



Convention on the Rights of Persons with Disabilities

Distr.: General
12 April 2017
**ADVANCE UNEDITED
VERSION**

Original: English

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Cyprus*

I. Introduction

1. The Committee considered the initial report of Cyprus (CRPD/C/CYP/1) at its 304th and 305th meetings (see CRPD/C/SR.304 and 305), held on 23 and 24 March 2017. It adopted the present concluding observations at its 322nd meeting, held on 5 April 2017.
2. The Committee welcomes the initial report of Cyprus, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for the written replies (CRPD/C/CYP/Q/1/Add.1) to the list of issues prepared by the Committee (CRPD/C/CYP/Q/1).
3. The Committee appreciates the constructive dialogue held with the State party's delegation and welcomes the further clarifications provided in response to the questions posed orally by the Committee.

II. Positive aspects

4. The Committee commends the State party for:
 - (a) The recognition of Cyprus Sign Language as an official language by the Cyprus Sign Language Law (L.66 (I) 2006), which is an important step towards full recognition of the rights of persons with disabilities;
 - (b) The commitment of the State party to adopt a new strategic National Disability Action Plan aiming at further incorporating the Convention into domestic legislation and regulations;
 - (c) The continuation of the process of deinstitutionalization of persons with disabilities who require a high level of support;
 - (d) The State party's ambition to financially support representative organizations of persons with disabilities to improve their participation within the decision-making process of the State party;

* Adopted by the Committee at its seventeenth session (20 March-12 April 2017).

III. Principal areas of concern and recommendations

A General principles and obligations (arts. 1-4)

5. The Committee notes with concern that the State party's national legislation has not fully incorporated a human rights-based approach to disability in line with the Convention, in particular its articles 1 and 3.

6. **The Committee urges the State party to adopt and implement a human rights-based approach to disability and to review all laws and policies accordingly in collaboration with representative organizations of persons with disabilities in line with article 4 (3) of the Convention.**

7. While noting the existence of a law regulating the obligation of public services to consult with the Confederation of the Disabled People Organization, the Committee remains concerned about the insufficient financial and other resources provided to and inadequate collaboration with representative organizations of persons with disabilities regarding all disability-related issues. **The Committee is also concerned by the absence of a representative organisation of persons with intellectual disabilities. Furthermore, the Committee is concerned that contributions by representative organizations of persons with disabilities into national decision-making processes are not acknowledged appropriately.**

8. **The Committee recommends that the State party urgently, effectively and substantially increase the support to, collaboration with and impact of all representative organisations of persons with disabilities in capacity building and in cross-sectoral development, implementation and monitoring of policies, laws and programmes. It also recommends that the State party provide support for the creation of a representative organisation of persons with intellectual disabilities.**

9. The Committee is concerned about the very weak implementation of the National Disability Action Plan (2013 – 2015).

10. **The Committee recommends that the State party, in collaboration with representative organizations of persons with disabilities, adopt a new National Disability Action Plan and allocate adequate funding to its implementation.**

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned that national legislation lacks a definition of discrimination that recognises that denial of reasonable accommodation is a form of disability-based discrimination in all areas of life.

12. **The Committee recommends that the State party immediately adopt and implement a definition of discrimination fully aligned with the Convention, explicitly recognising the denial of reasonable accommodation across all areas of life, including within the public and private sectors as disability-based discrimination.**

13. The Committee is concerned about the absence of effective legislation and mechanisms addressing multiple and intersectional discrimination, including against persons with disabilities of ethnic minorities. It is furthermore concerned at the lack of disaggregated data on cases of multiple and intersectional discrimination.

14. **The Committee recommends that the State party enact appropriate and enforceable legislation, policies and programmes preventing multiple and**

intersectional disability-related discrimination, including effective sanctions and remedies, and that it collect and disseminate disaggregated data on such cases. It furthermore recommends that the State party take into account the Sustainable Development Goals, especially target 10.2 and 10.3 while implementing article 5 of the Convention.

