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NEWS REPORT

Country:	Cyprus
Title:	The UN Committee on the Rights of Persons with Disabilities published its concluding observations regarding the implementation of the CRPD
Date:	24 May 2017
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<u>Context</u>	
Issue at stake:	The UN Committee criticizes the legislative and policy framework for failing to adequately implement the CRPD
Ground of discrimination:	Disability, (also in combination with ethnic origin/ race, age and gender)
Source:	Concluding observations of the UN Committee on the Rights of Persons with Disabilities on the initial report of Cyprus, 12 April 2017
Field:	Employment, education, access to goods and services, other
Applicable law:	Law ratifying the UN Convention on the Rights of Persons with Disabilities and its optional protocol N. 8(III)/2011, 4 March 2011

Content

Monitoring body report: On 12 April 2017, the UN Committee on the Rights of Persons with Disabilities published its concluding observations regarding the implementation of the CRPD, highlighting the gaps and weaknesses which must be addressed in order to comply with the CRPD. The concluding observations listed, amongst others, the below areas of concern:

- The failure of the government to incorporate a human rights based approach to disability in its legislation (arts. 1 and 3);
- The failure to review national laws and policies in collaboration with representative organizations of persons with disabilities (CRPD art. 4.3);
- The resources provided to representative organisations of persons with disabilities are inadequate and collaboration with them is insufficient;
- There is no representative organisation of persons with intellectual disabilities;
- The implementation of the National Disability Action Plan (2013 – 2015) has been very weak. A new action plan is needed, which must be compiled in collaboration with the representative organisations of persons with disabilities and adequate funding must be allocated for its implementation;
- There is no legislation recognising the denial of reasonable accommodation as a form of disability discrimination in all areas of life;
- The term 'persons with special needs' used in the national legislation is problematic and may hamper the application of the human rights-based approach foreseen in the CRPD;

- There are no awareness-raising campaigns in the CRPD and awareness remains at very low levels;
- There is no legislation or mechanisms to address multiple and intersectional discrimination and no disaggregated data on cases of multiple and intersectional discrimination;
- Non-voluntarily confinement and treatment, intrusive therapy without informed consent, substituted decision-making and guardianship are still legal and practised routinely;
- A significant number of persons with disabilities are still institutionalized;
- Data collection in all fields is limited;
- The financial resources afforded to the monitoring mechanism are insufficient.

The UN Committee also raised concerns as regards, amongst others, the equal access of persons with disabilities to asylum procedures, to welfare, health, the labour market, information, public websites, the environment, transport, inclusive education, telephone-based emergency service and the justice system.

Following the publication of the UN's concluding observations, on 3 May 2017 the Ombudsman's office, which is the designated body under article 33 for monitoring the implementation of the CRPD, issued a public statement highlighting its contents. In its statement, the Ombudsman focused on the failure to adopt a human right perspective that would permeate all laws and policies and to consult and involve representative organisations throughout the decision-making process. The statement concluded that the observations of the UN Committee provided additional tools for the exercise of the monitoring mandate.¹

A few days later, on 8 May 2017, the Ombudsman issued yet another statement to add that the UN Committee had expressed satisfaction over the law on the duty of public servants to consult the confederation of disability organisations (KYSOA) and, at the same time, concern over the participation of representative organisations in decision making as well as the due collaboration of the representative organisations with the public service, noting the absence of representative organisations for persons with 'mental deprivation'.²

For the record, the exact phrase used by the UN Committee was as follows: "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."

Key points of analysis: The UN Committee's contribution offers valuable insight into what is specifically expected of member states as regards the duties under the CRPD,

¹ Commissioner for Administration, *Statement of the Independent Authority for the promotion of the rights of persons with disability regarding the concluding observations for Cyprus of the UN Committee on the Rights of Persons with Disabilities* (Ανακοίνωση Ανεξάρτητης Αρχής Προώθησης Δικαιωμάτων Ατόμων με Αναπηρία του Γραφείου Επιτρόπου Διοικήσεως και Ανθρωπίνων Δικαιωμάτων για τις Καταληκτικές παρατηρήσεις της Επιτροπής Δικαιωμάτων των Ατόμων με Αναπηρία του ΟΗΕ για την Κύπρο), 3 May 2017. Available at www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/824FC7D97EB3FAA7C2258115003816C8?OpenDocument.

² Commissioner for Administration, *Complementary Statement of the Independent Authority for the promotion of the rights of persons with disability regarding the concluding observations for Cyprus of the UN Committee on the Rights of Persons with Disabilities* (Συμπληρωματική ανακοίνωση Ανεξάρτητης Αρχής Προώθησης Δικαιωμάτων Ατόμων με Αναπηρία του Γραφείου Επιτρόπου Διοικήσεως και Ανθρωπίνων Δικαιωμάτων για τις Καταληκτικές παρατηρήσεις της Επιτροπής Δικαιωμάτων των Ατόμων με Αναπηρία του ΟΗΕ για την Κύπρο) 8 May 2017. Available at www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/5449A767BA8C8E57C225811A0030FB7A?OpenDocument.

leaving little room for speculation. In addition to listing the legislative amendments that need to be carried out, the UN Committee takes the bold step of demanding public expenditure that clearly confronts the austerity agenda of the Cypriot government, which had planned on implementing the action plan of 2013-2015 with a zero budget. It remains to be seen whether the UN recommendations will be taken on board. More than a month after the publication of the UN report, the government has still not posted it on any governmental website nor has it taken any other steps towards disseminating it, as required by the UN Committee.

Beyond the sphere of governmental actions, however, attention needs to be paid to the body mandated with the monitoring of the implementation of the CRPD. In its initial reaction, the Ombudsman's office essentially acknowledges the watchdog role which the CRPD assigns to it. The second statement from the Ombudsman on the same issue, an unprecedented move in the history of this body, attempts to offer a different perspective, suggesting that the UN Committee was not as critical as originally conceived in the first statement. However the UN Committee did not *commend* the existence of the law on consultation with KYSOA, as argued by the Ombudsman's second statement, but merely acknowledged it. Also the UN Committee did not refer to 'mental deprivation' but used instead the internationally accepted term of intellectual disability. The use of a derogatory term for persons with disability by the monitoring body is in itself an issue of concern. The UN Committee's finding as regards terminology was that the term 'special needs', widely used in Cyprus, is problematic for failing to reflect the CRPD's human rights approach.

Internet link source: The UN Committee's concluding observations are available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fCYP%2fCO%2f1&Lang=en.