, promoting the relevant Recommendations of the Network on the matter, to competent institutions, mass media, political parties etc.
- In the framework of actions of the Office on the occasion of the World Day of Refugees, the Ombudsman and Officers of the Office, visited the premises of the Association of Recognized Refugees of Cyprus «New Genesis Centre» in Nicosia and the Reception and Hospitality Centre of Applicants of Political Asylum in Kofinou.

- The Office, in cooperation with the «AWARE» Campaign, organized an event with the title **"Women refugees, women immigrants in Cyprus"** on 9 July 2019. The event took place in the framework of the actions and briefing campaigns of the Office about issues of refugees and immigrants and, in general, discrimination which vulnerable groups face.
- An Officer of the Office gave a lecture in the Police Academy on the subject «Discrimination, Racist Behaviour» on 16 January 2019.
- Officers of the Office gave a lecture in the Police Academy on the subject «Racial Discrimination» on 22 February, 5 March, 23 October, 7 November, 11 November 2019.
- An Officer of the Office gave a lecture, on 15 May 2019, in the Police Academy on the subject «Protection of Human Rights», within the framework of a two-day seminar on Combating Xenophobia, Racism and Respect for Human Rights.
- The Ombudsman and an Officer of the Office participated in a high-level meeting on the subject "On the Road to Effective Equality - New responses to racism and intolerance needed?" The meeting was organized by the European Committee against Racism and Intolerance (**ECRI**) of the Council of Europe, under the French Presidency of the Committee of Ministers of the Council and took place on 26-27 September 2019, in Paris.

- The Ombudsman had a meeting on 27 June 2019 with the honorary president of the organization **Cyprus Stop Trafficking**, during which the subject of human trafficking, issues of discrimination and aliens were discussed, as well as the problems of immigrants and mainly of those with long stay, about their access to employment and the social problems.
- The Ombudsman had a meeting with the President and the Vice-President of the Organization Accept **AOATI (LGBTI)**. The meeting took place in the Office of the Ombudsman on 11 October 2019 and intended to inform the Ombudsman about the problems and challenges the LGBTI community faces in Cyprus.
- The Office of the Ombudsman, in cooperation with the Cyprus Academy of Public Administration and the Committee on Gender Equality in Employment and Vocational Training (EIΦ) organized a series of three-hour workshops on the subject «Code of Practice for Hiring and Combating Harassment and Sexual Harassment at Work, in the Civil Service». During the whole of 2019, around 30 workshops were organized and in these, over 800 civil servants participated.
- Officers of the Office, participated as trainers, in a series of seminars which were organized by the Office as Equality Body, in cooperation with the Cyprus Academy of Public Administration, on the subject of bullying at the place of work (bullying, mobbing, stalking). The seminars were organized as a continuation of others in previous years and took place on 21 February, 17 April and 29 May 2019.

- On 23 September 2019, a cycle of educational workshops began which was organized by the Cyprus Academy of Public Administration, in cooperation with our Office and the Committee on Gender Equality in Employment and Vocational Training with regard to the «Inclusion of the Dimension of Gender (gender mainstreaming) in public policies». Each workshop, lasting 6 days, was directed to a specific target group of civil servants and had as an aim, the presentation and understanding of the relevant Directive which was prepared.
- An officer of the Office participated in the first session of the «Thematic Network on Gender Mainstreaming» of the European Institute for Gender Equality - EIGE. In the session, representatives of the member states of the European Union participated. The work of EIGE was presented, regarding the inclusion of the dimension of gender, gender statistics and the Gender Equality Index, also the participants presented the recent developments in their states, regarding the subject under discussion. The meeting took place on 26 February 2019, in Vilnius.
- An Officer of the Office participated on 25 September 2019, in a conference on the subject «The work of the **European Institute for Gender Equality (EIGE)** in the promotion and support of Gender Equality in the European Union and the member states. The case of Cyprus».