15. The Committee is deeply concerned about the precarious situation of refugees and asylum-seeking persons with disabilities in the State party and also notes with concern that the refugee status determination procedures are not accessible. While noting the indication of the State party delegation that refugees with disabilities are entitled to the same disability support schemes and benefits (including wheelchairs, care, and information) as Cypriot citizens with disabilities, the Committee notes with concern that equal access to these support schemes and benefits is not available for all refugees and asylum-seekers. The Committee furthermore notes with concern that in the Refugees Law, refugees with disabilities are referred to as “persons with special needs”, a subcategory of “vulnerable persons”, which constitutes an approach that may hamper the application of a human rights-based approach.

16. **The Committee recommends that the State party:**

- (a) **Ensure accessibility of all refugee status determination procedures;**
- (b) **Ensure an adequate standard of living, including access to disability support schemes and allowances in law and in practice for all non-nationals with disabilities residing in the State party on an equal basis with Cypriot citizens;**
- (c) **Incorporate disability, and a human-rights based approach to disability in the Refugees Law and all other relevant refugee and asylum legislation, policies and programmes; and**
- (d) **Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, as well as endorse the 2016 Charter on Inclusion of Persons with Disabilities in Humanitarian Action.**

Women with disabilities (art. 6)

17. The Committee is concerned that:

- (a) Women and girls with disabilities, are not equally and systematically mainstreamed in the gender equality agenda;
- (b) There is a lack of measures to eliminate intersectional discrimination against women and girls with disabilities;
- (c) The application of a gender perspective with respect to legislation, policies and programmes for persons with disabilities, as well as with respect to data collection is insufficient.

18. **The Committee recommends that the State party:**

- (a) **Ensure that women and girls with disabilities are mainstreamed into all gender equality policies, laws, regulations and action plans in close collaboration with representative organisations of persons with disabilities, with a special focus on the collaboration with women and girls with disabilities, in line with article 4 (3) of the Convention;**
- (b) **Adopt and implement effective measures to empower women and girls with disabilities and to ensure their protection from gender-based discrimination, including intersectional discrimination, and that such measures provide for effective**

access to all rights and services for women and girls with disabilities, both in urban and in rural areas on an equal basis with others;

(c) Include a gender-perspective in all legislation, policies and programmes for persons with disabilities and in the collection of data on all issues; and

(d) In taking these measures be particularly guided by General Comment No. 3 (2016) and target 5.1, 5.2 5.5 and 5c of the Sustainable Development Goals.

Children with disabilities (art. 7)

19. The Committee is concerned about the limited access to early intervention and support provided to children with disabilities and their families, especially within the educational, health and social sector, and about the inadequate financial allowances available for families of children with disabilities.

20. **The Committee recommends that the State party, in close collaboration with representative organisations of persons with disabilities, adopt and implement human rights-based policies, laws and regulations increasing access by children with disabilities and their families to early intervention and other forms of individualised and necessary service and support, including earmarked financial support in accordance with article 28 of the Convention.**

21. The Committee notes with concern that the views of children with disabilities are insufficiently respected in matters concerning children. The Committee also notes with concern that the right of children with disabilities to inclusive education in mainstream schools may be restricted by parental consent, contrary to General Comment No. 4 (2016).

22. **The Committee recommends that the State party in collaboration with representative organizations of children with disabilities adopt regulations and programmes ensuring that children with disabilities can express their views on all matters affecting them and that their views are fully respected. In this regard, the Committee also recommends that the State party ensure the right of children with disabilities to inclusive education in mainstream schools in accordance with General Comment No. 4 (2016).**

Awareness-raising (art. 8)

23. The Committee notes with concern that awareness about the Convention is low. It is also concerned about the lack of adequate awareness-raising campaigns targeted at public and private actors on the Convention in general, in particular on the elimination of disability-based discrimination.

24. **The Committee recommends that the State party regularly and in close collaboration with representative organisations of persons with disabilities in line with article 4 (3) of the Convention:**

(a) **Develop and implement adequately funded awareness-raising initiatives to eliminate sociocultural discrimination and to foster knowledge of the Convention among the general public of all ages, and in both the public and private sectors; and**

(b) **Initiate and evaluate cross-sectoral campaigns and trainings reinforcing a positive image of persons with disabilities as independent, dignified and capable holders of human rights.**

Accessibility (art. 9)

25. The Committee is concerned about the insufficient comprehensive and mandatory measures ensuring persons with disabilities access, on an equal basis with others, to indoor

and outdoor environment, information and communication and other goods, products and services in both urban and rural areas. It further notes with concern that information on public websites is not systematically provided in accessible formats and in compliance with the most recent Web Content Accessibility Guidelines (WCAG).

26. **The Committee recommends that the State party strengthen its efforts to improve accessibility, including by increasing the allocation of human, technical and financial resources and applying internationally recognized standardization with a view to ensure accessibility to public and private indoor and outdoor environments, information, communication and emergency services as well as professional sign language interpretation, and augmentative and alternative communication in both rural and urban areas. The Committee furthermore recommends that the State party significantly strengthen monitoring of compliance with these regulations as well as systematically enforce sanctioning for non-compliance. In so doing, the State party should be guided by the Sustainable Development Goals, especially target 11.7, as well as by General Comment No. 2 (2014).**

27. The Committee notes with concern that public transport is insufficiently accessible in all its forms, including that only one third of the busses are accessible and that persons with disabilities using wheelchairs are overcharged, often doubled, compared to the rest of the population when bringing along their wheelchair into the taxi

28. **The Committee recommends that the State party, guided by General Comment No. 2 (2014) and target 11.7 of the Sustainable Development Goals ensure access to safe, affordable, accessible and sustainable transport for all, including persons with disabilities regardless of their type of impairment. In particular it recommends that the State party ensure that all new public means of transport are incorporated into the public transport system by ensuring full accessibility and to prohibit charges for bringing along wheelchairs and other necessary devices into a taxi and other public transportation.**

Right to life (art. 10)

29. The Committee is concerned about the lack of preventative measures as well as disaggregated data on among others the causes and numbers of deaths of persons with disabilities residing in psychiatric facilities, institutions, group homes or other places of living.

30. **The Committee urges the State party to adapt, monitor and enforce all possible measures to identify causes of death, including suicide, and take all prevention measures necessary to address the situations of risk of death among persons with disabilities.**

Situations of risk and humanitarian emergencies (art. 11)

31. The Committee is concerned about the lack of sufficient measures guaranteeing full inclusion of persons with disabilities in emergency responses, including access to the telephone-based emergency service “112” for persons with disabilities especially those with intellectual and sensory disabilities.

32. **The Committee recommends that the Office of the Commissioner of Electronic Communications and Postal Regulations provide sufficient means of access to the telephone-based emergency service “112” in order to be fully accessible to all persons with disabilities in emergency situations, as required by EU Directive 2009/136/EC.**

Equal recognition before the law (art. 12)

33. The Committee notes with concern that the State party maintains the concept of substituted decision-making and guardianship across all legislation, such as regarding the administration of property and accessing judicial procedures.

34. **The Committee recommends that the State party urgently and in close collaboration with representative organisations of persons with disabilities in line with article 4 (3) of the Convention:**

(a) Bring the draft law on self-advocacy and supported decision-making fully into line with the Convention, accelerate its adoption and take all other necessary legislative amendments to abolish substituted decision-making and guardianship and ensure that the right to supported decision-making is established across all legislation in accordance with General Comment No. 1 (2014); and

(b) Allocate adequate human, technical and financial resources to support the transformation from the present paradigm to a new paradigm which is in line with the Convention, and being guided by, inter alia, General Comment No. 1 (2014).