- An Officer of the Office participated on 7 November 2019, in a conference which was organized by the **Centre for Gender Equality and History and the Cyprus Association of Family Planning** on the subject «Young males and females for gender equality in the family».
- On 14 March 2019, the Ombudsman had a meeting in her Office with the organized parents of persons with disabilities, during which, the organized parents presented to the Ombudsman their comments and opinion regarding the proposed bill «the Unified Education (Support Structures) Law of 2019», raised their concerns regarding certain of its provisions, as well as the changes which they themselves propose for the bill of the Ministry, assisted by opinions of experts on the matter.

After the end of the meeting, the Ombudsman sent a relevant letter to the Minister of Education, Culture, Sport and Youth, with specific remarks based on the positions of the organized parents, with a suggestion that these are taken into account, bearing in mind the inclusive/unified education and the best interests of the children.

Furthermore, during 2019, Officers of the Office represented the Ombudsman in the regular meetings that took place for the drafting of the final version of the proposed bill.

On 26 June 2019, the Ombudsman had a meeting with the President and Members of the Cyprus Federation of Business and Professional Women -BPW, during which the representatives of BPW Cyprus presented the Charter of Girls' Rights and, in general, gender equality issues were discussed. During the meeting, the cooperation of the Office of the Ombudsman and BPW was agreed, for taking a series of actions, starting from the field of education, so that respect for human rights is cultivated and embedded in everybody, women and men, girls and boys.

- The Ombudsman had a meeting with the President and Vice-President of the Organization Accept LGBTI. The meeting which took place in the Office of the Ombudsman on 11 October 2019, intended to brief the Ombudsman about the problems and challenges that the LGBTI community faces in Cyprus.
- 🐸 The Ombudsman addressed a press conference which the Youth Board of Cyprus organized, on the occasion of the signing of the Cooperation Agreement and Declaration of Principles for Combating Homophobic and Transphobic Bullying in Schools, which came up from the European Programme **HOMBAT**. The Cooperation Agreement is signed by 9 institutions, which form the HOMBAT Network: Ministry Education of & Culture. Ombudsman, Commissioner for Children's Rights, Youth Board of Cyprus, ACCEPT LGBTI, University of Nicosia, Frederick University, Cyprus Association of Family Planning and CARDET.





D. Presence at sessions of the Parliamentary Committees of the House of Representatives

- 1. Parliamentary Committee on Legal Affairs
 - On 20 February 2019, an Officer of the Office participated in a session of the Parliamentary Committee on Legal Affairs, during which the discussion about the Bill regarding stalking and mobbing continued.

2. Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women

- On 8 July 2019, the Ombudsman and an Officer of the Office participated in a session of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, during which the subject «The need to study the causes of femicide» was discussed and a meeting took place with a group of parents of Transgender Children from the organization Accept – LGBTI of Cyprus.
- On 12 September 2019, an Officer of the Office participated in a session of the Parliamentary Committee on Human Rights and Equal Opportunities Between Men and Women, during which the following was discussed: (a) «The implementation of the legislation which concerns the rhetoric of hatred against LGBTI individuals» and (b) «The

implementation of the UN Convention on the Rights of the Child and the need to institutionally fortify the procedure of assessing the interests of the child».

 On 23 September 2019, Officers of the Office participated in a session of the Parliamentary Committee on Human Rights and Equal Opportunities between Men and Women, to discuss the subject «The Law on Sex Education and the Procedure for Termination of Unwanted Pregnancy 2019».

3. Parliamentary Committee on Labour, Welfare and Social Insurance

- On 19 February 2019, an Officer of the Office participated in a session of the Parliamentary Committee on Labour, Welfare and Social Insurance, during which the discussion about the Bill titled «The Accessibility of Websites and Applications for Mobile Devices of the Public Sector Organizations Law of 2018» continued.
- On 5 March 2019, an Officer of the Office participated in a session of the Parliamentary Committee on Labour, Welfare and Social Insurance for the discussion of the following issues: (a) The problems which individuals with autistic features face, the need to support their families and the creation of appropriate infrastructures of care and education and (b) The need to create a Centre to accommodate Adult Persons with Special Needs or financial enhancement of existing centres for the accommodation of persons with psychiatric problems who have completed 21 years of age.
- On 22 October and 12 November 2019, an Officer of the Office participated in sessions of the Parliamentary Committee on Labour, Welfare and Social Insurance,

during which the amendment of the Minimum Guaranteed Income Law was discussed.