Access to justice (art. 13)

35. The Committee notes with concern that the justice system is largely inaccessible and that personnel in the judicial and law enforcement sectors are not adequately trained on the Convention.

36. **The Committee recommends that the State party take immediate steps to ensure accessibility and procedural accommodation, including high quality sign language interpretation and information in easy-to-read and Braille formats in line with the Sustainable Development Goals, especially target 16.3. The Committee further recommends that the State party provide personnel in the judicial and law enforcement sectors, with mandatory periodic education and training on the universality of human rights for all persons with disabilities, with a particular focus on marriage, family, parenthood and relationship issues, including the right to retain fertility and found and foster a family as outlined in article 23 of the Convention.**

Liberty and security of the person (art. 14)

37. The Committee is concerned that non-voluntarily confinement and treatment of persons with psychosocial disabilities remains legal, especially on the grounds of having a “serious mental disorder”, such as being considered dangerous to oneself or to others.

38. **The Committee recommends that the State party in line with the Committee’s General Comment No. 1 (2014) as well as the Committee’s Guidelines on article 14 (2015) take the necessary legislative amendments to prohibit all forms of non-voluntarily detention and/or treatment on the grounds of impairment or impairment-related assumptions, and further ensure adequate and individualised support to persons with intellectual and/or psychosocial disabilities.**

Freedom from exploitation, violence and abuse (art. 16)

39. The Committee is concerned about the insufficiency of legal provisions and accessible mechanisms to detect, report, prevent and combat all forms of violence, including sexual violence in private and public spheres against persons with disabilities, including children.

40. **The Committee recommends that the State party strengthen and implement legislation, as well as provide for accessible monitoring and reporting mechanisms to**

detect, prevent and combat all forms of violence, including sexual violence against persons with disabilities in all settings, including all types of institutions, with a particular focus on women and children with disabilities. It also recommends that the State party ensure capacity building among employees within the judiciary, police, health and social sectors to ensure accessible and inclusive support services, including confidential complaint mechanisms, as well as shelters and other support measures. The Committee furthermore recommends that the State party, without further delay, ratify and implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

Protecting the integrity of the person (art. 17)

41. The Committee is concerned that according to relevant legislation, persons with disabilities may be subjected to intrusive therapy and other medical treatments without their free and informed consent, including free and informed consent based on supported decision-making. It is also concerned about the insufficiency of safeguards to ensure full access to and respect of persons with disabilities' sexual and reproductive health and rights, in particular those of women and girls, including by enabling them to retain their fertility under all circumstances.

42. The Committee recommends that the State party take immediate steps to abolish all forms of guardianship and ensure, including through supported decision-making and adequate counselling, that any subjection to intrusive medical or surgical treatment without the individual, prior and fully free and informed consent, is prevented, and that personal integrity, autonomy and self-determination of persons with disabilities is guaranteed in accordance with General Comment No. 1 (2014), with a particular focus on women and girls with disabilities. It furthermore recommends that the State party adopt appropriate safeguards in order to ensure that persons with disabilities enjoy full autonomy with respect to their sexual and reproductive rights, on an equal basis with others, including by enabling them to retain their fertility, and that awareness of this issue is promoted among health professionals and the general public.

Living independently and being included in the community (art. 19)

43. The Committee is deeply concerned about the significant number of persons with disabilities who are currently still institutionalized.

44. The Committee recommends that the State party, in close collaboration with representative organisations of persons with disabilities, in line with article 4 (3) of the Convention:

- (a) Develop and implement safeguards securing the right to independent living;
- (b) Adopt and immediately implement an adequately funded deinstitutionalization strategy; and
- (c) Redirect resources allocated to institutionalisation and earmark and allocate them to community-based services and increase the budget enabling persons with disabilities to live independently across the State party with access to individually assessed and adequate services, including personal assistance, within the community.