4. Parliamentary Committee of Refugees – Trapped – Missing – Suffering

- On 16 April 2019, the Ombudsman and an Officer of the Office participated in a session of the Committee, during which the following issue was discussed: «the rights of refugees born from refugee mothers who enjoyed no support due to the legislation which was in force until 2013 and the need to examine ways of supporting them on the basis of the new Legislation and Regulations».
- On 10 September 2019, Officers of the Office participated in a session of the Committee, during which there was: (a) a briefing on the Report of the Ombudsman regarding the decision not to grant financial assistance to displaced persons who have been approved to be granted state plots of land for the construction of a residence and (b) the rights of refugees born from refugee mothers.



E. Participation in the European Network EQUINET

Since 2007, the Office of the Ombudsman is a member of the European Network **Equinet**.

In the Network, participants are independent authorities/organizations which have the jurisdiction to implement the European Directives against discrimination in European Union countries. The establishment and operation of the Network aims for the cooperation and coordination of the members for more effective action, and in this context, opinions are exchanged about matters that relate to their common jurisdiction, common reports/memos are drafted and specialized conferences and training seminars are organized.

During 2019, Officers of the Office attended training seminars which **Equinet** organized, contributed in the preparation of reports/memos and participated in Working Groups of the Network, which covered the following thematic units: **Equality Law, Communication Strategies and Practices, Gender Equality, Policy Formation, Research and Data Collection, and Standards** of Equality Bodies.

Indicatively, the following meetings are mentioned:

The Office hosted in Cyprus the second annual meeting of the Working Group on Legal Issues of the **European Network of Equality Bodies - Equinet**. The meeting took place on 8 and 9 October 2019 in Nicosia and participants were representatives from more than twenty National Equality Bodies in Europe. On the first day, a meeting of the Group took place, while on the second day, the members had the opportunity to participate in a training by the **European Union Agency for Fundamental Rights** - **FRA**, regarding the recognition and management of illegal sketching of a criminal profile (profiling).

- On 11-13 March 2019, an Officer of the Office participated in Sofia, in a two-day training seminar, titled Narrative Building and Storytelling «The Power of Story» and in a meeting of the Working Group on Communication Strategies and Practices of the Equinet network.
- An Officer of the Office participated in a meeting of the Working Group of Equinet on **Equality Law**, which took place in Brussels, in April.
- An Officer of the Office participated in a meeting of the Working Group of Equinet on **Gender Equality**, which took place on 2 April 2019, in Lisbon.
- Officers of the Office participated in the meetings of the ad hoc working groups of **Equinet**, regarding the equality body standards, which took place on 8 May and 25 September 2019, in Antwerp and Paris, respectively. In the meetings, high executives of the Equality Bodies participated, which are members of Equinet, while the session was chaired by Mrs. Tena Simonovic Einwalter. Deputy Office Ombudswoman of the of the Ombudswoman of Croatia, as well as the Chair of the Executive Board of Equinet.

- An Officer of the Office participated in the meeting of the Working Group of Communications Strategies and Practices of Equinet, where the communications strategy of the network and how it can be developed was discussed, while a large part of the time was dedicated to Sharing Good Practices. The meeting took place on 18 September 2019, in Riga.
- An Officer of the Office participated in a meeting of a working group which Equinet, organized on the subject "Standards for Equality Bodies" on 5 September 2019, in Paris.
- An Officer of the Office presented the "Code of Practice for the Prevention and Combating of Sexual Harassment and Harassment in the Civil Service", in a conference of the EQUINET network, that took place on 24 October 2019.