Freedom of expression and access to information and communication (art. 21)

45. The Committee notes with concern that funding for sign language interpreters is inadequate and that their appearance in broadcasting is limited. It is furthermore concerned

about the insufficient availability of sign language interpretation in public services and leisure and cultural facilities, as well as about the limited opportunities to learn and communicate in Cypriot sign language and tactile communication.

46. **The Committee recommends that the State party:**

(a) **Allocate sufficient financial resources for high quality education of sign-language interpreters in the area of public services, leisure and cultural activities as well as in broadcasting; and**

(b) **Recognise and promote the right for persons with hearing and/or visual impairments, including deaf and deafblind persons, and their environment, including family members, , to learn and communicate in Cypriot Sign Language and tactile communication, including by developing a Cypriot sign language dictionary, to ensure their participation and recognition in all spheres of life on an equal basis with others.**

47. The Committee is concerned about the absence of any effectively guaranteed access to information by persons with intellectual and/or psychosocial disabilities in accessible, alternative and augmentative modes and formats of communication.

48. **The Committee recommends that the State party support the development and promotion of augmentative and alternative modes of accessible communication for and to persons with intellectual and/or psychosocial disabilities. It also recommends that the State party effectively monitor the compliance of the use of augmentative and alternative modes of communication with international standards, especially regarding persons with intellectual and/or psychosocial disabilities.**

Education (art. 24)

49. The Committee is deeply concerned about the absence of a clear and implemented concept of inclusive education in mainstream schools in national legislation. It also notes with concern that segregated education remains rooted in the education system, which is also frequently reflected by the attitudes of teachers and other relevant professionals.

50. **The Committee recommends that the State party:**

(a) **Decide upon a clear legislative scope of inclusive education and monitor its implementation with a view to fully replacing segregated education by inclusive education;**

(b) **Adopt a clear, targeted and adequately funded plan of action, which includes access to reasonable accommodation and adequate teacher education and training, , and progressively ensure that children as well as adult learners with disabilities are able to exercise their right to inclusive education; and**

(c) **Be guided by General Comment No. 4 (2016) and targets 4.5 and 4a of the Sustainable Development Goals in ensuring equal access to all levels and types of education, education facilities and vocational training by persons with disabilities.**

Health (art. 25)

51. The Committee is concerned about the insufficient accessibility to health care services by persons with disabilities. It also notes with concern that information regarding sexual and reproductive health is insufficiently accessible and that women and girls with disabilities are subjected to discrimination and stereotyping in this field. Furthermore, the Committee is concerned that relevant legislation does not systematically apply a human rights-based approach to disability.

52. The Committee recommends that the State party, in close collaboration with representative organisations of persons with disabilities with a special focus on the collaboration with women and girls with disabilities, in line with article 4 (3) of the Convention, ensure accessibility to health services and -facilities, as well as to information and communication regarding sexual and reproductive health rights and services on an equal basis with others, and that the health personnel is educated and trained about the rights of persons with disabilities. The Committee also recommends that the State party strengthen and implement mechanisms to combat discrimination and stereotyping in line with General Comment No. 3 (2016) and targets 3.7; 3.8 and 5.6 of the Sustainable Development Goals in the field of access to health services. Furthermore, the Committee recommends that the State party apply a human rights-based approach to disability in the provision of health services to persons with disabilities.

Work and employment (art. 27)

53. The Committee is concerned by the high level of unemployment and lack of gender, age and disability disaggregated data regarding employment of persons with disabilities, as well as about the insufficient measures to promote their inclusion into the open labour market regardless of the type of impairment.

54. The Committee recommends that the State party ensure access to employment in the open labour market, including by ensuring that the private sector is also covered by a quota system, and by ensuring equal pay for work of equal value in all settings for all persons with disabilities being guided by target 8.5. of the Sustainable Development Goals. It furthermore recommends that the State party collect data on the employment of persons with disabilities, disaggregated by gender, age and type of impairment.

Adequate standard of living and social protection (art. 28)

55. The Committee takes note of the Guaranteed Minimum income. However, the Committee remains concerned that a high number of persons with disabilities have a particularly low income. It is concerned that regardless of their income, persons with disabilities do not have an adequate standard of living compared to others in a comparable situation of life, inter alia because they are required to partly pay for necessary disability associated costs and assistive devices and are subjected to payments for using social services.

56. The Committee recommends that the State party progressively implement measures ensuring adequate income of persons with disabilities in order to significantly reduce the pay gap between persons with and without disabilities, regardless of gender, ethnic origin or age, and abolish the requirement of user payment for social services and support and partial payment for disability related expenses and assistive devices, being guided by target 10.2 of the Sustainable Development Goals. Furthermore, the Committee recommends that the State party identify a social protection floor that is not affected by expenses for disability related costs and assistive devices and user payments for social services and support, in order to alleviate the socioeconomic disadvantages that result from the exclusion experienced by persons with disabilities.

Participation in political and public life (art. 29)

57. The Committee is deeply concerned that persons with intellectual and/or psychosocial disabilities are not adequately included, supported and trained to exercise their right to vote and stand for election, with some also being legally deprived of these rights.

The Committee is furthermore concerned about the absence of data regarding the effective exercise of these rights by persons with disabilities.

58. **The Committee recommends that the State party expeditiously take legislative amendments to guarantee to all persons with disabilities the right to vote and to stand for election and to collect reliable and disaggregated data regarding their exercise of these rights.**

Participation in cultural life, recreation, leisure and sport (art. 30)

59. The Committee is concerned that the State party has not ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

60. **The Committee recommends that the State party take all necessary steps to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.**

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

61. The Committee is concerned about the absence of a unified data-collection system allowing for an assessment of the extent to which all persons with disabilities are exercising all their rights under the Convention.

62. **The Committee recommends that the State party allocate adequate funding and in close collaboration with organizations representing persons with disabilities, in line with article 4 (3) of the Convention, establish a unified data-collection system in order to collect quality, sufficient, timely and reliable disaggregated data regarding persons with disabilities and their access to the rights under the Convention.**

International cooperation (art. 32)

63. The Committee is concerned about the scarce mainstreaming of the rights of persons with disabilities in the implementation of measures of international cooperation, including with regard to the Sustainable Development Goals, and about the insufficient collaboration with organizations representing persons with disabilities in this regard.

64. **The Committee recommends that the State party ensure that the Convention is mainstreamed into all actions to implement measures of international cooperation, including with regard to the Sustainable Development Goals, and that in line with article 4 (3) of the Convention representative organisations of persons with disabilities are consulted and involved at every level of development and implementation of international cooperation plans, programmes and projects.**

National implementation and monitoring (art. 33)

65. The Committee is concerned that the monitoring mechanism is insufficiently resourced to perform its duties.

66. **The Committee recommends that the State party urgently allocate additional funding to the mechanism in order to strengthen monitoring of the implementation of the Convention.**

IV. Follow-up

Dissemination of information

67. The Committee requests that the State party within 12 months and in accordance with article 35, paragraph 2 of the Convention, provide information on the measures taken to implement the Committee's recommendations as set forth in paragraphs 26 and 28 above, and the recommendations as set forth in paragraph 58..

68. The Committee requests the State party to implement the recommendations of the Committee as contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

69. The Committee strongly encourages the State party to involve civil society organizations, in particular disabled persons' organizations, in the preparation of its periodic report.

70. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and representative organizations of persons with disabilities, as well as to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats including Easy Read, and to make them available on the government website on human rights.

Next report

71. The Committee requests the State party to submit its combined second and third periodic reports by no later than 27 July 2021 and to include therein information on the implementation of the present concluding observations. The Committee invites the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report/combined reports of a State party. The replies of a State party to such a list of issues constitute its report.
